Public Hearing Summary

| Charter School: | Success Academy Charter School – Harlem 1 (grades 8-12)  
| | Success Academy Charter School – Harlem 2 (grade 8)  
| | Success Academy Charter School – Harlem 3 (grade 8)  
| | Success Academy Charter School – Harlem 4 (grade 8)  
| Hearing Date: | May 15, 2013  
| Hearing Location: | Building M620, 111 East 33rd Street, New York, NY 10016 (CSD 2)  
| Start Time: | 6:12 p.m.  
| End Time: | 7:15 p.m.  

Background:

The New York City Department of Education ("NYCDOE") proposes to site grades 8-12 of Success Academy Charter School – Harlem 1 ("SA-Harlem 1") in Building M620, located at 111 East 33rd Street, New York, NY 10016, in Community School District 2 ("CSD 2"), beginning in 2014-2015, as well as the 8th grade classes of Success Academy Charter School – Harlem 2 ("SA-Harlem 2"), Success Academy Charter School – Harlem 3 ("SA-Harlem 3") and Success Academy Charter School – Harlem 4 ("SA-Harlem 4") beginning in the fall of 2015. The student populations from these four charter schools are collectively being called Success Academy – Manhattan High School ("SA-Manhattan HS"). The not-for-profit charter school education corporation, Success Academy Charter Schools – NYC, operates all of the foregoing charter schools.

If approved, SA-Manhattan HS would be co-located in M620 with Manhattan Academy for Arts and Language ("MAAL"), an existing high school that serves students in grades 9-11, Murray Hill Academy ("Murray Hill"), an existing high school that serves students in grades 9-11, and Unity Center for Urban Technologies ("Unity"), an existing high school that serves students in grades 9-12. M620 currently houses Norman Thomas High School, which the NYCDOE is phasing out and will close in June 2014 before SA-Manhattan HS opens in M620. Additionally, two community based organizations ("CBOs") use space in M620 (the School Based Health Clinic-Bellevue and New York University). NYCDOE does not expect the proposal to impact either program.

The NYCDOE has identified M620 as an under-utilized building. According to the NYCDOE, M620 can serve 2071 students, but in 2012-2013, the combined schools in the building served 1313 students. This yields a building utilization rate of approximately 63%, which demonstrates its “underutilized” NYCDOE status, and that it should have space to accommodate additional students. Assuming approval of the co-location, if SA-Manhattan HS serves approximately 864 students in grades 9-12 at full capacity, the building will house between 1621 and 1929 students, yielding a building utilization rate of 78% - 93% by 2020-2021.

Hearing Notes:

NYCDOE Senior Superintendent Elaine Gorman started the hearing at 6:12 p.m.
Community Education Council 2 (“CEC 2”) members and school leaders were given an opportunity to speak first:

- CEC 2 Member Michael Markowitz repeated information, in multiple resolutions CEC 2 passed, calling for a moratorium on charter schools and co-locations in CSD 2. Mr. Markowitz questioned why SUNY would allow a charter school to be approved with no final facility plan in place.

- CEC 2 Member Paola de Kock went on record protesting the invasion of public space by private interests. Ms. de Kock stated that this is a “land grab” before Mayor Michael Bloomberg vacates his seat. Ms. de Kock also objected to charter schools that do not provide opportunities for all students, and SA-Manhattan HS would deny high school seats to students who did not attend a middle school which fed into the high school program.

City Council Member Rosie Mendez spoke of her previous objections to Success Academy charter schools. Ms. Mendez believes that they do not create options for students in the city. Specifically to M620, Ms. Mendez expressed concern that the new high school would still overcrowd the building and push out programs and students who currently receive great benefit from the space.

Members of the public gave the following comments:

- Students from MAAL were fearful that the charter school would take away from their education. One student was concerned that the students from SA-Manhattan HS would not follow the same rules and procedures, which the current students know and with which they are comfortable.

- A parent spoke out against the co-location, stating that MAAL currently is a place where her child was able to live her dreams. The parent asked the NYCDOE to allow them to continue developing a place that is already succeeding and growing progressively over time.

- Alice O’Neil, the Manhattan High School District representative of the United Federation of Teachers, urged the public to visit the Brandeis campus, where co-location has resulted in complaints and discord. She said the charter school said that it would not expand, but the facilities are being overtaken by the charter school.

Superintendent Gorman opened the floor up for additional speakers, but no one spoke.

The hearing ended at 7:15 p.m.

**Preliminary Determination:**

The SUNY Charter Schools Institute (the “Institute”) reviewed the Educational Impact Statements and the Building Usage Plans (“BUPs”) prepared by the NYCDOE for the facility at issue. The Institute also inspected the space at the time of the hearing and found it to be typical NYCDOE space that appeared to be in compliance with applicable law. Based on the documentation prepared by the NYCDOE and the information in the charter schools’ renewal applications and, in the case of SA-Harlem 1, its revision application, the Institute finds that the proposed use of the
space by the charter schools would not violate applicable law.

Based on the site review, the physical space allotted to the charter schools was safe and adequate. In addition, there appears to be sufficient common spaces and resource spaces to be shared by the charter schools, the district schools and the CBOs in the buildings. Finally, the Institute notes that the BUPs, at the time of the co-location hearing, were in draft form. Pursuant to New York Education Law, leadership teams from the co-located schools must agree on a plan to utilize common space in each building. As such, the BUPs will not be finalized until the co-location is finalized.

With respect to public comments, the Institute thanks the elected officials and members of the community for their candor. The Institute notes that SUNY has no authority over NYCDOE decisions regarding the physical locations of NYCDOE schools, grants or programs, and only has the ability to approve or deny the co-location of a charter school authorized by SUNY once the NYCDOE approves the space for use by the charter school. SUNY has no positive authority to place schools into NYCDOE space.

As the schools propose to add facilities, the Institute, on behalf of the SUNY Trustees, needs to determine whether to allow the schools to use the district school space, but may deny the request only for good cause. Based on the foregoing, the Institute proposes to approve the NYCDOE facilities for use by the charter schools subject to compliance with the terms of their charter agreements regarding facilities.