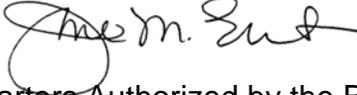




TO: P-12 Education Committee

FROM: Jhone M. Ebert 

SUBJECT: Revisions to Charters Authorized by the Board of Regents

DATE: March 28, 2019

AUTHORIZATION(S): 

SUMMARY

Issue for Decision

Should the Regents approve the proposed revisions to the charters of the following schools authorized by the Board of Regents?

1. **Evergreen Charter School**
2. **Neighborhood Charter School of Harlem**
3. **New Visions Charter High School for Advanced Math and Science IV**
4. **New Visions Charter High School for the Humanities IV**
5. **Unity Preparatory Charter School of Brooklyn**

Reason(s) for Consideration

Required by State statute.

Proposed Handling

This issue will be before the P-12 Education Committee and the Full Board for action at the April 2019 Board of Regents meeting.

Procedural History

The New York State Education Department is making a recommendation to the Board of Regents for approval and issuance of a charter revision as required by Article 56 of the Education Law.

Background Information

The Department recommends that the Board of Regents amend the charters of the **Evergreen Charter School, Neighborhood Charter School of Harlem, New Visions Charter High School for Advanced Math and Science IV, New Visions Charter High School for the Humanities IV, and Unity Preparatory Charter School of Brooklyn**. Information about the revision requests is provided below.

Related Regents Items

Evergreen Charter School

January 2009 Initial Charter

<http://www.regents.nysed.gov/meetings/2009Meetings/January2009/0109emsca8.htm>

December 2013 First Renewal

<http://www.regents.nysed.gov/common/regents/files/1213p12a1Revised%5B1%5D.pdf>

March 2014 Second Renewal

http://www.regents.nysed.gov/common/regents/files/413bra2_1.pdf

March 2016 Enrollment Revision

<http://www.regents.nysed.gov/common/regents/files/316p12a2REVISED.pdf>

March 2017 Third Renewal and Enrollment Revision

<http://www.regents.nysed.gov/common/regents/files/317p12a4.pdf>

Neighborhood Charter School of Harlem

September 2011 Initial Charter

<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2011Meetings/September2011/911p12a1.pdf>

March 2016 Enrollment Revision

<http://www.regents.nysed.gov/common/regents/files/316p12a2REVISED.pdf>

February 2017 First Renewal and Enrollment Revision

<http://www.regents.nysed.gov/common/regents/files/217p12a2revised.pdf>

New Visions Charter High School for Advanced Math and Science IV

November 2012 Initial Charter

<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/November2012/1112p12a3.pdf>

[April 2015 Revision to change location from Brooklyn to Queens \(NYC CSD 27\) prior to opening](#)

<http://www.regents.nysed.gov/common/regents/files/meetings/Apr%202015/415p12a5.pdf>

New Visions Charter High School for the Humanities IV

[November 2012 Initial Charter](#)

<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/November2012/1112p12a3.pdf>

[April 2015 Revision to change location from Brooklyn to Queens \(NYC CSD 27\) prior to opening](#)

<http://www.regents.nysed.gov/common/regents/files/meetings/Apr%202015/415p12a5.pdf>

Unity Preparatory Charter School of Brooklyn

[November 2012 Initial Charter](#)

<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/November2012/1112p12a3.pdf>

[March 2018 First Renewal and Enrollment Revision](#)

<https://www.regents.nysed.gov/common/regents/files/318p12a5.pdf>

Recommendations

VOTED: That the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to amend the charter is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) granting the request to amend the charter will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for **Evergreen Charter School** and amends the provisional charter accordingly.

VOTED: That the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to amend the charter is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) granting the request to amend the charter will have a significant educational benefit to the students expected to attend the charter school, and the Board

of Regents therefore approves the charter revision for **Neighborhood Charter School of Harlem** and amends the provisional charter accordingly.

VOTED: That the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to amend the charter is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) granting the request to amend the charter will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for the **New Visions Charter High School for Advanced Math and Science IV** and amends the provisional charter accordingly.

VOTED: That the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to amend the charter is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) granting the request to amend the charter will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for the **New Visions Charter High School for the Humanities IV** and amends the provisional charter accordingly.

VOTED: That the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to amend the charter is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) granting the request to amend the charter will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for **Unity Preparatory Charter School of Brooklyn** and amends the provisional charter accordingly.

Timetable for Implementation

The Regents action for the **Evergreen Charter School** will become effective immediately.

The Regents action for the **Neighborhood Charter School of Harlem** will become effective immediately.

The Regents action for the **New Visions Charter High School for Advanced Math and Science IV** will become effective immediately

The Regents action for the **New Visions Charter High School for the Humanities IV** will become effective immediately.

The Regents action for the **Unity Preparatory Charter School of Brooklyn** will become effective immediately.

Evergreen Charter School

Table 1: School Summary

Name of Charter School	Evergreen Charter School
Board Chair	Gil Bernardino
District of Location	Hempstead UFSD
Opening Month/Year	Fall 2009
Current Charter Term	July 1, 2017 - June 30, 2022
Comprehensive Management Service Provider	None
Facilities	<ul style="list-style-type: none"> • Elementary School - 605 Peninsula Blvd. Hempstead, NY Hempstead Union Free School District (Private Space) • Middle School - 35 Fulton Avenue, Hempstead NY 11550 (Private Space)
Maximum Approved Grade Levels/ Number of Students	K – Grade 8/ 600 students
Mission	<i>“The mission of the Evergreen Charter School (ECS) is to nurture the intellectual, physical and social development of children, through a comprehensive program that promotes academic excellence and prepares its students for success in school and in life.”</i>
Proposed Revisions	Increase enrollment from 600 to 750 starting with the 2019-2020 school year.

In January 2009, the Board of Regents approved and chartered the Evergreen Charter School (or the “School”) in the Hempstead Union Free School District. The School’s educational program focuses on the intellectual and social emotional development of each student through an integrated dual language model (Spanish and English).

Due to strong academic outcomes and high demand for the school from the community, the school’s trustees request that the Board of Regents approve a material revision to the school’s charter to allow the school an increase in enrollment from 600 to 750 students at the School’s private space facility. The School currently has a waiting list for enrollment in every grade.

**Table 2: Evergreen Charter School Approved Enrollment
For the Current Charter Term**

	Year 1 2017-2018	Year 2 2018-2019	Year 3 2019-2020	Year 4 2020-2021	Year 5 2021-2022
Grade Configuration	K- Grade 7	K- Grade 8	K- Grade 8	K- Grade 8	K- Grade 8
Total Approved Enrollment	450	525	550	575	600

**Table 3: Evergreen Charter School Proposed Enrollment
For the Current Charter Term**

	Year 3 2019-2020	Year 4 2020-2021	Year 5 2021-2022
Grade Configuration	K- Grade 8	K- Grade 8	K- Grade 8
Total Approved Enrollment	600	675	750

Table 4: Evergreen Charter School Academic Achievement

	ELA					Math				
	Evergreen CS	Hempstead UFSD	Variance to District	NYS	Variance to NYS	Evergreen CS	Hempstead UFSD	Variance to District	NYS	Variance to NYS
2014-2015	31%	9%	+22	31%	0	43%	15%	+28	43%	0
2015-2016	46%	14%	+32	39%	+7	54%	19%	+35	43%	+11
2016-2017	44%	19%	+25	38%	+6	55%	22%	+33	44%	+11
2017-2018	41%	25%	+16	45%	-4	51%	24%	+27	46%	+5

NOTE:

(1) Data in the table above represents all tested students who scored proficiently (level 3 or above) on each state assessment.

Table 5: Evergreen Charter School Demographics Compared to District of Location

	2016-2017			2017-2018		
	Evergreen Charter School	Hempstead UFSD	Variance	Evergreen Charter School	Hempstead UFSD	Variance
Students with Disabilities	6%	9%	-3	7%	9%	-2
ELL/MLL	37%	42%	-5	41%	44%	-3
Economically Disadvantaged	84%	77%	+7	99%	91%	+8

Summary of Public Comment

The required public hearing was held by the Hempstead Union Free School District on February 13, 2019. Approximately 250 people were in attendance, and 16 people spoke at the hearing. Thirteen people spoke in favor of the proposed revision and three people spoke in opposition.

Neighborhood Charter School of Harlem

Table 1: School Summary

Name of Charter School	Neighborhood Charter School of Harlem
Board Chair	Patricia J. Soussloff
District of Location	NYC CSD 5 (Manhattan)
Opening Month/Year	Fall 2012
Current Charter Term	July 1, 2017 - June 30, 2022
Comprehensive Management Service Provider	None
Facilities	<ul style="list-style-type: none"> • NCSH Central Harlem (Grades 4-7), 132 West 124th Street - CSD 5 (Private Space) • NCSH Northwest Annex (Grade 3), 500 West 138th Street – CSD 6 • NCSH Northwest (Kindergarten – Grade 2), 421 West 145th Street - CSD 6 (Private Space)
Maximum Approved Grade Levels/ Number of Students	K – Grade 8/ 630 students
Mission	<i>“To provide the children of Harlem with new educational opportunities through a rigorous comprehensive K-8 program that cultivates the intellectual, social and emotional development of each child. Our students, who include children with high-functioning Autism Spectrum Disorders, will become independent learners and critical thinkers, will acquire the academic skills that they need to succeed in college-preparatory high schools and will exhibit the social and emotional skills that will allow them to reach their full potential.”</i>
Proposed Revisions	Increase in enrollment from 630 to 680 students starting with the 2019-2020 school year in the school’s private space facility

In September 2011, the Board of Regents approved and chartered the Neighborhood Charter School of Harlem (“NCSH” or the “school”) in New York City CSD 5. The school’s educational program focuses on the intellectual and social emotional development of each student through an integrated co-teaching model that includes children with Autism Spectrum Disorders (ASD).

Due to strong academic outcomes and high demand for the school from the community, the school’s trustees request that the Board of Regents approve a material revision to the school’s charter to allow the school an increase in enrollment from 630 to 680 students at the school’s new private space facility. This revision would allow the school to open another section of kindergarten and backfill in the upper. In 2017, the school received a total of 1,730 applications for a total of 105 available seats, including 128 applications for thirteen seats in the ASD program. The school currently has a waiting list for enrollment in every grade.

**Table 2: Neighborhood Charter School of Harlem Approved Enrollment
For the Current Charter Term**

	Year 1 2017-2018	Year 2 2018-2019	Year 3 2019-2020	Year 4 2020-2021	Year 5 2021-2022
Grade Configuration	K- Grade 6	K- Grade 7	K- Grade 8	K- Grade 8	K- Grade 8
Total Approved Enrollment	439	504	580	600	630

**Table 3: Neighborhood Charter School of Harlem Proposed Enrollment
For the Current Charter Term**

	Year 3 2019-2020	Year 4 2020-2021	Year 5 2021-2022
Grade Configuration	K- Grade 8	K- Grade 8	K- Grade 8
Total Approved Enrollment	680	680	680

Table 4: Neighborhood Charter School of Harlem Academic Achievement

	ELA					Math				
	Neighborhood CS of Harlem	NYC CSD 5	Variance to District	NYS	Variance to NYS	Neighborhood CS of Harlem	NYC CSD 5	Variance to District	NYS	Variance to NYS
2014-2015	53%	16%	+37	31%	+22	79%	20%	+59	42%	+37
2015-2016	70%	21%	+49	41%	+29	75%	20%	+55	44%	+31
2016-2017	61%	23%	+38	40%	+21	72%	21%	+51	45%	+27
2017-2018	65%	29%	+36	46%	+19	72%	25%	+47	48%	+25

NOTE:

(1) Data in the table above represents all tested students who scored proficiently (level 3 or above) on each state assessment

Table 5: Neighborhood Charter School Harlem Demographics Compared to District of Location

	2016-2017			2017-2018		
	Neighborhood Charter School of Harlem	NYC CSD 5	Variance	Neighborhood Charter School of Harlem	NYC CSD 5	Variance
Students with Disabilities	34%	28%	+6	34%	30%	+4
ELL/MLL	8%	14%	-6	8%	15%	-7
Economically Disadvantaged	79%	91%	-12	83%	90%	-7

Summary of Public Comment

The required public hearing was held by the New York City Department of Education on March 5, 2019. Two people attended, and one spoke. One was in favor of the enrollment revision and none were opposed.

New Visions Charter High School for Advanced Math and Science IV

Table 1: School Summary

Name of Charter School	New Visions Charter High School for Advanced Math and Science IV
Board Chair	Lior Evan
District of Location	NYC CSD 27
Opening Month/Year	Fall 2015
Current Charter Term	September 9, 2015 – June 30, 2020
Comprehensive Management Service Provider	New Visions for Public Schools
Facilities	156-10 Baisley Boulevard, Jamaica, NY 11434 (Co-located Space)
Maximum Approved Grade Levels/ Number of Students	Grades 9-12 / 600 students
Mission	<i>AMS IV is part of the New Visions charter school network. New Visions charter schools provide all students, regardless of their previous academic history, the highest quality education in an atmosphere of respect, responsibility, and rigor. New Visions schools ensure that graduates have the skills and content knowledge necessary to succeed in post-secondary choices by engaging students, teachers, and administrators in learning experiences that allow risk-taking, embrace multiple attempts at learning, cultivate students' imaginative and creative abilities, and celebrate achievement. Through an intensive study of math and science concepts, students learn how to generate research questions, develop the skills necessary to answer those questions, create products that demonstrate understanding, and defend their knowledge publicly.</i>
Proposed Revision	A reduction in the school's maximum authorized enrollment from 600 to 566 students

In November 2012, the Board of Regents approved and chartered the New Visions Charter High School for Advanced Math and Science IV (“AMS IV” or the “school”). Originally approved to open in Brooklyn, the school requested a revision to change the proposed location to NYC CSD 27. This revision was approved by the Board of Regents in April 2015, prior to the school’s opening. AMS IV’s educational program focuses on empowering students by challenging them to develop their skills in imaginative and critical thinking within the context of a community of learners who are encouraged to take risks and engage in questioning. The school promotes college and career readiness through a challenge-based curriculum, with a focus on math and science, as well as the use of academic data to monitor and advance student achievement.

The school’s trustees request that the Board of Regents approve a material revision to the school’s charter to allow the school to decrease its maximum authorized enrollment from 566 to 600 students.

Table 2: AMS IV Approved Projected Enrollment for the Current Charter Term

	Year 1 2015-2016	Year 2 2016-2017	Year 3 2017-2018	Year 4 2018-2019	Year 5 2019-2020
Grade Configuration	Grade 9	Grades 9-10	Grades 9-11	Grades 9-12	Grades 9-12
Total Approved Enrollment	125	249	397	542	600

Table 3: AMS IV Proposed Projected Enrollment for the Current Charter Term

	Year 1 2015-2016	Year 2 2016-2017	Year 3 2017-2018	Year 4 2018-2019	Year 5 2019-2020
Grade Configuration	Grade 9	Grades 9-10	Grades 9-11	Grades 9-12	Grades 9-12
Total Approved Enrollment	125	249	397	542	566

High School Outcomes

Since it is currently in the 4th year of its initial charter term, AMS IV has not yet had a graduating class. Therefore, total 4-year Regents outcomes and 4-year graduation rates cannot be provided.

Table 6: AMS IV Demographics Compared to District of Location

	2016-2017			2017-2018		
	New Visions CHS MA/SCI IV	NYC CSD 27	Variance	New Visions CHS MA/SCI IV	NYC CSD 27	Variance
Students with Disabilities	22%	20%	+2	19%	18%	+1
ELL/MLL	5%	15%	-10	6%	17%	-11
Economically Disadvantaged	78%	75%	+3	77%	75%	+2

Summary of Public Comment

The required public hearing was held by the New York City Department of Education on February 13, 2019. Four people attended, and none spoke.

New Visions Charter High School for the Humanities IV

Table 1: School Summary

Name of Charter School	New Visions Charter High School for the Humanities IV
Board Chair	Lior Evan
District of Location	NYC CSD 27
Opening Month/Year	Fall 2017
Current Charter Term	September 7, 2017 – June 30, 2022
Comprehensive Management Service Provider	New Visions for Public Schools
Facilities	100-00 Beach Channel Drive, Far Rockaway, NY 11694 (Co-located Space)
Maximum Approved Grade Levels/ Number of Students	Grades 9-12/ 600 students
Mission	<i>HUM IV is part of the New Visions charter school network. New Visions charter schools provide all students, regardless of their previous academic history, the highest quality education in an atmosphere of respect, responsibility, and rigor. New Visions schools ensure that graduates have the skills and content knowledge necessary to succeed in post-secondary choices by engaging students, teachers, and administrators in learning experiences that allow risk-taking, embrace multiple attempts at learning, cultivate students’ imaginative and creative abilities, and celebrate achievement. Through an intensive study of English, history and art concepts, students learn how to generate research questions, develop the skills necessary to answer those questions, create products that demonstrate understanding, and defend their knowledge publicly.</i>
Proposed Revisions	A reduction in the school’s maximum authorized enrollment from 600 to 566 students

In November 2012, the Board of Regents approved and chartered the New Visions Charter High School for the Humanities IV (“HUM IV” or the “school”). Originally approved to open in Brooklyn, the school requested a revision to change the proposed location to NYC CSD 27. This revision was approved by the Board of Regents in April 2015, prior to the school’s opening. HUM IV’s educational program focuses on the arts and humanities. This focus is used to enhance students’ academic studies as well as their social-emotional wellbeing. The school’s curriculum emphasizes student collaboration, creative thinking, and deep understanding and encourages students to take initiative in developing ways to improve their community and beyond.

The school’s trustees request that the Board of Regents approve a material revision to the school’s charter to allow the school to decrease its maximum authorized enrollment from 566 to 600 students.

Table 2: HUM IV Approved Projected Enrollment for the Current Charter Term

	Year 1 2017-2018	Year 2 2018-2019	Year 3 2019-2020	Year 4 2020-2021	Year 5 2021-2022
Grade Configuration	Grade 9	Grades 9-10	Grades 9-11	Grades 9-12	Grades 9-12
Total Approved Enrollment	125	249	397	542	600

Table 3: HUM IV Proposed Projected Enrollment for the Current Charter Term

	Year 1 2017-2018	Year 2 2018-2019	Year 3 2019-2020	Year 4 2020-2021	Year 5 2021-2022
Grade Configuration	Grade 9	Grades 9-10	Grades 9-11	Grades 9-12	Grades 9-12
Total Approved Enrollment	125	249	397	542	566

High School Outcomes

Since it is currently in the 2nd year of its initial charter term, HUM IV has not yet had a graduating class. Therefore, total 4-year Regents outcomes and 4-year graduation rates cannot be provided.

Table 6: HUM IV Demographics Compared to District of Location

	2017-2018		
	New Visions CHS- Humanities IV	NYC CSD 27	Variance
Students with Disabilities	26%	21%	+5
ELL/MLL	7%	16%	-9
Economically Disadvantaged	80%	76%	+4

Summary of Public Comment

The required public hearing was held by the New York City Department of Education on February 14, 2019. Two people attended, and one spoke in favor of the revision. None were opposed.

Unity Preparatory Charter School of Brooklyn

Table 1: School Summary

Name of Charter School	Unity Preparatory Charter School of Brooklyn
Board Chair	James Ellsworth
District of Location	NYC CSD 13
Opening Month/Year	Fall 2012
Current Charter Term	July 1, 2018 - June 30, 2023
Comprehensive Management Service Provider	None
Facilities	<ul style="list-style-type: none"> • Unity Preparatory Charter School of Brooklyn (Grades 6-8), 432 Monroe Street Brooklyn, NY 11221 (Public Space) • Unity Preparatory Charter School of Brooklyn (Grades 9-12)– 584 Driggs Avenue, Brooklyn, NY 11211 (Private Space)
Maximum Approved Grade Levels/ Number of Students	Grades 6 - 12/ 784 students
Mission	<i>“Unity Prep’s mission is to empower students as scholars and citizens so they may lead fulfilling academic, personal, and professional lives.”</i>
Proposed Revisions	Reduction in enrollment from 784 to 655 starting in the 2019-2020 school year.

In November 2012, the Board of Regents approved and chartered the Unity Preparatory Charter School of Brooklyn (or the “School”) in NYC CSD 13. The School’s educational program focuses on a rigorous academic program in the Liberal Arts and Sciences and an enriching and engaging co-curricular program.

Due to space limitations in the School’s private space facility, the School’s trustees request that the Board of Regents approve a material revision to the School’s charter to allow the school a reduction in enrollment from 784 to 655 students.

Table 2: Unity Preparatory Charter School of Brooklyn Approved Enrollment For the Current Charter Term

	Year 1 2018-2019	Year 2 2019-2020	Year 3 2020-2021	Year 4 2021-2022	Year 5 2022-2023
Grade Configuration	Grades 6 - 11	Grades 6 - 12			
Total Approved Enrollment	784	784	784	784	784

**Table 3: Unity Preparatory Charter School of Brooklyn Proposed Enrollment
For the Current Charter Term**

	Year 2 2019-2020	Year 3 2020-2021	Year 4 2021-2022	Year 5 2022-2023
Grade Configuration	Grades 6 - 12			
Total Approved Enrollment	655	655	655	655

Table 4: Unity Preparatory Charter School of Brooklyn Academic Achievement

	ELA					Math				
	Unity Preparatory CS of Brooklyn	NYC CSD 13	Variance to District	NYS	Variance to NYS	Unity Preparatory CS of Brooklyn	NYC CSD 13	Variance to District	NYS	Variance to NYS
2014-2015	12%	17%	-5	30%	-18	17%	16%	+1	37%	-20
2015-2016	21%	27%	-6	37%	-16	14%	16%	-2	34%	-20
2016-2017	31%	31%	0	40%	-9	21%	18%	+3	34%	-13
2017-2018	35%	40%	-5	46%	-11	20%	26%	-6	40%	-20

Table 5: Unity Preparatory Charter School of Brooklyn Demographics Compared to District of Location

	2016-2017			2017-2018		
	Unity Preparatory Charter School of Brooklyn	NYC CSD 13	Variance	Unity Preparatory Charter School of Brooklyn	NYC CSD 13	Variance
Students with Disabilities	22%	18%	+4	25%	16%	+9
ELL/MLL	5%	6%	-1	7%	8%	-1
Economically Disadvantaged	83%	71%	+12	80%	73%	+7

Summary of Public Comment

The required public hearing was held by New York Department of Education in District 13 on March 11, 2019. Three people were in attendance, and no one spoke at the hearing.