Department of Education
Dennis M. Walcott, Chancellor

Public Comment Analysis[1]

Date: June 24, 2011

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

Date of Panel Vote: June 27, 2011

Summary of Proposal

On December 20, 2010, 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 a new DOE zoned elementary school, P.S. 401 (23K401, "P.S. 401"), and to re-site and co-locate Leadership Preparatory Ocean Hill Charter School (84K775, "Ocean Hill") in school building K332 ("K332") located at 51 Christopher Avenue, Brooklyn, NY 11212, in Community School District 23 ("District 23"). Ocean Hill is an existing charter school that is currently housed in school building K271 located at 1137 Herkimer Street, Brooklyn, NY 11233, in District 23. Ocean Hill currently serves 142 students in kindergarten through first grade. P.S. 401 and Ocean Hill would be co-located with P.S. 332 Charles H. Houston (23K332, "P.S. 332"), an existing K-8 school, and an Alternative Learning Center (K992, "ALC"), in building K332. A "co-location" means that two or more school organizations are located in the same building and may share common spaces like libraries, auditoriums, gymnasiums, and cafeterias.

The EIS was amended on January 26, 2011 to correct typographical errors, adjust projected enrollment ranges, clarify footnotes related to building utilization rates and capacity, include additional information related to the DOE's Citywide Instructional Footprint, include data related to the 2010-2011 unaudited register, and delete redundant language. The Panel for Educational Policy ("PEP") approved this proposal at its February 3, 2011 meeting.

At its February 3, 2011 meeting, the PEP also approved a proposal to phase out and eventually close P.S. 332 based on its poor performance and the DOE's assessment that the school lacks the

[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, 2011 at 6:00 p.m. If any additional comments are received, they will be addressed in an amended analysis.

capacity to improve quickly to better support student needs. P.S. 332 will complete its phase out before the start of the 2014-2015 school year. Also, by 2012-2013, the ALC in K332 will be re-sited to an alternate location within District 23 or where there is a district need for an additional ALC.

The DOE substantially revised this proposal and issued a revised EIS and revised BUP on May 23, 2011. The revised EIS includes additional information related to the use of shared spaces and the proposed Shared Space Plan as described in the revised BUP attached to the revised EIS. The BUP was revised in the following manner:

- the room allocations for all school organizations were adjusted in order to more accurately reflect the total full-size, half-size, and quarter-size rooms in the K332 building;
- the proposed shared space schedule was adjusted; and
- the DOE clarified the rationale for the amount of time that each co-located school is allocated in the shared spaces under this proposal.

The revised EIS can be accessed, along with the revised BUP, through the following link: 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 P.S. 332 and Ocean Hill.

Summary of Comments Received at the Joint Public Hearings

A joint public hearing regarding the original proposal was held at K271, where Ocean Hill is currently sited, on January 25, 2011. At the hearing, interested parties had an opportunity to provide input on the original proposal. Approximately 40 members of the public attended the hearing and 11 people spoke. Present at the hearing were: District 23 Superintendent Ainslie Cumberbatch, Ocean Hill Principal Nikeya Bridges, Ocean Hill Director of Operations Brendalyn King, and District 23 Community Education Council ("CEC") President Erwin Charles, Junior.

An additional joint public hearing regarding the original proposal was held at K332 on January 31, 2011. At the hearing, interested parties had an opportunity to provide input on the original proposal. Approximately 120 members of the public attended the hearing and 20 people spoke. Present at the hearing were: District 23 Superintendent Ainslie Cumberbatch, P.S. 332 School Leadership Team ("SLT") representative Nigel Henry, and District 23 CEC President Erwin Charles, Junior.

A joint public hearing regarding the revised proposal was held at K332 on June 8, 2011. At the hearing, interested parties had an opportunity to provide input on the revised proposal. Approximately 10 members of the public attended the hearing and 2 people spoke. Present at the meeting were: Deputy Chancellor Marc Sternberg, District 23 Superintendent Ainslie Cumberbatch, P.S. 401 Principal Lisa Bignall-Brice, Ocean Hill Director of Operations Brendalyn King, P.S. 332 Principal Mickisha Gross, P.S. 332 SLT representative Nigel Henry, and District 23 CEC President Erwin Charles, Junior.

An additional joint public hearing regarding the revised proposal was held at K332 on June 22, 2011. At the hearing, interested parties had an opportunity to provide input on the revised proposal. Approximately 17 members of the public attended the hearing and 6 people spoke. Present at the meeting were: District 23 Superintendent Ainslie Cumberbatch; Ocean Hill SLT representative Nikki Bridges; and District 23 CEC President Erwin Charles, Junior.

The following comments and remarks were made at the joint public hearings on January 25, 2011 and January 31, 2011 on the **original** proposal:

1. Multiple commenters questioned why prospective leaders were introduced to the community and students were recruited for the new school if this proposal was not a done deal, and whether the new teachers would do a better job than the current teachers at P.S. 332.
2. Multiple commenters discussed the purported inequities between charter schools and DOE district schools.
3. A commenter contended that charter schools get to choose their students instead of enrolling any students with disabilities or English Language Learner students, or students with behavior issues.
4. A commenter contended that charter schools get rid of their poor performing students and keep the funding anyway. Therefore, charter schools don't have the same type of commitment that public schools have.
5. Multiple commenters expressed their support for the proposal based on their positive experiences at Ocean Hill.

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

- A commenter expressed dismay that Mott Hall Bridges was 1 mile away from P.S. 332 and expressed dismay that it was too far away.
- One commenter advertised a rally on Saturday at 1368 Fulton Street in front of Tweed courthouse.
- Multiple commenters reminded the audience about the PEP meeting on February 3 and that there is a rally from 4:30 -5:30pm.
- The CEC representative commented that he believes it is a poor choice to close P.S. 332 because the current principal has not been given the opportunity to prove herself and her leadership to turn P.S. 332 around. He stated that the City was aware of the failure of P.S. 332 years ago and should have removed that principal, rather than making an unfair decision about the current principal. He encouraged parents to make a difference and to voice their opinion. He does not believe that shutting down a school is the right solution, and encouraged parents to send a message to the Chancellor that this is unacceptable. He encouraged parents to save the school because children's futures are at stake, to stop staying at home and watch television. Because these comments address the proposal to phase out P.S. 332 and not the proposal to re-site the charter school and a new DOE elementary school in the building, these comments will not be addressed in this analysis. However, for a lengthy discussion responding to the CEC's comments, please refer to the analysis of public comments received on the proposal to phase out P.S. 332, which is

available at http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/Feb32011Proposals.

- The SLT representative read from a resolution opposing the proposal to phase out P.S. 332. This resolution does not concern the proposal to site two schools in the building and will therefore not be discussed in this analysis. However, for a lengthy discussion in response to this resolution, please refer to the analysis of public comments received on the proposal to phase out P.S. 332, which is available at the above weblink.

The following comments and remarks were made at the joint public hearing on June 8, 2011, on the **revised** proposal:

6. A commenter asserted that parents did not receive notice of the hearing until the day of the hearing, which is why so few parents attended. P.S. 332's parent coordinator should have been more active in making parents aware of the hearing.
7. A commenter asked how charter schools are funded and asserted that charter schools divide communities because they receive disproportionate space and resources.
8. A commenter stated that it is disrespectful to parents to distribute notices only on the day of the hearing.

The DOE received comments at the Joint Public Hearing held on June 8, 2011, that did not directly relate to the revised proposal and therefore will not be addressed.

- A representative of CEC 23 expressed opposition to the phase-out of P.S. 332, saying that the current principal of P.S. 332 should have been given more time to turn the school around. He further stated that parents should continue to oppose the phase-out.
- A commenter asserted that P.S. 332 was not a failing school before the decision to phase-out the school was announced, and the school has not received the support it needs to succeed.

The following comments and remarks were made at the joint public hearing on June 22, 2011, on the **revised** proposal:

9. Multiple commenters expressed their support for the proposal based on their positive experiences at Ocean Hill.

The DOE received comments at the Joint Public Hearing held on June 8, 2011, that did not directly relate to the revised proposal and therefore will not be addressed.

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

10. One commenter noted that changing the name of the school and keeping the same student population would not address the issues cited by the DOE.
11. One commenter inquired why schools in affluent areas are not subjected to charter schools and school closings.
12. One commenter supported the proposal to re-site and co-locate Leadership Prep Ocean Hill charter school.

13. One commenter stated that the DOE is replacing P.S. 332 with a charter school, and claimed that the charter schools are lower performing, and that a Leadership Prep school already exists in District 13 and serves a lower percentage of special education students and students who live in poverty, and that the Leadership Prep schools show declining enrollment.

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

No written or oral comments were received.

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

- Comment 1 suggests that the proposal to re-site and co-locate Ocean Hill with P.S. 401 was pre-determined and questioned why proposed new leaders were introduced to the community. Contrary to the commenter's suggestion, the decision to site Ocean Hill with P.S. 401 in the building was not yet approved when the comment was made. The Panel for Education Policy did not vote to approve this proposal until February 3, 2011. Proposed new leaders were introduced to the community in advance of the joint public hearing in order to solicit feedback which could be gathered and recorded as part of the public record at the hearing and in advance of the PEP vote on February 3. A final decision regarding this proposal was made by the PEP on February 3. Moreover, since the DOE has substantially revised this proposal February 3, a new PEP vote on the revised proposal will be conducted. This vote is taking place on June 27, 2011.

- Comments 3, 4, and 11 suggest that charter schools are not located in areas of affluence and have an unfair advantage over DOE schools. This assertion is not true. Charter schools are located in multiple locations throughout the city. Charter schools are free public schools and receive both state and local funding administered by the DOE. In addition to per pupil allocations, charters may receive state and federal grants, and may raise funds from private sources as well. Charter schools do not receive any city, state, or federal funding for school buildings or facilities. Charter schools must commit to meeting or exceeding specific goals for academic performance, and are reviewed annually by their authorizers. Additionally, all charter schools are expected to serve student populations that reflect the district in which they are located.

- Comments 5 and 12 are in support of the proposal, and, therefore, do not need to be addressed.

- Comments 6 and 8 stated that P.S. 332 parents did not receive the notices about the June 8 joint public hearing until the day of the hearing. However, the DOE sent the notice of public hearing, the revised EIS, and the revised BUP to Principal Goss on the morning of May 27, 2011. According to Principal Goss, the notice of public hearing was distributed to students to backpack home on Tuesday, May 31, 2011.

- Comment 7 concerns charter schools' funding and access to resources. Charter schools receive public funding pursuant to a formula that was created by the New York State legislature and is administered by the New York State Education Department. Neither the DOE nor the City of New York has control over this formula or the amount of public funds disbursed to charter schools. As such, this approval or rejection of this proposal will have no effect on the public funds received by Ocean Hill. In addition to the public funds, charter management organizations, just like the administrations of 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.).

  Moreover, as explained in the revised EIS, in accordance with New York State Charter Schools Act of 1998 (as amended) and Chancellor's Regulation A-190, the Chancellor or his/her designee must first authorize in writing any proposed capital improvement or facility upgrade in excess of five thousand dollars, regardless of the source of funding, made to accommodate the co-location of a charter school within a public school building. For any such improvements or upgrades that have been approved by the Chancellor, capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter school within the public school building.

  Furthermore, with respect to the amount of space allocated to co-located charter schools, the BUPs explain how classroom spaces within a building have been equitably distributed between the schools based on the Citywide Instructional Footprint, and the rationale behind the equitable proposed distribution of shared spaces.

- Comment 10 suggests that the DOE cannot avoid the issues that affected P.S. 332 by changing the name of the school. The DOE disagrees with this suggestion. The DOE is not merely replacing P.S. 332's school name, rather the proposal to site a new school will include a new school leader. This leader will be empowered to hire 50% of the teachers who previously worked at P.S. 332, as well as 50% new teachers. The DOE believes that allowing for new leadership at the new school will better serve future students and the broader community. Given P.S. 332's lack of success – whether a part of the centralized effort to support all schools or the individualized plans for P.S. 332 – it is apparent that P.S. 332 has failed to develop the proper infrastructure to meet the needs of its students and families.

- Comment 13 suggests that Ocean Hill is replacing P.S. 332. This is inaccurate. As described in the EIS, P.S. 401 is the new zoned elementary school that will replace P.S. 332 and will replace the elementary seats – kindergarten through fifth grade – that would be lost due to P.S. 332's phase-out and eventual closure. Ocean Hill is an existing public charter school currently located in the District, in building K271 at 1137 Herkimer Street, Brooklyn, NY 11233. Its current location in K271 was a temporary location, and was not intended as its permanent location. The proposal to re-site Ocean Hill into the K332 building, and to co-locate with P.S. 401, will provide the charter school with a permanent home to grow to scale.

Comment 13 also suggests that that the Leadership Prep schools are not high performing schools and do not serve students with disabilities or special needs. This is inaccurate. As described in the EIS, Ocean Hill's Charter Management Organization ("CMO"), Uncommon Schools, currently manages 11 charter schools in Brooklyn. Uncommon Schools organizes its schools into networks. Ocean Hill is the newest elementary school in the "Leadership Prep" network. Leadership Preparatory Brownsville Charter School (84K711) opened in 2009-2010, and its performance data are not available.[2] Leadership Prep Ocean Hill opened in 2010-2011, and hence, its performance data are not available. Leadership Preparatory Bedford-Stuyvesant Charter School (84K517) is the only school in the Leadership Prep network to have received a Progress Report, and it received a B on the DOE's most recent Progress Report. Uncommon Schools also manages Williamsburg Collegiate Charter School (84K355), Kings Collegiate Charter School (84K608), Bedford Stuyvesant Collegiate Charter School (84K648), Brownsville Collegiate Charter School (84K710), Brooklyn East Collegiate Charter School (84K780), and Ocean Hill Collegiate in its "Collegiate" network. On the DOE's most recent Progress Report, Williamsburg Collegiate Charter School, Kings Collegiate Charter School, and Bedford Stuyvesant Collegiate charter School all received A grades. Performance data were not available for Brownsville Collegiate Charter School, Brooklyn East Collegiate Charter School, and Ocean Hill Collegiate. Based on Uncommon School's record of success, the DOE supports the placement of an Uncommon Schools charter school in District 23 in order to continue providing excellent educational opportunities for students and families. Additionally, Ocean Hill will serve all students, regardless of whether they are an English Language Learner student or a student with a disability or other special needs. Charter schools are expected to serve student populations that reflect the district in which they are located. The proposal's impact on students with special needs and English Language Learner students at P.S. 332 is outlined in the revised EIS.

Changes Made to the Proposal

On May 23, 2011, the DOE revised this proposal in response to public comments to this and other proposals. The revised EIS includes additional information related to the use of shared spaces and the proposed Shared Space Plan as described in the revised BUP attached to the revised EIS.

The BUP was revised in the following manner:

- the room allocations for all school organizations were adjusted in order to more accurately reflect the total full-size, half-size, and quarter-size rooms in the K332 building;
- the proposed shared space schedule was adjusted; and
- the DOE clarified the rationale for the amount of time that each co-located school is allocated in the shared spaces under this proposal.

No further changes have been made to the revised proposal.

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