



**Department of
Education**

Dennis M. Walcott, Chancellor

Public Comment Analysis

Date: May 22, 2012

Topic: The Proposed Co-location of Leadership Preparatory Charter School 4's (84KTBD) K-4 Grades with Existing School I.S. 211 John Wilson (18K211) in Building K211 Beginning in 2013-2014

Date of Panel Vote: May 23, 2012

Summary of Proposal

The New York City Department of Education ("DOE") is proposing to co-locate Leadership Preparatory Charter School 4's (84KTBD, "Leadership Prep 4") kindergarten through fourth grade ("K-4") students in building K211 ("K211"), located at 1001 East 100 Street, Brooklyn, NY 11236, in Community School District 18 beginning in 2013-2014. If this proposal is approved, Leadership Prep 4's K-4 grades will be co-located in K211 with I.S. 211 John Wilson (18K211, "I.S. 211"), an existing middle school that serves students in sixth through eighth grade. I.S. 211 offers a District 18 Astral program for gifted and talented students. Building K211 also provides space to a community based organization ("CBO"), Champions, and the United Federation of Teachers' District 18 Training Center.

Leadership Prep 4 is a new public charter school that will serve students in kindergarten through eighth grade at full scale. The DOE recognizes that K211 does not have sufficient space to serve all of Leadership Prep 4's kindergarten through eighth grade students. Thus, in a separate Educational Impact Statement ("EIS") published in April 2012, the DOE has proposed to co-locate Leadership Prep 4's fifth through eighth grade students with P.S. 279 Herman Schreiber (18K279, "P.S. 279") in building K279 ("K279"), located at 1070 East 104 Street, Brooklyn, NY 11236, in Community School District 18 beginning in 2013-2014.

Leadership Prep 4 will enroll students through the charter lottery process as mandated by the New York State charter law. Additional information about Leadership Prep 4's charter lottery process can be found in the EIS.

According to the 2010-2011 Enrollment Capacity Utilization Report (the "Blue Book"), K211 has the capacity to serve 1,499 students. In 2011-2012, I.S. 211 is serving 764 students. This yields a target utilization rate of approximately 51%. This means that the building is "underutilized" and has space to accommodate additional students. If this proposal is approved, when Leadership Prep 4 reaches full scale in K211 in 2016-2017, the building is projected to

serve approximately 1,055-1,174 students, yielding a projected utilization rate of 70%-78%.

Copies of the EIS and Building Utilization Plan (“BUP”) describing this proposal are available in the main offices of I.S. 211. They are also available on the DOE’s Web site at:
<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/May2012Proposals.htm>.

Summary of Comments Received at the Joint Public Hearings

A joint public hearing regarding this proposal was held at K211 on May 17, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 165 members of the public attended the hearing, and 58 people spoke. Present at the meeting were the Chancellor’s Designee, Community School District 18 Superintendent Beverly Wilkins, and I.S. 211 School Leadership Team (“SLT”) representatives Heather Dias and Dorothy Atkinson. District 18 Community Education Council (“CEC”) representative, Rhonda Joseph had confirmed that she was able to attend the hearing, but did not attend. New York State Assembly Member M. Nick Perry, a representative of New York State Senator John Sampson, and a representative of New York City Council Member Charles Barron also attended the hearing.

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

1. The SLT representatives opposed the proposal for the following reasons:
 - a. I.S. 211 received a grade of “A” on its most recent Progress Report, and it should be allowed to expand to serve students in kindergarten through eighth grade.
 - b. I.S. 211’s parent community opposes the proposed co-location.
 - c. The building lacks space and it needs capital improvements.
 - d. The proposed co-location would force I.S. 211’s class sizes rise to 40 students per class.
 - e. The proposed co-location will decrease the amount of time that I.S. 211 currently has in each of the rooms that would become shared spaces.
 - f. The proposed co-location will lead to privatization of New York City public schools.
 - g. The proposed co-location is unfair because it targets the Canarsie neighborhood, while the DOE does not propose co-locations in other neighborhoods.
2. Multiple speakers supported the proposal and stated that Leadership Prep 4 will be a respectful partner in K211.
3. A commenter opposed the proposal and stated that there is no evidence that co-locations benefit co-located schools or that Leadership Prep 4 will be a successful school.
4. Multiple commenters opposed the proposal and stated that the proposed co-location will negatively affect I.S. 211’s access to shared spaces.
5. A commenter opposed the proposal and stated that the proposed co-location will cause I.S. 211’s class sizes to increase.
6. Multiple commenters opposed the proposal and contended that I.S. 211 should be allowed to expand to serve students in kindergarten through eighth grade.
7. Assembly Member Perry opposed the proposal and stated that the Panel for Educational Policy’s meeting on May 23 should be held in Brooklyn instead of the Bronx because the

proposals for significant changes in space utilization that will be presented to the Panel for Educational Policy (“PEP”) for a vote all affect Brooklyn schools.

8. A representative of State Senator Sampson stated that State Senator Sampson opposed the proposal and that K211 is not actually under-utilized because parts of the building require capital improvements and renovations. State Senator Sampson’s representative also contended that the community was not properly engaged about the proposal.
9. A commenter stated that Leadership Prep 4 should not be co-located in K211 because it is operated by a for-profit organization and because it will only accept students that are determined to be excellent students. The commenter also claimed that Leadership Prep 4 would not accept students with disabilities or English Language Learner (“ELL”) students.
10. A commenter stated that charter schools should only be co-located with failing schools.
11. A commenter stated that K211 is not under-utilized because the building needs capital improvements.
12. A representative of Council Member Barron stated that Council Member Barron opposes the proposed co-location and supports I.S. 211’s application to expand to serve students in kindergarten through eighth grade.
13. A commenter stated the proposed co-location will create safety challenges in K211 because elementary school students will share a building with middle school students.

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

The DOE received 10 written comments by e-mail and 1 comment by telephone. Those comments are included below:

14. Assembly Member Perry opposed the proposal in a letter to the Chancellor and requested that the Panel for Educational Policy move its May 23 meeting from the William Howard Taft Educational Campus in Bronx, NY, where it is currently scheduled to be held. If the meeting cannot be moved, Assembly Member Perry requested that the DOE move the proposals that it plans to present to the PEP for a vote at that meeting to a later meeting.
15. The United Federation of Teachers (“UFT”) submitted a safety and health inspection report for K211, the stated purpose of which was “to evaluate the school in light of the plans to co-locate a charter school in the building.” Their comments are included below:
 - a. In the basement, there is an active water leak in room B10 that has caused water damage in the plaster ceiling. The water damage may cause mold growth and present an asbestos hazard.
 - b. In the basement, three classrooms were constructed inside the old boys’ locker room. Two classrooms lack windows, and the ventilation system that serves them does not work. A classroom that was constructed inside the old girls’ locker room also lacks windows and mechanical ventilation. Thus, these classrooms do not meet the ventilation requirements of the New York City Building Code.
 - c. Two rooms in the basement are offices that are too small to be used as classrooms.
 - d. Because the basement is damp, the vinyl asbestos floor tiles in the basement are in poor condition, which present a potential asbestos hazard.
 - e. There is visible mold growth on the ceiling in a basement hallway near rooms B40 to B45. Tape lift samples showed mold growth outside rooms B42 and B45.

- f. Hallways on the second and third floors do not lead to an exit stair, and they do not meet the New York City Building Code’s maximum limit for dead ends.
 - g. The third floor hallway ceiling shows water damage, which could pose a potential source of microbial growth.
 - h. The double doors in the hallways on the second and third floors are damaged and do not close, so they cannot serve as fire doors that would prevent the spread of smoke or fire.
 - i. Dust was not sufficiently cleaned by contractors that were installing conduits in the second floor hallway near room 202.
 - j. The school lacks illuminated exit signs.
 - k. The science lab has a broken window that cannot be opened.
 - l. There are light fixtures throughout the building that present potential sources of polychlorinated biphenyl (“PCB”) contamination.
 - m. Basement classrooms require repairs and renovations for them to be utilized. If these classrooms do not receive repairs and renovations, they should not be counted as possible instructional spaces.
16. Multiple commenters opposed the proposal and contended that the proposed co-location would negatively impact I.S. 211’s instructional quality.
17. Multiple commenters opposed the proposal and contended that I.S. 211 should be allowed to expand serve students in kindergarten through eighth grade instead.
18. A commenter opposed the proposal and contended that charter schools should be only co-located with other charter schools. The commenter also contended that I.S. 211’s grade expansion should have been approved instead because I.S. 211 would have served students in kindergarten through eighth grade, which overlaps the grades that Leadership Prep 4 will serve.

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

- Comments 1(a), 6, 12, 17, and 18 relate to I.S. 211’s application to expand to serve students in kindergarten through eighth grade.

The DOE acknowledges that I.S. 211 applied in February 2012 to expand to serve students in kindergarten through eighth grade. The Office of New Schools denied I.S. 211’s application to expand due to a variety of concerns. I.S. 211 currently serves eight sections of students each in sixth, seventh, and eighth grade. There is insufficient space in K211 for I.S. 211 to expand to serve eight sections of students in kindergarten through eighth grade. Thus, if I.S. 211 were to expand to serve students in kindergarten through eighth grade, it would have had to serve far fewer students in kindergarten through fifth grade than it would serve in sixth through eighth grade, or I.S. 211 would have had to decrease the number of students it would serve in sixth through eighth grade. The DOE does not consider the decrease in the number of students that I.S. 211 would serve in sixth through eighth grade to be a viable solution. In addition, creating a school where the kindergarten through fifth grade sections are significantly smaller than its sixth through eighth grade sections would create an awkward school configuration that would make the establishment of a consistent school culture challenging. This would hamper I.S. 211’s ability to successfully serve students in kindergarten through eighth grade. Finally, I.S.

211 currently serves 764 students in three grades. Expanding I.S. 211 to serve six additional grades would create a school organization that is so large that it would likely experience a variety of organizational and instructional challenges that would hamper I.S. 211's ability to successfully serve students in kindergarten through eighth grade. Thus, there was no scenario that allowed I.S. 211 to expand in such a way that would ensure consistency in programming, planning, instruction, and school culture while continuing access to the seats available at I.S. 211 for District 18 middle school students.

- Comment 1(b) expresses general opposition to the proposal. Comment 1(g) asserts that school buildings in other neighborhoods are not proposed for co-locations. Comment 10 asserts that charter schools should only be co-located with failing schools. Comment 18 asserts that charter schools should only be co-located with other charter schools.

The DOE is committed to providing a portfolio of high quality school options to students and families. The DOE would not limit these options by solely proposing that charter schools be co-located with failing schools. The DOE believes in the record of success of Uncommon Schools, the charter management organization that will run Leadership Prep 4, and will continue to partner with high quality charter school operators in an effort to continue providing new options for students and families. The DOE believes that all children in public schools, including public charter schools, should have access to the physical space and resources necessary to provide educational programming pursuant to the Citywide Instructional Footprint (the "Footprint"), and will continue to provide public charter schools with access to DOE facilities when it is appropriate and beneficial to the community.

Further, the DOE notes that District 18 does not host the highest number of charter schools that are co-located with DOE schools in public facilities. Districts 5, 7 and 17 each have higher numbers of charter school co-locations than District 18.

- Comments 1(c), 8, and 11 contend that K211 is not under-utilized because the building has rooms that are not appropriate for instructional use without renovations or capital improvements. Comment 15(a-m) outlines comments made in the UFT's health and safety inspection report for K211.

The Office of Space Planning ("OSP") and the Division of School Facilities ("DSF") are currently investigating the comments in the UFT's health and safety inspection report for K211. If this proposal is approved and OPS and DSF determine that rooms in K211's basement require repairs and renovations in order to be used as instructional spaces, OSP and DSF will authorize any required repairs or renovations prior to the proposal's implementation in the 2013-2014 school year. If any repairs or renovations that are made to K211 in order to accommodate the proposed co-location are designated as capital improvements or facility upgrades, capital improvements or facility upgrades of equal expenditure would be made for I.S. 211. The DOE notes that, 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.

DSF officials visited K211 on May 22, 2012 to investigate the concerns outlined in these comments.

Comment 15(a) relates to water damage to room B10 and comment 15(e) relates to the basement hallway near rooms B40 to B45. The DOE notes that the steam leak in room B10 has been surveyed, a work order to repair the steam leak has been placed, and materials to repair the leak have been ordered. According to DSF, once the steam leak has been repaired, the floor and ceiling in room B10 will be repaired. Also, according to DSF, the mold growth in the basement hallway near rooms B40 to B45 has been removed, and the ceiling has been repainted.

Comments 15(b), 15(d), and 15(m) relate to other concerns about the basement. The DOE notes that the issues outlined in the report related to the ventilation system in the basement's classrooms, mold clean-up, or water damage in the basement rooms' ceilings or in the third floor hallway were not apparent to DSF during its visit to K211 on May 22, 2012.

It should also be noted that the basement rooms were indeed included in OSP's walkthrough of the number of rooms in K211, which confirmed that there are 62 full-size rooms, 24 half-size rooms, 4 quarter-size rooms, and 1.5 rooms of designed administrative space in K211. Of those, there are only 10 full-size, 7 half-size, and 1 quarter-size rooms in the basement. As stated in the BUP, full-size classrooms have an area of 500 square feet or more and half-size classrooms have an area of less than 500 square feet but greater than 249 square feet. Quarter-size classrooms have an area of less than 249 square feet. Also, as stated in the BUP, the Footprint allocates full-size rooms each general education or Integrated Co-Teaching instructional purposes and a full-size or half-size for self-contained special education instructional purposes. Thus, in response to comment 15(c), while there is 1 quarter-size room in the basement that would not be allocated per the Footprint for instructional purposes, the remaining full-size and half-size rooms are of suitable size for instructional purposes.

Moreover, even if the basement rooms had been excluded from the rooms included in OSP's walkthrough, because there is so much excess space in the building there is sufficient space under the Footprint to accommodate the co-location through the 2015-2016 school year when Leadership Prep 4 will serve students in kindergarten through third grade. As stated above, if OPS and DSF determine that rooms in K211's basement require repairs and renovations in order to be used as instructional spaces, these repairs will be completed prior to the implementation of the co-location in 2013-2014 and, therefore, will be available for use by the time they are needed in 2016-2017 for I.S. 211 and Leadership Prep 4 to receive at least their baseline Footprint allocation of rooms.

In response to comment 15(f), the DOE notes that there are no violations of the New York City Building Code in the second and third floor hallways.

Comment 15(g) relates to water damage to the third floor hallway ceiling. There is a current capital project related to repairs to K211's roof and parapet. Once the School Construction Authority has completed these exterior repairs, it will also repair water damage to the third floor hallway ceiling.

Comment 15(h) relates to damage to doors on the second and third floors. According to DSF, there are damaged doors throughout the building, and the doors will likely be repaired before September 2012.

Comment 15(i) relates to complaints that the second floor hallway was not sufficiently cleaned after contractors installed conduits near room 202. According to DSF, the custodians have alerted the School Construction Authority regarding this matter and the School Construction Authority will remind its contractors to clean thoroughly after installations.

Comment 15(j) relates to illuminated exit signs in K211. DSF indicated that there are illuminated exit signs in K211, but DSF also noted that some are currently damaged. DSF has confirmed that the illuminated exit signs in K211 will be repaired before September 2012.

Comment 15(k) relates to a broken window in the science lab. DSF has confirmed that the window will be repaired before September 2012.

Comment 15(l) relates to light fixtures in K211 that present potential sources of PCB contamination. According to DSF, no light fixtures in K211 are currently leaking PCBs, and K211's custodian has been guided to report any leaks to DSF and the School Construction Authority if they are identified.

- Comments 1(d) and 5 contend that the proposed co-location will lead to an increase in I.S. 211's class sizes and create overcrowding in K211.

Building K211 has been identified by the Division of Portfolio Planning in its "Under-utilized Space Memorandum" as having over 300 seats available. The building's current utilization rate is only approximately 51%. Even if the co-location is approved, the building's utilization rate would reach only 70%-78%, once Leadership Prep 4 grows to full-scale. Therefore, the building has the capacity to accommodate Leadership Prep 4 and I.S. 211 when Leadership Prep 4's K-4 grades are fully phased in.

Additionally, as explained in the EIS and BUP, there will be sufficient space to accommodate Leadership Prep 4's K-4 grades and I.S. 211, pursuant to the Footprint throughout the period while Leadership Prep 4's K-4 grades phase in. The Footprint sets forth the baseline number of rooms that should be allocated to a school based on the grade levels served by the school and number of classes per grade. For existing schools,

the Footprint is applied to the current number of sections per grade, assuming class size will remain constant.

Schools are free to program their classes as they choose. The DOE's standards for space allocations project class sizes that are lower than the UFT's contractual class sizes. While the BUP may reallocate excess space from I.S. 211 to Leadership Prep 4, it does not project that the number of students in each section will rise to any significant degree. Additionally, the DOE does not anticipate that the proposal will render the schools unable to implement forms of small group instruction or to provide pull-out services in accordance with students' IEPs.

Class size is primarily determined by how principals choose to program students at their schools within their budgets. Thus, no particular proposal in and of itself necessarily impacts class size. The Footprint relies upon the current programming at a school (number of sections) to determine the baseline Footprint allocation. Decisions to co-locate schools are not based solely on the utilization figures in the Blue Book. The DOE also considers the total number of classrooms in the building and the number of sections currently programmed at all schools in the building or projected to be programmed to determine the availability of excess space and the baseline Footprint for each school.

- Comments 1(e) and 4 assert that the proposal will overly burden the shared spaces in K211.

In the BUP, the DOE has proposed a shared space plan that fairly and equitably allocates time in the shared spaces in K211. The DOE does not anticipate that this proposal will cause I.S. 211 to have insufficient access to shared spaces. The allocation of time in the shared spaces is delineated in the BUP, showing that equitable distribution of time in these spaces is possible.

- Comments 1(f) and 9 contend that Leadership Prep 4 is managed by a private or a for-profit organization.

This statement is false. Leadership Prep 4's charter was authorized by the State University of New York ("SUNY") Charter Schools Institute, and it will be managed by Uncommon Schools, a non-profit charter management organization.

- Comment 2 supports the proposal, and therefore does not need to be addressed further.
- Comment 3 contends that there is no proof that Leadership Prep 4 will be a high-quality option in District 18.

The DOE is proposing Leadership Prep 4's co-location in K211 to provide an additional school option that would serve kindergarten through fourth grade students in District 18. As stated above, Leadership Prep 4 will be managed by Uncommon Schools, a charter management organization that currently manages a total of 11 charter schools, all located in Brooklyn. The available school performance data of Uncommon Schools' other

schools are as follows:

- Bedford Stuyvesant Collegiate Charter School (84K648), located in District 16, received an overall A grade on both the 2009-2010 and 2010-2011 Progress Reports;
- Brownsville Collegiate Charter School (84K710), located in District 23, received an overall A grade on its 2010-2011 Progress Report;
- Williamsburg Collegiate Charter School (84K355), located in District 14, has earned four consecutive overall A grades on its Progress Reports since 2007-2008, with A grades across all sub-categories;
- Kings Collegiate Charter School (84K608), located in District 18, received an overall B grade on its most recent Progress Report, preceded by two consecutive overall A grades in 2008-2009 and 2009-2010; and
- Leadership Preparatory Bedford Stuyvesant (84K517), located in District 13, received an overall B grade on both the 2009-2010 and 2010-2011 Progress Reports.

The DOE believes in Uncommon Schools' record of success and supports Leadership Prep 4's placement in District 18 in order to provide excellent educational opportunities for students and families.

- Comments 7 and 14 contend that the PEP's meeting at which this proposal will be voted on should be moved from the Bronx to Brooklyn. It also contends that the DOE should present this proposal to the PEP at a later meeting that would take place in Brooklyn.

Because the PEP's May 23, 2012 meeting was scheduled at the beginning of the 2011-2012 school year, the meeting cannot be rescheduled to take place in a different location. The PEP's 2011-2012 schedule was posted on September 14, 2011, on the DOE's Web site at <http://schools.nyc.gov/AboutUs/leadership/PEP/schedule/default.htm>. While the DOE acknowledges the request to postpone the vote on this proposal for the PEP's meeting in June, which is scheduled to take place at the Prospect Heights Campus, located at 883 Classon Avenue, Brooklyn, the DOE notes that any member of the public who cannot attend the PEP's meeting in May in the Bronx is still able to submit public commentary regarding this proposal via the phone and e-mail contacts set forth in the PEP notice, which is available <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/May2012Proposals.htm>. Therefore, the DOE does not believe that the location of the PEP meeting affects the public's ability to submit meaningful input regarding this proposal.

- Comment 8 asserts that the DOE should have engaged the community on this proposal more extensively to gain greater perspective on the proposal.

The DOE has followed all applicable laws and regulations with regard to engaging the community and publicizing the hearing. The DOE also held additional non-mandatory engagement meetings with the CEC and I.S. 211's SLT. The DOE considers all public feedback when making its proposals. In addition, this public comment analysis has been

made available to the public and members of the PEP prior to the PEP's vote on the proposal.

- Comment 13 asserts that safety problems will arise from co-locating elementary students with middle school students in K211.

The DOE currently manages 246 buildings where mixed grade levels of two or more school organizations are co-located. The DOE is not aware of any unusual discipline problems caused by the co-location of elementary age students with middle school age students in those buildings. The DOE, in consultation with the Building Council, will, where possible, allocate contiguous and dedicated space to the elementary students to ensure the safety of all students.

- Comment 9 contends that students with disabilities and ELL students will not be served at Leadership Prep 4.

All future age-appropriate students in District 18 will have the opportunity to enter the charter application lottery process to enroll in Leadership Prep 4, regardless of their status as ELL students, students with disabilities, or any other similar category. Leadership Prep 4 will work with students to ensure they receive the services necessary to their education.

In addition, under the most recent amendments to the state charter law, in its charter application a charter school must demonstrate that the proposed charter school would meet or exceed certain enrollment and retention targets of ELL students and students with disabilities. Charter schools which fail to do so risk denial of their renewal applications.

- Comment 16 contends that the proposed co-location will negatively impact I.S. 211's instructional quality.

The DOE does not anticipate that this proposal will impact I.S. 211's instructional quality or its ability to build upon past successes, nor does it anticipate that this proposal will jeopardize the performance and academic achievement of I.S. 211's students.

Changes Made to the Proposal

No changes were made as a result of this proposal.