



**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) 5-8 Grades with Existing School P.S. 279 Herman Schreiber (18K279) in Building K279 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”) fifth through eighth grade (“5-8”) students in building K279 (“K279”), located at 1070 East 104 Street, Brooklyn, NY 11236, in Community School District 18 beginning in 2013-2014. If this proposal is approved, Leadership Prep 4’s 5-8 grades will be co-located in K279 with P.S. 279 Herman Schreiber (18K279, “P.S. 279”), an existing elementary school that serves students in kindergarten through fifth grade. P.S. 279 also offers two sections of a full-day pre-kindergarten program.

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 K279 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 on April 2, 2012, the DOE has proposed to co-locate Leadership Prep 4’s kindergarten through fourth grade students with I.S. 211 John Wilson (18K211, “I.S. 211”) in building K211 (“K211”), located at 1001 East 100 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”), K279 has the capacity to serve 1,096 students. In 2011-2012, P.S. 279 is serving 557 students in kindergarten through fifth grade and 36 students in pre-kindergarten. This yields a target utilization rate of approximately 54%. 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 K279 in 2016-2017, the building is projected to serve approximately 800-931 students, yielding a projected utilization rate of 73%-85%.

Copies of the EIS and Building Utilization Plan (“BUP”) describing this proposal are available in the main offices of P.S. 279. 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 K279 on May 16, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 105 members of the public attended the hearing, and 14 people spoke. Present at the meeting were the Chancellor’s Designee, Community School District 18 Superintendent Beverly Wilkins; District 18 Community Education Council (“CEC”) representative, Rhonda Joseph; Principal of P.S. 279, Lorenzo Chambers; and P.S. 279 School Leadership Team (“SLT”) representative, Lisa Muhammad. Representatives of New York State Senator John Sampson and New York State Assembly Member M. Nick Perry also attended the hearing.

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

1. The CEC representative opposed the proposal for the following reasons:
  - a. Leadership Prep 4 will affect nearby elementary schools’ enrollment because it will attract the best students, leaving the lowest performing and most challenging students for the zoned district elementary schools.
  - b. There is no guarantee that both P.S. 279 and Leadership Prep 4 will benefit as a result of the proposal.
2. The SLT representative opposed the proposal for the following reasons:
  - a. Co-locations lead to overcrowding and larger class sizes.
  - b. Co-locations negatively affect the co-located schools’ instruction.
  - c. The co-location of Leadership Prep 4 will lead to even greater difficulties scheduling the use of spaces like the gymnasium, the cafeteria, and the auditorium. Specifically, the co-location will lead to decreased time in the gymnasium for P.S. 279 students, which will negatively affect P.S. 279’s students’ health.
  - d. Charter schools like Leadership Prep 4 and district schools have inequitable access to resources.
  - e. There is no proof that Leadership Prep 4 will perform better than P.S. 279.
3. P.S. 279’s principal opposed the proposal for the following reasons:
  - a. Charter schools should not be compared to district schools because charter schools have access to private funding that is unavailable to district schools, leading to an inequity of resources.
  - b. P.S. 279’s grade expansion application was denied, and if P.S. 279 had been permitted to expand, it would serve the same grades that Leadership Prep 4 will serve in K279.
  - c. When Leadership Prep 4 is at scale, students in the community will not be able to apply for admissions for fifth grade, only in kindergarten.
  - d. Charter schools are not hindered by operational constraints, such as hiring practices or limited school hours.
  - e. Charter schools can require students to wear uniforms and parents to participate, while district schools cannot.

- f. Charter co-locations create a sense of inferiority among students in district schools.
4. Multiple commenters spoke in support of the proposal and stated that Leadership Prep 4 will be a respectful neighbor.
5. A commenter stated that former DOE Chancellor Joel Klein advocated for charter schools, which presents a conflict of interests.
6. A commenter stated that she opposed the proposal because parents cannot have a voice in charter schools and that charter schools tend to harass parents of struggling students until they withdraw their students, particularly before the New York State English language arts and math tests are administered.
7. Multiple commenters stated that there is not sufficient space in the building, particularly in the building's shared spaces, to support another school.
8. Multiple commenters stated that co-locations create contentious relationships between schools.
9. The representative of State Senator Sampson stated that State Senator Sampson opposed the proposal because P.S. 279 and Leadership Prep 4 would not have equitable and fair access to resources and because the proposed co-location would result in chaotic scheduling of shared spaces.
10. The representative of Assembly Member Perry stated that Assembly Member Perry opposed the proposal because it would not be fair to P.S. 279.

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

The DOE received two written comments by e-mail. Those comments are also included below.

11. Assembly Member Perry opposed the proposal in a letter to the Chancellor and requested that the Panel for Educational Policy (“PEP”) move its May 23 meeting from the William Howard Taft Educational Campus in Bronx, NY, where it is currently scheduled to be held, to a location in Brooklyn. 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 their vote at that meeting to a later meeting.
12. A commenter opposed the proposal and stated that there is not sufficient space in the building's shared spaces to be shared with another school organization.

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

- Comment 1(a) claims that the proposed co-location will cause a decline in enrollment in nearby schools because high-performing students will enroll in Leadership Prep 4, while low-performing students and challenging students will not be able to enroll in Leadership Prep 4, instead forcing them to enroll in District 18 elementary schools. Comment 3(c) states that students will lose access to Leadership Prep 4 once it reaches full scale and only accepts applications for kindergarten.

For the 2013-2014 school year, Leadership Prep 4 will accept applications via the charter lottery application process, as mandated by the New York State charter law, for

kindergarten, first grade, and fifth grade. After 2016-2017, Leadership Prep 4 will only accept applications via the kindergarten lottery. However, the school may admit students in other grades from the school's waitlist if seats become available.

Leadership Prep 4 will institute the admissions policy described in greater detail in the EIS, in order to serve students in District 18.

The DOE acknowledges that the co-location of Leadership Prep 4 in K279 may have a slight affect on the enrollment of district elementary schools in District 18. However, the DOE notes that charter schools are required to take all students who are admitted to the school and enroll them regardless of special needs or academic performance.

- Comment 1(b) contends that P.S. 279 will not benefit as a result of the proposed co-location.

Charter schools encourage and nurture innovative instructional practices and high standards that benefit educators and students throughout the school system. If this proposal is approved, P.S. 279 may collaborate with Leadership Prep 4 and share instructional best practices. Also, in accordance with New York State Charter Schools Act of 1998 (as amended), in the event that Leadership Prep 4 would like to make a capital improvement to K279 in excess of five thousand dollars to accommodate the co-location, regardless of the source of funding, the Chancellor or his/her designee must first authorize the proposed capital improvement or facility upgrade in writing . For any such improvements or upgrades that have been approved by the Chancellor, capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter school within the public school building.

- Comments 2(a) contends that the proposed co-location will lead to an increase in P.S. 279's class sizes and create overcrowding in K279.

Building K279 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 54%. Even if the co-location is approved, the building's utilization rate would reach only 73%-85%, once Leadership Prep 4 grows to full-scale. Therefore, the building has the capacity to accommodate Leadership Prep 4 and P.S. 279 when Leadership Prep 4's 5-8 grades are fully phased in.

Additionally, as explained in the EIS and BUP, there will be sufficient space to accommodate Leadership Prep 4's 5-8 grades and P.S. 279, pursuant to the Citywide Instructional Footprint (the "Footprint") throughout the period while Leadership Prep 4's 5-8 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 United Federation of Teachers' ("UFT") contractual class sizes. While the BUP may reallocate excess space from P.S. 279 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.

- Comment 2(b) contends that the proposed co-location will negatively impact P.S. 279's instructional quality.

The DOE does not anticipate that this proposal will impact P.S. 279'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 P.S. 279's students.

- Comments 2(c), 7, 9, and 12 contend that the proposed co-location will impose difficulties on P.S. 279's access to shared spaces, such as the gymnasium, the auditorium, and the cafeteria.

In the BUP, the DOE has proposed a shared space plan that fairly and equitably allocates time in the shared spaces in K279. The DOE does not anticipate that this proposal will cause P.S. 279 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. The BUP can be found in P.S. 279's main office and on the DOE's Web site at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/May2012Proposals.htm>.

With respect to the gymnasium in K279, it is not currently over capacity. If programmed to meet the standard physical education requirements for students in the existing schools, the gymnasium would still have multiple hours left over each day for additional programming. The DOE anticipated that P.S. 279 and Leadership Prep 4 will be able to serve their students' physical education needs as a result of this proposal.

The DOE also notes that the proposed shared space schedule included in the BUP is not the final shared space schedule for K279 in the 2013-2014 school year. The final shared space schedule will be collaboratively drafted by the Building Council, which will be composed of principals or designees of the co-located school organizations.

- Comments 2(d), 3(a), 9, and 10 contend that charter schools and district schools have inequitable access to resources.

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

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

Furthermore, the opening of a new school and the support of existing schools are not mutually exclusive. In fact, the use of under-utilized physical space is an example of the responsible use of resources available to the DOE, which may positively impact the ability of the DOE to provide other resources, like textbooks, whether directly or indirectly. Additionally, the purchase of specific materials, such as textbooks, is at the discretion of the principals of individual schools.

- Comment 2(e) 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 K279 to provide an additional school option that would serve fifth through eighth grade students in District 18. 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 (“Uncommon”), a Charter Management Organization (“CMO”). Uncommon currently manages a total of 11 charter schools, all located in Brooklyn. The available school performance data of Uncommon’s other schools is 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's record of success and supports Leadership Prep 4's placement in District 18 in order to provide excellent educational opportunities for students and families.

- Comment 3(b) asserts that P.S. 279 should expand to serve middle school grades in place of the proposal.

Several factors are taken into consideration in making the decision to propose the expansion of a school to serve additional grades. After reviewing P.S. 279's grade expansion application, the Office of New Schools determined that P.S. 279 should not be approved to expand to serve middle school grades so it can focus on improving the quality of instruction in the current elementary school grades.

- Comments 3(d) and 3(e) relate to operational differences between charter and district schools. Comment 5 relates to former Chancellor Joel Klein's support for charter schools during his administration.

The DOE acknowledges that Leadership Prep 4 will be managed by Uncommon and that it will be an independent Local Educational Agency that is not subject to most New York City Chancellor's Regulations, but rather to the regulations set forth in Article 56 of the New York State Charter Act, New York State Education law, sections of New York General Municipal Law, and some federal education laws. The DOE also acknowledges that Leadership Prep 4's school days will be between 7:15 a.m. and 4:00 p.m. on Mondays to Thursdays and from 7:15 a.m. to 1:30 p.m. on Fridays. However, the DOE also acknowledges that it will continue to partner with charter school operators, like Uncommon, which have a record of success in an effort to continue to provide new options for students and families. Regardless of any operational differences between Leadership Prep 4 and P.S. 279, the DOE is committed to providing a portfolio of high quality school options to 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 Footprint, and will continue to provide public charter schools with access to DOE facilities when it is appropriate and beneficial to the community.

- Comment 3(f) contends that charter co-locations create a sense of inferiority amongst students of the co-located district schools.

The DOE does not believe there is any basis for asserting that there will be a feeling of inferiority among students at the existing schools as a result of the proposal. The DOE believes the proposal treats all schools impacted by the proposal equitably. Nothing in the proposal suggests that students will be treated differently, except inasmuch as they are in different schools.

- Comment 4 supports the proposal, and therefore does not need to be addressed further.
- Comment 6 contends that parents lack the ability to participate in charter schools' governance.

All charter school board meetings are publicly held on a regular basis, and notification is provided at least one week in advance, as required by law. However, because Leadership Prep 4 will not begin enrolling students until the 2013-2014 school year, specific policies about parent involvement and distribution of board meeting minutes are not yet available. If parents/guardians wish to file a grievance regarding a charter school, they may follow this protocol:

- Contact the school leadership for violations, issues, or complaints.
  - If a parent or guardian is not satisfied with the outcome or decision pertaining to the incident, the parent may appeal to the school's board of trustees.
  - If a parent or guardian is not satisfied with the board of trustee's decision, the parent or guardian may appeal to the school's authorizer. Each charter school is subject to oversight by its authorizer, and there are three authorizers for New York City: the SUNY Charter Schools Institute, the New York State Education Department, and the DOE.
  - If a parent or guardian is not satisfied with the outcome pertaining to the incident after going through the first three levels of the appeal process, the parent or guardian may contact the New York State Board of Regents.
- Comment 6 contends that charter schools intentionally counsel parents to withdraw challenging students, particularly prior to the administration of New York State English language arts and math tests.

Charter schools are required to take all students who are admitted to the school and enroll regardless of special needs or academic performance. Schools may not employ practices that counsel out students due to academic performance.

- Comment 8 contends that co-locations create contentious relationships between schools.

The DOE acknowledges that sharing facilities requires collaboration and flexibility and believes that when campuses are managed effectively, student achievement improves and members of the school community are more satisfied. Chancellor's Regulation A-190 outlines the procedures for the management of public school buildings that house more

than one school or program. There are two governance structures that guide decisions on campuses: the Building Council and the Shared Space Committee. The DOE will resolve cases where conflicts amongst schools are ongoing and the progress of the Building Council is impaired. If principals disagree about how to handle an issue of campus management, the Building Council should discuss the issues, using the recommended tools and methods, and attempt to reach consensus. If the Building Council cannot reach resolution on an issue, the Building Council should request support from the relevant Children's First Network and charter school leaders. The Children's First Network should facilitate one or two meetings before calling for arbitration. If a Building Council fails to reach a resolution, even after involvement by the relevant Children's First Network, network leaders or the principals should contact the Office of the Senior Supervising Superintendent in the Division of Academic Performance and Support. The Office of the Senior Supervising Superintendent will then make a final determination of the issue(s), and the community or high school superintendent(s), in collaboration with the Senior Supervising Superintendent, will ensure the implementation of that decision and will file the documentation for the adverse performance rating(s) for the principals on the campus as appropriate.

- Comment 11 contends 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.

### **Changes Made to the Proposal**

No changes were made as a result of this proposal.