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July 23, 2007

Honorable Eliot Spitzer
Governor of New York
Executive Chamber, State Capitol
Albany, New York 12224
Email:

Honorable Michael R. Bloomberg
Mayor of New York City
City Hall
New York, New York 10007
Email:

New York State Board of Regents
Room 110
State Education Building
Albany, New York 12234
Email: djohnson@mail.nysed.gov

Dr. Richard P. Mills
New York State Education Commissioner
Room 111
State Education Building
Albany, New York 12234
Email: rmills@mail.nysed.gov

Chancellor Joel Klein
Office of the Chancellor
52 Chambers Street
Room # 320B4
New York, New York 10007
Email: JKlein@schools.nyc.gov

Mr. Garth Harries
Chief Executive Office, Office of New Schools
52 Chambers Street
Room 405
New York, New York 10007
Email: Gharries@schools.nyc.gov

Records Access Officer
New York State Education Department
89 Washington Ave, Room 128
Albany, NY 12234
Fax: (518) 486-5776
Email: FOIL@mail.nysed.gov

Central Records Access Officer
Office of Legal Services
New York City Department of Education
52 Chambers Street, Room 308
New York, NY 10007
Email: FOIL@schools.nyc.gov

Re: Khalil Gibran International Academy (“KGIA”); FOIL Requests

Dear Ladies and Gentlemen:

The undersigned represent a coalition of concerned parents and residents of New York City and the State of New York. Our client-group consists of concerned New Yorkers and because time is a critical factor we are writing this letter directly to you prior to taking any further administrative or legal actions. In addition to this letter’s obvious effort to elicit a serious and substantive response,

it is also meant to operate as a formal FOIL request to the appropriate Records Access Officers of all of the relevant City of New York Department of Education and New York State Education Department agencies and subdivisions.

The background for this correspondence is straightforward, yet quite disconcerting. In the early months of 2007, Brooklyn residents learned of a City plan to locate a New York City public school, putatively named the Khalil Gibran International Academy (“KGIA”), as a school within a school catering to English and Arabic speaking students. The purported mission of KGIA is, according to Garth Harries – who is sometimes identified as the “Chief Executive of the Office of New Schools” and sometimes as the “Chief Portfolio Officer of the Office of Portfolio Development,” both of which appear to be a subdivision of the New York City Department of Education led by Chancellor Joel Klein – as follows:

[KGIA] will offer a challenging multicultural curriculum through standard and project-based learning. The program integrates intensive Arabic language instruction and the study of Middle Eastern history and historical figures to enliven learning across all subject areas. The goal is to prepare students for college and successful careers, and to foster an understanding of different cultures, a love of learning, and desire for excellence in all of its students.

The development of this new school for Arabic language and Middle Eastern history became a public issue over the past several months because the City had initially chosen to locate the school within a public school in Park Slope. The parents of the school were opposed to this idea because the planning and logistics were, quite simply, poorly considered and inappropriate. With the intense opposition by concerned parents and the City’s inability to address the substantive concerns raised, the City scrambled and has apparently decided upon an alternative location at 345 Dean Street in Boerum Hill, Brooklyn, a building that currently houses the Brooklyn High School of the Arts and the Math and Science Exploratory School, a middle school.

The fact remains, however, that the documented evidence suggests that the city and state officials charged with implementing this policy objective to create a special Arabic/Middle Eastern public school have either failed to properly conduct the necessary background and preparatory work to open such a school, or they are purposefully evading their legal obligations to inform the public of the status of their work. We make this serious charge based upon the fact that several members of the coalition we represent have written letters to the various officials, including Mayor Michael Bloomberg, Chancellor Klein, and Mr. Harries, and have received no substantive response.

Chancellor Klein and others have been quoted as saying that if the school develops a religious or political-national bias not appropriate for an “American public school”, the City “would shut it down.” We welcome this commitment but note that it invites a number of important questions to which satisfactory answers have not been forthcoming as yet. These include:

- What has the City done in advance to ensure that this school will not become an Arab or Islamic tool to propagandize our children?
- We have no historical precedent in the U.S. for shutting down a public school that is suspected of being a center for subtle indoctrination by individuals aligned with terrorists. How will the City monitor the school to ensure that it is not a threat?
- Why should we depend on a “policing” action after-the-fact given the threat we face from Islamic Jihadists – especially the professionals among them such as physicians or teachers?

- What are the standards the City will use to determine the amount of politicization and Shari'a-tainted indoctrination our children are exposed to before they "shut it down"? At what point does the City shut the school down, and what safeguards are in place to ensure this is done immediately and without bureaucratic delay?

These questions, in turn, require that a number of other issues be addressed. For example:

- Given the importance of assimilating young Arabic-speaking students, why would anyone isolate these young, at-risk adolescents with non-certified, untested Arabic-speaking teachers, when we could simply offer Arabic language instruction as a course within our existing public schools -- as is already done in several schools? The City's response that there are other such schools based upon Chinese- or Greek-language instruction is inapposite since we do not face a world-wide terror threat from Chinese- or Greek-speaking young men and women.
- What does it mean to provide a "non-political" multi-cultural education with intensive Arabic and Middle Eastern cultural studies to young middle- and high-school students in a public school setting paid for in large part by tax dollars?
- What kind of Middle Eastern "history" will be taught? Whose history? The long and bloody wars long associated with the Middle East are all about the "historical narrative" adopted in the name of a cause.
- Will the historical and cultural studies examine these narratives rationally and objectively? From which perspective will these studies be undertaken -- those conquered or the conquerors? Islamic? Coptic Christians? Jewish?
- Will the students be taught comparative religion? Who will teach these courses?
- Will all of this be taught from Arabic course material? Is this material even available from reputable educational publishers?

To date, despite numerous requests, the City has provided no explanation to members of the coalition or the public at large about the precise nature of the curricula, the text books that will be used, the publishers of those texts, or the lesson plans. Further, no one from the City has provided information about the selection process of the teachers for the "Arabic" and "Middle Eastern" subjects, whether they will be certified, and if not, how they will be effectively supervised. Mr. Harries informed one of our clients in correspondence that the "Arab-American Family Support Center (AAFSC), a Brooklyn secular social service agency," will provide the non-certified Arabic speaking teachers. While we are told such teachers will be supervised by certified teachers, it is unclear how that can be done if the latter do not speak Arabic. Again, several questions require answers: Does the AAFSC have actual educational expertise? How will they select the Arabic speaking teachers? From what pool of candidates? Is this process open and transparent?

In addition to the written and oral requests made of these officials by several of our clients, the coalition we represent, through the efforts of one of its members, has made several FOIL requests to the New York City Department of Education for specific information relating to the curricula and faculty (see, e.g., FOIL request nos. 5213 and 5226). To date, no substantive information has been provided and no rational or even minimally reasonable explanation has been proffered to explain how it is possible that as of late-July 2007 such information is not readily available for a New York City public school scheduled to open in the upcoming Fall semester.

Finally, the advisory board of KGIA raises concerns. Why would the advisory board of a New York City public school consist only of Jewish, Christian, and Muslim clergy, none of which have

any real secular educational qualifications? Is this a religious school or a secular public school? A public school needs professional educators, not Jewish and Christian clergymen sitting together with three Muslim imams who have embraced Shari'a (strict Islamic law) – the same law that calls for a worldwide Islamic Caliphate and demands our constitution be replaced by Allah's law.

Given this troubling background, we would ask you as the appropriate authorities, respectively, of New York City and the State of New York to reconsider the opening of this educational experiment for this Fall's semester. While Arabic language instruction is certainly important, a school dealing with the culture of the Middle East, not just the Arabic language, is necessarily treading in a minefield. Over 3,000 American citizens lost their lives to Arab Muslim terrorists acting in the name of Islam (even if improperly so) and US soldiers are fighting two wars to prevent the spread of Islamic tyranny already evident in every single Arab Muslim nation in the Middle East. We believe the prudent and proper course of action is to more thoroughly examine the issues raised hereinabove among professional educators and the public before establishing a precedent which might very well have a deleterious effect on the children of New York and the safety of the community.

In addition to the above, we submit the following FOIL request:

The following definitions should be used throughout:

“Document(s)” shall mean any and all documents, papers, notes, presentations or other written materials, whether written on paper or other material or in a digital format such as emails, software generated files such as MS Word, Adobe PDF, Excel, etc.

”Record(s)” shall mean any information whether in written, digital, or other format, which provides information about the existence of Document(s) and about the Document(s) it/themselves, including the source, author, sender, recipient, date of creation, date of transmission to the recipient, and other relevant information of the Document(s) requested.

“KGIA” shall mean the proposed New York City public school referred to as the Khalil Gibran International Academy.

[1] Any and all Documents and Records relating to the proposed curricula of KGIA, including but not limited to, actual lesson plans, course outlines, correspondence discussing the curricula, bibliographies or proposed text lists.

[2] Any and all Documents and Records relating to the proposed texts to be used by KGIA teachers and students.

[3] Any and all Documents and Records relating to the hiring of faculty and staff of KGIA, including but not limited to the names of the actual faculty and staff hired to work on or on behalf of KGIA, minimum qualifications of the proposed faculty and staff required by the City of New York or the State of New York, and the actual qualifications of the proposed faculty and staff.

[4] Any and all Documents and Records, including but not limited to correspondence, between Ms. Dhabah (aka “Debbie”) Almontaser and any New York City or State of New York employee or contractor regarding KGIA.

[5] Any and all Documents and Records relating to the number of students enrolled or requesting to enroll in KGIA.

[6] Any and all Documents and Records relating to the citizenship status, race and religious affiliation of the students enrolled or seeking enrollment at KGIA.

[7] Any and all Documents and Records relating to the issue of "religious accommodations" for KGIA students, faculty, and staff, including but not limited to dress code, classroom seating arrangements by gender, food preparation and handling, prayer times and spaces provided, and KGIA holiday schedules.

[8] Any and all Documents and Records relating to the budget for KGIA.

[9] Any and all Documents and Records relating to the "Concept Paper" prepared by any party related to the establishment of KGIA, including but not limited to the names of the author(s) of such Concept Paper. This request shall be understood to include any and all drafts of the Concept Paper, even if not the final draft, and any iteration thereof.

[10] Any and all Documents and Records relating to KGIA which also reference in any way, or were generated by or sent to, the KGIA Advisory Board (either any of the individual KGIA Advisory Board members or as a group), AAFSC, and/or the New Visions for Public Schools organization.

[11] Any and all Documents and Records relating to the City's and the appropriate local school district's compliance with Section 100.2(p) of the New York State Education Commissioner's Regulations and/or as more fully set out in a memo from Jean C. Stevens, Associate Commissioner, to District Superintendents of Schools and Superintendents of Public Schools, dated June 2007, subject line: "Procedure for Registration of New Public Schools".

[12] Any and all Documents and Records relating to any communications, submissions, or other transfer of information to the New York State Education Commissioner or to the New York State Board of Regents by the City of New York, the City of New York Department of Education, any agency or subdivision within the City of New York, or any private organization working on behalf of or in association with the City of New York Department of Education relating to KGIA.

[13] Any and all Documents and Records relating to communication to and from individual parents of New York Public Middle School 447 located at 345 Dean Street in Boerum Hill, Brooklyn, New York, including but not limited to any and all correspondence to and from the Parents and Teachers Association, regarding KGIA.

[14] Any and all Documents and Records relating to communication to and from any member of the Community Education Council, District 15, Region 8, regarding KGIA.

Note: Please email to the email address set forth above all Documents and Records responsive to the above FOIL request where emails are available. For Documents or Records not formatted so that they can be emailed, please provide us with an estimate of the cost of reproduction of the above FOIL request. If it is less than \$300, we accept the cost and you may mail us the material at the New York address set forth above. If it is more than this amount, please provide us with days, times and locations during normal business hours for our paralegals to inspect and identify

Letter to Governor Spitzer, Mayor Bloomberg, et al.
Subject: KGIA; FOIL Requests

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specific Documents and Records for reproduction. Finally, if any of our requests are unclear to you, please so indicate by email and we will endeavor to provide greater clarity and specificity.

We thank you in advance for your immediate attention to the matters raised herein.

Sincerely,



David Yerushalmi



Gregory Bitterman