



### **Analysis of Public Comment**

Date: May 17, 2010

Topic: Proposed Co-location of Bronx Success Academy 1 Charter School with P.S. 30 in X030

Date of Panel Vote: May 18, 2010

### **Summary of Proposal**

In the 2010-2011 school year, Bronx Success Academy 1 (“BSA 1”), a new charter school that will serve grades K-8 at scale, will open in school building X030, in District 7, and will be co-located with P.S. 30 Wilton (“P.S. 30”). BSA 1 will open with approximately 180 kindergarten and first grade students in 2010-2011 and, pending renewal of its charter, will gradually grow to serve students in grades K-8, with approximately 800-811 students enrolled when the school achieves its full grade scale in 2017-2018.

This proposal is for the siting of only two grade levels of BSA 1 in X030. Before the start of the 2011-2012 school year, the Department of Education (“DOE”) will assess the available space in X030 to determine whether BSA 1 can continue to add one grade per year in the X030 building. Enrollment trends in the two schools may allow for BSA 1’s continued phase-in of additional grades in X030. If the DOE determines that there is sufficient space in X030 for BSA 1 to continue its phase-in, the DOE will propose a continued expansion of BSA 1 in X030 in a separate educational impact statement. If there is not adequate space, alternative siting options for BSA 1’s additional grade levels will be explored.

Building X030 has sufficient space to house two grade levels of BSA 1 while P.S. 30 continues operating at full organizational capacity. The 2008-2009 target utilization rate of X030 was 72 percent, and its target capacity is 710 students. According to the October 31, 2009 Audited Register, there were 494 students enrolled at P.S. 30, which indicates that there are approximately 216 available seats in the X030 building. The projected total enrollment of both schools in 2010-2011 is 657. Therefore, the projected building utilization in 2010-2011 with both BSA 1 and P.S. 30 in X030 is 93%.

The co-location of BSA 1 in X030 will expand the number of high-quality elementary and middle school options for students and families in District 7. BSA 1 is chartered by the State University of New York Board of Trustees and is part of the Success Academies network of charter schools. The Success Academies network currently operates four schools in New York City. High demand for seats in these schools, with over 3,600 students on the wait list and 40%

of applications from Bronx families, drove the DOE's decision to propose the co-location of BSA 1 in District 7.

There are four Success Academy schools in New York City:

- Harlem Success Academy 1 ("Harlem Success 1") located in District 3
- Harlem Success Academy 2 ("Harlem Success 2") located in District 5
- Harlem Success Academy 3 ("Harlem Success 3") located in District 4
- Harlem Success Academy 4 ("Harlem Success 4") located in District 3

State Test data is not available for Harlem Success 2, 3, and 4 because the schools all opened in the 2008-2009 school year and only serve students in grades K-2. Harlem Success 1 opened in the 2006-2007 school year, and has a solid track record of serving its students well. Last year, 95% of students at Harlem Success 1 scored a level 3 or 4 in ELA (23.2 points higher than the District 3 average) and 100% of students at Harlem Success 1 scored a level 3 or 4 in Math (8.3 points higher than the District 3 average). The school achieves these results while serving high-need students. Currently, 74% of students attending the Success Academy schools are eligible for free or reduced-price lunch and 91% of Success Academy students are black or Latino. Additionally, 11.8% of students attending Success Academies have IEPs (compared with 13.5% citywide), and 2.3% of Success Academy students are English language learners, compared with 16.5% citywide.

An educational impact statement on this proposal was originally published on March 5, 2010 a joint public hearing was held on April 8, 2010. On April 12, 2010, the DOE amended the educational impact statement to add certain information about potential impacts of the co-location, and subsequently held another joint public hearing on May 10, 2010.

### **Summary of Comments Received at the Joint Public Hearings**

A joint public hearing regarding this proposal was held at X030 on April 8, 2010, and all interested parties had an opportunity to provide input on the proposal. Approximately 275 members of the public attended the hearing, and 35 people spoke. Twenty-three members of the public opposed the proposal, stating that: (1) there is not enough space in the X030 building to house both the charter school and P.S. 30; (2) a charter school is not an educational option that District 7 families want because charter schools do not adequately serve high needs students; (3) BSA 1 has a discriminatory admissions policy; (4) charter schools receive more money than regular public schools. Nine members of the public spoke in favor of the proposal, noting that the Success Academies are excellent educational options that Bronx families have expressed a desire for in their communities.

A second joint public hearing was held at P.S. 30 on May 10, 2010 and all interested parties had an opportunity to provide input on the proposal. Approximately 60 people attended the hearing and 12 people signed up to speak. Ten speakers opposed the proposal, citing many of the same objections raised in the first joint public hearing – insufficient space for a charter school in X030, the charter school's inability to adequately serve high needs students, and the absence of demand for more charter schools in the Bronx. Some speakers also mentioned that

several students have already received letters offering them a seat at BSA 1 in the X030 school building at 510 East 141<sup>st</sup> Street, and that this was improper given that the proposal has not yet been approved. Two speakers spoke in support of the proposal noting that they live in the Bronx and had chosen to send their children to charter schools because of the high quality of education that is offered.

### **Summary of Issues Raised in Written and Oral Comments and Significant Alternatives Suggested**

One e-mail comment has been received. No oral comments have been received. The comments included in the e-mail can be summarized as follows: (1) charter schools do not offer the services that special education students require; (2) students who receive additional services in math, speech, and ELA should not have their space taken away; (3) only 5% of the students at each Success Academy school are special education students; (4) P.S. 30 teachers may lose their jobs as a result of the co-location; and (5) rather than allocate money to a new charter school, the DOE should put the money back into public schools.

A petition with 767 signatures opposing the proposal was submitted in hard copy at the April 8, 2010 joint public hearing. The petition states:

We the parents of P.S. 30 and the community are against the plans of the charter school coming into our building. Our children need classroom space. We need your signature, it is very important! Thank you for your time and patience.

No significant alternatives were proposed.

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

With respect to concerns raised about availability of space in the building for BSA 1, as stated in the educational impact statement and in the summaries above, the X030 building has approximately 216 available seats and the projected enrollment of BSA 1 in the 2010-2011 school year is only 180 students. As indicated by the educational impact statement, there is more than adequate space in the building for both schools to serve their students, including Pre-K students and those students who require special education and related services, as per the citywide instructional footprint. Contrary to concerns raised during the comment period, no space will be “taken away” from students who require additional services. While the location in the building in which those services are provided may change, P.S. 30 will continue to have sufficient space to provide all mandated services. The DOE therefore maintains that there is sufficient space in the X030 building for two grade levels of BSA 1 and P.S. 30 to operate at full organizational capacity in the 2010-2011 school year.

Regarding whether Bronx families want an educational option for their children such as BSA 1, 40% of the 7,000 applications received for only 1,100 available seats at the Success Academies were from Bronx families, despite the fact that less than 20% of available seats are to

be physically located in the Bronx. This fact clearly indicates that a high quality charter school such as BSA 1 is an educational option that appeals to Bronx families.

Per the section on the summary of comments received at the joint public hearings, comments alleging that BSA 1 has a discriminatory admissions process are simply untrue. Pursuant to New York State law, BSA 1 admits students via lottery and District 7 residents are given preference in that lottery. All students entering Kindergarten and grade 1 in the fall of 2010, including English language learners and special education students, had the opportunity to apply for a seat at BSA 1. Admissions decisions are made by lottery at random and were not based on any discriminatory considerations. Furthermore, all students who enroll at BSA 1 will receive their required services, including special education students and English language learners. In fact, 11.8% of students currently enrolled in the Success Academies receive special education services.

The comments stating that charter schools receive more money and space than public schools are also unfounded. Charter schools are public schools serving public school children. Further, charter schools are allocated space based on the citywide instructional footprint, and receive less money per pupil than non-charter DOE schools. A study by the New York City Independent Budget Office in February 2010 found that per student public spending at traditional public schools was greater than per student spending at charter schools.<sup>1</sup>

With regard to the statement that the DOE should put more money in traditional public schools rather than allocate funds to a new charter school, it is important to note that the DOE does not make funding allocations to charter schools. Charter schools receive state foundation aid appropriated to New York City based upon the New York State Per Pupil Allocation rate.

With respect to the comment expressing concern over the potential loss of teaching jobs at P.S. 30, the co-location of P.S. 30 and BSA 1 will not impact the personnel needs at P.S. 30. The school will continue to have sufficient space to maintain its current student enrollment and, therefore, its need for teachers and staff will remain unchanged.

Finally, in response to concerns raised about the BSA 1 admissions letters that were sent to students for the 2010-2011 school year, the letters clearly noted that the school's co-location in the X030 building was pending approval by the Panel for Educational Policy.

No changes have been made to the proposal. It will be presented to the Panel for Educational Policy as it is currently posted.

A copy of the educational impact statement for this proposal can be obtained at [http://schools.nyc.gov/NR/rdonlyres/BD228776-71B2-459E-93C9-BCEEE02F65F5/80899/X030\\_BSA1\\_AmendedEIS\\_Final\\_41210.pdf](http://schools.nyc.gov/NR/rdonlyres/BD228776-71B2-459E-93C9-BCEEE02F65F5/80899/X030_BSA1_AmendedEIS_Final_41210.pdf).

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<sup>1</sup> New York City Independent Budget Office Fiscal Brief: Comparing the Level of Public Support: Charter Schools versus Traditional Public Schools, February 2010. Available at: <http://www.ibo.nyc.ny.us/iboreports/charterschoolsfeb2010.pdf>