



Public Comment Analysis

Date: February 2, 2011

Topic: The Proposed Co-location of a New School, P.S. 401 (23K401), and the Re-siting and Co-location of Leadership Preparatory Ocean Hill Charter School (84K775) with P.S. 332 (23K332) in Building K332

Date of Panel Vote: February 3, 2011

Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to site a new zoned elementary school, P.S. 401 (23K401, “P.S. 401”), and to re-site Leadership Preparatory Ocean Hill Charter School (84K775, “Ocean Hill”) at 51 Christopher Avenue, Brooklyn, NY 11212, in Community School District 23, in Building K332 (“K332”). If this proposal is approved, P.S. 401 and Ocean Hill would be co-located with an existing DOE zoned school that serves grades Kindergarten through eight, P.S. 332 Charles H. Houston (23K332, “P.S. 332”), and an Alternative Learning Center (K992, “ALC”), as P.S. 332 phases out. A “co-location” means that two or more school organizations are located in the same building and may share common spaces like auditoriums, gymnasiums, and cafeterias.

If this proposal is approved, P.S. 401 would open in K332 as a zoned elementary school that serves Kindergarten through second grade in the 2011-2012 school year. In 2014-2015, when P.S. 401 is fully phased into K332, it would serve students in Kindergarten through fifth grade. In 2011-2012, Ocean Hill’s current Kindergarten and first grades would also be re-sited to K332. Beginning in the 2011-2012 school year, Ocean Hill would also expand to serve students in the second grade in K332, and the school would continue to add one new grade of students annually. In 2017-2018, the final year of the phase-in, Ocean Hill would serve students in Kindergarten through eighth grade.

In a separate Educational Impact Statement (“EIS”) that was published on December 20, 2010, the DOE proposed to gradually phase out and eventually close P.S. 332 because of its low performance. If the proposal to phase out P.S. 332 is approved, P.S. 332 would no longer admit Kindergarten students or offer grades one, two, and six after the conclusion of the 2010-2011 school year. It would also not offer a Pre-Kindergarten program after the conclusion of the 2010-2011 school year. The school would complete its phase-out in June 2013.

Current Kindergarten and first grade students at P.S. 332 would be guaranteed a seat in grades one and two at the new zoned elementary school, P.S. 401. Current students in grades two, three, and four

would continue to be served by P.S. 332 as they progress toward completion of elementary school. Students in fifth grade would participate in the District 23 Middle School Choice Process consistent with current practice. Fifth-grade students will also be guaranteed a sixth-grade seat at Mott Hall Bridges Middle School (23K671). Current students in grades six, seven, and eight would continue to be served by P.S. 332 as they progress toward completion of middle school at P.S. 332. Current eighth-grade students would participate in the Citywide High School Admissions Process consistent with current practice.

By 2012-2013, the ALC at K332 will be re-sited to an alternate location within District 23 or where there is a district need for an additional ALC. Once Ocean Hill and P.S. 401 have completed their respective expansions and P.S. 332 has completed its phase-out, there would be approximately 1,000-1,050 students served in K332 by Ocean Hill and P.S. 401 combined. In 2009-2010, K332 had a target capacity to serve 964 students, and the building enrolled 479 K-8 students and a Pre-Kindergarten class of 18 students, yielding a target building utilization of 52%. In 2010-2011, there were 419 K-8 students enrolled at P.S. 332.

P.S. 401 would replace the elementary seats — Kindergarten through fifth grade — that would be lost due to P.S. 332's phase-out and eventual closure. The middle school seats — sixth through eighth grade — that would be lost due to P.S. 332's phase-out and eventual closure would be absorbed by the existing capacity at Mott Hall Bridges Middle School, where all P.S. 332 students are guaranteed a seat, and in other District 23 middle schools.

The EIS regarding this proposal was issued on December 20, 2010. An amended EIS was issued on January 26, 2011 to correct typographical errors, corrects projected enrollment ranges, includes data related to 2010-2011 unaudited registers, clarifies footnotes related to building utilization rates and capacity, includes additional information related to the NYCDOE Instructional Footprint, and replaces text to reduce redundancy between the EIS and Building Utilization Plan. The original and amended EIS were available at the P.S. 332 main office and made available online: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/default.htm>.

Summary of Comments Received at the Joint Public Hearings

A joint public hearing regarding this proposal was held at P.S. 332 Charles H. Houston on January 31, 2011. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 120 members of the public attended the hearing, and 20 people spoke. Present at the meeting were District 23 Superintendent Ainslie Cumberbatch; P.S. 332 School Leadership Team ("SLT") representative Nigel Henty; District 23 Community Education Council President ("CEC") Charles Erwin, Junior.

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

1. Multiple commenters questioned why prospective leaders were introduced to the community and students were recruited for the new school if this proposal was not a done deal, and whether the new teachers would do a better job than the current teachers at P.S. 332.

2. A commenter expressed dismay that Mott Hall Bridges was 1 mile away from P.S. 332 and expressed dismay that it was too far away.
3. Multiple commenters discussed the inequities between charter schools and DOE district schools.
4. A commenter stated that charter schools get to choose their students instead of enrolling any students with disabilities or English Language Learner students, or students with behavior issues.
5. A commenter stated that charter schools get rid of their poor performing students and keep the funding anyway. Therefore, charter schools don't have the same type of commitment that public schools have.

The DOE received the following comments at the Joint Public Hearing which did not directly relate to the proposal and therefore do not require a response

6. One commenter advertised a rally on Saturday at 1368 Fulton street in front of Tweed courthouse.
7. Multiple commenters reminded the audience about the PEP meeting on February 3, and that there is a rally from 4:30 -5:30pm.
8. The CEC representative commented that he believes it is a poor choice to close P.S. 332 because the current principal has not been given the opportunity to prove herself and her leadership to turn P.S. 332 around. He stated that the City was aware of the failure of P.S. 332 years ago and should have removed that principal, rather than making an unfair decision about the current principal. He encouraged parents to make a difference and to voice their opinion. He does not believe that shutting down a school is the right solution, and encouraged parents to send a message to the Chancellor that this is unacceptable. He encouraged parents to save the school because children's futures are at stake, to stop staying at home and watch television. Because these comments address the proposal to phase out P.S. 332 and not the proposal to re-site the charter school and a new DOE elementary school in the building, these comments will not be addressed in this analysis. However, for a lengthy discussion responding to the CEC's comments please refer to the analysis of public comments received on the proposal to phase out P.S. 332.
9. The SLT representative read from a resolution opposing the proposal to phase out P.S. 332. This resolution does not concern the proposal to site two schools in the building and will therefore not be discussed in this analysis. However, for a lengthy discussion in response to this resolution please refer to the analysis of public comments received on the proposal to phase out P.S. 332.

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

10. One commenter noted that changing the name of the school and keeping the same student population would not address the issues cited by the DOE.
11. One commenter inquired why schools in affluent areas are not subjected to charter schools and school closings.
12. One commenter supported the proposal to re-site and co-locate Leadership Prep Ocean Hill charter school.
13. One commenter stated that the DOE is replacing P.S. 332 with a charter school, and claimed that the charter schools are lower performing, and that a Leadership Prep school already exists in District 13 and serves a lower percentage of special education students

and students who live in poverty, and that the Leadership Prep schools show declining enrollment.

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

- Comment 1 suggests that the proposal to re-site and co-locate Leadership Prep Ocean Hill with P.S. 401 was pre-determined and questioned why proposed new leaders were introduced to the community. Contrary to the commenter's suggestion, the decision to site Leadership Prep Ocean Hill with P.S. 401 in the building has not yet been approved. The Panel for Education Policy will vote on this proposal on February 3, 2011. Proposed new leaders were introduced to the community in advance of the joint public hearing in order to solicit feedback which could be gathered and recorded as part of the public record at the hearing and in advance of the PEP vote on February 3. A final decision regarding this proposal will be made by the PEP on February 3.
- Comment 10 suggests that the DOE cannot avoid the issues that affected P.S. 332 by changing the name of the school. The DOE disagrees with this suggestion. The DOE is not merely replacing P.S. 332's school name, rather the proposal to site a new school will include a new school leader. This leader will be empowered to hire 50% of the teachers who previously worked at P.S. 332, as well as 50% new teachers. The DOE believes that allowing for new leadership at the new school will better serve future students and the broader community. Given P.S. 332's lack of success – whether a part of the centralized effort to support all schools or the individualized plans for P.S. 332 – it is apparent that P.S. 332 has failed to develop the proper infrastructure to meet the needs of its students and families.
- Comments 4, 5, and 11 suggest that charter schools are not located in areas of affluence and have an unfair advantage over DOE schools. This assertion is not true. Charter schools are located in multiple locations throughout the city. Charter schools are free public schools and receive both state and local funding administered by the DOE. In addition to per pupil allocations, charters may receive state and federal grants, and may raise funds from private sources as well. Charter schools do not receive any city, state, or federal funding for school buildings or facilities. Charter schools must commit to meeting or exceeding specific goals for academic performance, and are reviewed annually by their authorizers. Additionally, all charter schools are expected to serve student populations that reflect the district in which they are located.
- Comment 13 suggests that Leadership Prep Ocean Hill charter school, is replacing P.S. 332. This is inaccurate. As described in the EIS, P.S. 401 is the new zoned elementary school that will replace P.S. 332 and will replace the elementary seats – kindergarten through fifth grade – that would be lost due to P.S. 332's phase-out and eventual closure. Leadership Prep Ocean Hill Charter School is an existing public charter school currently located in the District, in building K271 at 1137 Herkimer Street, Brooklyn, NY 11233. Its current location in K271 was a temporary location, and was not intended as its permanent location. The proposal to re-site Leadership Prep Ocean Hill into the K332

building, and co-locate with P.S. 401, will provide the charter school with a permanent home to grow to scale.

Comment 13 suggests that that the Leadership prep schools are not high performing schools and do not serve students with disabilities or special needs. This is inaccurate. As described in the EIS, Ocean Hill’s Charter Management Organization (“CMO”), Uncommon Schools, currently manages 11 charter schools in Brooklyn. Uncommon Schools organizes its schools into networks. Ocean Hill is the newest elementary school in the “Leadership Prep” network. Leadership Preparatory Brownsville Charter School (84K711) opened in 2009-2010, and its performance data are not available.¹ Leadership Prep Ocean Hill opened in 2010-2011, and hence, its performance data are not available. Leadership Preparatory Bedford-Stuyvesant Charter School (84K517) is the only Leadership Preparatory charter school to have received a Progress Report, and it received a B on the DOE’s most recent Progress Report. Uncommon also manages Williamsburg Collegiate Charter School (84K355), Kings Collegiate Charter School (84K608), Bedford Stuyvesant Collegiate Charter School (84K648), Brownsville Collegiate Charter School (84K710), Brooklyn East Collegiate Charter School (84K780), and Ocean Hill Collegiate in its “Collegiate” network. On the DOE’s most recent Progress Report, Williamsburg Collegiate Charter School, Kings Collegiate Charter School, and Bedford Stuyvesant Collegiate charter School all received A grades. Performance data were not available for Brownsville Collegiate Charter School, Brooklyn East Collegiate Charter School, and Ocean Hill Collegiate. In the DOE’s most recent Progress Reports, three Uncommon charter schools received A grades, while another received a B. Based on Uncommon’s record of success, the DOE supports the placement of an Uncommon charter school in District 23 in order to continue providing excellent educational opportunities for students and families. Additionally, Leadership Prep will serve all students, regardless of whether they are an ELL student or a student with special needs. Charter schools are expected to serve student populations that reflect the district in which they are located. The proposal’s impact on students with special needs and English Language Learner students at P.S. 332 is outlined in the EIS.

Changes Made to the Proposal

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

¹ When Leadership Preparatory Brownsville Charter School opened in 2009-2010, it served only kindergarten and first grade students. Thus, performance data are not available.