

Public Comment Analysis¹

Date: June 24, 2011

Topic: The Revised Proposed Co-location of the New Visions Charter High School for the Humanities (84X553) and the New Visions Charter High School for Advanced Math & Science (84X539) with John F. Kennedy High School (10X475), Bronx Engineering and Technology Academy (10X213), Bronx School of Law and Finance (10X284), E.L.L.I.S. Preparatory Academy (10X397), Marble Hill High School for International Studies (10X477), and Bronx Theatre High School (10X546) in School Building X475

Date of Panel Vote: June 27, 2011

Summary of Proposal

On January 15, 2011, 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 the New Visions Charter High School for the Humanities (84X553, “High School for the Humanities”) and the New Visions Charter High School for Advanced Math & Science (84X539, “High School for Advanced Math & Science”) in school building X475 (“X475” or the “John F. Kennedy Campus”), which is located at 99 Terrace View Avenue, Bronx, NY 10463, within the geographical confines of Community School District 10 (“District 10”). A “co-location” means that two or more school organizations are located in the same building and may share common spaces like auditoriums, gymnasiums, libraries, and cafeterias. The Panel for Educational Policy (“PEP”) approved this proposal on March 1, 2011.

In a separate EIS posted on December 20, 2010 and amended on January 27, 2011, the DOE proposed to gradually phase out and eventually close John F. Kennedy High School (10X475, “Kennedy”) after an extensive review of data and community feedback indicating that the school is unable to turn around despite numerous efforts to improve instruction and school organization. The PEP approved the proposal to phase out Kennedy on February 3, 2011. As a result, Kennedy will no longer admit new ninth grade students after the conclusion of the current school year. Kennedy’s enrollment will decrease gradually over the next three years and the school will

¹ This Analysis of Public Comments reflects those public comments received to date. The DOE will continue to accept public comments until Sunday, June 26 at 6 p.m. If any additional comments are received, they will be addressed in an amended analysis.

complete phasing out in June 2014. However, Kennedy will continue to serve students currently enrolled in the school. For more details about the phase-out proposal, please visit the DOE's Website at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/Feb32011Proposals>.

On June 1, 2011, the DOE substantially revised the proposal to co-locate High School for the Humanities and High School for Advanced Math & Science on the John F. Kennedy Campus in response to public comments to this and other proposals. The DOE has published a revised EIS and BUP (available at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/June2011Proposals>). The revised EIS includes adjusted projected enrollment ranges for the 2011-2012 school year based on final budget register projections; updated estimated building utilization rates and clarifies footnotes related to the same; updated enrollment data based on the 2010-2011 Audited Register; a further description of the impact of the co-location proposal on the community-based organizations ("CBOs"), Young Adult Borough Center ("YABC"), GED Plus ("GED Plus") program, and Learning to Work ("LTW") currently housed in the building; updated admissions information and DBNs for the new charter high schools; updated information about the High School Admissions Process; and additional information on other new high schools opening in the Bronx in September 2011. In addition, the revised EIS clarifies information about the proposed shared space schedule.

The revised BUP includes additional information related to the use of shared spaces in X475, clarifies the rationale for the Proposed Shared Space Plan and modifies the Proposed Shared Space Plan accordingly. Specifically, the revised BUP includes the following changes:

- The DOE has clarified the rationale for the amount of time that each co-located school is proposed to be allocated in each of the shared spaces in 2011-2012.
- The proposed shared space schedule has been adjusted.
- Additional tables have been inserted to clarify the total number of rooms in excess of each co-located school's baseline allocation.
- Additional tables have been inserted to clarify the net change in rooms for each co-located school from year to year.
- 2010-2011 enrollment data is consistent with the Audited Register.
- Projected enrollment for the 2011-2012 school year is consistent with final budget register projections.
- The number of sections/classes that each co-located school is projected to serve in 2011-2012 and beyond has been included.
- The total number of indoor physical education spaces in X475 has been adjusted to include four gymnasiums, a weight room, an exercise/cardio room, and a dance room.
- The total number of student cafeterias in X475 has been adjusted to include the 4th floor cafeteria.
- The total number of half-size spaces occupied by CBOs in X475 has been adjusted to include F.E.G.S. Health & Human Services, which currently occupies 1 half-size space in the building.
- A typographical error, which incorrectly referenced the total number of half-size spaces in X475 as 28 instead of 31, has been corrected.
- The room allocations for each school have been adjusted in order to more accurately reflect the total full-size and half-size rooms in X475.

If this revised co-location proposal is approved, High School for the Humanities and High School for Advanced Math & Science will be co-located with the following six existing high schools: Kennedy, Bronx Engineering and Technology Academy (10X213, “BETA”), Bronx School of Law and Finance (10X284, “BSLF”), E.L.L.I.S. Preparatory Academy (10X397, “E.L.L.I.S. Academy”), Marble Hill High School for International Studies (10X477, “Marble Hill”), and Bronx Theatre High School (10X546, “Bronx Theatre”). E.L.L.I.S. Academy opened in September 2008 and is still in the process of phasing in to the building. E.L.L.I.S. Academy will serve its full grade span of 9-12 next year though the school is not expected to achieve its intended enrollment of 300-350 students until 2012-2013. The other schools in the building have already reached full scale and currently enroll students in grades 9-12.

In addition, building X475 houses two evening programs: a GED Plus program and a Young Adult Borough Center. Both the GED Plus program and the Young Adult Borough Center offer Learning to Work, a program that assists students in overcoming obstacles that impede their progress toward a high school or GED diploma by offering additional academic and student support, skills development, and career exploration and internship opportunities. Building X475 also provides space to two CBOs: F.E.G.S. Health & Human Services and Henkel & McCoy TechBridge. There is no anticipated impact on the GED Plus program, the YABC, the LTW programs, or the CBOs in building X475 as a result of this revised proposal. These programs and CBOs are not expected to lose any space or reduce the services offered as a result of this revised proposal.

In 2009-2010, building X475 enrolled 3,111 students and the building had a target capacity to serve 3,992 students, yielding a target building utilization rate of 78%. In 2010-2011, building X475 serves 3,041 students, yielding an estimated building utilization rate of 76% of target capacity. This means that the building is “under-utilized” and has extra space to accommodate additional students. If approved, High School for the Humanities and High School for Advanced Math & Science will gradually phase in to X475 by adding one grade level every year until both schools reach their full grade span of 9-12 in 2014-2015, serving approximately 400-600 students each. High School for the Humanities and High School for Advanced Math & Science will be co-located with Kennedy as that school phases out. Long term, High School for the Humanities and High School for Advanced Math & Science will share space with BETA, BSLF, E.L.L.I.S. Academy, Marble Hill, Bronx Theatre, GED Plus, YABC, the LTW programs, and two CBOs in building X475. E.L.L.I.S. Academy will also continue to expand as planned. Once E.L.L.I.S. Academy, High School for the Humanities, and High School for Advanced Math & Science complete their expansions, and Kennedy completes its phase-out, the building will serve approximately 2,750-3,400 students in 2014-2015, yielding an estimated building utilization rate of approximately 85% of target capacity.

The details of this revised proposal have been released in a revised Educational Impact Statement which can be accessed here along with the revised Building Utilization Plan: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/June2011Proposals>. Copies of the revised EIS and BUP are also available in the main offices of Kennedy, BETA, BSLF, E.L.L.I.S. Academy, Marble Hill, and Bronx Theatre.

Summary of Comments Received at the Joint Public Hearings

A Joint Public Hearing regarding the original proposal was held at X475 on February 15, 2011. At that hearing, interested parties had an opportunity to provide input on the original proposal. Approximately 10 members of the public attended the hearing, 1 person spoke, and 4 questions were submitted. Present at the meeting were: Former Deputy Chancellor Santiago Taveras; Bronx High Schools Superintendent Elena Papaliberios; District 10 Community Education Council (“CEC 10”) President Marvin Shelton; Lisa Luft, Principal of Kennedy ; BETA School Leadership Team (“SLT”) representatives Catherine Scott and Pee Wee Kirkland;² BSLF SLT representative Zoraida Torres; Norma Vega, Principal of E.L.L.I.S.; Marble Hill SLT representative Mary Hughes-Hernández; Deborah Effinger, Principal of Bronx Theatre ; Bronx Theatre SLT representative Chris Lewis; Citywide Council on High Schools (“CCHS”) representative Denise Sullivan; and Jenny Sobelman from the DOE Office of Public Affairs. A representative from New York State Senator Gustavo Rivera’s office was also in attendance.

Furthermore, at a Joint Public Hearing held on January 28, 2011 concerning the proposal to phase out Kennedy, certain comments were made pertaining to the original proposed co-location. Those comments have been included and addressed below. The analysis of comments concerning the phase-out proposal can be found at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/Feb32011Proposals>.

An additional Joint Public Hearing regarding the revised proposal was held at X475 on June 17, 2011. At the hearing, interested parties had an opportunity to provide input on the revised proposal. Approximately 36 members of the public attended the hearing and 5 people spoke. Present at the meeting were: Bronx High Schools Superintendent Elena Papaliberios; CEC 10 President Marvin Shelton; Marble Hill SLT representative Mary Hughes-Hernández; BSLF SLT representative Zoraida Torres; Karalyne Sperling, Principal of BETA; BETA SLT representatives Catherine Scott, Pee Wee Kirkland and Mr. Brown; Lisa Luft, Principal of Kennedy; Bronx Theatre Assistant Principal Charles Gallo; Bronx Theatre SLT representative Angel Melendez; CCHS representative Denise Sullivan; Ron Chaluisan and Jennie Soler-McIntosh from New Visions for Public Schools; Rosa Fernández from the DOE Office of Portfolio Management; Nydia Portilla from the DOE Office for Family Information and Action; and Normel Jean-Pierre from the DOE Charter Schools Office. Maureen Murphy, a representative from the State University of New York (“SUNY”), was also in attendance.

The following comments and remarks were made at the Joint Public Hearing on February 15, 2011 regarding the original co-location proposal:

1. E.L.L.I.S. Preparatory Academy Principal Norma Vega expressed concern about whether the proposed new charter schools will serve English Language Learners (“ELLs”) to meet the needs of the community. She commented that her school has taken the majority of the ELLs who newly start on the John F. Kennedy campus. She said that she had hoped that one of the schools coming to the campus would be an ELL/International-students focused school.

² The Public Comment Analysis was amended on February 15, 2011 to clarify which Bronx Engineering and Technology Academy School Leadership Team representatives attended the Joint Public Hearing.

2. Four questions were submitted on behalf of State Senator Rivera:
 - a. A question was submitted inquiring how parents were informed about the Joint Public Hearing regarding the co-location proposal.
 - b. A question was submitted inquiring whether the proposed new schools will have to accommodate ELLs and students with special needs, or whether they will receive a waiver so that they do not have to. The question also asked what the DOE planned to do to support ELL students and students with special needs if the new schools did not have to accommodate them.
 - c. A question was submitted inquiring how the new schools' lottery processes will work to give priority to District 10 students and how parents will be notified about the lottery processes.
 - d. A question was submitted regarding the support that Kennedy would get as the school phases out.
3. A commenter inquired whether students would be required to take an entrance test to be admitted to the new schools, and whether there would be students in District 10 who would meet the new schools' admissions requirements.

A Joint Public Hearing concerning the proposed phase-out of Kennedy was held on January 28, 2011. Certain comments related to the original co-location proposal are included below:

4. Senator Adriano Espaillat of the 31st senatorial district for New York State commented:
 - a. The priority is to improve the quality of education for students. If alternative options to Kennedy can provide a high quality education, Kennedy can be closed.
 - b. However, we need to limit disruption to current enrolled students and ensure viable placement for over-the-counter students, ELLs and students with disabilities.
 - c. The DOE needs to give information to parents in a timely manner. The DOE took a long time to respond to requests for community meetings. The DOE should improve its communication with families.
5. Senator Gustavo Rivera of the 33rd senatorial district of New York State commented:
 - a. If the DOE phases out Kennedy, the incoming school needs to be higher quality than Kennedy. The transition must be smooth. The needs of ELLs must be attended to. The new school must meet or exceed the resources that Kennedy offered to students.
6. City Councilman Oliver Koppell commented:
 - a. The DOE should have a community meeting to discuss what schools should replace Kennedy.
 - b. The DOE seems to have decided that Kennedy should be replaced with two charter schools. However, the student body is largely comprised of ELLs and students with disabilities who will not be served by those charter schools. This will have an impact on other schools in the Bronx. These students are going to go to Clinton High School, which is already serving many struggling students.

Clinton High School will be overwhelmed. E.L.L.I.S. Academy is already overflowing; the DOE should give more seats to E.L.L.I.S. Academy.

7. City Council Member Ydanis Rodriguez commented:
 - a. The DOE needs to listen to families and communities. Elected officials met with the DOE and developed a plan to meet with the community regarding the phase out and replacement options for Kennedy. Before the meeting took place, someone leaked a document to the New York Times that indicated that the DOE was looking at bringing a charter school in to replace Kennedy. The decision has already been made and this is wrong; the DOE needs to listen to students, parents, and elected officials.
 - b. Charter schools can be a model, but not the only model. Privatization is not the answer.
8. City Council Member Robert Jackson, Chair of the Education Committee, stated:
 - a. Kennedy has been overcrowded for many years. This has had negative effects on students. Students in overcrowded buildings get into more fights. This drives down demand.
 - b. Parents need to be engaged and the DOE needs to listen to their feedback.
 - c. The DOE held a meeting with elected officials in December 2010 regarding the school. At that point, DOE officials said they didn't know what the replacement plan for Kennedy would be. Then, the New York Times leaked a document indicating that the DOE planned to replace Kennedy with a charter school. There needs to be greater transparency.
9. A commenter stated that small charter schools do not have enough classrooms for teaching.
10. A commenter stated that charter school lotteries lead to fewer seats.
11. A commenter stated that charter schools have resources that Kennedy doesn't.
12. A commenter asked what the DOE will do to deal with overcrowding if Kennedy is phased out.
13. A commenter asked what the difference is between public schools and charter schools.
14. A commenter asked why Educational Impact Statements regarding the proposed phase out and replacement of Kennedy were not released simultaneously.

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

The DOE received one written comment by e-mail and no comments by telephone.

15. CEC 10 President Marvin Shelton stated his opposition to the phase out and co-location proposals because placing two new schools in the building will be difficult to manage, expensive and will reduce capacity to accommodate "over-the-counter" enrollment.
16. Multiple commenters asked whether the new schools and/or facility will be named after President John F. Kennedy.

The DOE received a comment at the February 15, 2011 Joint Public Hearing on the original proposal that did not directly relate to the proposal and therefore will not be addressed.

17. A commenter stated that middle schools are sending failing students to high schools and that the DOE is not doing anything to address this problem.

The following comments and remarks were made at the Joint Public Hearing on June 17, 2011 on the revised proposal:

18. Ron Chaluisan from New Visions for Public Schools stated the following:
 - a. New Visions currently supports 76 district high schools across the five boroughs. These schools serve about 34,000 students.
 - b. High School for the Humanities and High School for Advanced Math & Science are the first two charter schools run by New Visions for Public Schools. These charter schools have been authorized by SUNY and plan to open in September 2011 in the John F. Kennedy Campus.
 - c. Principals of the co-located schools already in the John F. Kennedy Campus and the leaders of the new charter schools have met regularly this spring to discuss the details of the co-location, particularly around issues of sharing space. Principals and charter school leaders have also begun to share their knowledge about instructional and operational models.
 - d. New Visions believes that the new charter schools provide a great opportunity to serve more students in the Bronx.
 - e. In addition, New Visions envisions a campus model of collaboration and looks forward to making this happen. For instance, principals and charter school leaders have already begun conversations about creating a campus-wide math curriculum.
 - f. New Visions is exploring the possibility of making improvements to the library and health clinic in the building.
19. Jennie Soler-McIntosh from New Visions for Public Schools stated the following:
 - a. New Visions feels strongly about the importance of engaging with the community. To that end, New Visions conducted an extensive outreach in the community to inform families about the new charter schools. New Visions reached out to Bronx families through a direct mail campaign, elected officials, and community information meetings. Outreach efforts were conducted in both English and Spanish.
 - b. New Visions received 1,012 applications from 727 students for both schools. About 53% of all student applicants applied for High School for Advanced Math & Science and 47% applied for High School for the Humanities. About 90% of all applicants reside in the Bronx and about 30% of all applicants reside in District 10. Of the students selected through the lottery, 50% reside in District 10 and the other 50% come from other parts of the Bronx.
 - c. New Visions is committed to serving ELLs and students with disabilities.
20. CCHS representative Denise Sullivan stated that as a parent, Bronx resident and leader she is committed to helping improve schools.

21. A commenter stated that JFK students do not have access to a proper education and curriculum.
22. A commenter inquired whether the charter schools would bring additional resources for labs, music and arts and whether those would be shared amongst all schools in the building.
23. A commenter stated that the shared space schedule for the library, which lists specific library times for each school, does not work for her because she teaches throughout the day.
24. A commenter stated that the library is not in use this year and asked if the schools would pay for a librarian next year. The commenter also inquired about sports offerings in the future and who will pay for after school sports.
25. A commenter stated that she has no air conditioning in her classroom.
26. A commenter stated that the Mayor and Mr. Walcott have tried to re-write education policies and that former Deputy Chancellor Santiago Taveras was not present at the hearing because he left the Department.
27. A commenter stated that schools like Kennedy have been set up to fail and that they have not been given the resources they need. Schools like Kennedy and Columbus have been slowly disappearing and replaced by privatized educational options.
28. A commenter stated that New York City tax dollars should not be spent educating students from out of the City.

Summary of Issues Raised in Written and/or Oral Comments Submitted to the DOE regarding the Revised Proposal:

The DOE did not receive any written or oral comments in regards to the revised proposal.

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

- With regard to comment 1, relating to the growing ELL population in the John F. Kennedy Campus: E.L.L.I.S. Preparatory Academy is designed to serve students who are ELLs, so it is to be expected that this school serves the largest percentage of ELL students among the schools on the campus. There are currently about 200 more ELL students enrolled throughout the five existing small schools in building X475 as compared to the number of ELL students enrolled at Kennedy. The schools in this building, including the proposed new charter schools, will continue to serve ELL students in this building in the future.
- With regard to comment 2(a), relating to the notice provided to the community about the original proposal and February 15 public hearing: Parents were informed about the Joint Public Hearing concerning the original co-location proposal via parent letters and notices that were backpacked home with students. On January 18, 2011, parent letters and public notices were sent to principals at all co-located schools in the John F. Kennedy Campus with instructions to backpack the letter and notice of public hearing home with every student. All principals in the John F. Kennedy Campus were also asked to provide hard

copies of the Educational Impact Statement and Building Utilization Plan in their main offices.

On February 8, 2011, following the Panel for Educational Policy vote regarding the phase-out of Kennedy, an updated letter and another copy of the notice of the February 15, 2011 Joint Public Hearing were sent to principals (along with Spanish translations) at all co-located schools. All principals were again asked to backpack these letters and notices home. Representatives at all schools in the building confirmed that the letters and notices had been backpacked home and hard copies of the EIS and BUP were available in their respective main offices.

On June 1, 2011, principals in the John F. Kennedy Campus were asked to distribute copies of the revised EIS and BUP and revised notice, which included the date of the June 17, 2011 Joint Public Hearing, to all students and to post a copy of the revised notice in their main offices. Representatives at all schools in the building confirmed that the revised notice had been backpacked home with every student. In addition, school representatives confirmed they had posted a copy of the revised notice of public hearing in their main offices and forwarded an electronic copy of the revised EIS and BUP to their School Leadership Team. Furthermore, a hardcopy of the revised EIS and BUP were made available in each school's main office.

- Comments 2(b), 2(c) and 3 concern the new schools' enrollment processes and the population of students the new schools will serve. As described in the original and revised EIS, admission to the new charter high schools will be through a charter lottery process. Any 8th grade student who has met graduation requirements is eligible to enter the lottery for a 9th grade seat in September 2011. Admissions priority will be given to students of District 10. Applications were made available at community forums organized by New Visions, at the New Visions main office located at 320 West 13th Street, 6th Floor in Manhattan or on the New Visions Website at <http://www.newvisions.org/Charter/Student%20Application>. Admissions applications were due by April 8, 2011. The lottery was held on April 15, 2011.

New Visions' community outreach and student recruitment efforts have consisted of a variety of strategies. All outreach materials are available in English and Spanish. These include: brochure, FAQ, applications and flyers promoting orientation sessions and school opening. The New Visions Website (www.newvisions.org/charter) includes all materials and offers families the opportunity to apply online or download the application.

Representatives of the new charter high schools have visited all middle schools in District 10, have given presentations at parent teacher conferences, and are collaborating with many community based organizations and faith based organizations throughout the Bronx, focusing on District 10. They also hosted four community forums for families to learn about the schools. These forums were scheduled on the following dates:

Date	Location	Address
January 20, 2011	St. Stephen' United Methodist Church	146 West 228 th Street Bronx, NY 10463
February 9, 2011	Mosholu Montefiore Community Center	2450 DeKalb Avenue Bronx, NY 10467
February 12-13, 2011	Martin Luther King New Schools Fair	122 Amsterdam Avenue New York, NY 10023
February 28, 2011	Mosholu Montefiore Community Center	2450 DeKalb Avenue Bronx, NY 10467

As discussed above, the schools gave preference to students of District 10. All other students will be considered equally, regardless of their ELL or special education status. Students will not need to take a test to be admitted to the schools. New Visions has a history of commitment in serving the Bronx: it currently supports 25 Bronx high schools, including four schools located on the John F. Kennedy Campus. The current schools supported by New Visions serve the district proportionate share of ELL and students with disabilities. Additionally, New Visions is encouraging ELL and students with disabilities to apply in the applications for High School for the Humanities and High School for Advanced Math & Science.

- Comments 2(d), 17, 20, 21, 25, 26, 27 and 28 are unrelated to the proposal and therefore will not be addressed.
- Comments 4(a), 5(a) and 7(b) concern the quality of the replacement options for Kennedy. High School for the Humanities and High School for Advanced Math & Science intend to offer a rigorous academic program and prepare students for post-secondary work in the humanities, and math and science, respectively. New Visions will manage the proposed new charter schools. Although these two charter schools are the first charter schools that New Visions has been approved to open, the organization has a strong track record of success. New Visions has opened many new small high schools in New York City, including four of the schools in the John F. Kennedy Campus: Bronx Engineering and Technology Academy, Bronx School of Law and Finance, Marble Hill High School for International Studies, and Bronx Theatre High School. Bronx Engineering and Technology Academy and Marble Hill High School for International Studies earned A grades, Bronx School of Law and Finance earned a B grade, and Bronx Theatre High School earned a C grade on the 2009-2010 Progress Report. The DOE believes that co-locating these two new schools in the Kennedy High School Campus would create much needed additional high-quality educational options in the community.
- With regard to comments 4(b) and 15, which concern the impact of the co-location on students with disabilities, ELLs and over-the-counter students: The DOE acknowledges that Kennedy currently serves a high needs population: 22% of students require special education services and 22% are ELLs. A number of students also are admitted to the school “over-the-counter” (i.e., students who were not part of any admissions process for the entry grade and/or were not enrolled in a New York City school at the time school started).

Students who would have been served by Kennedy would be served by other new and existing high schools in the City, including the two new proposed charter high schools. High school admissions are based on a Citywide choice process, with students ranking up to 12 high schools in order of preference during the “Main Round” of high school admissions. Students who listed any of the program offerings at Kennedy on their high school admissions application had the opportunity in February to submit a new application (New School Choice Form) with revised school rankings.

Students who may have attended Kennedy through over-the-counter admissions will continue to be served by one of the 481 schools that admit students over-the-counter during the peak enrollment period. Moreover, in the Bronx, the number of schools that admit over-the-counter students during this period has increased from 123 to 128.

While the DOE cannot predict the exact number of students who will apply to a particular high school through the High School Admissions Process or the number of students who will arrive over-the-counter, the DOE utilized historical data to predict the volume and demographic of students it will need to serve as a result of the proposed phase-out. It is critical that the needs of all students whether they arrive through the admissions process or over-the-counter are met. Of the 210 ninth-grade students who were admitted to Kennedy through the High School Admissions process, 24% are students with disabilities and 21% are ELLs. And of the 140 students who arrived ‘over-the-counter,’ 12% are students with disabilities and 18% are ELLs.

The DOE has proposed to open seven new high schools in the Bronx in September 2011, including the two new charter schools in the John F. Kennedy Campus. These new high schools will provide seats that are not screened and are expected to serve approximately 830 new ninth grade students in 2011-2012. Each of these new high schools has been approved by the PEP and is the subject of a separate EIS, which can be found on the DOE’s Website at <http://schools.nyc.gov/community/planning/changes/default.htm>.

In addition, the DOE is opening an eighth school, also approved by the PEP, in school building X660 in September 2011 as a result of the downsizing of Grace Dodge Career and Technical Education High School (10X660, “Grace Dodge”), which will provide seats for recent immigrant students and ELLs. As Grace Dodge downsizes its enrollment, the seats lost will be recovered through the phase-in of a new school (Crotona International High School), so there will not be a net reduction of seats in the building.

- Comment 6(b) expresses concern about students “overwhelming” other Bronx high schools as a result of Kennedy’s phase-out and recommends giving more seats to E.L.L.I.S. Academy.

This year, the DOE proposed to phase-out eight high schools in the Bronx, including Kennedy. All of these proposals were approved by the PEP at the February 1, 2011 and February 3, 2011 meetings.³ The DOE has plans in place to replace lost seats in the Bronx. In 2010-2011, these schools served a total of 759 new ninth-grade students. However, these seats will be recovered through seats at new high schools. In fact, with the opening of new schools in the Bronx last year and the seven anticipated new schools this year, the DOE will have created the capacity for approximately 990 ninth-grade seats for new students in the Bronx, which is more than enough to offset the 759 seats anticipated to be lost by the eight proposed phase-outs. Factoring in new ninth grade seats that were made available by expanding capacity in existing schools this year, there will be capacity for approximately 1,510 ninth-grade seats in 2011-2012. As stated earlier, the PEP approved the opening and co-location of all seven new schools.

In addition, the two new charter schools proposed to be co-located in X475 will offer 800-1,200 seats once they reach full scale, which will replace the approximately 1,100 seats that will be lost by Kennedy's phase-out. The two new charter schools will provide admissions priority to students who reside in District 10 in the Bronx, so they will serve students living in the community.

With regard to the request to increase the number of seats at E.L.L.I.S. Academy, this school is designed to serve students identified as having an Interrupted Formal Education ("SIFE"). E.L.L.I.S. Academy serves students who are over-age as well as ELLs. Students who enroll in this school do not participate in the High School Admissions Process. Going forward, the DOE will continue to assess the demand for high school seats at E.L.L.I.S. Academy and schools that serve a similar population, and may consider increasing available seats if such a demand exists for the school and if there is appropriate space to accommodate such an expansion.

- Comments 8(a), 12, and 15 contend that Kennedy is overcrowded and raise concerns that the building will continue to be overcrowded in the future. The John F. Kennedy Campus has a target capacity of 3,992 students and it enrolled approximately 3,041 students in 2010-2011, yielding a building utilization rate of 76%. This means the building is "under-utilized" and has extra space to accommodate additional students. Kennedy is currently using 8 full-size rooms and 13 half-size rooms in excess of its baseline room allocation as set forth by the Citywide Instructional Footprint (the "Footprint"). During the course of its phase-out and the phase-in of the two new high schools, Kennedy will continue to be allocated its baseline allocation of rooms based on its enrollment, which will decrease each year. Once two new high schools have completed their expansions and Kennedy has completed its phase-out in 2014-2015, there would be approximately 2,750-3,400 students served in the building, yielding an estimated building utilization rate of approximately 85%.

³ Certain plaintiffs including the United Federation of Teachers ("UFT") and the National Coalition for the Advancement of Colored Peoples ("NAACP") have initiated a lawsuit seeking to prevent the approved phase-out of 10 Bronx schools, including the approved phase-out of Kennedy. In addition, the UFT has challenged the approved proposal to co-locate High School for the Humanities and High School for Advanced Math and Science. At this time, the court has not issued a final decision on those claims.

For more information concerning the allocation of space in X475, please refer to the revised EIS and BUP available at

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/June2011Proposals>.

- Comments 6(b), 7(b), 9, 10, 11, and 13 concern the structure of charter schools, the students they serve and the resources available to them. Charter schools are public schools open to all residents of New York City. They are publicly funded in a manner similar to district schools, but may be operated by non-DOE organizations. Each charter school is governed by an independent board of directors. Under recent amendments to New York State Law, for-profit entities may not operate new charter schools in the State.

Public charter schools are not able to select their own students, but rather must admit students through a lottery process. Lotteries select students randomly from among an applicant pool. Charter schools typically offer priority for students residing in the district in which the charter is located.

With regard to funding and other resources, 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. Charter management organizations may also choose to raise additional funds to purchase various resources they feel would benefit their students (e.g., Smartboards, fieldtrips, etc.), just like any other schools Citywide.

With regard to space allocation, the Footprint is applied to both DOE and public charter schools to ensure equitable allocation of classroom, resource and administrative space. The revised BUP concerning the proposed co-location of High School for the Humanities and High School for Advanced Math & Science in X475 outlines in great detail the proposed allocation of classrooms and administrative space between all co-located schools in the building. It also outlines a proposal for the collaborative usage of shared resources and spaces in the building. As stated throughout the revised BUP, the Building Council is free to deviate from the proposed Shared Space Plan in order to accommodate the specific programmatic needs of each school in the building.

Finally, under recent amendments to State Law, public charter schools must 1) serve all students who are admitted through their lotteries, and 2) serve a percentage of students with disabilities and ELLs comparable to the district average. Charter schools that fail to meet the special education and/or ELL targets set by their authorizer risk being closed or having their renewal applications rejected.

- Comments 4(c), 6(a), 7(a), 8(b, c), and 14 concern the need for transparency and community input in connection with the proposal to co-locate two new schools in the X475 building. With respect to discussions about the co-location of two new schools in the X475 building, DOE representatives spoke with various community members, including elected officials, about what kinds of schools were needed in the community. The proposal to co-locate two new schools was not published at the same time as the

phase-out proposal because the DOE had not yet determined what replacement plan was best for the X475 building.

On January 13, 2011, the *New York Times* published an article that shared preliminary information regarding schools, which may have been proposed to be located in buildings around the City. Shortly after this article was published, the DOE announced its proposal to site the two charter schools in building X475.

The DOE has solicited community input on this proposal in several ways. During the “public comment” period, which began once the original proposal was published, the DOE publicized an e-mail address and telephone number dedicated to accepting additional feedback about the proposal.

Furthermore, a Joint Public Hearing was held at the school on February 15, 2011, during which interested parties had an opportunity to provide input on the proposal to co-locate two new schools in X475. Approximately 10 members of the public attended that hearing, 1 person spoke and four questions were submitted. In addition, the DOE held an additional Joint Public Hearing on June 21, 2011 to discuss the revised co-location proposal. Members of the public also provided comments concerning the original co-location proposal at the January 28, 2011 Joint Public Hearing concerning the phase-out of Kennedy.

In response to concerns about the extent to which the Joint Public Hearing and comments regarding the proposal are considered as part of the decision-making process, this Analysis of Public Comment records and addresses all comments submitted through the dedicated e-mail address and phone number, as well as comments made at the Joint Public Hearing on February 15, 2011 about the original proposal and at the June 21, 2011 Joint Public Hearing about the revised proposal. This Analysis of Public Comment will be provided to the Panel for Educational Policy prior to its vote on the revised proposal.

In addition to the Joint Public Hearing on February 15, 2011 about the original proposal, on January 18, 2011, Deputy Chancellor Santiago Taveras and DOE representatives held a parent meeting at the John F. Kennedy Campus where they discussed both the phase-out and replacement proposals. The DOE also made efforts to introduce the proposed new leaders of the new charter schools to the community. New Visions was represented at a meeting on February 16, 2011 at 1 Fordham Plaza in which all proposed new high school leaders from the Bronx were invited to the Bronx High School President’s Council meeting. The charter school leaders met with elected officials on February 28, 2011 to discuss the new schools. Finally, as mentioned above, New Visions has engaged in an extensive outreach effort so that Bronx families are aware of the new schools.

- Comment 16 concerns the future status of the X475 building’s name. The building will continue to be called the John F. Kennedy Campus. It should be noted that many high school campuses also choose to continue using the campus name for their athletic teams.

- Comments 18(a), 18(b), 18(c), 18(d), 18(e), 18(f), 19(a), 19(b) and 19(c) are in support of the proposal and do not require a response.
- With regard to comment 22, concerning whether funding and other resources made available to charter schools would be shared amongst all the co-located schools in the building: 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. 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.). However, to the extent a charter school funds any capital expenditure or facility upgrade on its dedicated space in excess of \$5,000, in accordance with Chancellor's Regulation A-190, it must be approved in advance by the DOE, and the DOE must then ensure that an equal amount of capital expenditures or facilities upgrade expenditures are made on each co-located DOE school. Currently, the DOE plans to replace the blacktop-paved area at X475 during the summer of 2011, but because this project is not related to the co-location of the charter schools, it does not trigger the matching provisions described above.

As indicated by Rob Chaluisan of New Visions, the organization is exploring the possibility of making improvements to the library and School-Based Health Center in the building, both of which are, and would continue to be, shared spaces. Therefore, both of these upgrades would benefit all students in the building.

- With regard to comment 23, concerning the shared space schedule for the library: The shared space schedule for the library and auditorium contained in the revised BUP is only a proposal. As indicated in the revised BUP, the DOE has allocated times to each co-located school in the library and auditorium based on their proportional enrollment even though the Building Council had decided to schedule these shared spaces on an as needed basis. However, the Building Council is free to adhere to a shared space schedule similar to the one currently in use in the building, which schedules the library and auditorium on an as needed basis, in order to meet the specific programmatic needs of each school in the building as is feasible and equitable.
- With regard to comment 24, concerning the schools' budget for sports offerings and library services in the building: Resources are supplied to schools through Children's First Networks and school budgets are allocated consistent with Fair Student Funding ("FSF") per capita allocation levels. FSF covers basic instructional expenses and FSF funds may, at the school's discretion, be used to hire staff, purchase supplies and materials, or implement instructional programs. Furthermore, principals have discretion over their budget and make choices about how to prioritize their resources to meet the needs of their students with the right staffing, programs and instructional priorities. With regard to the portion of this comment concerning sports offerings: The specific programs offered at a given school are always subject to change based on student demand and available resources. Schools in the John F. Kennedy Campus may continue to collaborate to offer campus-wide sports, which are open to all students in the building.

Changes Made to the Proposal

The DOE revised the original EIS and BUP on June 1, 2011 in response to public comments about this and other proposals. The revised EIS was modified to include adjusted projected enrollment ranges for the 2011-2012 school year based on final budget register projections; updated estimated building utilization rates and clarifies footnotes related to the same; updated enrollment data based on the 2010-2011 Audited Register; a further description of the impact of the co-location proposal on the community-based organizations, Young Adult Borough Center, GED Plus program, and Learning to Work currently housed in the building; updated admissions information and DBNs for the new charter high schools; updated information about the High School Admissions Process; and additional information on other new high schools opening in the Bronx in September 2011. In addition, the revised EIS clarifies information about the proposed shared space schedule.

In addition, the revised BUP was modified in the following manner:

- The DOE has clarified the rationale for the amount of time that each co-located school is proposed to be allocated in each of the shared spaces in 2011-2012.
- The proposed shared space schedule has been adjusted.
- Additional tables have been inserted to clarify the total number of rooms in excess of each co-located school's baseline allocation.
- Additional tables have been inserted to clarify the net change in rooms for each co-located school from year to year.
- 2010-2011 enrollment data is consistent with the Audited Register.
- Projected enrollment for the 2011-2012 school year is consistent with final budget register projections.
- The number of sections/classes that each co-located school is projected to serve in 2011-2012 and beyond has been included.
- The total number of indoor physical education spaces in X475 has been adjusted to include four gymnasiums, a weight room, an exercise/cardio room, and a dance room.
- The total number of student cafeterias in X475 has been adjusted to include the 4th floor cafeteria.
- The total number of half-size spaces occupied by CBOs in X475 has been adjusted to include F.E.G.S. Health & Human Services, which currently occupies 1 half-size space in the building.
- A typographical error, which incorrectly referenced the total number of half-size spaces in X475 as 28 instead of 31, has been corrected.
- The room allocations for each school have been adjusted in order to more accurately reflect the total full-size and half-size rooms in X475.

No further changes have been made to this proposal.