March 8, 2019

Dear Chancellor Rosa,

On Monday, March 4, the SUNY Charter School Committee approved the KIPP Beyond Middle School for Community School District 3, as part of its slate of 13 new charters that were considered and approved. The Community Education Council, District 3 (CEC3) asks that you reject the KIPP application.

Education Law § 2852 (2d) includes the following language:

(d) in a school district where the total enrollment of resident students attending charter schools in the base year is greater than five percent of the total public school enrollment of the school district in the base year

(i) granting the application would have a significant educational benefit to the students expected to attend the proposed charter school or

(ii) the school district in which the charter school will be located consents to such application.

First, the data presented in KIPP Beyond Charter School’s application, when evaluated by a rubric that takes into consideration the original six objectives ratified in Education Law Article 56, the New York Charter Schools Act of 1998 (“Charter Schools Act”), meets the basic requirements as laid out in Education Law § 2852 (2a-f). However, the original language of the Charter Schools Act was designed with a cap of 50 charter schools in NYC. Pursuant to Education Law § 2857 (5), it is our desire and expectation to objectively evaluate and implement best educational practices employed by charter schools in our, and neighboring, districts. And in subsection ii, the language is clear, that the
school district should consent. In her letter (attachment A), CSD3 Superintendent Ilene Altschul, expressly opposes this middle school. Consent was not granted.

In addition to Education Law § 2852 (2d), page 8 of the SUNY RFP includes a clause that indicates that "for proposed schools intending to locate in a school district where more than five percent of the students residing in the district attend charter schools the Institute will evaluate whether approving the proposal would have a significant educational benefit to the students likely to attend the proposed charter school, or whether the school district of location consents to the proposal." Given that there was no interaction with CSD3 regarding the educational benefit and that consent was not given, the percentage of the charter school population should have given immediate pause to this authorizer. In NYC, there are 113,528 children in charter schools, 9.9% of the city's population of 1,135,334. The % in CSD3 is higher, 4236 children in charter schools, 16% of the D3's total population of 29,903 (source: DOE audited register for school year 2017-18).

2. The findings report and scoring allocated to KIPP for sections 1 & 2 (Community Need/Outreach) and (District Relations and Partnerships) must be re-tabulated because SUNY Charter School Institute staff omitted opposition testimony and official statements from:

- Community Education Council, District 3 (CEC3)
- CSD3 Superintendent Ilene Altschul
- District 3 Parent and Panel for Educational Policy Member Shannon Waite
- United States Congressman Jerrold Nadler
- New York Senator Brad Hoylman
- New York Senator Robert Jackson
- New York Assembly Member Linda Rosenthal
- New York Assembly Member Danny O'Donnell
- Manhattan Borough President Gale Brewer

<table>
<thead>
<tr>
<th>School</th>
<th>Score</th>
<th>% (score/45)</th>
</tr>
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<tbody>
<tr>
<td>Amber</td>
<td>32.2</td>
<td>71.56%</td>
</tr>
<tr>
<td>Family Life Academy</td>
<td>32</td>
<td>71.11%</td>
</tr>
<tr>
<td>Zeta 3</td>
<td>28.75</td>
<td>63.89%</td>
</tr>
<tr>
<td>Zeta 4</td>
<td>28.75</td>
<td>63.89%</td>
</tr>
<tr>
<td>KIPP</td>
<td>26.75</td>
<td>59.44%</td>
</tr>
<tr>
<td>Ascend</td>
<td>26</td>
<td>57.78%</td>
</tr>
<tr>
<td>Girls Prep</td>
<td>23.25</td>
<td>51.67%</td>
</tr>
<tr>
<td>Central Queens</td>
<td>22.75</td>
<td>50.56%</td>
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<tr>
<td>MESA</td>
<td>20</td>
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<tr>
<td>Kwenda</td>
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<td>43.33%</td>
</tr>
<tr>
<td>New Beginnings</td>
<td>18.25</td>
<td>40.56%</td>
</tr>
<tr>
<td>Minisink</td>
<td>17.5</td>
<td>38.89%</td>
</tr>
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</table>
As well as more than 600 petition signatures signed by community members who oppose this school. The findings report cites only a personal email from CEC3 President Kimberly Watkins, as well as a letter from Council Member Helen Rosenthal.

Note: we have no transparency of the specific scoring allocations. We know that KIPP's overall score was a 26.75 out of a possible 45, but no breakdown is given of how these 6 points might have been adjusted had the community opposition and input from the CSD has been considered. When asked for a more detailed explanation of this scoring, CEC3 was instructed by the SUNY Charter School office to file a FOIA request.

3. Next, the SUNY findings report for the Minisink Charter School (https://www.suny.edu/about/leadership/board-of-trustees/meetings/webcastdocs/IIB12_Minisink_Summary%20of%20Findings.pdf), includes a population table as the last appendix. SUNY received this information from stakeholders in CSD5 and CEC5 during a meeting with them on Tuesday, February 26, during which they discussed the saturation of charter schools in District 5 and the impact that an additional charter would have on their other schools. Note that this was NOT the official hearing but rather a unique meeting set up in the community, and this relevant information was incorporated into the composite score awarded to Minisink.

This important discussion of data and impact did not take place with the CSD3 community and CEC3 regarding the KIPP Middle School. This obvious and complete deviation from the SUNY composite scoring process has corrupted the findings and therefore the approval.

4. Finally, some discussion in the approval session on Monday, March 4, calls another aspect of the composite scoring into question that we believe is cause for a reversal of the decision. In his opening remarks, Joseph Belluck stated that the SUNY trustees relied solely on the staff of the Charter School Institute to accept applicants, evaluate their candidacies, and tabulate their composite scores. He explained that because the Trustees are all volunteers, they cannot evaluate each applicant individually. He proposed that the trustees approve the "slate" of all 13 candidates based solely on their ranking of scores:

However, SUNY Trustee Merryl Tisch asked two relevant questions:
- First she asked if one of the Zeta Charter School Chain, which was in positions 3 and 4 with two new schools, would be willing to WAIT - to move down the list - so that another qualified applicant could slip into the 7th position. This is important because with the approval of the top seven ranked schools, the official CAP on NYC charter schools was hit. Schools in positions 8-13 would be approved but not granted until or unless the cap is lifted. Mr. Belluck answered her question with an emphatic declaration that they could NOT move schools up or down the list. He reiterated that the composite, "objective" scores, were the only consideration in the approval.

- Her second question then, calls the ENTIRE scoring mechanism into question because she then asked if someone could explain to her how Ascend and Girls Prep (in positions 6 and 7 on the above table) received their Special Populations score (a possible 3 points on the RFP document). She said that she wanted to understand how that score was tabulated; were ELL and IEP students receiving the
proper weight in the consideration for their approval. And again, Joe Belluck did not entertain her question but moved to approve the slate as proposed.

However, we believe that Merryl Tisch’s declaration, that the composite scoring for Special Populations is not clearly or sufficiently weighted, and explained, is an indicator that the composite scoring may need to be reviewed again, for all of the applicants.

Along with the now 600 petition signers, our elected officials, and the CSD3 Superintendent, CEC3 maintains its belief that the KIPP Beyond Charter School will render harm to current schools in District 3 and that SUNY did not fulfill its obligations to engage our district, evaluate this applicant, and render a decision in a way that is consistent with their own RFP as well as that of New York State Charter statutes. We ask that the New York State Regents reject the approval of the KIPP Beyond Charter School at this time.

Sincerely,

Community Education Council District 3

Attachment statements:
❖ Superintendent Ilene Altschul
❖ Community Education Council, District 3 (CEC3)
❖ United States Congressman Jerrold Nadler
❖ New York Senator Brad Hoylman
❖ New York Senator Robert Jackson
❖ New York Assembly Member Linda Rosenthal
❖ New York Assembly Member Danny O’Donnell
❖ Manhattan Borough President Gale Brewer
❖ New York City Council Member Helen Rosenthal

CC: Governor Andrew Cuomo
    Mayor Bill DeBlasio
    DOE Chancellor Richard A. Carranza
    DOE Executive Superintendent, Manhattan, Marisol Rosales
    DOE District 3 Superintendent Ilene Altschul
    Manhattan Borough President Gale Brewer
    NYSED Commissioner MaryEllen Elia
    SUNY Chancellor Kristina Johnson
    NYC Public Advocate Jumaane Williams
    NYC Comptroller Scott Stringer
    Panel for Educational Policy Member, Michael Kraft
    Panel for Educational Policy Member, Shannon Waithe
    City Council Member Mark Treyger, Chair, Committee on Education
    City Council Member Helen Rosenthal
    City Council Member Bill Perkins
    City Council Member Mark Levine
State Assembly Member Michael Benedetto, Chair, Standing Committee on Education
State Assembly Member Linda Rosenthal
State Assembly Member Daniel J. O’Donnell
State Assembly Member Inez Dickens
State Assembly Member Richard N. Gottfried
State Assembly Member Robert J. Rodriguez
State Senator John Liu, Chair, Subcommittee on NYC Education
State Senator Shelley Mayer, Chair, Committee on Education
State Senator Brian Benjamin
State Senator Brad Hoylman
State Senator Robert Jackson
State Senator Jose M. Serrano
U.S. Congressman Jerrold L. Nadler
U.S. Congressman Adriano Espaillat
United Federation of Teachers President Michel Mulgrew
Community Board 7 Chair Roberta Semer
Community Board 10 Chair Cicely Harris
NYS Board of Regents Vice Chancellor Andrew T. Brown
NYS Regents Member, 10th District, Roger Tilles
NYS Regents Member At Large, Lester W. Young, Jr.
NYS Regents Member, 13th District, Christine D. Cea
NYS Regents Member At Large, Wade S. Norwood
NYS Regents Member, 2nd District, Kathleen M. Cashin
NYS Regents Member At Large, James E. Cottrell
NYS Regents Member, 3rd District, Josephine Victoria Finn
NYS Regents Member, 11th District, Judith Chin
NYS Regents Member, 4th District, Beverly Ouderkirk
NYS Regents Member, 8th District, Catherine Collins
NYS Regents member, 9th District, Judith Johnson
NYS Regents Member, 1st District, Nan Eileen Mead
NYS Regents Member, 5th District, Elizabeth S. Hakanson
NYS Regents Member At Large, Luis O. Reyes
NYS Regents Member, 6th District, Susan W. Mittler