



Public Comment Analysis

Date: February 28, 2011

Topic: The Proposed Extension and Expansion of the Co-location of Bronx Success Academy 2 (84X494) with P.S. 146 Edward Collins (08X146) in Building X146 for the 2011-2012 School Year

Date of Panel Vote: March 1, 2011

Summary of Proposal

Bronx Success Academy 2 Charter School (84X494, “BSA 2”) is an existing elementary charter school located at 968 Cauldwell Avenue, Bronx, NY 10456 in Community School District 8, in building X146 (“X146”). BSA 2 currently serves students in kindergarten through first grade. This is a proposal to extend the duration and expand the scope of the “co-location” of BSA 2 by adding second grade in X146, where it is currently sited with P.S. 146 Edward Collins (08X146, “P.S. 146”), an existing zoned elementary school, for the 2011-2012 school year. P.S. 146 currently serves students in kindergarten through fifth grade and offers a pre-kindergarten program. 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.

The Panel for Educational Policy (“PEP”) approved the proposal to temporarily co-locate BSA 2’s kindergarten and first grade with P.S. 146 on February 24, 2010, and BSA 2 opened in X146 in August 2010. Under the original proposal approved by the PEP, BSA 2 was expected to be co-located with P.S. 146 for the 2010-2011 school year only. After diligent efforts, the Department of Education (“DOE”) was not able to identify a permanent location for BSA 2. Therefore, the DOE proposes that BSA 2 remain in X146 for one additional year as it continues to phase in and adds second grade, and as the DOE continues to search for an alternative site. This would mean that BSA 2 would continue to be co-located with P.S. 146 and would serve kindergarten through second grade in the 2011-2012 school year.

BSA 2 is chartered to serve grades kindergarten through five. The DOE recognizes there is not sufficient space in X146 for BSA 2 to grow to full scale based on its chartered enrollment plan. The DOE will consider all long-term options to accommodate the anticipated growth of BSA 2, including re-siting BSA 2, requesting that BSA 2 revise its enrollment plan, and/or siting certain of BSA 2’s grades in X146 permanently and siting other grades in a different location. Any proposal to extend or make permanent the co-location of BSA 2 with P.S. 146 for all or some of BSA 2’s grades would be the subject of a subsequent EIS.

The details of this proposal have been released in an Educational Impact Statement (“EIS”) and Building Utilization Plan (“BUP”) which can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/Mar12011Proposals.htm>. Hard copies of the EIS and BUP are also available in the main offices of BSA 2 and P.S. 146.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at X146 on February 15, 2011. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 80 members of the public attended the hearing and 19 people spoke. Present at the meeting were: District 8 Community Superintendent Timothy Behr; District 8 Community Education Council (“CEC 8”) representatives Otis S. Thomas and Laurine Berry; P.S. 146 School Leadership Team (“SLT”) representatives Geraldine Hilson and Raizza Almeyda; and BSA 2 SLT and Success Charter Network representative Nicole Foster.

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

1. P.S. 146 SLT representative Geraldine Hilson expressed her opposition to the proposal for the following reasons:
 - a. P.S. 146 was in the building first and is committed to serving children of the community, whereas the charter school came in last year and does not serve students with disabilities.
 - b. Creative approaches to education are fine, but they should not come at the cost of displacing public school students. The existence of the Success Charter Network is a political move by the mayor.
 - c. BSA 2 is not considerate towards P.S. 146. Teachers cannot get into the school building in the morning because of BSA 2. BSA 2 students also make noise in the hallway.
 - d. P.S. 146 is being forced to increase its class size, to crowd students into classrooms, and to cut programs like art and music to accommodate the core curriculum.
 - e. The proposal would force kindergarteners and Pre-K students to be in classrooms without toileting facilities, and there is not staff to walk them to the bathroom.
 - f. Since BSA 2 came into the building, P.S. 146’s Progress Report rating has gone down from an “A” grade.
2. P.S. 146 SLT representative Raizza Almeyda stated that the community is tired of having to share space with other schools in the building. She said the co-location is not fair to students or teachers. She pointed out that fourth graders have to eat with second graders. She said the P.S. 146 community does not want BSA 2 children in the building.
3. Multiple commenters said the proposal was unfair to P.S. 146 students because they would lose space in building X146. Specifically, commentators expressed concern that P.S. 146 would lose space for the library, science lab, and/or ESL classrooms.

4. Multiple commentators expressed their support for the proposal because BSA 2 has provided a high-quality education for their children and they want what is best for their children.
5. Multiple commentators stated that there is not sufficient space for BSA 2 to expand. A commenter asked the DOE to give parents a tour of the school to show that there will be enough space for both schools and that it would not negatively impact P.S. 146. Another commentator expressed concern that there would not be space for her incoming pre-kindergarten student to learn successfully if there were 20 students in the class. Another commentator inquired why the DOE would have co-located BSA 2 in the first place if there had not been sufficient space the previous year.
6. Multiple commentators said that both P.S. 146 and BSA 2 deserve enough space for their schools to exist. Commentators also stated that the two schools needed to work together to make the co-location successful.
7. Multiple commentators said that P.S. 146 is already overcrowded, specifically in the fourth and fifth grade classrooms.
8. Multiple commentators stated that they would like BSA 2 to have its own building and that BSA 2 classes are also overcrowded.
9. Multiple commenters expressed concern that programs and “flexible services” needed at P.S. 146 would be cut as a result of the proposal, such as Academic Intervention Services, ESL services, and cluster classes. A commentator also stated that some programs have already been cut as a result of the co-location, such as music and art programs, and that P.S. 146 students have shorter gym hours, as well.
10. Multiple commenters stated that charter schools do not serve the same students as P.S. 146 does, and that they receive more funding than district schools.
11. Multiple commentators expressed their support for P.S. 146, citing the history of the school, the dedication of P.S. 146 teachers and staff, and the success of their students.
12. Multiple commentators stated that the community did not want a charter school in their building or in their community. A commentator asked how the BSA 2 community could move into the building and then complain about how much space they were allocated.
13. Multiple commentators expressed concern that the co-location of a charter school was part of a larger system of privatizing education and dismantling public education. A commentator believed that the proposal was part of a larger plan to take over P.S. 146 and eventually close P.S. 146.
14. Multiple commentators expressed concern about building safety. One commentator stated that no one is moving students from the first floor to the third floor. Another commentator stated that she had seen strangers around students in the building.
15. Multiple commentators stated that the charter school schedule interferes with P.S. 146’s schedule and the larger community. Commentators cited the starting time at P.S. 146, as well as the current scheduling of breakfast and lunch. Another commentator cited days that the charter school is open, but P.S. 146 is not, during which children in the community are unable to play basketball on the schoolyard.
16. A commentator stated that the BSA 2 community is sending a bad message to its students by supporting a proposal that would hurt other students. The commentator stated the proposal makes charter schools seem superior to district schools.

The DOE received a few comments at the Joint Public Hearing that did not directly relate to the proposal and therefore will not be addressed.

- A commentator stated her opposition to the past grade truncation of the sixth grade at P.S.146.
- A commentator inquired why the charter school curriculum was not being implemented at district schools if it was better.
- A commentator voiced his opposition to the current City leadership.
- A commentator stated her opposition to the DOE's policy of closing schools to expand charter schools.

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

The DOE received five oral comments via telephone and no written comments.

17. Multiple commentators stated their opposition to the proposal because it would unfairly take space away from P.S. 146 students.
18. A commentator said it was unfair for one school to have a smaller class size and more space and for the other school to have overcrowded classes.
19. A commentator stated that BSA 2 should go to a different building.
20. A commentator said it felt like BSA 2 was trying to push P.S. 146 out of the building.

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

- Comments 1(a) and 10 contend that BSA 2 does not serve the children in the community, nor does it serve students with disabilities. BSA 2 admits students through a charter school lottery which offers priority for District 8 students. While demographic data is not available for BSA 2 since the school opened in the 2010-2011 school year, the school does serve students with disabilities and ELL students.
- Comment 1(c) complains that BSA 2 students make noise in the hallway and P.S. 146 teachers are unable to enter the building. The DOE acknowledges that space-sharing can be challenging, but the scheduling for both schools is agreed upon by the Building Council at X146. Please refer to the Campus Policy Memo and Procedures (available at <http://schools.nyc.gov/community/campusgov>) for information regarding the resolution of disputes between co-located schools.
- Comments 1(d), 5 and 9 state that P.S. 146 has cut programs like art and music and has increased its class sizes. P.S. 146 collapsed four general education sections of second grade into three sections for the 2010-2011 school year, and the class sizes for P.S. 146 are well within (and will continue to be within) the UFT contractual class size limit, but in some cases are greater than 20 students per class in grades K-3. Moreover, the P.S. 146 principal decided to collapse these sections prior to proposed extension of BSA 2's co-location; therefore, the decreased number of sections at P.S. 146 is unrelated to the proposal. Class sizes at P.S. 146 will remain within the UFT contractual class limits in

2011-2012. P.S. 146 will continue to receive space allocations pursuant to the Citywide Instructional Footprint. As discussed in the BUP, the Footprint allocates schools serving grades K-5 cluster or specialty classrooms proportionate to the number of students enrolled. These spaces can be used at the principal's discretion for purposes such as art and/or music instruction, among other things. With respect to shared spaces, the DOE's Director of Space Planning will work with P.S. 146 and BSA 2 to come up with a schedule to ensure students from each school have equitable access to shared spaces. Both schools will have sufficient cluster rooms, pursuant to the Footprint to maintain dedicated specialty rooms for art or music instruction if the principals decide to program them for these purposes.

- Comment 1(e) expresses concern that Pre-kindergarten and kindergarten students will be placed in rooms without toileting facilities. Again, decisions about specific room allocations have not yet been decided. However, in 2011-2012, P.S. 146 will maintain the classrooms it currently uses to serve its Pre-K and Kindergarten students.
- Comment 1(f) contends that P.S. 146's Progress Report score dropped as a result of the co-location. However, the Progress Report score referred to by the commentator related to P.S. 146's performance during the 2009-2010 school year; BSA 2 did not move into the building until the 2010-2011 school year, so the co-location could not have impacted the Progress Report score at issue.
- Comment 4 supports the proposal.
- Comments 2, 3, 5, 7, 12, 17 and 18 concern the P.S. 146 community's discontentment with sharing X146 with a charter school, and the community's sentiment that the co-location proposal is unfair because P.S. 146 may lose space. The comments contend that there is not enough space for BSA 2 to expand and P.S. 146 will become overcrowded. Sharing space is central to New York City's strategy for school improvement. The DOE now has over 800 schools and programs co-located with at least one other district or charter school in multi-school campus buildings. As indicated in the EIS and BUP, there is sufficient space in X146 to support BSA 2's continued co-location with P.S. 146 in the 2011-2012 school year. Moreover, P.S. 146 will continue to receive rooms in excess of its adjusted baseline allocation in the 2011-2012 school year. As to comment 2's contention that fourth and fifth grade classes are overcrowded, it should be noted that these classes are currently below, and will continue to be below in the 2011-2012 year, the contractual maximum class size limit. With respect to the scheduling of shared spaces, such as the scheduling of lunch and access to the library, the DOE's Director of Space Planning will work with P.S. 146 and BSA 2 to come up with a schedule to ensure students from each school have equitable access to shared spaces. The proposed shared schedule included in the BUP allocates 1 hour per day to P.S. 146 for lunch in the cafeteria (whereas BSA 2 is only allocated 50 minutes), and four hours per day to P.S. 146 for the library (where as BSA 2 is only allocated three hours).

With respect to concerns regarding building capacity, as described in more detail in the Enrollment, Capacity, Utilization Report, which is available at

http://source.nycsca.org/pdf/capitalplan/2009-10/BB_2009_2010.pdf, a building's target utilization rate is calculated by dividing the aggregated enrollment of all the school organizations in the building by the aggregated "target capacities" of those organizations. Each school organization's "target capacity" is calculated based upon the scheduled use of individual rooms as reported by principals during an annual facilities survey, the DOE's goal classroom capacities (which are aspirational targets lower than the UFT contractual class sizes and differ depending on grade level), and the efficiency with which classrooms are programmed (i.e., the frequency with which classes are scheduled in a given classroom).

The most recent year for which target capacity has been calculated for buildings is 2009-2010. As described earlier in this EIS, the DOE's projected utilization rates for the 2010-2011 school year and beyond are based on the 2009-2010 target capacity, which assumes that the components underlying that target capacity (scheduled use of classrooms, goal classroom capacity, etc.) remain constant. Thus, projected utilization rates for 2010-2011 and beyond provide only an approximation of a building's usage because each of the factors underlying target capacity may be adjusted by principals from year to year to better accommodate students' needs. For example, changing the use of a room from an administrative room to a homeroom at the high school level will increase a building's overall target capacity because for high schools administrative rooms are not assigned a capacity. Holding enrollment constant, this change would result in a lower utilization rate. Similarly, if a room previously used as a kindergarten classroom is subsequently used as fifth grade classroom, the building's target capacity would increase because we expect that a fifth grade class will have more students than a kindergarten class. This is reflected in the fact that the DOE's goal classroom capacity is higher for fifth grade classrooms than for kindergarten classrooms. In this example, as well, assuming enrollment is constant, the utilization rate would decrease.

Although a utilization rate in excess of 100% may suggest that a building will be over-utilized or over-crowded in a given year, this rate does not account for the fact that rooms may be programmed for more efficient or different uses than the standard assumptions in the utilization calculation, as described above. In addition, charter school enrollment plans are frequently based on larger class sizes than target capacity, contributing to building utilizations above 100% while not impacting the utilization of the space allocated to the traditional public school. The BUP sets forth the baseline number of rooms to be allocated to each school pursuant to the Footprint as well as the total number rooms in a building to provide a more complete picture of the availability of space in a building.

Finally, the DOE believes that the co-location of P.S. 146 and BSA 2 offers the community an additional high quality educational option.

- Comment 6 notes that both schools deserve space and should work together to make the co-location successful. The DOE supports both schools and believes that both schools can be co-located successfully for the 2011-2012 school year. School leaders are encouraged to refer to the Campus Policy Memo and Procedures (available at

<http://schools.nyc.gov/community/campusgov>) for further guidance in multi-school campus governance.

- Comments 8 and 19 propose that BSA 2 move to its own building and state that BSA 2 classes are also overcrowded. There are currently no DOE buildings available to house BSA 2 for the 2011-2012 school year on a stand alone basis. As to the concern that BSA 2 is overcrowded, the Success Charter Network has determined that it can successfully serve students with 25-28 students per class in grades K-3. This means that the utilization rates of the BSA 2 rooms yield utilization rates of 125%-140%. These rooms are more fully utilized, but were deliberately programmed in this way by the BSA 2 principal.
- Comment 9 expressed concern that P.S. 146's flexible services, such as its Academic Intervention Services, ESL services and cluster classes, would be cut as a result of the proposal. The commenter also notes that some programs, such as music and art have already been cut at P.S. 146. As mentioned earlier, the Footprint allocates schools serving grades K-5 cluster or specialty classrooms proportionate to the number of students enrolled. These spaces can be used at the principal's discretion for purposes such as art and/or music instruction, among other things. Both schools will have sufficient cluster rooms, pursuant to the Footprint to maintain dedicated specialty rooms if the principals decide to program them for these purposes. In addition, students should continue to receive academic intervention services if the principal decides to program these services. All ELLs will continue to receive mandated services if this proposal is approved.
- Comment 10 contends that the charter school receives more funding than P.S. 146. The basic operating budget for both BSA 2 and P.S. 146 is determined by the same Fair Student Funding (FSF) formula used at all other New York City District public schools. Under FSF, schools receive City tax levy funding on a per pupil basis. Each student receives a per-pupil allocation based on the grade level of the student. FSF allocations are subject to annual variation, but for 2010-2011, the base per-pupil allocation for elementary schools was \$4,059.71, the base per-pupil allocation for middle schools was \$4,384.81, and the base per-pupil allocation for high schools was \$4,181.11. In addition, FSF awards supplemental allocations on a per-pupil basis for students who have additional needs and therefore cost more to educate. For example, during the 2010-2011 school year, elementary schools received an additional \$1,623.00 per pupil for each English Language Learner they enrolled, while middle and high schools receive \$2,031.00 for each English Language Learner. At the elementary level, supplemental funds are awarded for each student who is an English Language Learner, who requires special education services, or who is eligible for free or reduced-price lunch. For middle and high schools, supplemental funds are awarded to each student who is an English Language Learner, who requires special education services, or who is performing below grade level upon enrollment. In the case of students who fall into more than one of these categories, schools are awarded supplemental funding to meet all of those needs.

FSF covers basic instructional expenses and FSF funds may, at the school's discretion, be used to hire staff, purchase supplies and materials, or implement instructional programs. As the total number of students enrolled grows, the overall budget will increase

accordingly, allowing the school to meet the instructional needs of its larger student population. Similarly, if the total number of students enrolled falls, the budget shrinks accordingly, as the school will need fewer supplies and potentially a smaller staff. As with all other schools citywide, P.S. 146 may receive additional “categorical” funding based on student characteristics and needs. For example, federal Title I funding is awarded to schools based on the proportion of low-income students they enroll. This school is currently eligible for Title I funding. Assuming that the schools continue to meet Title I criteria, the size of their respective Title I funding awards would grow or shrink as the school population grows or shrinks. While schools do receive supplemental support for special education students through Fair Student Funding, that only represents part of the funding provided to support those students. Schools are budgeted to meet the needs of their special education students as defined by their Individual Education Plans (“IEPs”). P.S. 146 will continue to receive funds to meet the needs of all special education students in accordance with their IEPs. Please note that increased or reduced per capita funds allocated to the school as a result of changes in enrollment that may occur do not represent net/incremental system costs. All dollar amounts are based on FY10 allocations and are subject to annual variation based on adjustments to the DOE's overall operating budget.

As for charter schools, the General Education Charter School per-pupil rate is determined by the New York State Education Department (NYSED), and is based on a formula used for all traditional public school districts. The formula divides the district's Approved Operating Expenditures (“AOE”) by Total Allowable Pupil Units (“TAPU”). Special Education funding is an allocation that Charter Schools may qualify for and receive for serving students that receive special education services for more than 20% of the week as mandated by an IEP. In addition, 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).

- Comment 11 expresses support for of P.S. 146’s faculty and staff. The DOE supports district schools and charter schools throughout the city and commends P.S. 146’s achievements.
- Comments 1(b), 13 and 20 express the view that BSA 2 is part of a system of privatizing education, and is part of a larger plan to take over P.S. 146 and phase-out P.S. 146. It should be noted that charter schools are public schools—not private schools. Furthermore, the DOE has no plans to phase-out P.S. 146.
- Comment 14 expresses concern about building safety. Pursuant to Chancellor’s Regulation A-414, every school/campus must have a School Safety Committee. The committee plays an essential role in the establishment of safety procedures, the communication of expectations and responsibilities of students and staff, and the design of prevention and intervention strategies and programs specific to the needs of the school. To the extent that staff or parents have concerns about building safety, such concerns should be reported to the School Safety Committee and the lead safety agent.

- Comment 15 complains that the charter school’s schedule interferes with P.S. 146’s schedule. The DOE’s Director of Space Planning will work with the Building Council to come up with a schedule to ensure students from each school have equitable access to shared spaces, including outdoor spaces.
- Comment 16 contends that the BSA 2 community is sending a bad message to its students by supporting a proposal that hurts other students, and also expresses the view that the proposal makes charter schools seem superior to district schools. The DOE believes that the co-location of BSA 2 and P.S. 146 is not detrimental to the students who attend these schools. As indicated in the EIS and BUP, P.S. 146 will continue to receive rooms in excess of its adjusted baseline allocation, and its programming is not anticipated to be impacted.

Changes Made to the Proposal

No changes have been made to this proposal as a result of public comment.