Amended Notice
June 13, 2011

Dennis M. Walcott
Chancellor

The Revised Proposed Temporary Grade Expansion of the Co-Location of Harlem Success Academy 1 with P.S. 149 Sojourner Truth (03M149) and P811M (P811@M149/M207), a District 75 School, in M149/M207 for 2011-2012

I. Description of the subject and purpose of the proposed item under consideration.

On December 10, 2010, the New York City Department of Education ("DOE") issued an Educational Impact Statement ("EIS") and a Building Utilization Plan ("BUP") describing a proposal to temporarily expand the grades served by Harlem Success Academy (84M351, "HSA1") from K-5 to K-6 in 2011-2012 for one year. HSA1 is an existing public charter school located at 34 West 118th Street in District 3. It currently serves students in Kindergarten through fifth grade. HSA1 is co-located with P.S. 149 Sojourner Truth (03M149, "P.S. 149") and P.S. 811 Mickey Mantle School (75M811, "P811M") a District 75 school serving students with autism, or who are mentally retarded or emotionally disturbed, in Tandem Buildings M149/M207. Co-location refers to situations where multiple schools are located within a single school facility, often sharing certain common rooms and outdoor recreation areas. In this case all three co-located schools share the cafeteria, auditorium, 2 gymnasiums, and outdoor space at the tandem buildings. Tandem buildings are two separate classroom buildings with separate entrances, which are joined by a central core containing shared gymnasiums, auditorium, and cafeteria. The proposal was approved by the Panel for Educational Policy ("PEP") on February 1, 2011.

On May 31, 2011, the DOE published a revised EIS, a revised BUP, and a revised notice in response to public comments on this and other proposals. The changes to the EIS and BUP are described in detail in Section II below. The revised notice provided information about a joint public hearing that will take place regarding this revised proposal.

This amended notice is to advise you that the location where the Panel for Educational Policy meeting will be held and where the vote for this proposal will take place has changed as indicated in Section VIII below.

This is a revised proposal to expand the grades served by HSA1 in M149/M207 from K-5 to K-6 for the 2011-2012 school year. If this revised proposal is approved, existing fifth graders at HSA1 who meet promotional standards will have the opportunity to attend sixth grade at HSA 1 in the 2011-2012 school year. These sixth-grade students would temporarily be served in HSA1's current location.

In a separate EIS posted on December 10, 2010, the DOE proposed to resite grades 5-8 of HSA1 to building M088, located at 215 West 114th Street, also in District 3 beginning in the 2012-2013 school year. HSA1's grades 5-8 would be co-located with Wadleigh Secondary School (03M415, "Wadleigh") and Frederick Douglass Academy II (03M860, "FDA II") in building M088. This proposal was approved by the PEP on February 1, 2011.[1]

P.S. 149 is a zoned elementary school that serves 395 students in Kindergarten through eighth grade and also offers a Pre-Kindergarten program. P811M is a District 75 program that serves students with disabilities in grades Kindergarten through eighth grade and also offers a Pre-Kindergarten program. P811M serves students in multiple locations. In 2010-2012, 94 P811M students were served at M149/M207.

If this revised proposal is approved, HSA1 enrollment in 2011-2012 would grow by approximately 100-120 students, resulting in a total building utilization of 110-114%. Although a utilization rate in excess of 100% may suggest that a building will be over-utilized or over-crowded in a given year, this 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. That will be the case in M149/M208 in 2011-2012: HSA1 programs elementary class sizes above the DOE target capacity for grades K-3. Specifically, HSA1 targets 25-30 students per class in these grades, while the DOE targets class sizes of 20 students in grades K-3. HSA 1's class sizes result in utilization rates of 125-140% for its classrooms. P.S. 149 and P811M are not expected to be over the target capacity for their space allocation.

In 2012-2013 and beyond, after HSA1's fifth and sixth grades relocate to M088, HSA1's enrollment in M149/M207 would be approximately 648 students, who would be enrolled in Kindergarten through fourth grades. Total enrollment in the building would be 1,196-1,241 students, yielding a building utilization rate of 105-109%.

II. Identification of all revisions, including substantial revisions to the item.

This revised EIS includes the following modifications:

- Current enrollment figures have been updated to reflect the 2010 Audited Register;
- Projected enrollment for P.S. 149 has been updated to conform with final budget register projections for 2011-2012;
- The potential impact of a recently filed lawsuit on a related proposal concerning the re-siting and co-location of certain of HSA 1's grades prior to the 2012-2013 school year has been included;

[1] The PEP's approval of the re-siting and co-location of HSA 1's grades five through eight in building M088 has been challenged in a recently filed lawsuit. Although the DOE believes that it has complied with all applicable laws and regulations in connection with that proposal, if the court annuls the PEP's vote, the DOE would consider issuing another proposal during the 2011-2012 school year to re-site HSA 1's grades five through eight consistent with the court's decision.

- The State Education Department's approval of HSA1's charter renewal and grade expansion has been included;
- P811M's other sites have been identified;
- Additional information concerning building capacity calculations has been included;
- Additional information about the middle school choice process has been included;
- Information about the HSA1 admissions and lottery priorities has been corrected; and
- Additional information about school funding has been included.

The DOE has revised the BUP, which is annexed to this revised EIS, as follows:

- Formatting and typographical errors have been corrected;
- Current and projected enrollment figures have been updated;
- The total number of rooms available to be allocated between the schools has been adjusted;
- Room allocations have been adjusted;
- The number of gymnasiums in M149/M207 has been corrected;
- The proposed shared space schedule has been adjusted; and
- The DOE has clarified the rationale for the amount of time that each co-located school is allocated in the proposed shared space schedule.

III. Summary of all public comment regarding the original proposal received to date.

Two joint public hearings regarding the original proposal were held at the M149/M207 building on January 10 and January 20, 2011. At the hearings, interested parties had an opportunity to provide input on the original proposal, as well as the proposal to re-site and co-locate HSA 1's grades 5-8 in M088 beginning in the 2012-2013 school year.

On January 10, approximately 110 members of the public attended the hearing, and 15 people spoke. Present at the meeting were: District 3 Superintendent Sara Carvajal; P.S. 149 Principal Kayrol Harper and School Leadership Team ("SLT") representative Sonja Hampton; Frederick Douglass Academy II Principal Osei Owusu-Afriye and additional SLT representative Julius Tajiddin; P811M Principal Barry Daub; Director of External Affairs of Harlem Success Academy 1 Jenny Sedlis; Network Leader of Frederick Douglass Academy II Derek Smith; Wadleigh SLT representative Anthony Burgess; Citywide Council on Special Education representatives Ellen McHugh and Jaye Bea Smalley; and Citywide Education Council 3 President Noah Gotbaum; and Division of Portfolio Planning representative Elizabeth Rose.

On January 20, approximately 155 members of the public attended the hearing, and 39 people spoke. Present at the meeting were District 3 Superintendent Sara Carvajal; P.S. 149 SLT representatives Casey Bower and Sonya Hampton; FDA II SLT representative Julius Tajiddin; Wadleigh SLT representative Anthony Klug; Director of External Affairs of Harlem Success Academy 1 Jenny Sedlis; P811M Assistant Principal Sam Slater and additional SLT representative Caren Gandelman; Citywide Education Council 3 President Noah Gotbaum and representatives Jimmy Brown, Sophia Rahim and Christine Annechino; UFT representative Mike McCourt; and Division of Portfolio Planning representative Elizabeth Rose.

The following comments and remarks concerning the original proposal were made at the joint public hearings:

1. During the SLT/CEC presentation portion of the Joint Public Hearing on January 20, the following questions were asked:
    a. Why is P811M considered a separate entity when, in fact, it operates as a part of P.S. 149? Why are the inclusion students from P811M who spend the vast majority of their day in P.S. 149 classrooms not factored into P.S. 149's overall population?
    b. The EIS assumes that P.S./M.S. 149 enrollment numbers are remaining stable when, in fact, it has been growing. What method does the DOE use to calculate these enrollment numbers?
    c. If the reason why enrollment numbers are bigger in kindergarten and first grade is due to the fact that the kids are coming from out of the zone and out of the district, has the DOE altered its enrollment policy accordingly in anticipation of lack of space or set up a wait list or notify the community?
    d. Is it suitable for a single room or office to be used for multiple purposes? Is that a suitable learning environment as mandated by laws that oversee IEPs?
    e. How does the EIS assume that the special education students will not be adversely affected by the expansion when, in fact, their classes will be placed in half-sized rooms?
    f. Does the DOE take into consideration that special education students need classrooms with a lower ratio between teachers and students when determining the allocation of classrooms?
    g. Who determines the class size for Success Charter?
    h. Since charter school expenditures exceeding $5,000 is to be matched at each of the co-located schools and since the charter school's budget is not transparent, how will P.S. 149 know that it's getting an equal share of the funding?
    i. If the charter schools make several improvements, costing $4,999, would that also be matched by the DOE for the co-located schools?
    j. Is the DOE aware of how HSA1 first came into the P.S. 149 portion of the building five years ago?
    k. The building currently holds two gyms, one small and one large; currently, P.S. 149 uses the small gym and HSA1 the large one. Do you know who made that decision on utilization? And is that a fair distribution of space when P.S. 149 has far more students than HSA1?
    l. Is the DOE concerned that the students are currently being taught in hallways, stairwells and closets? Doesn't that indicate that there's not enough space?
    m. Was the expansion proposal submitted to the State Education Department?
2. P.S. 149 SLT representative Sonja Hampton asserted that the DOE has not properly conducted the Educational Impact Statement process ("EIS") as required by law. She was concerned that the SLT members, P.S. 149 community and parents were not informed about the EIS and did not receive copies with sufficient notice.
3. P.S. 149 SLT representative Casey Bower also noted that there was no shared space committee and asserted that space at P.S. 149 was taken unfairly from them.

4. Citywide Education Council 3 President Noah Gotbaum concurred with the SLT representative Sonja Hampton, adding that the principal of P.S. 149 was the only person who the DOE has been communicating with. He also expressed his concern that there is no detailed enrollment plan in the EIS, and expressed the opinion that the footprint that the DOE proposed is antiquated. He also asserted that the DOE does not take into consideration that Wadleigh and other District 3 schools tend to serve a higher percentage of special needs students (including ELLs and IEPs) compared to HSA1.
5. Citywide Council on Special Education representative Jaye Bea Smalley referred to the EIS, which stated that the school would be at 112 to 114% capacity with the re-siting, and raised safety concerns. She was particularly worried about the effect overcrowding would have on students with disabilities.
6. Citywide Council on Special Education representative Ellen McHugh urged the hearing attendees to participate in the process and work together.
7. FDA II School Leadership Team Julius Tajiddin expressed his support of CEC 3 and P.S. 149 in protesting the Joint Public Hearing.
8. Harlem Success Academy 1's Director of External Affairs Jenny Sedlis expressed her satisfaction with HSA1's performance and noted that she was eager to participate in the public review process.
9. Safiya Raheem from the Council Member Inez E. Dicken's Office stated the Council Member's opposition to the expansion and co-location proposals and added that the success of one school cannot be at the expense of another. She also proposed leasing parochial school spaces as an alternative solution.
10. Multiple commenters expressed their opposition to the proposal, noting the disparities between P.S. 149 and HSA1;
    a. P.S. 149 students have to eat lunch at 10:30 am while the students at HSA1 can eat at normal lunch hour.
    b. P.S. 149 cannot use the same bathrooms as HSA1.
    c. There is unequal nutritional offering at the schools.
    d. There is an unfair allocation of resources that leads to better maintenance of facilities for HSA1.
    e. HSA1 does not take special education students or students with behavioral issues while P.S. 149 takes all students.
11. Several commenters expressed their dismay that there were "hateful" signs posted up at the schools.
12. Several commenters urged parents to examine the DOE's processes before attacking each other and blaming the Charter School.
13. Multiple commenters expressed their support for the proposal, citing that their children have benefited from attending HSA1.
    a. One commenter noted her appreciation for the staff at HSA1 and how great they have been in teaching the students.

b. One commenter stressed that HSA1 is also a public school, like P.S. 149, and is providing parents with additional choice for quality education.

14. One commenter expressed the opinion that the expansion would cause segregation and cited Brown vs. Board of Education to discuss the long-term psychological effects of segregation.
15. One commenter said that he had to teach students in a storage room and urged the attendees to think about the psychological effects of such action on students.
16. Multiple commenters noted that every student has a right to excellent education and asserted it would not be fair to share the space at the expense of another school.
17. Several commenters urged attendees to work together and not use "hateful" rhetoric.
18. One commenter raised concerns that both HSA1 and P.S. 149 students are adversely affected by the co-location (i.e. they both share a yard that is designed for early childhood students) and the expansion would worsen the impact.
19. One commenter stated that students shouldn't be treated as numbers, figures, or statistics.
20. In response to the assertion documented at 10(e) above multiple commenters noted that:
    a. 18% of HSA1's population accounts for students with disability.
    b. HSA1 hosts many classes that tailor to students with IEPs and behavioral problems.
21. Several commenters raised safety concerns, specifically that;
    a. The kindergarten students could be adversely affected by the presence of older students.
    b. The class room size for special education programs would be reduced in half, confining the students and creating an undesirable learning environment.
22. One commenter noted that district 3 schools are in general over utilized at over 100% capacity and inquired what the DOE is proposing to do about overcrowding.

The DOE received additional comments at the Joint Public Hearing which did not directly relate to the original proposal.

23. One commenter questioned the qualifications of Cathie Black as a Chancellor.
24. Several commenters also discussed the proposal to re-site and co-locate HSA1's grades 5-8 with Wadleigh Secondary School and FDA II.
25. Two commenters expressed their opinion that the school system has transformed into what they characterized as a political entity.

<u>Summary of Issues Raised in Written and/or Oral Comments Concerning the Original Proposal Submitted to the DOE</u>

26. Approximately 89 comments were received in opposition to the original proposal without citing specific reasons and 2 comments were received in favor of it.
27. One commenter inquired how many ELL and Special Education students attend HSA1.

28. One commenter expressed the opinion that the proposed expansion would hurt P.S. 149 and P811M's ability to serve the students. The commenter also asserted that P.S. 149's growth and success have not been properly recognized.
29. Multiple commenters suggested allocating more resources to existing public schools in the building instead of expanding a charter school.
30. CEC 3 submitted a Resolution titled "CEC 3 Resolution Against Proposed and Future Charter Co-Locations in District 3 Including the Establishment of Upper West Success Academy in the Brandeis High School Complex, and Harlem Success Academy I Middle School at P.S. 149 and Wadleigh Secondary". The resolution asserted the following points:
    a. District 3 has a range of good to excellent zoned and district schools, all of which require additional resources.
    b. District 3 has numerous choice schools.
    c. District 3 has been awarded a federal magnet grant, which attracts students from across the district.
    d. DOE's calculations project fewer than 300 district-wide elementary and middle school seats available by September 2012.
    e. DOE has failed to provide long term plan on how to accommodate District 3 students over the next five years.
    f. Success Charter co-locations have been uniformly terrible.
    g. Success Charter Schools enroll and educate far lower percentages of the most needy and at risk children including ELLs.
    h. CEC3 resolved that;
        i. The PEP denies the votes on co-locations.
        ii. There be a freeze on Charter co-locations and expansions in District 3 until DOE provides District 3 Community with adequate facilities and resources for existing schools.
        iii. The Comptroller conduct an audit to reconcile DOE capacity and utilization statistics with experiences and observations of parents, educators, and CECs.
31. Council Member Melissa Mark-Viverito expressed her opposition to the proposals to co-locate charter schools in District 3 based on the lack of a long term plan in place, engagement in extensive community dialogue, and development of comprehensive community impact statement.
32. FDA II SLT Chair Julius Tajiddin expressed the SLT's official opposition to the original proposal and urged the DOE to withdraw it. Following reasons were given:
    a. There is hostility between HSA1 and M149 and co-locating the two schools would not be a good idea.
    b. M149 cannot fit an expansion of HSA 1.
    c. District 3 schools are overcrowded and underfunded.
    d. He also noted his disapproval of the amended Analysis of Public Comments.
33. One commenter noted that SETTS students take state tests, which is factored into the school's grade that reflects the school's grade level.

The analysis of these comments concerning the original proposal is available at:
http://schools.nyc.gov/NR/rdonlyres/F25196B4-C199-4893-AB64-E2761CD7111C/0/Analysis_of_Public_Comment_HSA1_Grade_Expansion_vfinal_amended.pdf

IV. Information regarding where the full text of the revised proposed item may be obtained.

The revised EIS and BUP can be found on the Department of Education's Web site:
http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/June2011Proposals

Hard copies of these documents are also available in the main offices of HSA 1, P.S. 149 and P811M.

V. Submission of public comment.

Written comments can be sent to D03Proposals@schools.nyc.gov.
Oral comments can be left at 212-374-3466.

VI. The name, office, address, email and telephone number of the city district representative, knowledgeable on the item under consideration, from whom information may be obtained concerning the item.

Name: Yoo Jin Cheong
Office: Division of Portfolio Planning
Address: 52 Chambers Street, New York, NY 10007
Email: D03Proposals@schools.nyc.gov
Phone: 212-374-3466

VII. Date, time and place of joint public hearing for this revised proposal.

As discussed above, joint public hearings on the original proposal were held on January 10 and January 20, 2011. The transcripts of these hearings are available at the following link:
http://schools.nyc.gov/community/planning/changes/manhattan/HSA1

An additional Joint Public Hearing will be held on the revised proposal on the following date:

June 16, 2011 at 6:00 p.m.
Building M149/M207
34 West 118th Street, New York, NY 10026

Questions about the proposal can be directed as indicated in section VI above.
Speaker sign-up will begin 30 minutes before the hearing and will close 15 minutes after the start. Interpretation services will be provided in Spanish. To request interpretation services in another language, please contact Ms. Cheong at the e-mail address or telephone number above.

VIII. Date, time and place of the Panel for Educational Policy meeting at which the Panel will vote on the revised proposed item.

June 27, 2011 at 6:00 p.m.
Prospect Heights Campus
883 Classon Ave
Brooklyn, NY 11225