

Resolution on SUNY Charter School Institute's Approval of BRICK Buffalo Academy Charter School

Sponsored by Sharon Belton-Cottman, Ferry District & Lawrence Scott, Member-at-Large
Co-Sponsored by Dr. Kathy Evans-Brown, East District; Terrance L. Heard, Member-at-Large; Jennifer L. Mecozzi, West District; Dr. Ann R. Rivera, Member-at-Large and Paulette Woods, Central District

December 21, 2022

Whereas, New York State Charter Schools Act of 1998 (S 2851) determines that the board of trustees of the state university of New York (SUNY) is an authorizing entity for approving charter schools in New York State;

Whereas, BRICK (Building Resilient Intelligent Creative Kids) Education Network is a charter management organization based in Newark, New Jersey and has submitted applications for charter schools to the SUNY board of trustees on four occasions;

Whereas, in 2018 and 2019, the SUNY board of trustees denied BRICK applications for a charter school in the South Bronx, NY, and in a letter dated April 26, 2021 from SUNY Charter School Institute to BRICK applicants regarding application for two BRICK charter schools in Buffalo, it was indicated that "the Institute determined that the proposal was underdeveloped, preventing us from moving forward in our review process";

Whereas, a BRICK managed charter school- Achieve Community Charter School- was put on probation by the New Jersey Department of Education in the 2018-19 school year for chronic absenteeism and poor governance, and as of at least October 6, 2022, was still on probation;

Whereas, BRICK Charter School held public hearings with the Buffalo board of education on their applications for charter schools on March 17, 2021 and September 14, 2022, and after both hearings the Buffalo board of education submitted letters, dated March 24, 2021 and September 21, 2022, to the SUNY board of trustees unanimously requesting a denial of the BRICK applications based on the following reasons:

1. Applicants were unable to identify a single unmet need by the Buffalo City School District;
2. Inability of the applicants to know and understand obligations under FAPE (Free Appropriate Public Education);
3. Inability of the applicants to identify top languages spoken other than English and Spanish in the Buffalo City School District, the most linguistically diverse district in New York State;
4. A failure of applicants to know and understand obligations for students with disabilities and Individualized Education Programs (an applicant suggested that services for ENL students and students with disabilities be merged);
5. A failure of applicants to know and understand parent and student rights under Part 154 requirements; and
6. An applicant claiming that there are very few English Language Learners residing in East Buffalo, when a zero percent of ELL students enrolled at Achieve Charter School was referenced;

Whereas, the SUNY board of trustees approved the latest application for BRICK Buffalo Academy Charter School in their Charter School Committee Meeting on October 6, 2022;

Whereas, the total enrollment of the City of Buffalo resident students attending charter schools exceeds five percent at 25% for the 2022-23 school year and the New York State Charter Schools Act 1998 (S 2852) indicates that "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 school enrollment of the school district in the base year, granting the application would have a significant educational benefit to the students expected to attend the proposed charter or the school district consents to such application";

Whereas, on the 2022 New York State Assessments the Buffalo City School District narrowed the gap in proficiency with all Buffalo charter schools to 2.2% in ELA and 2% in Math and did so with twice the percentage of students with disabilities and more than four times the amount of English Language Learners than all Buffalo charter schools;

Whereas, New York State Charter School Act 1998 (S 2851 & S 2852) requires charter schools to meet or exceed enrollment and retention targets of students with disabilities and English Language Learners comparable to enrollment figures of students attending public schools in the city school district and that in the BRICK application, hearing, and approval meeting on October 6, 2022, a plan for this requirement was not fulfilled;

Whereas, the SUNY board of trustees has not fulfilled its objective of "demonstrating the support of the school district in which the proposed charter school will be located and the intent to establish an ongoing relationship with such school district, as well as "address comments received from the impacted community concerning the educational and programmatic needs of students", as required in the New York State Charter Schools Act 1998 (S 2852), and;

Whereas, in the SUNY board of trustees' Charter Schools Committee meeting, whereby the BRICK charter application was approved, there was no discussion and determination for how "granting the application would have a significant educational benefit to the students expected to attend the proposed charter or the school district consents to such application" and the letter of unanimous support from the Buffalo board of education to decline the application, was not referenced nor included in the public agenda;

Resolved, the Buffalo board of education requests that the Buffalo City School District take legal action against the SUNY board of trustees for failing to satisfy their legal obligations determined in the New York State Charter Schools Act 1998 when it approved the BRICK Buffalo Academy Charter School.