



Public Comment Analysis

Date: January 17, 2012

Topic: Proposed Co-location of Community Roots Charter School's (84K536) Middle School Grades (6-8) with Existing School P.S. 287 Bailey K. Ashford (13K287) in Building K287 Beginning in 2012-2013.

Date of Panel Vote: January 18, 2012

Summary of Proposal

Community Roots Charter School (84K536, "Community Roots") is an existing public charter school that currently serves 300 students in kindergarten through fifth grade in Building K067 ("K067") located at 51 St. Edwards Street in Community School District 13. Community Roots is currently co-located in K067 with P.S. 067 Charles A. Dorsey (13K067, "P.S. 067"), an existing DOE zoned elementary school serving students in kindergarten through fifth grade and offering a pre-kindergarten program, and a District 75 school (75K369, "P369K@P067K") that serves students in kindergarten through fifth grade.

In December 2010, Community Roots' charter authorizer, the DOE, approved Community Roots' application to expand to serve middle school grade levels. That expansion approval is valid for five calendar years. On March 2, 2011, the DOE published an Educational Impact Statement ("EIS") proposing to allow Community Roots to expand to serve additional middle school grades in K067. The DOE withdrew that proposal on April 19, 2011 after Community Roots decided not to expand during the 2011-2012 school year. While Community Roots has elected to move forward with their grade expansion, based on P.S. 67, P369K@P067K, and Community Roots' instructional needs, the DOE has determined that, at this time, K067 does not have capacity to accommodate the proposed grade expansion of Community Roots. Therefore, the DOE is proposing to co-locate Community Roots' middle school grades, grades 6-8, in K287 with P.S. 287 Bailey K. Ashford (13K287, "P.S. 287"), an existing DOE zoned elementary school serving students in kindergarten through fifth grade and offering a pre-kindergarten program. Community Roots would continue to serve its kindergarten through fifth grade students at K067. A "co-location" means that two or more school organizations are located in the same building and may share common spaces like auditoriums, gymnasiums, and cafeterias.

Besides P.S. 287, K287 also currently houses Khalil Gibran International Academy (13K592, "KGIA"), an existing DOE school serving students in seventh and eighth grade. During the 2010-2011 school year, the Panel for Educational Policy ("PEP") approved a proposal to re-site KGIA at the end of the 2011-2012 school year to another building. Thus, if this proposal is approved, Community Roots' middle school grade levels would occupy the space that will be

vacated when KGIA moves out of the building. The proposed co-location of Community Roots' middle school grades with P.S. 287 in K287 is not expected to impact current or future student enrollment or instructional programming at P.S. 287.

The grade expansion proposal was made with the support of many of the school's parents and members of the broader community surrounding the school. This suggests a high level of satisfaction with the school and parent confidence that an expanded Community Roots would continue to provide a supportive environment and suit the needs of future middle school students.

The grade expansion application submitted by Community Roots demonstrated its ability to address the individual needs of students and to ensure that all students meet their potential and are held to high academic and behavioral expectations. If this proposal is approved, K287 would serve as Community Roots' permanent site for its middle school grades and would offer an additional K-8 school option for families in District 13.

While the DOE acknowledges that there are notable differences between an elementary school and a middle school, the DOE is confident that Community Roots is well-positioned for the proposed grade expansion based on the school's strong culture and leadership, performance history, and solid connections to the community.

The details of this proposal have been released in an EIS which can be accessed here:

http://schools.nyc.gov/NR/rdoonlyres/OC81002D-BB46-4BAC-8F89-3414B5B08399/115427/14K404YWA_EIS_FINAL1.pdf

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at K287 on January 11, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 375 members of the public attended the hearing and 49 people spoke. Present at the meeting were: Principal of P.S. 287, Michelle Rawlins; P.S. 287 School Leadership Team ("SLT") representative Eduardo Rivera; Community Roots Principal, Allison Kiel; Community Roots Representative, Todd Sutler; District 13 Community Education Council ("CEC") President, Ben Green; and the Chancellor's Designee, District 13 Community Superintendent Barbara Freeman.

The following comments and remarks were made at the joint public hearing:

1. New York City Council Member Letitia James stated the following:
 - a) She expressed support for the proposed co-location of Community Roots' middle school grades in K287 stating that the building had the capacity to house the two school organizations.
 - b) She also cited her support for an eventual grade expansion of P.S. 287.

2. Lincoln Restler, State Committee Person¹ of the 50th Assembly District, expressed his support for the expansion of Community Roots and the proposed co-location of Community Roots' middle school grades in K287.
3. The CEC 13 President stated the following:
 - a) He expressed support for the proposed co-location of Community Roots' middle school grades in K287.
 - b) He further expressed his support for P.S. 287, citing a desire to see the school expand in the future.
4. P.S. 287 SLT member Edgardo Rivera expressed opposition to the proposed co-location.
 - a) The commenter cited P.S. 287's performance improvements, stating that he does not understand why a charter school with worse performance was approved to expand, while P.S. 287's grade expansion applications have been repeatedly denied. He cited hypocrisy on the DOE's part, as the DOE denied P.S. 287's expansion request on the grounds of demand, yet the DOE controls the school's enrollment. Additionally, P.S. 287's zone encompasses the nearby park, housing developments, and the newly built high rise buildings in downtown Brooklyn and stated that the parents in the high rises are opting to not send students in P.S. 287.
 - b) P.S. 287 SLT representative also stated that charter schools are using school amenities and not paying for them.
5. Community Roots representative Todd Sutler spoke in favor of the proposed co-location of Community Roots' grades six through eight with P.S. 287 in K287.
6. A CEC representative expressed opposition to the proposal stating that the DOE needs to collaborate with P.S. 287 to ensure that they can expand to become a kindergarten through eighth grade program. Additionally, the CEC representative raised the issue of middle school options for the District as a whole asking how the expansion of Community Roots provides greater options for children in District 13?
7. Multiple commenters expressed support for the proposal.
8. One commenter stated that the lottery admissions process of charter schools is limited. The commenter further asked where students who do not get accepted to charter schools for middle school will have the opportunity to attend middle school and whether P.S. 287 students would be offered a seat at Community Roots.
9. Multiple commenters spoke in support of P.S. 287's proposed grade expansion and the school in general, stating that the school is great, and it offers supports, academic opportunities, and a safe environment to students.
10. One commenter expressed concerns about a lack of equity in shared space between P.S. 287 and Community Roots, and between district public schools and public charter schools that are co-located in the same building in general.
11. Two commenters cited the concentration of Community Roots supporters in the beginning portion of the public sign in sheet.

¹ This position also often goes by the title of District Leader. A State Committeeperson is an unpaid, volunteer, elected official who serves on the Executive Committee of a County political Party for a two-year term

Summary of Issues Raised in Written and/or Oral Comments Submitted to the DOE

The DOE received 14 written comments by e-mail and 1 comment by telephone. Those comments are also included below.

12. One commenter expressed that he/she had questions surrounding the proposed co-location of Community Roots' middle school grades with P.S. 287 in K287.
13. One commenter flagged that the DOE communicated an incorrect date on which the Panel on Educational Policy ("PEP") would vote on this proposal during the public hearing held on January 11, 2012.
14. Multiple commenters expressed their support for the 2012-2013 grade expansion application submitted by P.S. 287. The commenters expressed positive experiences with P.S. 287 and felt that the school deserved the opportunity to expand to serve students in kindergarten through eighth grade.
15. Multiple commenters iterated their lack of support for the proposed co-location of Community Roots' middle school grades in K287.
16. Two commenters stated their opposition to charter schools not paying for the DOE buildings in which they are sited and questioned how charter schools are funded.
17. Council Member James wrote a letter to express his support of the proposal because Community Roots is a highly demanded school and stated that there is sufficient room in K287 for both P.S. 287 and Community Roots.
18. Brooklyn Borough President Marty Markowitz wrote a letter to express his support of the proposal because Community Roots is a highly demanded school.
19. One commenter opposed the proposal and stated that Community Roots is a failing school.

Analysis of Issues Raised, Significant Alternatives Proposed and Changes Made to the Proposal

- Comments 1(a), 2, 3(a), 5, 7, 12, 17, and 18 either express support or neutrality for the proposal and therefore do not require a response.
- Comments 1(b), 3(b), 4(a), 6, 9, and 14 relate to P.S. 287's grade expansion request.

Over the past several years, P.S. 287 has submitted several applications to expand to serve students in kindergarten through eighth grade. Each of these applications has been denied by the Office of New Schools on the basis of low enrollment demand. Currently, only 8%, or 15 of the 199 students currently enrolled at P.S. 287, are zoned to P.S. 287. Additionally, P.S. 287's overall enrollment has declined by 10% since the 2006-2007 school year. At this time, the DOE does not believe that the expansion of P.S. 287 is the best use of resources for middle school seats in District 13, and will continue to support the school in serving its kindergarten through fifth grade population.

In addition, although P.S. 287's performance was not the deciding factor in denying the expansion application, P.S. 287's performance is lacking in certain areas. The DOE notes that P.S. 287 has made notable performance gains and received a B on its most recent

Progress Report. However, based on the 2011-2012 Progress Report, only 25% of P.S. 287's student population was proficient in English Language Arts, placing the school in the bottom 6% of all elementary schools citywide. Additionally, only 37% of P.S. 287's student population was proficient in Math, placing the school in the bottom 10% of all elementary schools citywide.

- Comments 4(b) and 16 asserted that charter schools should have to pay rent when they are co-located in DOE buildings and questioned how charter schools are funded.

The DOE seeks to provide space for high quality educational options for all students, regardless of whether they are served in charter or non-charter public schools. The DOE notes that while public charter schools often lease or provide their own space, the DOE is committed to continuing to provide space to high quality or high potential operators when available.

Charter schools receive public funding pursuant to a formula created by the state legislature, and overseen by the New York State Education Department. The DOE does not control this formula, and the funding formula for charter schools is not affected by the approval or rejection of this proposal. Charter management organizations, just like any other school citywide, may also choose to raise additional funds to purchase various resources they feel would benefit their students (e.g., Smartboards, fieldtrips, etc). Pursuant to Chancellor's Regulation A-190, the Chancellor or his/her designee must first authorize in writing any proposed capital improvement or facility upgrade in excess of five thousand dollars, regardless of the source of funding, made to accommodate the co-location of a charter school within a public school building. For any such improvements or upgrades that have been approved by the Chancellor, capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter school within the public school building.

- Comments 6 and 8 relate to Community Roots' admission process, whether P.S. 287 rising fifth grade students would be offered seats in Community Roots' sixth grade, and District 13 middle school options.

Should this proposal be approved, students and residents of District 13, including P.S. 287's rising fifth grade students, will continue to have the opportunity to participate in the charter admissions lottery for all available seats across all grade levels at Community Roots. While the primary entry point is in kindergarten, the school may admit students in other grades from the school's waitlist if seats become available. Current fifth grade students at Community Roots who meet promotional requirements will be given first preference to attend sixth grade at Community Roots in K287. Community Roots exercises the following preferences in its charter lottery application process for kindergarten: first priority is given to siblings of currently attending students then to all other students who reside in District 13. Once the available spaces are filled by students according to the above preferences, the remaining applicants are placed on a waitlist, in all grades. Students with siblings enrolled in the school receive preference over waitlist candidates who do not have a sibling currently enrolled.

District 13 has adopted middle school choice. In District 13, there are 16 middle schools that offer admission to District 13 students. Any fifth grade student who meets promotional standards would apply to middle school through the District 13 Middle School Choice process. Through the District 13 Middle School Choice process, students are offered the opportunity to apply to a range of middle schools within their district, and/or schools with borough-wide or Citywide eligibility. Students may also choose to apply to a number of schools that manage their own admission process. Information about all of these options is printed in each district's Middle School Choice Directory which can be found at:

<http://schools.nyc.gov/ChoicesEnrollment/Middle/Publications/Brooklyn>. Please note that this directory is updated yearly. Options include:

- choice middle schools with a screened application process (entrance is based on criteria designated by the school);
 - choice middle schools with an unscreened or limited-unscreened application processes (Note: limited-unscreened schools admit students on the same basis as unscreened schools except that they give preference to students who have attended a school information session).
- Comment 10 relates to the shared spaces between P.S. 287 and Community Roots.

As described in the Building Utilization Plan attached to the EIS, the DOE allocates space to co-located schools based upon the Citywide Instructional Footprint ("Footprint"). P.S. 287's current space allocation will not be affected as a result of this proposal. While the Footprint sets forth a baseline space allocation, school leaders are empowered to make decisions about how to utilize the space allocated to the school. Each principal, therefore, must make decisions about how and where students will be served within the space allocated to the school. The DOE, however, will provide support to the schools to ensure that the schools use the space efficiently in order to maximize capacity to support student needs and maintain appropriate delivery of special education and related services to students. Where appropriate, school leaders will have an opportunity to draw upon the expertise and guidance of the Office of Special Education, which is dedicated to promoting positive educational outcomes for students with disabilities.

The proposed Shared Space Plan included in the Building Utilization Plan is based on the projected enrollments for P.S. 287 and Community Roots, current space allocation plans, current lunch schedules for the existing schools in the building as described on the DOE School Food Web site, the total capacity of each shared space, the grades served by each of the co-located schools, and the start of the school day based on the Office of Pupil Transportation's bus schedule for a regular school day. Where possible, the proposed schedule maintains schools' current allocation of time for each shared space and re-distributes remaining time for additional organizations. To the extent feasible, shared spaces are allocated in a manner that allows schools that have already been using the space this year to continue using it on a similar schedule next year, based on the 2011 Campus Audit Template submitted by the Building Council. Because Community Roots

would be co-located in the building for the first time if this proposal is approved, it may be necessary to shorten or change some of the current times that have been allocated to each of the co-located schools in the shared spaces this year so that all students in the building can be accommodated in the following school year. Thus, the DOE believes that the proposed Shared Space Plan is feasible and that each school is being treated equitably and comparably in its ability to use all the shared spaces in the building.

Furthermore, the Building Council is free to deviate from the proposed Shared Space Plan to accommodate specific programmatic needs of all groups within each school as is feasible and equitable, provided that the Building Council comes to an agreement on the final shared space plan collaboratively. This agreement could result in P.S. 287's changing its use of the shared space once Community Roots is co-located in the building.

- Comment 11 relates to the process by which the public can sign up to speak during joint public hearings and the fact that many of the initial commenters expressed support for the proposal.

As set forth in the notice publicizing the joint public hearing, the sign up period for those attendees who wished to make a public comment opened thirty minutes prior to the start of the hearing and closed fifteen minutes after hearing began. Members of the public are permitted to sign-up to speak on a first come, first serve basis. At the joint public hearing regarding this proposal, people were permitted to comment in the order that they signed up on the sign-in sheet.

- Comment 13 relates to the date that the PEP will vote on this proposal.

The PEP will vote on the proposed co-location of Community Roots' middle school grades with P.S. 287 in K287, along with other proposals, on January 18, 2012. The PEP meeting will be held at Brooklyn Technical High School, which is located at 29 Fort Greene Place, Brooklyn, NY, 11217 at 6:00pm.

- Comment 15 expressed general opposition to the proposal.

While the DOE acknowledges that some members of the public may not support the proposed co-location of Community Roots' middle school grades in K287, the grade expansion application submitted by Community Roots demonstrated its ability to address the individual needs of students and to ensure that all students meet their potential and are held to high academic and behavioral expectations. Community Roots' grade expansion proposal was made with the support of many of the school's parents and members of the broader community surrounding the school. This suggests a high level of satisfaction with the school and parent confidence that an expanded Community Roots would continue to provide a supportive environment and suit the needs of future middle school students. The DOE has determined that, at this time, the building currently housing Community Roots does not have the capacity to accommodate the proposed grade expansion. Therefore, the DOE has proposed to co-locate Community Roots' middle school grades in K287. K287 has the capacity to serve 571 students, but in 2011-2012, it

serves only 295 students, yielding a utilization rate of 52%.² This means that the building is “underutilized” and has space to accommodate additional students. Therefore, the DOE feels confident that there is sufficient space in K287 to accommodate the proposed co-location.

- Comment 19 stated that Community Roots is a failing school. Contrary to the commenter’s claim, Community Roots is not a failing school. As stated in the EIS, the DOE acknowledges that Community Roots received an F grade on its first Progress Report grade in 2009-2010. However, the school improved and received a C grade on its 2010-2011 overall Progress Report. Additionally:
 - In 2010-2011, 67% of students were on grade level in English Language Arts (“ELA”), up from 59% in 2009-2010. The 2010-2011 ELA proficiency scores place Community Roots in the top 18% of schools citywide and in the top 19% of schools district-wide.
 - In 2010-2011, 71% of students were on grade level in Math, which places Community Roots in the top 33% of schools citywide.
 - In 2010-2011, 100% of parent respondents on the Learning Environment Survey reported that they are “satisfied” or “very satisfied” with the school.
 - Community Roots is a highly demanded school in the community, as demonstrated by the fact that the school has a significant waitlist and low student attrition. In 2011-2012, 410 students applied for 50 open seats in Kindergarten. Currently, 700 students remain on the waitlist.
 - The student attrition rate for Community Roots was 2.67% in 2010-2011. In that year, 8 out of 300 students enrolled at Community Roots left the school.

While the DOE acknowledges that there are notable differences between an elementary school and a middle school, the DOE is confident that Community Roots is well-positioned for the proposed grade expansion based on the school’s strong culture and leadership, performance history, and solid connections to the community.

Changes Made to the Proposal

No changes have been made to this proposal.

² The utilization rate reported here may differ from that published in the 2010-2011 Blue Book because the building enrollment figures referenced throughout this document and used in the calculation of utilization rates are based on the unaudited enrollment as of October 31, 2011. This methodology is consistent with the manner in which the DOE conducts planning and calculates space allocations and funding for all schools. In determining the space allocation for co-located schools, the Office of Space Planning will conduct a detailed site survey and space analysis of the building to assess the amount of space available in the building.