

Public Comment Analysis

Date: May 28, 2014
Topic: The Proposed Co-location of American Dream Charter School (84XTBD) with P.S. 30 Wilton (07X030) in Building X030, Beginning in the 2014-2015 School Year
Date of Panel Vote: May 29, 2014

Summary of Proposal

On August 29, 2013, the New York City Department of Education (“DOE”) issued an Educational Impact Statement (“EIS”) and Building Utilization Plan (“BUP”) describing a proposal to co-locate grades six through eight of American Dream Charter School (84XTBD, “American Dream”) in building X030 (“X030”), located at 510 East 141st Street, Bronx, NY 10454 in Community School District 7 (“District 7”). This EIS (the “Original EIS” or “Original proposal”) provided for American Dream to be co-located with P.S. 30 Wilton (07X030, “P.S. 30”), an existing elementary school currently serving students in kindergarten through fifth grades and offering a pre-kindergarten program. 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.

A joint public hearing was held concerning the Original proposal on October 7, 2013 at the X030 building. An analysis of public comment was posted on October 11, 2013 (“Original PCA”). On October 15, 2013, the Panel for Educational Policy (“PEP”) approved the proposal to co-locate grades six through eight of American Dream in X030 beginning in the 2014-2015 school year.

On March 4, 2014, partly in response to comments raised regarding the Original proposal at the October 7, 2013 joint public hearing, the DOE made revisions to the EIS (the “Revised EIS”) and BUP (the “Revised BUP”). These revisions reflected updated audited and projected enrollment figures for P.S. 30 (including projections for an additional section of pre-kindergarten), as well as updated projected enrollment figures for American Dream, as American Dream will serve fewer students in X030 than planned in the Original EIS. The Revised BUP includes modified instructional and administrative space allocations, as well as a modified proposed shared space schedule for the schools. These revisions resulted in a shift of some space from American Dream to P.S. 30, as P.S. 30 will be larger than originally projected and American Dream will be smaller. The Revised EIS also includes American Dream’s updated charter lottery preferences. Additionally, throughout the Revised EIS and Revised BUP, miscellaneous edits and corrections were made and all data and calculations were updated to reflect the DOE’s most current information. On April 10, 2014, the Notice of Joint Public Hearing for this proposal was amended to reflect a new date on which the Panel for Educational Policy will vote on this proposal.

American Dream will enroll students in grades six through eight through a lottery process, giving preference to returning students after the 2014-2015 school year, siblings of students currently enrolled at American Dream, and students residing in District 7. The school’s educational program will include a dual language component designed to help students achieve academic success in both English and Spanish. American Dream will conduct community outreach to recruit and serve English Language Learner (“ELL”) students and recent immigrants interested in its dual-language programming. Enrollment and admission information for American Dream are described in greater detail in Section III.A of the Revised EIS.

If this Revised EIS is approved, American Dream will begin serving approximately 70-85 sixth-grade students in the X030 building at the start of the 2014-2015 school year. The school will then add one grade each year until it serves approximately 210-255 students in grades six through eight in the 2016-2017 school year. As indicated in the attached Revised BUP, there is sufficient space in the X030 building to meet the instructional and administrative space needs of both P.S. 30 and American Dream during and after the phase-in period of American Dream.



The DOE supports American Dream's placement in X030, as this proposal is intended to increase the number of programs geared toward ELL students in District 7.

The Revised EIS and Revised BUP describing the proposed co-location of American Dream in building X030 can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2013-2014/SchoolProposalsMay62014PEP>.

Copies of the Revised EIS and Revised BUP are also available in P.S. 30's main office.

Summary of Comments Received at the Community Meeting and Joint Public Hearing

A joint public hearing regarding the Original EIS was held at building X030 on October 7, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 45 members of the public attended the hearing and 8 people spoke. Present at the meeting were: District 7 Superintendent Yolanda Torres; P.S. 30 Principal Debra Michaux, P.S. 30 School Leadership Team ("SLT") representatives, Carlos Diaz and Dr. Jacqueline Smith; District 7 Community Education Council ("CEC 7") representatives, Almeta Trammel, Noemi Lizardi, John Fielder, Love Andujar, and Paulette Williams; P.S. 30's network leader, Roxan Marks; American Dream School Leader Melissa Melkonian; and Pier Duncan, Mark David, Annabelle Eliashiv and Yael Kalban from the New York City Department of Education. Because the joint public hearing also served as the facilities hearing for New York State Department of Education ("SED") to gather community feedback on the proposed co-location, a representative from the SED, Jamal Young, was also in attendance. The Public Comment Analysis published for the Original EIS and Original BUP can be accessed here:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2013-2014/Oct15SchoolProposals>.

A community meeting regarding the Revised EIS and Revised BUP was held at the X030 building on March 31, 2014. At that meeting, interested parties had an opportunity to provide input on and ask questions about the Revised EIS and Revised BUP. A walkthrough of the building was conducted by Deputy Chancellor Phil Weinberg from the DOE on March 31, 2014.

A joint public hearing concerning the Revised EIS and Revised BUP to co-locate American Dream with P.S. 30 was held at the X030 building on April 10, 2014. Approximately 50 members of the public attended the hearing and 12 people spoke. Present at the meeting were: District 7 Superintendent Yolanda Torres; P.S. 30 Principal Debra Michaux; P.S. 30 SLT representative Carlos Lopez; P.S. 30 network leader Roxan Marks, American Dream School Leader Melissa Melkonian; SED representative, Susan Megna; and Annabelle Eliashiv, Keely Faulkner, and Dawnlyne Kacer from the DOE. Although CEC 7 was invited and confirmed that a representative would be present at the hearing, no CEC 7 representative attended; a CEC 7 representative did attend the community meeting on March 31st and had the opportunity to offer input at that time.

The following comments and remarks were made at the community meeting and joint public hearing on April 10, 2014 concerning the Revised proposal:

1. Carlos Lopez, a member of the P.S. 30 SLT, asserted that:
 - a. During the previous co-location, P.S. 30 had to give up a number of specialty classrooms such as the computer lab, occupational therapy rooms, counseling rooms, and ESL service rooms, which negatively impacted their students. He argued that these rooms will have to be consolidated.
 - b. There is a complex across the street with middle schools and an international high school. The charter school should have been placed there.
 - c. Adding a middle school to the X030 building will create a safety concern.
 - d. The EIS projects a building utilization rate above 100%, which means there is not enough space in the building.

2. Melissa Melkonian, School Leader of American Dream, voiced that:

- a. She supports the co-location of American Dream with P.S. 30.
 - b. She is excited to be a part of the District 7 community.
 - c. She plans to provide a bilingual program for the community.
3. Robert Powell, the Bronx Borough President representative for the PEP, stated that:
 - a. He is concerned that American Dream is not taking students with special needs into consideration.
 - b. He is concerned about the projected building utilization rate.
4. A member of CEC 7 made the following remarks:
 - a. She is against American Dream serving high school grades in the same building as P.S. 30, an elementary school.
 - b. P.S. 30 has proven that it can build a strong school for the community.
 - c. District 7 was the first district to take in charter schools in the Bronx.
 - d. American Dream should build its own building.
 - e. She does not want P.S. 30's enrollment to decrease as a result of this proposal.
 - f. She wants documented proof that American Dream will not serve high school grades in the X030 building.
5. A student of P.S. 30 asserted that:
 - a. She supports P.S. 30 Wilton.
 - b. She believes that the science and technology rooms will have to close, and the fourth-graders will not have a science lab.
 - c. The charter school should not take any space in this building.
6. Several commenters generally opposed the proposal.
7. Several commenters generally supported the proposal.
8. Several commenters expressed support for American Dream's dual-language program.
9. Several commenters expressed that American Dream will positively impact the community.
10. Multiple commenters opposed the proposal on the grounds that the co-location of older students in the same building as younger students presents a safety concern.
11. A teacher of P.S. 30 asserted that:
 - a. The charter school will take science rooms, computer rooms, and resource rooms from P.S. 30.
 - b. The co-location will prevent P.S. 30 from increasing enrollment.
12. Multiple commenters asserted that P.S. 30 should expand to serve grades six through eight rather than introduce a new middle school in the excess space.
13. One commenter expressed concern that this proposal would negatively impact P.S. 30's students academically.
14. One commenter recommended that middle schools be co-located with high schools, not elementary schools.
15. One commenter asked why the DOE could not buy a new building for the charter school.
16. Multiple commenters expressed concern that this proposal would require P.S. 30 to give up specialty classrooms and services.

17. One commenter asserted that there must be an open dialogue about shared spaces such as the gymnasium and library.
18. One commenter opposed opening additional charter schools in District 7.
19. Multiple commenters asserted that P.S. 30 should be allowed to increase its enrollment.
20. Multiple commenters expressed that P.S. 30 is a strong school.
21. Multiple commenters mentioned that P.S. 30 lost its dental clinic when it was previously co-located with another charter school.
22. One commenter expressed a concern that the United Federation of Teachers' cap of 32 students per section is too high.
23. Multiple commenters asked if the proposal would be revisited in the event that P.S. 30's enrollment increases beyond the projections stated in the proposal.
24. Multiple commenters expressed concern with the projected building utilization rate.
25. One commenter stated that she withdrew her son from a charter school because the school had not provided her son with the special services he required.
26. One commenter asserted that this proposal will require P.S. 30 to give up its room for parent workshops.
27. Multiple commenters asserted that there would not be enough time in the gymnasium for both schools to meet all students' required physical education.
28. Multiple commenters asserted that there is not enough space in the building for another school.
29. One commenter made the following statements:
 - a. Multiple generations of students have come to P.S. 30.
 - b. The community supports P.S. 30.
 - c. P.S. 30's students are accelerating on the fourth grade science test.
30. Multiple commenters brought up a concern with limited parking available for teachers.
31. One commenter asked if charter schools abide by the same special education requirements as district schools.
32. Multiple commenters mentioned American Dream's plans to expand beyond grades six through eight and asked where those grades would be served.
33. One commenter opposed this proposal on the grounds that middle school students should not be served in the same building as elementary school students.
34. Multiple commenters asked why American Dream could not open in private space.
35. One commenter asked why American Dream, which will have a dual language program, was not co-located with P.S. 25, another bilingual school in District 7.
36. Multiple commenters asserted that P.S. 30's enrollment is being restricted in order to create space for another school in the building.

37. One commenter asked if the Revised BUP will be re-evaluated based on enrollment changes.
38. One commenter mentioned that although P.S. 30's school day ends at 2:35 p.m., there are afterschool clubs and an extended-day program that end later.
39. One commenter mentioned that some of P.S. 30's students live in shelters and asserted that charter schools do not accept students who live in shelters.

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

One written comment was received via email.

40. One commenter expressed opposition to the proposal based on the following:
 - a. Elementary schools and middle schools should not be co-located in the same building.
 - b. This proposal would take away space from P.S. 30.

No oral comments were received via voicemail.

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

Comments 1(a), 21, 22, and 25 are not related to this proposal and do not require a response.

Comments 1(b), 1(c), 4(a), 10, 14, 33, and 40(a) oppose the placement of middle school aged children in the same building as elementary school aged children and suggest that middle school students are better co-located with high school students.

Due to space limitations, it is not unusual for varying grade levels to be co-located in a building together. There are successful examples of mixed grade co-located school building or campuses in New York City.

These examples include:

- Building 166 in District 9 which currently houses three schools: Grant Avenue Elementary School (09X449) which serves students in grade K-5; Science and Technology Academy: A Mott Hall School (09X454) which serves students in grades 6-8; and Bronx Early College Academy for Teaching & Learning (09X324) which serves students in grades 6-12.
- Building X193 in District 12 which currently houses three schools: P.S. 211 (12X211) which serves students in grades K-8, I.S. 318 Math, Science and Technology Through the Arts (12X318) which serves students in grades 6-8, and Children's Aid College Prep Charter School (84X124) which currently serves students in grade K-2.
- Building X026 in District 10 which currently houses two schools and a D75 program: MS. 390 (10X390) which currently serves students in grades 6-8, P.S. 396 (10X396) which serves students in grades K-5, and P.S. X010, a D75 program which serves students in grades K-5.

In response to safety concerns, pursuant to Chancellor's Regulation A-414, every school/campus is mandated to form a School Safety Committee, which is responsible for developing a comprehensive School Safety Plan that defines the normal operations of the site and what procedures are in place in the event of an emergency. The School Safety Plan is updated annually by the Committee to meet changing security needs, changes in organization and building conditions, and any other factors. Updates can also be made at any other time if it is necessary to address security concerns. The Committee will also address safety matters on an ongoing basis and make appropriate recommendations to the principal(s) when it identifies the need for additional security measures.

Furthermore, a DOE Safety Director has met with Principal Michaux of P.S. 30 to discuss the community's safety concerns. American Dream, pursuant to the regulation mentioned above, will be required to follow all regulations for charter schools co-located in DOE space. This includes: only allowing students to present when there are safety agents; ensuring secure use of the main entrance and specific exits; and adhering to all components of the Safety Plan.

Comments 1(d), 3(b), 5(b), 11(a), 13, 16, 24, 26, 28, and 40(b) express concern that academics at P.S. 30 could be adversely impacted as a result of the proposal, expressing specific concern about a number of P.S. 30's specialty rooms, and reference general concern about whether there is sufficient space in the building to accommodate a co-location in light of the projected building utilization rates.

The Citywide Instructional Footprint (the "Footprint") is the guide used to allocate space to all schools based on the number of class sections they program and the grade levels of the school. The number of class sections at each school is determined by the Principal based on enrollment, budget, and student needs; there is a standard guideline of target class size (i.e., number of students in a class section) for each grade level. At the middle school and high school levels, the Footprint assumes every classroom is programmed during every period of the school day except one lunch period. The full text of the Instructional Footprint is available at http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf. While the co-location will reduce the amount of excess space which is currently available to P.S. 30, as stated in the Revised EIS and Revised BUP, the co-location is not expected to impact instructional programming, extra-curricular offerings or partnerships at either of these schools.

In reference to comments 5(b), 11(a), 16, and 26, which pertain to specialty P.S. 30's classrooms, P.S. 30 will continue to receive its baseline Footprint allocation of rooms throughout the course of the phase-in of American Dream. This allocation includes cluster or specialty classrooms proportionate to the number of students enrolled. These spaces can be used at the principal's discretion for purposes such as art and/or music instruction and science and/or computer labs, among other things.

Several commenters asserted that the building is already full and that the co-location proposal will result in overcrowding at X030. However, the Revised BUP reflects that there are currently 13 full-size classrooms and 2 half-size classrooms in excess of P.S. 30's baseline allocation of space. This information suggests that there is space to serve additional students in the building and for both schools to meet the needs of their respective students.

With respect to concerns that the building utilization is projected to exceed 100% once American Dream reaches full scale in X030, it should be noted that the utilization rate does not account for the fact that rooms may be programmed for more efficient or different uses than the standard assumptions in the utilization calculation. In addition, charter school enrollment plans are frequently based on larger class sizes than target capacity, contributing to building utilizations above 100% while not impacting the utilization of the space allocated to the traditional public school. Moreover, the Revised BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location once American Dream serves grades six through eight.

P.S. 30 currently offers Integrated Co-Teaching ("ICT") classes, Self-Contained ("SC") special education classes, and Special Education Teacher Support Services ("SETSS") along with ESL services. With respect to concerns that the co-location will impact P.S. 30's ability to provide individualized instruction and other types of special education services, it is worth noting that the Instructional Footprint takes into account the number of self-contained and bridged sections offered by a given school to ensure that the school is allocated appropriate space. As indicated in the BUP associated with this proposal, if this proposal is approved, all schools in the X030 building will be allocated enough space to meet their instructional needs as identified by the Instructional Footprint. Furthermore, the EIS provides that the existing ICT, SC, and SETSS classes will not be affected by this proposal, and students with disabilities will continue to receive mandated services in accordance with their Individualized Education Programs ("IEPs").

Comments 23 and 37 pertain to enrollment projections in the proposal and ask if the space allocations will be revisited if enrollment increases at P.S. 30.

The Original EIS projected P.S. 30's enrollment based on 2013-2014 budget register projections. The projected figures in the Original EIS were consistent with historical enrollment trends at each school. Since the Original proposal was approved by the PEP on October 15, 2013, it has come to the DOE's attention—in part due to further consideration of comments raised at the October 7, 2013 joint public hearing—that audited enrollment at P.S. 30 was exceeding the projections detailed in the Original EIS. The DOE projected that P.S. 30 would serve 525¹ students in 2013-2014, but the school is serving 565² students. As a result of this change in enrollment and the introduction of additional pre-kindergarten sections at P.S. 30, the DOE amended the proposal and space allocation plan accordingly. For additional information about these changes, please reference the Revised BUP. Any additional significant changes in enrollment may result in another amendment to this space allocation plan, though the DOE is not anticipating such changes at this time.

Comments 2(a), 2(b), 7, 8, and 9 are in support of this proposal, and thus, do not require a response.

Comments 2(c) and 4(c) are explanatory in nature, and thus, do not require a response.

Comments 3(a) and 31 pertain to the accommodation of students with special needs in charter schools.

Charter schools are mandated to serve all students accepted through their lottery process, including those with special needs or pre-existing IEPs. American Dream will work with any families to make sure it can serve children as needed. Although the Revised BUP does not designate specific space to serve students with special needs, the Footprint ensures that American Dream has sufficient space and allows the school leadership to determine how to use space. Furthermore, across all schools, the DOE is encouraging inclusion or reduced percentage time in self-contained sections.

Comments 4(a), 4(f), and 32 pertain to which grades American Dream will serve in the X030 building and if the school will expand in X030.

As explained in the EIS, American Dream was authorized by SED on December 17, 2013 to serve students in grades six through eight. American Dream intends to become a full secondary school, serving grades six through twelve, and will apply for this grade expansion in advance of its eighth-grade students articulating into high school. However, this proposal only concerns the co-location of grades six through eight of American Dream in X030. Any future proposal to co-locate additional grades of American Dream would be subject to a separate EIS and BUP.

Comments 4(b), 5(a), 20, 29(a), 29(b), and 29(c) are in support of P.S. 30. The DOE acknowledges and commends the students and staff of P.S. 30 for their hard work, dedication, and passion for the school.

Comments 4(d), 5(c), 6, 15, 18, 34, and 35 generally oppose the proposal to site a charter school in the building and suggest that American Dream should open in private space.

Given that space is scarce in Bronx neighborhoods with respect both to existing DOE buildings and opportunities to acquire new building spaces, the DOE must use its existing public buildings in the most efficient manner possible. The DOE has over 900 schools and programs co-located with at least one other district or charter school in multi-school campus buildings.

There are several structures to facilitate a smooth co-location between the two schools. Co-located schools on campuses must actively participate in a Building Council, which is a campus structure for administrative decision-making for issues impacting all schools in the building. Additionally, a Shared Space Committee shall review the

¹ 2013-2014 Budget Register Projections

² 2013-2014 Audited enrollment



implementation of the Revised BUP once it has been approved by the PEP. To the extent that principals and charter leaders are unable to reach agreement upon the use of shared spaces, they may avail themselves of a mediation process outlined in the Campus Policy Memo, which is available at <http://schools.nyc.gov/community/campusgov>.

Building X025, which is specifically mentioned in comment 35, was not considered for this proposal because it is not an under-utilized building.

Comments 4(e), 11(b), 19, and 36 suggest that this proposal will limit P.S. 30's ability to increase its enrollment.

This proposal is not expected to significantly limit P.S. 30's ability to grow its enrollment, as needed. P.S. 30's space allocation for the coming years is based on the current number of sections P.S. 30 offers and additionally accounts for the new section of full-day pre-kindergarten P.S. 30 has been awarded for next year. P.S. 30 may accept additional students to fill its three sections of pre-kindergarten and twenty-one general education sections in grades kindergarten through five to capacity. The DOE encourages principals to program their schools however they see fit to offer the best instructional environment for their students. This proposal is not expected to impact the admissions process at P.S. 30.

Comment 12 pertains to P.S. 30 expanding to serve grades six through eight.

The process for reconfiguring the grade levels served by a school is managed by the Office of New School Design and Charter Partnerships. Grade reconfigurations include either the expansion or truncation of grade levels served at a school and may be initiated by the Office of District Planning or via an application submitted by the school. All grade reconfiguration decisions are based on the following factors: school quality, physical space, demographic need, impact on enrollment, and community input.

If it is determined that a school will expand, location for the expansion may be either in the school's current building or at another building. As of the date of this analysis, P.S. 30 has not applied for a grade expansion with the DOE. However, this proposal does not preclude P.S. 30 from submitting a grade expansion application in the future.

Comments 17, 27, and 38 pertain to shared spaces in the X030 building.

The Revised BUP puts forth a proposed shared space schedule for the co-located schools that is feasible and demonstrates that the co-located schools may be treated equitably and comparably in the use of shared spaces. The proposed shared space schedule also ensures that each student meets his or her physical education requirement. The final shared space schedule will be collaboratively drafted by the Building Council if the proposed co-location is approved by the PEP.

If conflicts emerge and progress is impaired, the Building Council will follow the dispute resolution procedures outlined in the Campus Policy Memo available at the following link: <http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo>.<http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo.htm>.

The DOE notes that currently the shared spaces are not allocated for after-school hours. The Building Council will work together to allocate space as needed for after-school programs.

Comment 30 pertains to limited parking space in the area.

Limited parking is a concern Citywide. Unfortunately, increased parking spaces are not expected to result from this proposal.

Comment 39 pertains to American Dream's admissions policy.



American Dream will admit students through its charter lottery and provide the following lottery preferences: returning students; siblings of students already enrolled at American Dream; students who reside within District 7; and students who reside in New York City, but outside District 7. American Dream will conduct community outreach to recruit and serve ELL students and recent immigrants interested in its dual-language programming. Furthermore, applicants who temporarily reside in a shelter located in District 7 can receive district preference by working with the agency to provide necessary proof of residency.

Changes Made to the Proposal

No further changes were made to the proposal as a result of comments raised at the April 10, 2014 joint public hearing.