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May 18, 2012

Susan Miller Barker
Interim Executive Director
Charter Schools Institute
State University of New York
41 State Street, Suite 700
Albany, NY 12207

Dear Ms. Miller Barker:

I am writing to urge the Charter Schools Institute of the State University of New York (SUNY) to deny the application submitted by the Success Academy Charter Network, Inc. to open two K-5 charter schools in Community School District 2 in New York City.

As the state senator representing the majority of the neighborhoods in District 2, I am extremely concerned that the approval of this application would exacerbate the already overcrowded conditions in existing elementary and middle schools, fail to meet the demands of families, create tension in co-located schools, and violate the spirit and intent of the state's laws on the siting of charter schools. The co-location of a charter school in any District 2 school building is completely unjustifiable based on district needs. Given that the Success Academy Charter Network, Inc. indicated in its application to SUNY that it is **only interested** in opening schools housed in District 2 buildings, the application should be rejected.

I do not categorically oppose charter schools. I recognize that there are many flourishing charter schools operating in New York State and contributing positively to our children's education, and I voted to increase the state's charter school cap in 2010. If public schools are consistently failing to meet the educational needs of the full range of students in our communities, it is certainly appropriate to explore a wide range of options – including charter schools – to ensure those needs are met. Similarly, it may be appropriate to explore the possibility of establishing charter schools in instances where there is an overwhelming community demand, or if there is a subset of students with special needs that public schools cannot adequately serve. None of these situations exist in District 2.

Successful Schools, Crowded Buildings

Far from failing, District 2's forty-two elementary schools and district-wide middle schools have developed an exceptional record of providing high-quality, innovative, and supportive educational experiences for students. District 2's schools also have a strong track record of encouraging parental and community involvement through active Parent Teacher Associations and School Leadership Teams, as well as longstanding partnerships with dozens of nonprofits and cultural institutions. The extraordinary success of many District 2 schools has led them to become learning laboratories for other schools and teacher education programs both in New York City and across the country. The educational reputations of the majority of District 2 schools are so strong that countless parents move to the district specifically because they want their children to be able to attend local schools. Similarly, I have repeatedly been told by developers that the appeal of District 2's elementary and middle schools has played a key role in their choice of construction sites and their decision to build family-sized apartments.

The primary educational problem facing this district is severe overcrowding. The majority of public elementary and middle schools in my district have been facing significant and increasing overcrowding problems for nearly a decade. According to the most recent Capacity, Utilization and Enrollment report from the New York City Department of Education (DOE), which often underestimates the true extent of overcrowding in our schools, more than half of the elementary and middle schools in the district are in buildings which are over 100 percent capacity. According to recent data compiled by the Community Education Council for District 2, 88 percent of students are in classes that exceed the Contract for Excellence class size targets and 78 percent are in classes that exceed the DOE's targets. It is this overcrowding, rather than the lack of charter schools, which has led to a decrease in enrichment services and educational options for families.

Overcrowding has led the DOE to close a number of extremely popular Gifted and Talented and Pre-Kindergarten programs in District 2 elementary schools in recent years, significantly limiting parents' options. Extensive Kindergarten waiting lists in numerous District 2 schools cause significant anxiety and uncertainty for families each year, reduce parents' choices, and force hundreds of five year olds to travel outside their communities to Kindergarten. Similarly, although District 2 operates a middle school choice option in which elementary school students are able to apply to any middle school in the district, many of the middle schools must turn away numerous qualified applicants for each student they can accept because of severe space limitations. Due to overcrowding, a majority of district elementary and middle schools have lost critical education spaces including cluster rooms, science labs, art rooms, gyms, libraries, and computer facilities. A lack of space also has forced many principals to schedule lunch periods as early as 10AM, and to cancel highly successful art, music, science, and other enrichment classes. Existing overcrowding is projected to continue to increase in future years in most areas of District 2 due to substantial new construction, increased birth rates, and as more and more families are deciding to keep their children in the public school system.

As a result of strong advocacy from District 2 parents, elected officials, and other community leaders for many years, the DOE has begun to take action to address the capacity

issues in some parts of the district. The DOE has been participating in ongoing overcrowding taskforce meetings with parent leaders and the elected officials representing District 2 to explore all possible options to reduce overcrowding through rezoning and the identification of possible locations for new district schools. District 2 families are just beginning to see real progress be made. In my Senate district alone, two new elementary schools and a new middle school were opened in recent years, and three additional elementary schools are scheduled to open and/or expand over the next two years. While I am pleased by the progress that has been made, much more work remains to be done. Even after the addition of hundreds of new elementary and middle seats, and the rezoning of a number of areas of the district to better distribute students, severe overcrowding will continue to persist in many areas. This overcrowding will only be alleviated through the construction of additional district schools, the expansion of space at existing district schools where possible, and continued close collaboration between the DOE, District 2 parents, and elected officials.

In contrast, the co-location of two Success Academy charter schools in District 2 buildings would exacerbate the overcrowding problem facing this district and limit the future options for both the DOE and parents. While there are a small number of District 2 school buildings that “officially” have the capacity to house a few hundred additional students according to the DOE’s most recent analysis, these numbers exist “more on paper” than they do in reality. For example, in this district, many of the schools whose official utilization rate is below 100 percent are recently-opened schools which do not yet (but soon will) have their full complement of grades. Example: a three year old school only has K-2 classes, but in another 3 years they will be full – or even already projected to be above capacity. Others on the list are schools that have recently had a co-located school leave the building precisely because there was a pressing need to accommodate increasing enrollment. And other buildings on this list house schools which serve special-needs students who require additional space in order to provide essential services. For example, the citywide schools for the deaf on East 23rd Street, and the middle school for students with autism within the Julia Richman Education complex on East 67th Street, require more space than standard district schools in order to accommodate the unique needs of their students.

There is not a single building on the DOE’s list of “underutilized” District 2 buildings that has the capacity to house a school with 600-670 students, the size of the proposed Success Academy charter schools. The addition of a new charter school to any of the buildings on the DOE’s list of underutilized facilities, even one with substantially fewer than 600 students, would seriously undermine the quality of education taking place in the currently operating schools, limit the ability of already successful schools to expand, and force principals to further reduce art, music, and other enrichment services.

On top of this, the Success Academy schools would likely enroll many students from outside of the district, as have the Success Academy schools in District 3. The presence of these schools would do little to reduce the waiting lists in other District 2 elementary schools, and would actually increase the pressure and demand for seats in the district’s middle schools. To the extent that there are any underutilized buildings which truly have the space to house an additional school, they must be utilized to meet the demands of parents for new district

elementary and middle schools, additional Gifted and Talented programs, and expanded pre-Kindergarten options in this already exceptionally overcrowded and still growing district.

Neither Necessary Nor Desired

In the ten years that I have represented the majority of District 2 in the state Senate, I have not had a single constituent or community group tell me that they would like to have charter schools open in the community. To the contrary, I am constantly contacted by parents who are extremely pleased with the quality of the education their children are receiving at local public schools. While many of my constituents are disturbed by the overcrowding, waiting lists, large class sizes, and cuts to enrichment programs they are seeing in their children's schools, they consistently advocate for the creation of new district schools and the restoration of previously existing programs rather than for charter school options.

Since the Success Academy Charter Network, Inc submitted its application to open two charter schools in District 2, I have received more than 600 emails and letters in opposition and not a single one in support. Many of the parents and community leaders who have contacted me to express their opposition have also specifically called for the creation of a new middle school in one of the buildings on the DOE's list of "underutilized" spaces. When the DOE held its required hearing on the Success Academy charter application last month, hundreds of parents and educational leaders attended to express their opposition even though they had less than a week's notice. Additionally, a number of community groups with whom I work closely and whom I greatly respect, including the District 2 Community Education Council and Manhattan Community Boards 5, 6, and 8, have all passed resolutions strongly opposing the co-location of Success Academy charter schools in any District 2 buildings.

I am also concerned that the siting of Success Academy charter schools in District 2 could be extremely disruptive to the district schools with which they are co-located, and this concern is substantiated by numerous conversations with colleagues who have had Success Academy charter schools co-located with schools in their districts in recent years. Even under the best of circumstances, the co-location of multiple schools with different administrations and missions in a building, whether or not the schools are charters, is often difficult and can lead to tension between parents and staff, increased overcrowding, and the loss of previously available facilities. These problems are often particularly pronounced when district schools share space with charter schools, which do not have to follow the same regulations and often have access to substantial outside resources. A number of my elected colleagues have reported that the Success Academy charter schools co-located in their areas have consistently disregarded the needs of the existing schools, worsened overcrowding, and pitted parents, students, and educators in the schools against one another. In some cases, I have been told that children in district schools sharing spaces with Success Academy charter schools have even been made to feel like second class citizens within their own buildings.

A Proper Review Cannot Be Conducted Without Siting Information

In addition to all of my aforementioned concerns, I believe that the application submitted to SUNY violates the spirit of New York's laws governing the siting of charter schools which

were recently amended to increase transparency and community input. The approval of an application which fails to include any details on the District 2 buildings in which the applicant would like to co-locate its new charters would represent a gross lack of transparency in the review process. Community members simply have no way to fully evaluate the application, ask necessary questions, and voice all reservations without having detailed information about where the proposed charters would operate.

New York State Education Law §2853(3) states that in New York City “all charters authorized...shall be obliged to comply with the department’s health, safety, and sanitary requirements applicable to facilities to the same extent as non-charter public schools in each such city school district.” It is simply impossible to ensure that these requirements are met if siting information is not included in the charter application for authorization. Moreover, since there is no mechanism at the state level to address any negative impacts on children’s safety, sanitation, or health after a charter has been approved, it is absolutely imperative that these issues be thoroughly examined and addressed during the authorization process.

I strongly urge the Charter Schools Institute to allow District 2’s elementary and middle schools to continue to thrive and reject the application submitted by the Success Academy Charter Network, Inc. to co-locate two charter schools in District 2, to open in Fall 2013.

Sincerely,

A handwritten signature in black ink, appearing to read "Liz Krueger".

Liz Krueger
State Senator

cc: State University of New York Board of Trustees
Dr. John King, Commissioner, New York State Education Department
Dennis Walcott, Chancellor, New York City Department of Education