Department of Education
Dennis M. Walcott, Chancellor

Public Comment Analysis[1]

Date: June 24, 2011

Topic: The Proposed Temporary Expansion of the Co-location of Promise Academy II (84M341) with Existing School Choir Academy of Harlem (05M469), and an Alternative Learning Center (88M993) in Building M501

Date of Panel Vote: June 27, 2011

Summary of Proposal

In an Educational Impact Statement ("EIS") posted on February 5, 2011, the New York City Department of Education ("DOE") proposed to temporarily expand the grades served by Harlem Children's Zone/Promise Academy II (84M341, "Promise Academy II") in Building M501 ("M501"), located at 2005 Madison Avenue, New York, NY 10035 in Community School District 5. Promise Academy II is an existing public charter school that currently serves 499 students in kindergarten through sixth grades in M501. The proposal was to allow Promise Academy II to temporarily expand to serve seventh and eighth grades in M501. Promise Academy II is co-located in M501 with Choir Academy of Harlem (05M469, "Choir Academy"), an existing DOE secondary school serving grades six through twelve, and an Alternative Learning Center (88M993, "ALC"), where students who are suspended from school attend in order to receive academic, social and emotional supports to prepare themselves for a return to the schools from which they were suspended. 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. The proposal was approved by the Panel for Educational Policy ("PEP") on March 23, 2011.

On May 26, the DOE revised the proposal in response to public comments on this and other proposals. The DOE has published a revised Building Utilization Plan ("BUP"), which is annexed to this revised EIS.

[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.

The revised BUP makes the following changes:

- the proposed shared space schedule on pages 16-17 has been revised and the DOE has clarified the rationale for the amount of time that each co-located school is allocated in the shared spaces under this proposal;
- footnotes have been added to indicate that projected enrollment for Choir Academy in 2011-2012 is consistent with budget register projections for 2011-2012;
- a note has been added to explain that Choir Academy will continue to be allocated the designed music rooms that it currently uses; and
- the formatting of the room allocation charts has been altered to make them easier to understand.

The EIS has been revised to reflect the changes in the BUP and to note that enrollment projections for Choir Academy are consistent with budget register projections for 2011-2012, the most recent available enrollment projection data. The EIS also corrects the list of shared spaces in M501, and includes additional information about admissions at Choir Academy.

Choir Academy is a District 5 choice secondary school that serves 331 students in sixth through twelfth grades. Promise Academy II is an existing public charter school that currently serves 499 students in kindergarten through sixth grades at M501. The school's charter anticipates that the school will expand by one grade each year, until it serves students in kindergarten through twelfth grade. The DOE previously granted permission for Promise Academy II to co-locate grades kindergarten through 6 in M501. This is a proposal to temporarily expand the grades served by Promise Academy II in M501. If this proposal were approved, in 2011-12 Promise Academy II would serve grades K through 7 in this building and in 2012-13 would serve grades K through 8 in this building. In 2013-14 and all subsequent years, Promise Academy II would return to serving only students in grades K through 6 in M501.

Promise Academy I (84M284, "Promise Academy I") is an existing public charter school that currently serves 899 students in kindergarten through seventh grades and tenth and eleventh grades. In a separate Educational Impact Statement ("EIS") also posted on February 5, 2011, the DOE proposed to allow Promise Academy I to temporarily co-locate its 4th grade in M501 for the 2011-2012 and 2012-2013 school years. That proposal was also approved by the PEP on March 23, 2011 and a revised version of that proposal is also being published today; a revised EIS for that proposal is available at:
http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/June2011Proposals

Harlem Children's Zone is in the process of building a new facility that will house Promise Academy I grades K-12; the facility is expected to be ready for occupancy for the 2013-2014 school year. Therefore, the co-location of Promise Academy I's fourth grade in M501 will be only for the 2011-2012 and 2012-2013 school years.

After Promise Academy I moves to the new facility, Promise Academy II would re-site its seventh and eighth grades to an existing private space that currently houses six grades of Promise Academy I ; the private space is located at 35 E. 125th Street, New York, NY 10035 in

Community School District 5 ("125th Street Building"). Thus, in the 2013-2014 school year and continuing forward, Promise Academy II will serve its kindergarten through sixth grade students in the M501 building, and would grow to serve seventh through twelfth grades in the 125th Street Building.

The details of this proposal have been released in a revised Educational Impact Statement which can be accessed here along with the revised Building Utilization Plan ("BUP"): 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 Promise Academy I, Choir Academy of Harlem, and Promise Academy II.

Summary of Comments Received at the Joint Public Hearings

A joint public hearing regarding the original proposal was held at Choir Academy of Harlem / HCZ Promise Academy II on March 21, 2011. At that hearing, interested parties had an opportunity to provide input on the original proposal. Approximately 160 members of the public attended the hearing, and 27 people spoke. Present at the meeting were: Manhattan High School Superintendent Elaine Gorman; Community Educational Council ("CEC") 5 representative James Hunt; Choir Academy Principal Ellen Paris and School Leadership Team representative ("SLT") Ernest Bryant; Promise Academy I Principal Tonya L. White; Promise Academy II Principal Kathleen Fernald and SLT representative O'Donnahue Osbourne; and Safiyah Raheem, the Community Liaison for New York City Councilmember Inez E. Dickens.

Additional joint public hearing regarding the revised proposal was held at June 13, 2011 at Choir Academy of Harlem / HCZ Promise Academy II. At the hearing, interested parties had an opportunity to provide input on the revised proposal. Approximately, 54 members of the public attended the hearing and about 8 people spoke. Present at the meeting were: Community District 5 Superintendent Gale Reeves; Choir Academy Principal Ellen Paris, Assistant Principal Peter McHugh and School Leadership Team ("SLT") representative Carlton Berkley; Promise Academy I Principal Tonya L. White and SLT representatives Vanessa Parker, Malkia Zimbi, Selby Gaylock, and Noel Campbell; Promise Academy II Principal Kathleen Fernald and SLT representatives O'Donna-Hue Osbourne and; Community Education Council ("CEC") 5 representative James Hunt.

The following comments and remarks were made at the joint public hearing on March 21, 2011 on the **original** proposal:

1. A Choir Academy SLT representative noted that his SLT is not speaking against charter school families but against certain practices of the DOE. He stated that he is strongly against any proposal to take more rooms from Choir Academy.
2. A Promise Academy II SLT representative stated we should be concerned with bringing our community together by bringing in another quality school. The commenter noted that these are the same children from same community, and asserted that our schools should

be working together to educate our children, sharing space for our community. The commenter also noted that the proposal deals with space that exists and is underutilized.

3. A commenter objected to the recording of the hearing because underage students would be speaking without parental permission.
4. A commenter noted that HCZ was first only sited as a pre-kindergarten through kindergarten school, and it was only supposed to be a temporary siting. The commenter asserted that since then, the school has only expanded. The commenter also expressed the opinion that Choir Academy is constantly being threatened and and pushed out in a way that amounts to separate and unequal usage, and that limits Choir Academy's potential for future enrollment growth.
5. A commenter asserted that space is being taken away from children, and that there is not enough space for breakfast or lunch in the cafeteria for all students. The commenter added that the DOE should bring Choir Academy back to what it should be.
6. A commenter said she is a student at Choir Academy, and she feels that it is her home. She wants to be treated equally and expressed the opinion that she and the school are not being treated equally because of the space that the commenter believed is being taken away.
7. A commenter expressed the opinion that even after the HCZ schools are gone, another school will be placed in this space. The commenter noted their opposition is not toHCZ but to the placement of any other schools within Choir Academy. The commenter also expressed the opinion that the HCZ proposals demonstrate that the DOE is trying to break up the Harlem community, and demonstrate an underlying racism.
8. A commenter expressed the opinion that the people of the Choir Academy community are not being treated equally. The commenter asserted that the building isn't big enough for two schools but for one school only. The commenter also notes that she attends Choir Academy, but is not allowed to go in certain areas of her own school. The commenter also asserted that Choir Academy cannot accommodate all the kids that want to go there. Finally, the commenter asserted that there have been problems between Choir Academy students and existing Promise Academy students in the building.
9. A commenter noted that HCZ already has the second floor, and Choir kids are stopped from using the staircase during fire drills. The commenter asserted that the building should be for Choir Academy only.
10. A commenter said the DOE should look at it from the Choir Academy point of view. The commenter asked where Choir Academy students are supposed to go, and asserted that the DOE is not helping Choir Academy students.
11. A commenter said the HCZ schools and Choir Academy should separately keep what they have and keep it equitable, but expressed the opinion that the proposals would make it so things are not equal.
12. Safiyah Raheem, representing Councilmember Inez Dickens, said the Councilmember supports Choir Academy and urges HCZ and the DOE to reconsider and place the HCZ

schools in another building. Choir Academy should maintain its resources and space, and the school and its students should not be reduced to numbers or a footprint. She calls on DOE to listen to all families and present a proposal that is equitable to all.

13. A commenter expressed the opinion that charter schools are always placed above other public schools, and cited a New York Post article about an independent auditor who said charter schools are receiving much more money than DOE schools in the face of the DOE budget cuts.
14. A commenter asked two questions about the proposal:
    a. Has another site been considered, like the Harlem Renaissance site at 128th street, which the commenter believed to be empty? Has that space been considered?
    b. Will middle school and high school students be placed together in same classrooms?
15. A commenter asserted that it is not fair that Choir Academy students are being pushed out, because they are good students and they need their space. The commenter expressed the opinion that sharing common spaces space with other students is not fair.
16. A commenter asserted there is no space to move around, and expressed the opinion that HCZ schools do not need any more space, because they have more than enough.
17. A commenter noted that the students of Choir Academy currently share common spaces with Promise Academy II. The commenter expressed the opinion that there is not enough space for both schools within this building. The commenter asserted that the proposal would take more space from Choir Academy, which is similar to the phase out from last year, and asserted that the DOE is trying to close down Choir Academy with these proposals.
18. A commenter asserted that Promise Academy II is not sharing spaces like the playground equally. The commenter stated that HCZ schools are getting brand new technical equipment while teachers at Choir Academy buy their own technology. The commenter asserted that there are many schools with plenty of space, so why does it have to come from Choir Academy?
19. A commenter said that the HCZ schools want to stay within the community. As a business owner in the community, she noted that both the schools are part of the community. HCZ provides a lot to the school and community.
20. A commenter asked whether HCZ would take the Harlem Renaissance building if it is available. The commenter also asserted that the proposal is a way of phasing out Choir Academy. The commenter also expressed the opinion that the current situation is not equitable: Promise Academy II gets Smartboards while Choir Academy just gets TVs. The commenter stated that he is not against charters or "Waiting for Superman," but noted that the Choir Academy community wants to keep its space. The commenter also asserted that Promise Academy II moved art exhibit set up by Choir Academy out of the way in the gymnasium because Geoffrey Canada wanted to watch a basketball game. That's not fair because he has his own building and own gym. There needs to be open

communication between all parents, and the community will sue if these proposals move forward.

21. A commenter said Choir Academy students need their space, and one floor is not enough. The commenter said he has been able to travel around the world because of the quality education he received from Choir. He was there when the school had four floors, but now it only has one. The students have passion and talent. They should be allowed to grow to be something.
22. A commenter asserted that all the extra subjects, like art and music, are being taken away from Choir Academy students because they have to share space. The commenter asserted that the situation is not fair, equitable, or moral, and that there is not enough room for kids to move and stretch. The commenter asserted that Choir Academy is bringing out greatness of all students.
23. A commenter said she is close to her 10 year reunion, The commenter noted that Choir Academy is improving and moving off SURR list. She said she wants to understand how these proposals can happen when the school is improving? The commenter also asked about potential overcrowding, and the potential phase-out of Choir Academy, and asserted that the DOE needs to bring this to a happy medium and work it out with the community.
24. A commenter asked what kind of message the DOE is trying to send the Choir Academy community. He said the DOE cannot tell the Choir Academy community that one child's education is more important than another, but asserted that is what the DOE is saying. The commenter expressed concern that the DOE is kicking Choir Academy out of its home. The commenter noted that Choir Academy is ready to grow and learn. The DOE wants to give space to other kids that have dreams, but Choir Academy students have the same dreams, and asked that the DOE help Choir Academy keep the building.
25. A commenter said he has spent 57 years within the community, and fought for equality, and is still fighting for it now. He said it is hard to hear comments from the students saying that they feel neglected and slighted by an unqualified schools chancellor. He asked where are 300 students being put into the building are going to go, and asserted that they cannot all fit on one floor. The commenter expressed the opinion that the die has already been cast, but students should work hard, not give up, and fight.
26. A commenter said he has been at Choir Academy since the fourth grade, and his family members went to the school. He stated that is not going to let his fellow students suffer, or see things taken away from them.
27. A commenter said he very proud to be a teacher at Choir Academy. He stated that he saw "Waiting for Superman," but it was frustrating to see parents of this community in tears over the lottery. He stated that those parents and their children did not lose because Choir Academy is a good school, and they can come to his class. He noted that in the time he has taught Choir Academy, he had to move classrooms twice because of the expansions of Promise Academy II, and vehemently objected to leaving his current classroom.

28. A commenter said the DOE should not take education and space from others, because no student is better than any other. She said she is afraid she will have to leave school next year because of the proposal, which is unfair.
29. A commenter said the proposals are not just a black/white race issue, and called for the community to come together.
30. A commenter said that, as a student of Choir Academy, HCZ students treat him differently. The commenter objected to his art project having been dismantled for a basketball game. The commenter asserted that Choir Academy does not have enough room or use of common space, and expressed concern that the proposals would take away additional space. The commenter also asserted that Promise Academy II has numerous teachers coming in, but Choir Academy has numerous teachers going out. He asked where all the new students will be placed in the building. The commenter also noted that teachers have to have masters degrees to work in public schools, but in charters, teachers only need a BA. A commenter said that Choir Academy principal Dr. Parris started bringing school back together as a family. She got the school together academically. The student asserted that the third floor is crowded, cramped, hot, and smelly, and it is hard to work in that atmosphere. The commenter asserted that it is unfair to take space away from Choir Academy or close the school down, because there are so many opportunities and talented students in the school.
31. A commenter noted the proposals raise emotional issues. The commenter noted that HCZ families are not trying not take anything from Choir families, and urged political action, including petitions to the Mayor and President in order to aid the community.
32. A commenter asserted that the HCZ Saturday Academy causes problems for Choir Academy because space and things aren't respected, but Choir Academy possessions are destroyed, and common spaces are dirtied. The commenter also expressed concerns about class sizes at Choir Academy, and strongly objected to any proposal which would take any resources from Choir Academy.
33. A commenter said Choir Academy puts out high school graduates, and he is keeping daughter in the school when she wanted to pull out last year because Choir Academy works.
34. Multiple commenters said they will fight against the proposals, and the community should come together in opposition.
35. A commenter suggested that Promise Academy does not serve Special Education students.
36. A commenter suggests that the capital plan for the DOE was cut, but not for the charter schools.
37. A commenter referenced a comment made on a building walk-through that the "Slop sink room could be renovated for a bathroom."

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

38. Multiple commenters said Choir Academy is like a family.
39. Multiple commenters said Choir Academy is a great school, is constantly growing and working to improve, and has contributed greatly to the community.

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

No written or oral comments were submitted to the DOE.

The following comments and remarks were made at the joint public hearing on June 13, 2011 on the **revised** proposal:

40. Carlton Berkeley, a member of the Choir Academy SLT, made a statement in which he
    a. Noted his opposition to the initial co-location of Promise Academy II four years ago. He asserted that at that time, the co-location started with a few rooms in the basement of M501 and that now PA II has the basement and almost the whole second floor and wants to move to the third floor. He further asserted that the DOE is phasing Choir Academy out, and pitting people against each other.
    b. Asserted that he cares about all kids. He asserted that when he attended Choir Academy, it was for 7th and 8th graders, and parents would never have stood for co-locating elementary school kids with high school kids.
    c. Expressed the opinion that the co-location is wreaking havoc on Choir Academy, and asserted that some Choir Academy students never leave their classrooms.
    d. Asserted that charter schools are not utopia, because another person talked to some teachers from Promise who said they were fired for no reason- that is why he supports unions.
    e. Noted that his nephew goes to PA II and his daughter goes to Choir Academy, and asserted that a PA II staff member told his nephew not to talk to his daughter.
    f. Asserted that there should be no lottery for our kids to get an education.
    g. Parents sign a contract at PA II, but if their kids get kicked out, they will fall back on public schools.
    h. Asserted that Harlem Children's Zone ("HCZ") pays students to come over to their facilities school to get tutoring, but Choir Academy has tutoring for free by licensed, certified teachers.
    i. Asserted that Renaissance, which is across the street, has space in it, and has had space for 2 years, and could fit 4 or 5 classrooms.
41. Josh Kaplan, a teacher at Choir, asserted that he shares 3 classrooms with 12 teachers, and expressed the opinion that the whole issue is about space. He asserted that there is not enough space in the building, and teachers are constantly asked to do more with less. It is getting much harder to possibly be successful, and that part of one community (Choir Academy) is being pushed out by the other community (Promise Academy). If HCZ needs space for a school, they can raise $100 million in a month and buy a building.
42. A Choir Academy teacher asserted that everyone is jumping on the Geoffrey Canada bandwagon because he was on Oprah and raises lots of money, and expressed the opinion

that Geoffrey Canada is a distraction. She asserted she had to convince her students to stay at Choir Academy for tutoring here rather than go to what she characterized as "incompetent" HCZ tutors who bribe kids to come to the program.

43. A commenter asserted that having students from Promise Academy upstairs will jeopardize Choir Academy students. Being overcrowded leads students to feel uncomfortable and leads to fights. It is better if everyone stays in their own space.
44. A commenter stated that on her walk over to the hearing, she saw the HCZ "Knights" with their bright orange neon vests, noted that they are supposedly there to protect all children, and expressed the opinion that this proposal does not protect children. She asserted that the proposal has changed so many times that she doesn't understand it with her PhD, and asserted that it is wrong to squeeze Choir Academy out. She further asserted that Choir Academy wants to grow and expand, but it is not allowed to do that. Choir Academy had over 300 applications, but the DOE said they would only give the school 7 or 8 students because the school is not worthy.
45. A member of the PA II SLT asserted that this is all about all children getting a quality education. He expressed the opinion that in terms of younger children being co-located with older children, it is a positive, because it gives the older kids a sense of leadership, knowing they have to set an example and hold themselves to a high standard. He noted that he does not care about Geoffrey Canada. He cares that his kids come home from school and can read a book to him. If people really believe that charter schools are getting more, then everyone needs to step up and say "we want our kids to get a great education wherever they go. What happens with one child will affect another child down the line."
46. A commenter asserted that we should be saying "we/us/our," not " I/my/yours." It takes a village to raise a child, and this village is Harlem. She stated that she feels safe with her son being at PA II for the sixth year, because older students cannot mix with younger students, and expressed the opinion that she does think that charter school is a utopia, as demonstrated by the fact that 80% of children in public schools are signing up for the lottery.
47. A commenter asserted that Choir Academy is a viable institution, but it does not have space, as students on the third floor are crowded into their classrooms. The commenter also asked that parents of current charter school students keep in mind that their students won't always be at a charter school. The commenter asserted that Choir Academy students are all getting a great education, and all children deserve a quality education, but students and teachers at Choir Academy are over-crowded and discouraged. The commenter asserted that Promise Academy should take its money and buy its own space.
48. A commenter stated that she applied to a charter school because of things she felt her children were lacking in district schools. She asserted that she also works in the HCZ after school program and not one of the kids is a charter school kid, and expressed the opinion that Promise Academy is not trying to push out Choir Academy.
49. A commenter stated that her son goes to Choir Academy, and asserted that he is not allowed to go into certain areas on the second and third floor, and the basketball team was not allowed to be in the gym. She asserted that kids at Choir Academy should not be subjected to these problems.
50. A commenter stated that her two younger children go to PA II and her two older children went to public school. She had to fight for her two oldest to get a high school diploma,

but now her daughter is in her second year at PA II and she is on top of her game in all of her subjects. She expressed the opinion that Geoffrey Canada is her superman.

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

No such comments were received.

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

Comments 2, 19, 29, 45, 46, 48, and 50 are in favor of the co-location and do not require a response.

Comments 1, 4, 10, 15, 17, 20, 24, 27, 28, 30, 40(a), 41, 44, and 47 assert or imply that the DOE and Promise Academy II are pushing Choir Academy out of the building.

At the heart of this proposal—and of the perception that Choir is being pushed out – is the question of how to allocate resources fairly. Commenters opposed to the proposal feel that it is unfair to take space away from Choir. The DOE attempts to fully utilize all the space in DOE buildings and allocate it equitably to serve all current students.

As explained in the attached Revised EIS and Revised Building Utilization Plan, the proposed temporary co-location of Promise Academy I's fourth grade in Building M501, and the proposed temporary expansion of the co-location of Promise Academy II to serve seventh grade in 2011-2012 and seventh and eighth grades in 2012-2013, are not expected to impact current or future student enrollment or instructional programming at Choir Academy. The DOE projects that Choir Academy's enrollment in M501 will grow in the coming years as larger cohorts are admitted in the sixth and ninth grades.

M501 has adequate capacity to accommodate Choir Academy, Promise Academy II (including its temporary expansion to offer seventh and eighth grades in M510), Promise Academy I's fourth grade, and the ALC. Collectively, these three schools are projected to enroll 1,045-1,190 students in the M501 building for 2011-2012, and 1,190-1,340 students in 2012-2013, including the maximum enrollment at the ALC (typical attendance at the ALC is 50% of capacity). At the maximum anticipated enrollment in 2012-2013, the building utilization rate would be 96%-108%. As noted above, and demonstrated in the attached BUP, although the building utilization rate could exceed 100%, M501 has adequate classrooms and administrative space to accommodate Choir Academy, Promise Academy II, the temporary co-location of Promise Academy I, and the ALC.

In terms of space, Choir Academy is projected to enroll 325-430 students in 20 sections in 2011-2012 and will be allocated a total of 26 full size classrooms. In 2012-2013, Choir Academy is projected to enroll 375-480 students in 21 sections and will be allocated a total of 25 full size

classrooms. In 2013-2014 and beyond, once Promise Academy I will no longer have its fourth grade at M501 and grades seven and eight of Promise Academy II will have been re-sited into private space, Choir Academy is projected to enroll 455-560 students in 20 General Education/CTT sections and three SC sections and will be allocated a total of 30 full size classrooms. Class sizes are projected at 27 students, for all grades. While in each of these years Choir would have fewer classrooms than it currently has, in all years it would have more classrooms than the baseline footprint for its enrollment, and thus more space than many other schools of the same scale.

The proposal projected that Choir Academy would enroll 75-90 sixth graders and 70-85 ninth graders in 2011-2012. As of June 14, 2011, 68 sixth graders and 35 ninth graders were given offers to Choir Academy. Choir Academy should be able to serve that number of students into its proposed space allocation. For more information about 2011 admissions to Choir Academy, see below.

The proposals which were the subject of this meeting would not phase out Choir Academy, nor does the DOE believe that the proposed co-location of the Promise Academies would cause Choir Academy to be phased out in the future.

Comment 3, 31 and 34 do not relate to the substance of this proposal.

Comment 4 asserts that this co-location will not be temporary.

This proposal concerns only the expansion of Promise Academy II to serve grades seven and eight in M501 in 2011-2012 and 2012-2013 and the co-location of Promise Academy I's fourth grade during 2011-2012 and 2012-2013. Under the terms of this proposal, Promise Academy I will move its fourth grade out of M501, and Promise Academy II will move its seventh and eighth grades out of M501 by the start of the 2013-2014 school year. If Promise Academy I's new facility is not completed by the start of the 2013-2104 school year, and the DOE wanted to allow Promise Academy I's fourth grade to remain in M501 for an additional year, the DOE would have to issue a new Educational Impact Statement. Similarly, if the DOE wanted to allow Promise Academy II's grades seven and eight to remain in M501 for an additional year, a new Education Impact Statement would need to be issued and the Panel for Educational Policy would need to approve the proposal.

Comment 4, 43, 44 state that Choir Academy is not being permitted to increase its enrollment because of a lack of space.

The proposal includes the following enrollment growth for Choir Academy:
2010-2011 – 331 students
2011-2012 – 325-430 students
2012-2013 – 375-480 students
2013-2014 – 455-560 students

This represents a potential 69% growth over three years.

Several speakers referred to the 350+ applicants to Choir.
Choir Academy admits middle school students through the District 5 Middle School Choice Process. An audition is required. Additional selection criteria include a review of grades, a student interview, and a teacher recommendation. A total of 381 students applied to enter 6th grade at Choir Academy in 2011. However, students apply to up to twelve middle schools through the D5 middle school choice process and rank their choices from one to twelve. Many of the students who applied to Choir Academy applied to many other schools as well. Of the 381 applicants to Choir Academy, 68 were given offers as of June 14, 2011. All of the other 313 applicants were either given offers to schools that they ranked higher on their applications than Choir Academy, or did not meet Choir Academy's admission standards.

Choir Academy admits high school students through the High School Admissions process. Admission is based on the outcome of a competitive audition and a review of the student's record. A total of 180 students applied to enter 9th grade at Choir Academy in 2011. As with middle schools, high school students can list and rank up to twelve programs on their applications. Of the 180 applicants to Choir Academy, 35 were given offers as of June 14, 2011. All of the other 145 applicants were either given offers to high schools that they ranked higher on their applications than Choir Academy, or did not meet Choir Academy's admission standards.

Comment 5 asserts that there is not enough space for breakfast or lunch in the school cafeteria.

The capacity of the cafeteria is 611 students. The Revised proposed shared space schedule for 2011-2012 would allocate PA I, PA II and Choir Academy two 45 minute lunch periods each, and would allocate one 30 minute lunch period to the ALC. We anticipate that PA I fourth graders will eat lunch during only one lunch period, with PA II fourth graders, either from 10:30-11:15am or from 11:15am-12:00pm. The cafeteria can accommodate all of these students during these lunch periods. Because PA I and PA II will both serve elementary school students, they have been given the earlier lunch periods. Because Choir Academy serves middle and high school students, it has been given the later lunch periods. The DOE notes that 30 minutes of the lunch schedule is shared between PA I, PA II and Choir Academy. Choir Academy and PA II currently share the cafeteria for 1 hour and 25 minutes (between 11:30am and 12:55pm). Therefore, we believe that sharing the cafeteria for 30 minutes, a lesser amount of time, should not be a problem for these schools. The Building Council is empowered to make alternative arrangements to the lunch schedule provided that the Building Council comes to an agreement on the new lunch schedule collaboratively.

With regard to breakfast, the DOE notes that traditionally not all students have opted to participate in the breakfast program at M501. Given that the capacity of the cafeteria is 611 students, the revised proposed shared space plan for 2011-2012 has allocated 30 minutes to Choir Academy and the ALC for breakfast, and 30 minutes to Promise Academy I and Promise Academy II. Together, Choir Academy and the ALC are projected to enroll a maximum of 510 students in 2011-2012, comfortably within the 611 student capacity of the cafeteria even if all students choose to take part in school breakfast.

Comments 6 and 7 assert that Choir Academy students are not being treated as well as Promise Academy students and that racism underlies the DOE's decisions.

The DOE strives to provide strong educational opportunities for students of all races and backgrounds. Space in building M501 has been allocated to all three school organizations pursuant to the Citywide Instructional Footprint in order to allocate rooms in an unbiased manner. The Footprint sets forth the baseline number of rooms that should be allocated to a school based on the grade levels served by the school, the school's enrollment, and number of classes per grade. As discussed above, because in 2012-2013 Promise Academy II is projected to serve approximately 300 more students than Choir Academy in approximately nine more class sections, Promise Academy II will be allocated more space than Choir Academy during that school year. In 2013-2014 and beyond, Choir Academy will be allocated 30 full size spaces, and Promise Academy II will be allocated 32 full size spaces. Students from Promise Academy I will no longer be served in the building.

Comments 8, 9, 15, 17, 22 and 30 assert that the building is only large enough for one school.

Given the finite number of buildings available in New York City, the DOE attempts to use all of its school buildings as efficiently as possible. Co-location is therefore very common in New York City schools with 33% of all buildings housing more than one school, as there are not sufficient school buildings to allow each school organization to operate its own building. A co-location means that two or more school organizations are located in the same building. While they share common spaces like auditoriums, gymnasiums, and cafeterias, each school is allocated particular classrooms and spaces for its own students' use. The particular space that has been and will be allocated to Choir Academy and Promise Academy II has already been discussed above.

Comments 8, 9, and 49 state that Choir Academy students were not allowed to use certain staircases or bathrooms or enter certain areas on the second and third floors.

In many buildings where schools are co-located, each school is assigned bathrooms on the floors or hallways of their classrooms and specific stairways for students to use. These measures are taken to ensure cohesive cultures within each school. Separation between schools is intended to limit any issues that might arise from groups of students who may not know each other well. The intention is not to be punitive to any one group of students. If the assignment of specific bathrooms is not working or adequate - for example, on the basement level, where both Choir and Promise Academy have classrooms, and where the cafeteria is located – the Building Council can discuss an alternative arrangement.

Comments 11, 12, 15, 16, 17, 18, 20, 22, 23, 25, 26, 27, 28, 32, 33, 41, 43 and 47 state that the DOE should not take space away from Choir Academy and give it to Promise Academy.

Space in building M501 has been allocated to all three school organizations pursuant to the Citywide Instructional Footprint. The Footprint sets forth the baseline number of rooms that should be allocated to a school based on the grade levels served by the school and number of classes per grade. The number of classes per grade is based on a school's enrollment. While the

Footprint sets forth a baseline space allocation, school leaders are empowered to make decisions about how to utilize the space allocated to the school. Each principal, therefore, must make decisions about how and where students will be served within the space allocated to the school.

Choir Academy currently uses 32 full size classrooms, 17 full size classrooms in excess of its baseline footprint allocation. In 2012-2013, Choir Academy is projected to enroll 375-480 students in 21 sections. Promise Academy II is projected to enroll 635-680 students in 30 sections. Therefore, Promise Academy II will be allocated a greater number of full size classrooms than Choir Academy. Although Choir Academy will lose access to 7 of the full size classrooms it currently occupies, and will be allocated 26 total full size classrooms in 2012-2013, the DOE believes that Choir will be able to provide all of its current programming in fewer classrooms. There are many schools in District 5 and in Choir's support network which can be models to help Choir adjust its scheduling to deliver its programming in fewer class spaces.

Moreover, as has been discussed above, in 2013-2014 and beyond, once Promise Academy I will no longer have its fourth grade at M501 and grades seven and eight of Promise Academy II will have been re-sited into private space, Choir Academy is projected to enroll 455-560 students in 20 sections and will be allocated a total of 30 full size classrooms. Promise Academy II is projected to serve 560-595 students in 27 sections and will be allocated a total of 32 full size classrooms.

<u>Comments 12, 16, 21, 22, 23, 30, 41 and 47</u> state that there is not sufficient space for Choir Academy to operate currently and/or there will not be sufficient space for Choir Academy to strengthen and reorganize its program if this proposal is enacted.

As has been discussed above, Choir Academy will be able to provide its current academic and extracurricular programming in 25 full size classrooms, the number it will be allocated in 2012-2013, the last year of the temporary expansion of Promise Academy II and the co-location of Promise Academy I. This is 6 full size classrooms in excess of Choir Academy's adjusted footprint allocation. The DOE applauds Choir Academy's efforts to strengthen and reorganize its program and believes that it will be able to maintain these efforts in the space allocated during 2011-2012 and 2012-2013.

In 2013-2014 and beyond, once Promise Academy I will no longer have its fourth grade at M501 and grades seven and eight of Promise Academy II will have been re-sited into private space, Choir Academy will be allocated a total of 30 full size classrooms. The DOE believes this space is sufficient for Choir Academy to strengthen and reorganize its current program.

<u>Comments 13, 18 and 20</u> state that the DOE favors charter schools over DOE schools, and question how charter schools are funded.

The DOE uses the same space guidelines for charter schools and DOE schools, and makes every effort to apply its guidelines equally to all schools. Charter schools are funded according to a formula set forth in the state law, which is summarized in the EIS. In addition, one of the benefits charter schools bring to public education is the ability to leverage external fund-raising to provide additional resources to students in the classroom.

Comments 14(a), 20, and 40(i) ask if the DOE has considered whether the Harlem Renaissance Building on 128th Street.

The Harlem Renaissance Building is not vacant. In 2009-2010 Harlem Renaissance High School, located at 22 East 128th Street in Community School District 5, enrolled 225 students in a building with a capacity of 280 students. In 2010-2011, enrollment at Harlem Renaissance is 216 students. The DOE conducted a walk-through of the building where Harlem Renaissance is located on February 17, 2011 and concluded there were 2 full-size classrooms and 3.5 administrative spaces available. This is not enough to meet the needs of students at Promise Academy I or II. In addition, placing students from Promise Academy in Harlem Renaissance for two years would require hiring more administrators than placing the same grades in M501, would place elementary and middle school students in a building that does not currently serve these age groups, and would limit the programming available to these students who would be isolated from other grades of their schools.

Comment 14(b) asks if this proposal will lead to middle school and high school students being seated in the same classroom.

No. As discussed above, pursuant to the BUP, there is sufficient space allocated to each section of the Choir Academy high school and middle school grades so that middle and high school students are not in the same room at the same time unless the principal chooses to program a class that is available to multiple grade levels.

Comment 27, 28, 40(g), and 47 state that DOE schools like Choir Academy are necessary for students who do not get into charter schools and who are "kicked out" of charter schools.

As noted in the enrollment projections set forth in the EIS, this proposal assumes that Choir Academy's enrollment will grow in future years.

Comments 20, 30, and 32 state that Harlem Children's Zone inappropriately and without authorization dismantled the art projects, science displays, and math exhibits for the Choir Academy Annual Art, Science and Math Fair.

The DOE agrees that the dismantling of the art projects, science displays, and math exhibits was inappropriate and understands that the matter was very upsetting to the entire Choir Academy community. In a co-location, in which different schools located in the same building share common spaces like gymnasiums, each school must be careful to respect the other schools' use of the shared space, especially if that use is for special events.

In co-locations, principals are permitted to develop a shared space schedule that best meets their needs. Agreements of the principals must then be respected by all school organizations in the building. If the principals are unable to agree upon a schedule for shared spaces, there is a mediation process outlined in the Campus Policy Memo, which is attached to the Building Utilization Plan and available at http://schools.nyc.gov/community/campusgov.

The Principal of Choir Academy had rescheduled gymnasium use in order to accommodate Choir Academy's Art, Science, and Math Fair. Harlem Children's Zone's sports manager should have been informed of those changes and should have therefore sought authorization before moving the tables. Choir Academy has already received a formal apology from Geoffrey Canada, Harlem Children's Zone's President and CEO, and assurance that this type of incident will not happen again.

Comment 18 states that Choir Academy students are not being permitted to use the playground.

The revised proposed shared space schedule for 2011-2012 would allocate Choir Academy time in the playground between 8:30-10:30am and 12:00-1:30pm each day.

Comments 23 and 35 raise issues regarding class size at Choir Academy.

All space allocations in the proposal are based on a class size of 27 students for General Education/CTT classes, and 12 students in SC classes for all grades.

Comment 35 states that there is no Special Education at Promise Academy.

The percentage of students receiving special education services at Promise Academy schools and Choir are as follows:

	Promise Academy I	Promise Academy II	Choir Academy
Students with an Individual Education Plan	12%	13%	14%
Students receiving CTT or SC services	0%	0%	6%

Comment 36 states that the Capital plan for DOE schools was cut, but the Capital Plan for Charter schools was not reduced.

Under New York State law, charter schools do not receive any dedicated funding for capital purposes.

Comment 37 was regarding a comment made that the "Slop sink room could be renovated for a bathroom."

In a walk-through of the M501 building, Deputy Chancellor Marc Sternberg heard a concern that some bathrooms on the third floor were located along a corridor that would potentially be allocated to Promise Academy students. He responded that additional bathrooms could be created on the third floor by renovating an existing janitorial sink area into additional bathrooms to serve students.

If the proposal is approved, the Building Council and the Office of Space Planning would determine which classrooms – and which bathrooms – would be assigned to each school. Bathroom accessibility will be taken into consideration in the decisions.

Comment 40(b) objects to co-locating elementary school children with high school children.

Parents of students at Promise Academy I and promise Academy II choose to send their children to these schools with the knowledge that their children will be in a building with middle and high school students. Multiple DOE campuses operate with students across grades K-12, including the Julia Richman Educational Complex (the "Richman Campus"), which houses Ella Baker Elementary School, four high schools, and part of a District 75 special education program; Building M013, which houses Central Park East I Elementary School, Central Park East High School, and a middle school; and the Adlai Stevenson Campus (the "Stevenson Campus") which houses eight high schools, an Alternative Learning Center, and the full-day pre-Kindergarten sections of elementary school P.S. 138. The DOE is not aware of any increase in the number or severity of disciplinary problems at these DOE campuses as a result of the co-location of elementary school students and high school students.

Comment 40(c) states that some Choir Academy students stay in the same classroom for the entire day.

Dr. Ellen Parris, the Principal of Choir Academy, has chosen to program the middle school so that the students stay in one classroom and different teachers come to them, rather than having the students travel between classrooms for different subjects.

Comment 40(d) alleges that teachers from Promise Academy were fired for no reason.

Although this is not directly related to the substance of this proposal, the DOE notes that Promise Academy schools do have more control over hiring and firing decisions than district schools have.

Comment 40(e) alleges that students at Promise Academy II are not permitted to speak to Choir Academy students.

In many co-located schools, individual schools are allocated contiguous space. These measures are taken to ensure cohesive cultures within each school. Separation between schools is intended to limit any issues that might arise from groups of students who may not know each other well. The intention is not to be punitive to any one group of students.

Comment 40(f) asserts that there should not be lottery for kids to get an education.

Public charter schools are open to all students in New York City. If the number of applicants exceeds the number of available seats, a non-discriminatory admissions lottery, as mandated by New York State Charter Law, will be used to select students randomly from among the applicant pool.

Promise Academy I lottery prioritizes applicants in the following order:

- If applicable, students who attended the school the previous year and are returning to the school;
- Siblings of currently attending students;
- Students eligible to transfer under the No Child Left Behind choice program, until those students have filled ten percent of available spaces in each class;
- Students who reside in the New York City Housing Authority's Saint Nicholas Houses;
- Low-income students (as indicated by free or reduced lunch qualification) who reside in District 5;
- All other students who reside in District 5;
- Low-income students who reside outside of District 5.

Promise Academy II's lottery prioritizes applicants in the following order:

- If applicable, students who attended the school the previous year and are returning to the school;
- Siblings of currently attending students (preference given only to enroll in kindergarten);
- Students eligible to transfer under the No Child Left Behind choice program, until those students have filled ten percent of available spaces in each class;
- Low-income students (as indicated by free or reduced lunch qualification) who reside in District 5, and any such students' siblings also applying for admission;
- All other students who reside in District 5, and any such students' siblings applying for admission;
- Low-income students who reside outside of District 5, and any such students' siblings applying for admission.

Once the available spaces are filled by students according to the above prioritizations, the remaining applicants are placed on a waitlist.

Comments 40(h) and 42 allege that Harlem Children's Zone pays children to attend their after school tutoring programs.

All HCZ programs provide opportunities for young people to learn job readiness skills. This strategy includes educational stipends for students, typically starting in middle school, for participating in structured programs that are designed to improve their academic and job readiness skills. HCZ program offerings vary by site, but typically include a mix of academic, recreational and social supports and programming.

Comment 41 and 47 suggest that if Promise Academy I or Promise Academy II need space, HCZ should raise its own money to lease or buy private space for a school.

The construction of the new building for Promise Academy I is discussed above. The DOE seeks to provide space to high quality education options for all students, regardless of whether they are served in DOE or public charter schools. We welcome public charter schools to lease or provide their own space, but will offer space where there is space available to do so.

Comment 44 asserts that this proposal has changed many times.

On May 26, 2011, the DOE revised this proposal in response to public comments on this and other proposals. The revised EIS and BUP adjusted the proposed shared space schedule, added footnotes to indicate that projected enrollment for Choir Academy in 2011-2012 is consistent with budget register projections for 2011-2012, explained that Choir Academy will continue to be allocated the designed music rooms that it currently uses, changed the formatting of the room allocation charts, included additional information on transportation for Promise Academy I students, corrected the list of shared spaces in M501, and included additional information about admissions at Choir Academy.

Comment 44 asserts that Choir Academy had over had over 300 applications, but the DOE said they would only give the school 7 or 8 students because the school is not worthy.

Choir Academy admits middle school students through the District 5 Middle School Choice Process. An audition is required. Additional selection criteria include a review of grades, a student interview, and a teacher recommendation. A total of 381 students applied to enter 6th grade at Choir Academy. However, students apply to up to twelve middle schools through the middle school choice process and rank their choices from one to twelve. Many of the students who applied to Choir Academy applied to many other schools as well. Of the 381 applicants to Choir Academy, 68 were given offers as of June 14, 2011. All of the other 313 applicants were either given offers to schools that they ranked higher on their applications than Choir Academy, or did not meet Choir Academy's admission standards.

Choir Academy admits high school students through the High School Admissions process. Admission is based on the outcome of a competitive audition and a review of the student's record. A total of 180 students applied to enter 9th grade at Choir Academy. As with middle schools, high school students can list and rank up to twelve programs on their applications. Of the 180 applicants to Choir Academy, 35 were given offers as of June 14, 2011. All of the other 145 applicants were either given offers to high schools that they ranked higher on their applications than Choir Academy, or did not meet Choir Academy's admission standards.

Changes Made to the Proposal

On May 26, 2011, the DOE revised the proposal in response to public comments on this and other proposals. The DOE has published a revised Building Utilization Plan ("BUP"), which is annexed to this revised EIS. The revised BUP makes the following changes:

- the proposed shared space schedule on pages 16-17 has been revised and the DOE has clarified the rationale for the amount of time that each co-located school is allocated in the shared spaces under this proposal;
- footnotes have been added to indicate that projected enrollment for Choir Academy in 2011-2012 is consistent with budget register projections for 2011-2012;
- a note has been added to explain that Choir Academy will continue to be allocated the designed music rooms that it currently uses; and

- the formatting of the room allocation charts has been altered to make them easier to understand.

The EIS has been revised to reflect the changes in the BUP, and to note that enrollment projections for Choir Academy are consistent with budget register projections for 2011-2012, the most recent available enrollment projection data. The EIS also includes additional information on transportation for Promise Academy I students, corrects the list of shared spaces in M501, and includes additional information about admissions at Choir Academy.