

Citywide Council on Special Education

Resolution #007 - RESOLUTION OPPOSING THE CO-LOCATION OF A SUCCESS ACADEMY CHARTER SCHOOL IN THE DISTRICT 28 CATHERINE AND COUNT BASIE CAMPUS Q072

WHEREAS, the NYC Department of Education has notified school communities of the possibility a Success Academy Charter School serving grades K-4 to be co-located in the Catherine and Count Basie Campus Q072, and

WHEREAS, Catherine and Count Basie Middle School 28Q072, Redwood Middle School 28Q332, and P993 D75 are schools currently in existence at this campus, and

WHEREAS, the schools currently existing in the Catherine and Count Basie Campus provide our community with educational choices for our children, and

WHEREAS, despite the complexity of sharing space, the schools in the Catherine and Count Basie Campus have successfully achieved protocols that allow their students to maximize their middle school and special education experiences, and

WHEREAS, the NYC Department of Education held a meeting for their School Leadership Teams to hear comments from the community on November 15, 2022, and

WHEREAS, there were 217 community members in attendance at this meeting and not one person spoke in favor of the proposal to move a charter school into the Catherine and Count Basie Q072 campus, and

WHEREAS, members of the community voiced concerns regarding the impact on equity and safety inside and outside of the campus the addition of this fourth school would cause, and

WHEREAS, members of the community explained that adding a fourth school will undoubtedly hinder and lessen the overall academic, social and emotional experience of the current students at the campus by taking space and limiting existing programs as well as the expansion of the existing schools already underway involving the addition of new programs, and

WHEREAS, co-located District 75 schools already face challenges within their co-located schools regarding space utilization and accessibility,

WHEREAS, Success Academy has been found legally negligent in the amount of \$4.2 million by the courts for failing to provide mandated services to students with an IEP¹

¹ [Success Academy Fined \\$2.4 Million for Discrimination Against Disabled Students | Current Events | National Center for the Study of Privatization in Education \(NCSPE\) | Teachers College, Columbia University](#)

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WHEREAS, co-locating a 4th school on this campus would potentially hinder future expansion of co-located D75 seats and inclusion seats for students with disabilities

WHEREAS providing space to a charter school with a reputation of discrimination against students with disabilities would potentially create a toxic environment for existing students with disabilities who attend the co-located campus

WHEREAS, the DOE's assessment may underestimate the actual building utilization of the existing schools at the campus and what future utilization will be due to the recently signed class size reduction law and expansion of campus programs such as D75 programs serving students with disabilities, and other special programs serving disabled students

WHEREAS, members of the community explained that the addition of a fourth school to the campus would limit reasonable and humane access for current students, some of which have disabilities, to shared spaces such as the cafeteria, gymnasium, auditorium and school library

WHEREAS, EDN § 2853.3 (e)(1)² states that the school district may offer the charter school space in a privately owned or other publicly owned facility at the expense of the city school district and at no cost to the charter school, thus providing an alternative to co-location; be it therefore

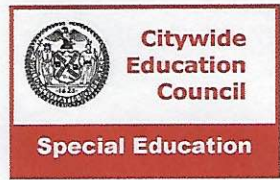
RESOLVED, that the Citywide Council on Special Education opposes the proposal to open and co-locate a Success Academy Charter School in the Catherine and Count Basie Campus Q072; and, be it further

RESOLVED, that the Citywide Council on Special Education opposes the discriminatory actions of Success Academy and any future proposals to co-locate their schools in our public-school buildings, especially those that serve D75 co-located schools, be it further

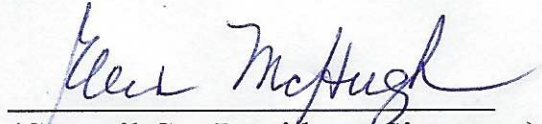
RESOLVED, that our special education community calls on the NYC Department of Education to protect and further support our public schools by investing in them rather than diverting resources to charter schools; and, be it further

RESOLVED, that our school community will contact members of the Panel for Education Policy and encourage them to vote No or Abstain from voting on the proposal to move a Success Academy Charter school into the Catherine and Count Basie Campus Q072 and any future proposed co-locations of charter schools in public school buildings.

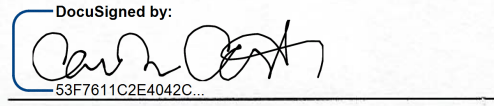
² <https://codes.findlaw.com/ny/education-law/edn-sect-2853.html>



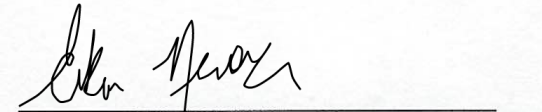
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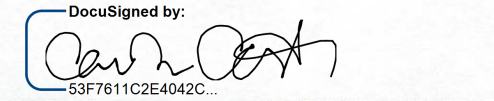
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