

Public Hearing Summary

Charter School:	Achievement First – Bushwick Charter School
Hearing Date:	February 21, 2013
Hearing Location:	Building K166, 800 Van Siclen Avenue, Brooklyn, NY 12207 (CSD 19)
Start Time:	6:05 p.m.
End Time:	7:10 p.m.

Background:

The New York City Department of Education (“NYCDOE”) proposes to site grades 9-11 of Achievement First - Bushwick Charter School (“AF Bushwick”) in building K166 (“K166”), located at 800 Van Siclen Avenue, Brooklyn, NY 11207, in Community School District (“CSD”) 19, beginning in the 2013-2014 school year. The proposed co-location is also known as “AF High School 2”, as the space under review would also include 9th grade students from Achievement First East New York Charter School (“AF East NY”), authorized by the NYCDOE. The SUNY Charter Schools Institute (the “Institute”) was present at the hearing, on behalf of the Board of Trustees of the State University of New York (the “SUNY Trustees”), solely as the authorizer for AF Bushwick.

AF Bushwick would be co-located in K166 with existing schools J.H.S. 166 George Gershwin (“J.H.S. 166”), an existing district middle school that serves 6th through 8th grade students, the UFT Charter School (“UFT Charter”), authorized by the SUNY Trustees, which will house only its high school grades at the site, and a proposed new district middle school 19K654, (“19K654”), which when fully at scale will serve students in 6th – 8th grade.

According to the NYCDOE’S 2011-2012 Enrollment Capacity Utilization Report, K166 has the capacity to serve a total of 1,320 students. In 2012-2013, J.H.S. 166 serves 400 students and UFT Charter serves 586 6th through 12th grade students. This yields a projected utilization rate of approximately 75%. If this proposal is approved, in 2016-2017, once AF Bushwick’s 9th through 12th grades have fully phased in (and pending the approval of a twelfth grade at renewal in the 2013-2014 school year), the NYCDOE projects AF High School 2 would serve 325-410 9th through 12th grade students, UFT Charter would serve 225-285 9th through 12th grade students (as it is relocating its middle school grades to another site) and 19K654 would serve 345-375 6th through 8th grade students yielding a projected building utilization rate of approximately 68%-81%. The New York City Panel for Educational Policy voted to phase-out J.H.S. 166 due to poor performance, and that school, therefore, will only be occupying the space for part of the time included in the planned co-location.

Hearing Notes:

NYCDOE Deputy Chancellor David Wiener convened the hearing. Community Education Council 19 (“CEC 19”) members and school leaders were given an opportunity to speak first with public comments beginning at 6:40 p.m. One CEC 19 member was present, along with the CSD 19

Superintendent Joyce Stallings-Hart and the principal from J.H.S. 166, Maria Ortega. New York City Councilmember Charles Barron spoke as well. Nine community members spoke at the hearing.

- CEC 19 Member Erica Perez spoke against the proposed co-location as it related to the NYCDOE-proposed phase out of J.H.S. 166. Ms. Perez expressed concerns that the students from J.H.S. 166, who are 28% special needs students, will not have place to go if the charter school is allowed to move in.
- School Leadership Team member Tony Gancy stated the parents and students from Achievement First – who were identifiable at the hearing by wearing red shirts – were taking money from the community of J.H.S. 166. The proposed co-location further divided the community, he said, and he wanted to see everyone come together to help the struggling school rather than divert resources
- Councilmember Barron expressed dismay at the policies of Mayor Bloomberg and NYC Schools Chancellor Walcott, which he felt pitted charter school parents against district school parents over the district school space. He stated charters are not the same as district schools, and would take the “cream of the crop.” He stated parent choice was fine and his constituents are not anti-charter, but the policy allowing charters to choose neighborhood buildings and kick out existing schools is unacceptable.
- Six parents of Achievement First students spoke on the positive experiences their children have had at co-located schools (one had children at Achievement First Apollo Charter School (authorized by the SUNY Trustees), and the remainder did not identify their charter school)). All parents stressed that the Achievement First leadership wants to partner with the existing district schools to see which programs work well to bring everyone up.
- One parent said the district has potential. The parent said co-location would promote the entire district by allowing options to come in to a place that has languished.
- One community resident opposed the co-location stating that J.H.S. 166 should be receiving the funds which would go to AF Bushwick. The children are, according to the speaker, treated as if they were the teacher’s own. The speaker wished that there would not be bickering over space.

One person who signed up to speak left before his or her turn. There was a question and answer period directed to the NYCDOE Deputy Chancellor with specific regard to the proposed J.H.S. 166 phase out.

The Institute received no public comments by email or fax.

Preliminary Determination:

The Institute reviewed the Educational Impact Statement and the Building Utilization Plan (BUP) 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 a typical NYCDOE building that appeared to be in compliance with applicable law. Based on the documentation prepared by the NYCDOE and the information in the

charter school's renewal application, the Institute also finds that the proposed use of the space by the charter school 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 and the district schools in the buildings. Finally, the Institute notes that the BUP, at the time of the co-location hearing, was in draft form. Pursuant to New York Education Law, leadership teams from the co-located schools are required to agree on a plan to utilize common spaces at each building. As such, the BUP 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 location of a charter school authorized by SUNY once the NYCDOE approves the space for use by the charter school. SUNY also has no positive authority to place schools into NYCDOE space.

As the charter school proposes to add facilities, the Institute, on behalf of the SUNY Trustees, needs to determine whether to allow the school 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 facility for use by the charter school subject to compliance with the terms of its charter agreement regarding facilities.