



Public Comment Analysis

Date: February 28, 2011

Topic: The Proposed Co-location of Two New Schools, 12X531 and 12X536, with P.S. 102 Joseph O. Loretan (12X102) and Bronx Little School (12X691) in School Building X102

Date of Panel Vote: March 1, 2011

Summary of Proposal

The New York City Department of Education (“DOE”) proposes to site two new zoned elementary schools, 12X531 (“12X531”) and 12X536 (“12X536”), in school building X102 (“X102”), located at 1827 Archer Street, Bronx, NY 10460, in Community School District 12. If this proposal is approved, these two schools would be co-located with two existing elementary schools: P.S. 102 Joseph O. Loretan (12X102, “P.S. 102”) and Bronx Little School (12X691, “Bronx Little”).

The Educational Impact Statement (“EIS”) describing this proposal was published on January 8, 2011 and is available at the following link:
<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/Mar12011Proposals.htm>.

Hard copies are also available in the P.S. 102 and Bronx Little main offices.

P.S. 102 is a zoned elementary school that serves students in kindergarten through grade five, and offers a pre-kindergarten program. Bronx Little is a district choice elementary school that serves students in kindergarten through grade five and also offers a pre-kindergarten program. 12X531 and 12X536 will serve students in kindergarten through grade five in the X102 zone and will each offer a pre-kindergarten program.

In a separate Educational Impact Statement (“EIS”) published on December 17, 2010 (and subsequently amended on December 29, 2010 and January 24, 2011), the DOE proposed that P.S. 102 gradually phase out because of its poor performance. On February 3, 2011, the Panel for Education Policy approved the proposal to phase out and eventually close P.S. 102. P.S. 102 will no longer admit kindergarten, first or second-grade students after the conclusion of the 2010-2011 school year and will no longer offer a pre-kindergarten program. One grade will be phased out at P.S. 102 each following year. The school will complete its phase-out in 2014.

12X531 and 12X536 will open in X102 as zoned elementary schools in the 2011-2012 school year, and each will offer grades K-2 to students who reside in the X102 zone, as well as offer a pre-kindergarten program. Each new school will add an additional grade level each subsequent year until they serve kindergarten through grade five at full scale. In addition, as part of this proposal, Bronx Little will begin offering priority to students residing in the P.S. 102 zone in its admissions process.

12X531 and 12X536 would be “co-located” with P.S. 102 and Bronx Little as P.S. 102 phases out. 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. Once the two new schools have completed their expansions and P.S. 102 has completed its phase-out, there would be approximately 1,400-1,520 students served in the building.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at P.S. 102 Joseph O. Loretan on February 8, 2011. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 40 members of the public attended the hearing, six people spoke, and three questions were submitted. Present at the meeting were Deputy Chancellor Marc Sternberg; District 12 Superintendent Myrna Rodriguez; P.S. 102 School Leadership Team representative Valerie Rowe; Bronx Little Principal Janice Gordon; Community Education Council 12 (“CEC 12”) representatives Carmen Taveras and Winifred Coulton; District 12 President’s Council representative Wilfredo Pagan; the DOE’s Deputy Director of Public Affairs Jenny Sobelman; the DOE’s Bronx Director of Enrollment Margaret Rogers; and the DOE’s Bronx Associate Planner Natalie Ondiak.

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

1. CEC 12 President Carmen Taveras acknowledged her partners on CEC 12 and said schools have to make changes to benefit children. She encouraged good teachers to stay in the building. She also recognized that there is a large population of students with high needs in District 12. She raised concern about the way the School Construction Authority (“SCA”) measures the capacity of the building, as well as the way time in the cafeteria is allocated for breakfast and lunch when there are too many students in the building.
2. District 12 President’s Council representative Wilfredo Pagan stated that the phase-out plan works in some cases, but not others. He encouraged parents to stay engaged in their schools to support success. He stated that he does not want other schools in the district to be phased out and said that more resources are needed in District 12.
3. Bronx Little Principal Janice Gordon stated that she understands the challenges of co-location based on her experience as a principal of a co-located school. She also said that schools are capable of co-existing successfully. At the same time, she raised concerns that the proposed allocation of space might impact student access to art programs, since they require dedicated space. She stated that all members of the campus community must have an opportunity to take part in the decision-making process about how space is used.

4. Multiple commenters expressed the desire to maintain the three classroom spaces that currently house arts, science and technology classes for Bronx Little students. One commenter stated that the Quality Review identified the technology lab as a place where students were engaged and took ownership of their own learning. Another commenter said science and art classes needed their own spaces in order for students to produce their best work and to meet NY state standards. The commenter also pointed out the need for space to house animals and research facilities, as well as space to display projects for the art and science fairs.
5. A commenter expressed concerns about Bronx Little splitting resources and space with P.S. 102 and worried about having to share those resources and space with two additional schools. The commenter also raised the concern that Bronx Little would have to enroll additional sections of students and that the school would not receive funds to hire more staff to accommodate these students.
6. Multiple commenters submitted questions regarding mainstreaming special education students and asked why the projected enrollment for 2011-2012 did not reflect special education students in the EIS, specifically for kindergarten.
7. A commenter submitted a question regarding the future school leadership of P.S. 102 during the phase-out process. The commenter asked why the DOE had decided to keep the same leaders during the phase-out, since school leadership has had a tremendous impact on P.S. 102's low performance.

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

The DOE received three comments by e-mail and no comments by telephone.

8. A commenter submitted written copies of two oral testimonies provided at the joint public hearing regarding the need for classroom spaces dedicated to the arts, technology, and science programs at Bronx Little.
9. New York State Assembly Member Peter M. Rivera submitted a written comment regarding the proposal to phase-out P.S. 102 after the Panel for Educational Policy voted to approve that proposal, critiqued the EIS regarding the phase-out of P.S. 102 and expressed the following concerns relating to the co-location proposal:
 - a. The EIS regarding the phase-out states that P.S. 102 has no partnerships with community-based organizations, but Assembly Member Rivera's office has allocated funds to the school for such programs.
 - b. The DOE projects that the building will have a 110% utilization rate by the time the phase-ins of the two new schools are completed, which will overcrowd the school.
 - c. The DOE states that Bronx Little will not be affected by the co-location of two new schools pursuant to the Citywide Instructional Footprint, but does not explain the Footprint.
 - d. The communications from the DOE were in English and not available in Spanish, the language that most of the parent community speaks.
 - e. The DOE should issue a separate EIS regarding the impact of the proposal on Bronx Little School.

- f. Safety is cited as a serious concern in the EIS yet the quality review for the same period reports that the school has a generally safe environment.
10. A commenter disagreed with the decision to phase-out P.S. 102 and raised doubts that placing multiple leaders in the building will help students.

The DOE also received several written comments regarding the proposal to phase-out P.S. 102. These comments are described and addressed in a separate Analysis of Public Comment, which can be accessed at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/Feb32011Proposals>.

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

- Comments 1, 3, 4, 5, 8, 9(b), and 9(c) concern space allocations in the X102 school building.
 - Comment 1 contends that sharing space can make programming the cafeteria difficult because many students are moving around. The DOE’s Director of Space Planning will work with 12X531, 12X536, P.S. 102, and Bronx Little to come up with a schedule to ensure students from each school can move around public assembly spaces with minimal disruption for the other schools.

The commenter also expressed concern about how the SCA measures the capacity of a building. As described in the EIS and 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.

- With respect to comment 9(b), 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. Section III.B. of the EIS 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 X102 to provide a more complete picture of the availability of space in the building.
- Comment 9(c) contends that the EIS does not explain how the Footprint operates. However, pages 10-11 of the EIS describe how the Footprint allocates rooms and also describes how the Footprint has been applied to the schools proposed to be co-located in X102 as P.S. 102 phases-out.
- Comment 3 notes that the allocation of space may impact students' access to art programs and that all members of the campus community must work together to take part in the decision-making process about how space is shared. As discussed in the EIS, 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. All four 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. With respect to shared spaces, the DOE's Director of Space Planning will work with 12X531, 12X536, P.S. 102, and Bronx Little to come up with a schedule to ensure students from each school have equitable access to shared spaces.
- Comments 4 and 8 request that three classrooms which currently house arts, science and technology classes for Bronx Little students should be maintained. The actual room assignments in X102 have not yet been determined, but all decisions will be made in consultation with the Building Council (which is comprised of the principals from all co-located schools) in conjunction with

Office of Space Planning. Again, as discussed in response to comment 3 and in the EIS, 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. Furthermore, 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.

- Comment 5 contends that there will not be sufficient additional resources or staff for Bronx Little to address an increase in Bronx Little's enrollment. Bronx Little's enrollment is expected to increase by approximately 100 students by 2014-2015 so that school's funding would increase accordingly. Resources will continue to be supplied to schools through Children's First Networks and school budgets will be allocated consistent with Fair Student Funding (FSF) per capita allocation levels. 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. In addition, FSF awards supplemental allocations on a per pupil basis for students who have additional needs and therefore cost more to educate.
- Comment 2 encourages parents to stay engaged as P.S. 102 phases out. The DOE supports parent involvement in all aspects of their students' education. The commenter also states that he does not want other schools in the district to be phased out and that additional resources are needed in District 12. There are currently no plans to phase out other elementary or middle schools in District 12. As discussed above in response to comment 5, resources will continue to be supplied to schools through Children's First Networks and school budgets will be allocated consistent with Fair Student Funding (FSF) per capita allocation levels.
- Comment 6 queries why the projected enrollments for all school in the X102 building in 2011-2012 do not appear to reflect special education students. The projected enrollments laid out on pp. 8-9 of the EIS include assumptions about special education students even though the special education projections are not specifically called out. Special education students are also taken into account in the space allocations for each school.
- Comment 7 is a question about the future school leadership of P.S. 102 during the phase-out process. The DOE has not made any decisions about the leadership at P.S. 102.

- Comment 9(a) critiques the EIS regarding the phase out of P.S. 102. Specifically, the comment notes that the EIS states there are not partnerships with community based organizations, even though Assembly Member Rivera’s office has allocated funds to the school for these types of programs. The DOE was not aware of any formal partnerships at the time of the writing of the EIS. The EIS does note that P.S. 102 offers extracurricular activities and offered a theater/dance enrichment program through the 2009-2010 school year.
- Comment 9(d) contends that the DOE did not make communications regarding the phase-out or co-location proposals available in Spanish. At the joint public hearing regarding the phase-out proposal on January 25, 2011, fact sheets were made available in Spanish and interpretation services in Spanish were also offered. Spanish translations of the public notice and EIS regarding the phase-out were also made available online at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/Feb32011Proposals>.

On February 4, 2011, the DOE sent the principals of both P.S. 102 and Bronx Little translated copies in Spanish of a parent letter and public notice informing parents that the PEP had approved the phase-out of P.S. 102, and notifying parents that the EIS describing the co-location proposal had been published. Both principals confirmed that they backpacked home these translated parent letters and notices.

At the joint public hearing regarding the co-location proposal on February 8, 2011, fact sheets were made available in Spanish and interpretation services in Spanish were again offered. Spanish translations of the public notice and EIS regarding the co-location were also made available at the joint public hearing and online at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/Mar12011Proposals.htm>.

- Comment 9(e) contends that the DOE should issue a separate EIS regarding the impact of the proposal on Bronx Little. However, a third, separate EIS is not necessary because both EISs concerning the phase-out of P.S. 102 and the co-location of 12X531 and 12X536 discuss the impact of those respective proposals on Bronx Little consistent with applicable statutes and regulations.
- Comment 9(f) argues that safety is inconsistently described in the school survey and the Quality Review. The DOE acknowledges that there may be some discrepancies between the two reports because these reports are completed by different offices. The DOE uses various data metrics in making its decisions regarding school utilization changes including the Progress Report, Quality Review, Learning Environment Survey and other data.
- Comment 10 disagrees with the decision to phase-out P.S. 102 and has doubts that multiple new leaders in the building will help children. The DOE believes that based on the schools’ performance only P.S. 102’s phase-out and replacement with two new zoned elementary schools in the X102 Building will provide the community with better options.

Every child in New York City deserves the best possible education. This starts with a great school led by a dedicated leader with a vision for student success. To ensure that as many students as possible have access to the best possible education, since 2003 New York City has replaced 91 of our lowest-performing schools with better options and opened 474 new schools: 365 district schools and 109 public charter schools. As a result, we've created more high-quality choices for families.

Changes Made to the Proposal

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