



Public Comment Analysis

Date: February 28, 2011

Topic: The Proposed Co-Location of a New Public Charter School, Brooklyn Success Academy, with Existing Schools Urban Assembly School for Urban Environment (14K330), Foundations Academy (14K322), a District 75 School (P368K@I033K) and an Alternative Learning Center in School Building K033

Date of Panel Vote: March 1, 2011

Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to site Brooklyn Success Academy Charter School (“Brooklyn Success”), a new public charter school that would serve students in kindergarten through fourth grade, in Building K033 (“K033”), located at 70 Tompkins Avenue, Brooklyn, NY 11206, in Community School District 14. Brooklyn Success would be co-located in K033 with Urban Assembly School for Urban Environment (14K330, “Urban Environment”), an existing DOE district middle school that serves sixth through eighth grade, Foundations Academy (14K322, “Foundations”), an existing high school that serves ninth through twelfth grade, and an existing District 75 school (75K368, “P368K@I033K”) serving students in sixth through eighth grade. The building also houses an Alternative Learning Center (88K988, “ALC”), a suspension center serving students in ninth through twelfth grades. A “co-location” means that two or more school organizations are located in the same building and may share common spaces like auditoriums, gymnasiums, libraries, and cafeterias.

If this proposal to site Brooklyn Success in K033 is approved, Brooklyn Success would be co-located with Urban Environment, Foundations, and P368K@I033K in K033, as well as the ALC. In 2011-2012, the first year of the proposed co-location, Brooklyn Success would enroll approximately 82 students in kindergarten and 108 students in first grade. In 2012-2013, Brooklyn Success would expand to serve second grade for a total enrollment of 249 students. In 2013-2014, Brooklyn Success would expand to serve third grade for a total enrollment of 352 students. In 2014-2015, Brooklyn Success would serve approximately 424 students in kindergarten through fourth grade.

K033 has been identified as an under-utilized building, meaning it currently has at least 300 seats available. In 2009-2010, the most recent year for which audited data is available, K033 had a target capacity to serve 1,213 students. The three schools within the building and the ALC enrolled a total of 466 students—209 students at Foundations, 140 students at Urban

Environment, 75 students at P368K@I033K, and 42 students at the ALC. Thus, the target building utilization was 37%. Although the building has the capacity to serve 1,213 students, in 2010-11, K033 only served 459 students, which yields an estimated utilization rate of 36%. In 2014-15, when Brooklyn Success completes its expansion and achieves full scale, K033 would serve approximately 795-865 students, which yields an estimated utilization rate of 68%. No later than the 2013-14 school year the ALC at K033 will be re-sited to an alternate location within District 14 or to a district in need of an additional ALC.

The details of this proposal have been released in an Educational Impact Statement which can be obtained in the main offices of any of the schools housed in Building K033 or accessed here:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/Mar12011Proposals.htm>

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at Foundations / Urban Environment/ P368K@I033K on February 17, 2011. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 35 members of the public attended the hearing and 18 people spoke. Present at the meeting were: Foundations Academy School Leadership Team (“SLT”) representative Linelle Campbell; P369K@I033K SLT representative Basilica Lewis; Urban Assembly School for Urban Environment Principal Kourtney Boyd and SLT representative Christine Longo; Community Education Council (“CEC”) 14 President Tesa Wilson and representatives Maureen Dantzler, Elaine B. Manatus, Kenneth R. Paneto, and Mario Aguila; District 14 Community Superintendent James Quail; New York City Councilmember Albert Vann; and Success Charter Network representative Nicole Foster.

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

1. The CEC 14 representative stated that the DOE’s engagement process moved too quickly. Specifically, she stated that the CEC was not able to meet with the Success Academy Charter Network or to spread information to their community about the proposal. She also stated that the signatures supporting the proposed school came from the Bronx, not from the District 14 community.
2. A representative of the P369K@I033K SLT stated that the school organizations currently in building K033 have a great relationship and expressed concern that this relationship would be negatively affected by the co-location of Brooklyn Success in the building. Additionally, she asked whether charter schools are given more money than traditional schools. Finally, she said the co-location will cause overcrowding that will push the other schools out.
3. A representative of the Foundations Academy SLT questioned what Brooklyn Success would add to the building and expressed concern about the impact of co-locating an elementary school with a middle school and a high school on all students. She asked if Brooklyn Success is expecting to enroll students from a specific demographic. Moreover, she cited a Stanford study that says only 17% of charter schools outperform traditional schools while 83% perform worse. Finally, she

- questioned how shared resources in the building would be allocated and whether any school's instructional programming would be impacted by the co-location.
4. New York City Council Member Albert Vann disagreed with the DOE's assessment that the co-location would not have negative impact on students enrolled in the schools that are currently sited in the building. He stated that he opposed this proposal because there is no space in the building and because he was concerned about the siting elementary school students in the same building with middle and high school students. Additionally, he contended that comments made at the joint public hearing would not impact the final decision. He also stated that the DOE's engagement process moved too quickly.
 5. A representative of the Urban Assembly School for Urban Environment SLT stated that it was inappropriate to co-locate elementary and middle and high school students together. She stated that the building is underutilized, but she also stated that the space would be better used by the school organizations already in the building or another school organization that would serve students of a similar age as the school organizations currently in the building.
 6. The principal of Urban Assembly School for Urban Environment stated her belief that Brooklyn Success would not be a good fit with the other school organizations in the building because they serve high school students, autistic students, and students at the ALC, while Brooklyn Success would enroll elementary students.
 7. Multiple commenters stated that they support the proposal because:
 - a. They've had positive experiences with their children in Success Charter Network schools.
 - b. Charter schools that are working well should be given a chance to grow because the DOE is failing children.
 8. A commenter stated that the engagement process did not effectively engage the community. He also asked whether it is legal for Success Charter Network to be asking for applications already, which he said do not say anything about a lottery and seem to suggest the program is screened.
 9. A commenter said charter schools have inequitable access to resources and school spaces. He also stated that charter schools often exhibit a lack of collaboration with their co-located schools.
 10. Multiple commenters expressed opposition for the proposal because:
 - a. The current schools have worked hard.
 - b. The extra space in the building should be used for schools that currently exist.
 - c. The new school should be placed somewhere like Greenpoint where people want this type of school.
 - d. There are already enough elementary schools in the area.
 - e. The community has not expressed a desire for this school. Signatures supporting the school were obtained from the Bronx, not Brooklyn.
 - f. Younger students should not be sited in a building older students.
 - g. Charters are run like corporations. The charter school process destroys the rights of the people and community because it is only through public schooling and public comment that the community has democracy.
 - h. The building is a public building, and charter schools should not be taking away public funds from public schools.

- i. Charter schools create racial segregation.
- j. Good results have come from public schools, so charters are not needed.

11. A commenter said it is problematic that charter schools are only put into neighborhoods with high minority populations.

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

No written or oral comments were submitted to the DOE.

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

- Comments 1, 4, 8, 9, 10(a), 10(g), 10(i), 10(j), and 11 relate to the engagement process and notes opposition to this proposal to co-locate Brooklyn Success in the building, as well as their general opposition to charter schools. The DOE acknowledges that Urban Assembly School for Urban Environment (14K330), Foundations Academy (14K322), a District 75 School (P368K@I033K), and an Alternative Learning Center (“ALC”) students and families are satisfied with their experiences at the school and that those schools offer positive environments for their respective students. This proposal would not affect any of the schools’ respective instructional programs, extracurricular activities, or enrollment policies. Therefore, the DOE anticipates that Urban Assembly School for Urban Environment, Foundations Academy, the District 75 school, and the Alternative Learning Center would continue to offer a positive educational environment for all students and families in the zone.

The DOE appreciates all feedback from the community regarding this proposal. When the EIS was issued, it was made available to the staff, faculty, and parent communities at Urban Assembly School for Urban Environment, Foundations Academy, the District 75 School, and the Alternative Learning Center, on the DOE’s Web site, and in each school’s respective main office. In addition, the DOE set up a dedicated website and voicemail to collect feedback on this proposal. All schools’ staff, faculty, and parent communities were invited to the joint public hearing to solicit further feedback.

The joint public hearing regarding this proposal was held on February 17, 2011, and all comments made at the joint public hearing were included in this analysis of public comment. The Panel for Educational Policy will vote on various proposals, including this proposal, on March 1, 2011, and there will a period designated for public comment at that hearing when the vote is scheduled.

There are currently 125 charter schools in New York City. Charter schools are held accountable, through the terms of five-year performance contracts called “charters,” for high student achievement. Charter schools must meet the same Regents’ performance standards established for all public schools as well as the goals established in their charter. If a charter school fails to meet those terms, it can be closed.

There are currently 8 charter schools in District 14: Williamsburg Collegiate Charter School, Williamsburg Charter High School, Believe Northside Charter High School, Believe Southside Charter High School, Brooklyn Charter School, Beginning with Children Charter School, and The Ethical Community Charter School. The DOE believes that, by siting Brooklyn Success in District 14, it will introduce another high quality option for families and students in District 14. If the proposal is approved, the school would enroll students through a lottery with a preference for students who reside in District 14. As discussed in the EIS for this proposal, building K033 has the space to accommodate Urban Assembly School for Urban Environment, Foundations Academy, the District 75 School, the Alternative Learning Center, and Brooklyn Success at full scale because the target building utilization rate will only be 68% at that point. Therefore, the building has room to accommodate all schools and to further accommodate any growth in demand at the existing schools already located in the building.

- Comments 2, 3, 4, 5, 6, and 10(f) question the DOE’s proposal to place elementary students in a building with high school students. While this practice is not common, the DOE does have successful examples of K-12 buildings or campuses. These examples include:
 - Leadership Prep Bedford Stuyvesant Charter School, an elementary school, which shares a building with the Academy of Business and Community Development, a school serving 6-12th grade;
 - The Julia Richman Educational Complex, which houses four small high schools, a K-8 school, and a District 75 program;
 - Brooklyn Collegiate: A College Board School, which serves sixth through twelfth grade, and shares a building with Achievement First Brownsville Charter School, which currently serves kindergarten through third grade;
 - Mott Hall IV, a middle school, which shares a building with Eagle Academy for Young Men II, which currently serves sixth through eighth grade, and Leadership Preparatory Ocean Hill Charter School, which currently serves kindergarten and first grade;
 - Harlem Success Academy 4, an elementary school, which shares a building with Opportunity Charter School, which serves sixth through twelfth grade in District 3; and
 - J.H.S. 13 Jackie Robinson, a middle school, which shares a building with Central Park East I, an elementary school, and Central Park East High School..

Furthermore, all efforts will be made to assure that students are safe in the building at all times. Moreover, any concerns about time in shared space, such as the gymnasium or cafeteria, may be addressed in a collaborative fashion by the Building Council and the Shared Space Committee, which may alter the shared use of space based on those concerns. The Building Council includes all the Principals of all the co-located schools.

- Comment 2 states that the building would be overcrowded as a result of this proposal. Comment 5 recognizes that building K033 is under-utilized.

Building space is scarce in many New York City neighborhoods. Given this reality, the DOE must use its existing buildings in the most efficient manner possible. Schools

throughout the City have successfully shared space, and the DOE anticipates that Brooklyn Success and the schools currently in building K033 will be able to share the building as Brooklyn Success phases in.

The DOE identified building K033 as an under-utilized building, which means that it currently has at least 300 seats available. In 2009-2010, the most recent year for which audited data is available, K033 had a target capacity to serve 1,213 students. The 3 schools within the building and the ALC enrolled a total of 466 students – 209 students at Foundations, 140 students at Urban Environment, 75 students at P368K@I033K, and 42 students at the ALC. Thus, the target building utilization was 37%. Although the building has the capacity to serve 1,213 students, in 2010-11, K033 only served 459 students, which yields an estimated utilization rate of 36%. In 2014-15, when Brooklyn Success completes its expansion and achieves full scale, K033 would serve approximately 795-865 students, which yields an estimated utilization rate of 68%. Also, no later than the 2013-14 school year the ALC at K033 would be re-sited to an alternate location within District 14 or to a district in need of an additional ALC. Thus, the building should not be overcrowded.

- Comments 3 and 9 questioned how the co-located schools would share resources and how the co-location would affect instructional programming at any of the schools. As stated in the EIS, the proposed co-location of Brooklyn Success is not expected to impact future student enrollment, instructional programming, or the admissions process to the schools currently co-located in building K033. A Building Utilization Plan (“BUP”) outlining how space would be allocated in K033 was drafted and attached to the proposal’s EIS. A proposed shared space plan is a part of the BUP, but it does not represent a final proposal for the shared use of the building’s gymnasium, auditorium, lunchroom, library, and outdoor play yard. Rather, it is based on the estimated duration of time each of the co-located schools will have in shared spaces such as the cafeteria, and it attempts to assure equitable access to these shared spaces. The Building Councils, which consists of principals from all of the co-located schools, in conjunction with the DOE Office of Space Planning, are free to deviate from the proportional allotment of time in the BUP to accommodate the specific programmatic needs of all special populations or groups within each school as is feasible and equitable, provided that the Building Council comes to an agreement of the final Shared Space Plan collaboratively. If such accommodation results in an alteration to the proportional distribution of space, the Building Council shall explain the basis for such alteration.

A Shared Space Committee will also meet a minimum of 4 times a year and report back to the Building Council regarding shared space questions. The DOE expects and anticipates Brooklyn Success and the other schools in building K033 will work collaboratively to build a strong work relationship through the Building Council and Shared Space Committee.

- Comment 3 also states that a report released by Stanford University indicated that only 17% of charter schools outperform traditional schools, while 83% perform worse than traditional public schools. The DOE acknowledges the Center for Research on Education

Outcomes (“CREDO”) at Stanford University’s 2009 report that found that 17% of charter schools reported academic gains that were significantly better than traditional public schools. Contrary to the comment, however, the report indicated that 37%, not 83%, of charter schools showed gains that were worse than comparable traditional public schools, and 46% of charter schools demonstrated no significant difference.

But, the DOE notes that CREDO, in a 2010 report, concluded that, on a school-by-school comparison, **51% of New York** City charter schools demonstrated academic growth in math that was statistically larger than students would have achieved in traditional public schools. In reading, the report found that 29% of charter schools are showing statistically significant gains. Furthermore, the report found that charter school students make substantial gains in both reading and math in their second year enrolled in a charter school, and this impact stays positive and significant through their third year of attendance. The report also found that Blacks and Hispanics enrolled in charter schools do significantly better in charter schools in both reading and math growth. In both cases, these students’ math results are stronger than reading, but both are comparatively stronger than what their scores would have been had they enrolled in regular public schools. Finally, according to the report, charter schools demonstrated strong performance across the range of starting scores, which indicates that charter schools are overall successful at improving student achievement regardless of academic background.

The DOE also points out that a 2009 report on New York City charter schools by Caroline M. Hoxby, Sonali Muraka, and Jenny Kang indicates that charter school students scored almost as well as students in the Scarsdale school district in the suburbs north of the City on New York State math and English language arts assessments. The study also found students were more likely to earn a state Regents diploma, given to higher-achieving students, the longer they attended charter schools.

In this case, Brooklyn Success would be managed by the Success Academy Network, a charter school management organization that currently manages a total of 7 charter schools, 4 of which are located in Harlem, and 3 of which are located in the Bronx. Although Harlem Success Academy 1 Charter School (84M351, “HSA 1”) is the only school from the Success Network that has received a Progress Report grade so far, its progress reports indicate that the Success Academy Network has achieved great results. HSA 1 received an A on the 2009-2010 Progress Report, with an A in the Environment sub-section and B on the Student Progress sub-section. In 2009-2010, 86.0% of students scored at-or-above grade level on the State English language arts (ELA) test, and 94.2% of students scored at-or-above grade level on the State math test. This means that HSA 1 students ranked in the top 2% in elementary school math proficiency and the top 1% in elementary math English language arts proficiency. The DOE anticipates that Brooklyn Success would achieve similar results.

- Comments 7(a) and 7(b) are in support of the proposal and do not need to be addressed.
- Comment 8 relates to the charter application process. According to New York State Charter Law, a charter school may distribute applications to prospective students and the

community before the proposal to co-locate the school in a DOE building has been approved by the Panel for Educational Policy.

- Comment 8 also asserts that the Success Charter Network screens students in its application process. This is false. A public charter schools may not select its own students, but rather it must admit students through a lottery process. Lotteries select students randomly from among applicant pool. Though charter schools may offer preferences in their lottery processes, those preferences are not based on student academic performance. As stated in the EIS, Brooklyn Success would prioritize applicants based on factors such as whether a sibling attends the school, or whether a student is enrolled at a school that received a D or F on the most recent Student Achievement sub-section of the DOE Progress Report, or whether the student is a resident of District 14.

In contrast, screened schools such as Williamsburg Middle School Academy, are able to select their students based on academic achievement, attendance, teacher recommendation, and admissions tests, and zoned schools admit students based on home address, which is frequently correlated with income and parental education levels.

- Comment 9 stated that charter schools divide communities because the charter schools have additional access to space and resources. 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 Brooklyn Success 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).

Moreover, as stated in the EIS, in accordance with New York State Charter Schools Act of 1998 (as amended), 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. For any capital improvements or facility upgrades in excess of five thousand dollars that have been approved by the Chancellor, regardless of the source of funding, made in a charter school that is already co-located within a public school building, matching capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter public school within the public school building within three months of such improvements or upgrades.

- Comment 10(b) argues that the available space in building K033 should be used by the co-located schools in the building, not the charter school.

The DOE closely monitors the need to create additional elementary, middle and high school seats across the city and believes that this proposal will greatly enhance a critical need in

District 14: quality elementary school seats. Within any district or borough, there are other competing priorities – and in the case of Brooklyn, another priority is to increase the number of quality high school seats. The DOE does not believe this proposal will impede the DOE from increasing quality high school seats in other buildings around the City. The DOE, as it has done, will continue to work towards improving its portfolio of high school seats in Brooklyn and all boroughs.

- Comment 10(c) argues that Brooklyn Success should open elsewhere in Brooklyn, such as Greenpoint. Comment 10(d) states that there are already sufficient elementary schools in the area. Comment 1 and 10(e) argue that there is no demand for Brooklyn Success from the community. Comment 10(j) states that Brooklyn Success is not needed in District 14 because District 14 elementary schools are high performing schools

District 14 has a number of high performing elementary schools, such as P.S. 31, P.S. 257, and P.S. 380. The DOE believes Brooklyn Success will provide an additional high-quality elementary school that will serve the families of District 14.

As discussed above, the Success Charter Network, the charter management organization that will manage Brooklyn Success, has achieved great results in the past and the DOE anticipates that Brooklyn Success will achieve similar results. Brooklyn Success is currently seeking permission from its authorizer, the State University of New York, to revise its charter to open a public charter school in District 14. Because the Success Charter Network’s existing schools are located in Harlem and the Bronx, the DOE acknowledges that signatures in support of the proposal may have included signatures from parents in Harlem or the Bronx. But, members of the District 14 community demonstrated their support for this proposal by signing that proposal. Nonetheless, the DOE believes in the Success Network’s record of success and supports the permanent placement of Brooklyn Success in District 14 in order to continue providing excellent educational opportunities for students and families.

- Comment 10(h) argues that the co-location of Brooklyn Success would negatively affect the funding for the other schools in building K033. The basic operating budget for public schools 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. Charter schools are public schools available for all residents of New York City. They are publicly funded in a similar manner as district schools, but are operated by external organizations. Thus, the proposed co-location should not impact the operating budget or costs of instruction at any of the existing schools in building K033.
- Comment 10(i) asserts that charter schools promote racial segregation in schools. Comment 11 notes that charter schools are only sited in neighborhoods with high minority populations.

Charter schools are public schools available for all residents of New York City. They are publicly funded in a similar manner as district schools, but are operated by external organizations. Each school is governed by an independent board of directors. As stated

above, the DOE seeks to provide space to high quality education options for all students, regardless of whether they are served in DOE or public charter schools. Also as stated above, Brooklyn Success must admit students through a lottery process. Lotteries select students randomly from among applicant pool. Though charter schools may offer preferences in their lottery processes, those preferences are not based on student academic performance or race.

Fundamentally, the proposal to open Brooklyn Success, an elementary school which will serve kindergarten through fourth grade at scale, is intended to provide a high performing option for parents of District 14 who are currently dissatisfied with their elementary school options. In general, charter schools and their operators are committed to meeting or exceeding specific goals for academic performance.

The DOE seeks to fully utilize all its building capacity to serve students, and it does not seek to site charter schools in neighborhoods with high minority populations.

Changes Made to the Proposal

No changes have been made to this proposal.