Department of Education
Dennis M. Walcott, Chancellor

Amended Public Comment Analysis[1]

Date: June 26, 2011

Topic: The Proposed Expansion of Brooklyn Prospect Charter School (84K707) and its Temporary Co-location with Existing Schools Sunset Park High School (15K667) and a District 75 School (75K371) in Building K564

Date of Panel Vote: June 27, 2011

Summary of Proposal

Brooklyn Prospect Charter School (84K707, "Brooklyn Prospect") is an existing charter school approved to serve students in sixth through twelfth grade. It currently enrolls 202 students in sixth and seventh grade in Building K564 ("K564") at 153 35 Street, Brooklyn, NY 11232 in Community School District 15. It is currently co-located with Sunset Park High School (15K667, "Sunset Park"), a DOE high school that currently enrolls 687 ninth and tenth grade students, and a District 75 School (75K371, "P371K@H667"), currently serving 77 ninth through twelfth grade students in classes for emotionally disturbed and autistic students. Sunset Park is in the process of phasing in and will achieve full scale in the 2013-2014 school year.

In 2008-2009, before Chancellor's Regulation A-190 stipulated the process that must be followed when there is a significant change in building utilization, the DOE allowed Brooklyn Prospect to be sited and temporarily co-located in K564 to serve sixth and seventh grades while a permanent facility was secured. This private facility will not be completed and ready for Brooklyn Prospect's occupancy for the 2011-2012 school year. In an Educational Impact Statement ("EIS") posted on March 4, 2011, and an attached Building Utilization Plan ("BUP"), the DOE proposed to re-site Brooklyn Prospect from K564 for the 2011-2012 school year in the seven transportable classroom units ("TCU"), referred to as K979 (15K979, "K979") while its permanent private facility, located at 265-271 Douglass Street, Brooklyn, NY 11217 is readied for occupancy. The TCUs are located on the same grounds as building K032 ("K032"). In addition to the re-siting, the original EIS proposed to temporarily co-locate Brooklyn Prospect with P.S. 32 Samuels Mills Sprole (15K032, "P.S. 32"), an existing DOE zoned elementary school that serves kindergarten through fifth grade students and also offers an Autism Spectrum

[1]A public comment analysis was initially posted on June, 24, 2011. This amended public comment analysis includes additional comments received after the original public comment analysis was posted. The DOE has responded to these new comments in this amended analysis.

Disorder ("ASD") Nest program and two full-day pre-kindergarten sections, New Horizons School (15K442, "New Horizons"), an existing DOE middle school that serves sixth to eighth grade students, and a community based organization, Good Shepherd Services.

On April 15, 2011, the DOE revised that original proposal. As described in the revised EIS, the DOE now proposes to temporarily allow Brooklyn Prospect to remain in its current location, where it is co-located with Sunset Park and P371K@H667, and to expand by one additional grade. If this revised proposal is approved, Brooklyn Prospect would only remain in the K564 building for one additional year. The DOE also revised the BUP, which outlines the number of rooms that will be allocated to Brooklyn Prospect, Sunset Park, and P371K@H667 in K564 for the 2011-2012 school year and includes a shared space schedule that proposes how the shared spaces may be shared amongst all the schools.

The details of this proposal are set forth in the revised EIS and revised BUP which can be accessed through the following weblink:
http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/June2011Proposals.

Copies of the revised EIS and revised BUP are also available in the main offices of Brooklyn Prospect, Sunset Park, and P371K@H667.

A public comment analysis was initially posted on June, 24, 2011. This amended public comment analysis includes additional comments received after the original public comment analysis was posted. The DOE has responded to these new comments in this amended analysis.

Summary of Comments Received at the Joint Public Hearing

On June 20, 2011, a joint public hearing was held regarding this proposal at Building K564. At the hearing, all interested parties had an opportunity to provide input on the proposal.

Approximately 180 members of the public attended the hearing, and 46 people spoke. Present at the meeting were: Office of Portfolio Management Executive Director Paymon Rouhanifard; Community School District 15 Superintendent Anita Skop; Community Education Council ("CEC") 15 President Jim Devor; CEC 15 members Mark Kolman and Teresa Lantiqua; Sunset Park Principal Corinne Vinal and Sunset Park School Leadership Team ("SLT") representatives Abigail Corwin, Rosalind Juarez, Dolores Kastner, Anita Peralta, Beth St. John, Keely Crawford, Julie Stein Brockway, and Joseph Tarlo; P371K@H667 SLT representative Patricia Anger; and Brooklyn Prospect Executive Director Daniel Rubenstein.

The following comments and remarks were made at the joint public hearing:

1. A representative of CEC 15 made several comments and asked several questions about the proposal:
    a. Is the hearing being conducted in accordance with Chancellor's Regulation A-190?
    b. Proposals must be issued at least six months prior to the school year, which will begin on September 8, 2011.

c. Was there originally an agreement that the co-location of Brooklyn Prospect would end after the 2010-2011 school year? Was this the rationale for the original co-location proposal that began in 2008-2009?
d. In the 2011-2012 school year, Sunset Park would serve ninth through eleventh grade and Brooklyn Prospect would serve sixth through eighth grade, which would represent a significant increase in enrollment in the building.
e. Was a joint public hearing scheduled to take place in building K564 regarding the original EIS?
f. How will the building utilization change in building K564? How can Sunset Park accommodate an increased number of students without an increased amount of space?
g. How can Brooklyn Prospect's increased enrollment be accommodated without an increased amount of space?
h. How is kindergarten through third grade room utilization relevant to this proposal?
i. Why are the Global Studies building or John Jay Campus not being considered for co-location of Brooklyn Prospect? How would those options be any more disruptive than the current proposal?
j. Previously, SPEAC was not placed in building K564 because there was not space for that school, so how is there space now for Brooklyn Prospect?

2. The executive director of Brooklyn Prospect made several comments about the proposal:
   a. All three communities in K564 are thriving.
   b. About a third of Brooklyn Prospect students are from the Sunset Park community. The rest are from other parts of District 15.
   c. Brooklyn Prospect has proactively worked to secure an alternative site while it waits for its permanent facility to be constructed. Many of the alternative options have fallen through, and there is no option but to stay in building K564 for one more year.
   d. If Brooklyn Prospect remains in the building, the school will work to continue having a positive relationship with the other two schools in the building.
3. Representatives from the Sunset Park SLT made several assertions about the proposal:
   a. The community expected that Brooklyn Prospect would be re-sited after two years. The DOE originally made a promise that Brooklyn Prospect would leave K564 by the end of 2010-2011 school year.
   b. A walkthrough would have shown that there is not sufficient space in the building for the co-location to continue. No walkthrough with the Sunset Park principal has taken place. Inaccuracies in the proposal have resulted from this oversight.
   c. Sunset Park provides a positive environment and an excellent education. The school is programmed into separate learning communities and offers many specialized programs, including an extended day program which offers a variety of after school programs lasting into the evening.
   d. Sunset Park's daily attendance rate is in the top third of schools Citywide.

e. Family, student, and teacher satisfaction, as expressed in official surveys, are at the highest levels compared to other schools. The school's credit attainment is also among the highest in the City.
f. The middle three periods of the day contain programming critical to students' success, which will be disrupted by the proposal.
g. The revised proposal would impede Sunset Park's ability to provide self-contained supports to students with Individualized Education Plans ("IEPs"), meet in daily common planning periods, provide personalization during community lunch periods, facilitate Advisory with Center for Family Life partners, operate after school programs, or provide a program of cluster classes required for graduation.
h. The Center for Family Life is an integral element in the Sunset Park design. As a result of the proposal, funding would be at risk and the Center for Family Life would not be able to provide staff to serve as advisors.
i. In the proposal, no spaces have been allocated for self-contained special education classes.
j. The allocation of full-size rooms includes three science labs as full-size rooms, though they cannot be converted to other classrooms for instruction in any other subjects. Holding other subjects in the room would create safety risks.
k. One of the rooms labeled as a generic full-size room is being converted into a black box theater, making it unusable for instruction. This room is a necessary part of the arts offerings that make it possible for students to attain all of their elective credits.
l. Three rooms are art studios equipped with kilns and other art equipment, making them unusable for instruction in other subjects. Two of these art rooms would possibly be allocated to 75K371 due to the proximity of these rooms to their other rooms. This would leave 75K371 with rooms not designed for their needs and would take away two specialized rooms that serve Sunset Park's needs.
m. Outfitting the two community rooms with classroom equipment would be costly, though the EIS states that the proposal would not impact the operating budget or cost of instruction for Sunset Park.
n. The cafeteria can only accommodate 555 people, which is at odds with the number given in the proposal.
o. The proposal sets forth that Sunset Park could use the cafeteria for 15.5 hours per week, from 10:48 a.m. to 1:55 p.m. daily, broken into three 60 minute periods serving 230 students per period. The truth is that Sunset Park currently uses the cafeteria 12.5 hours per week, from 10:48 a.m. to 1:18 p.m. each day, which is broken into three 48 minute periods serving approximately 230 students per period. Next year Sunset Park will offer three 48 minute periods of lunch, serving 342 students per period, though the proposal states that Sunset Park would do this during three 60 minute periods.
p. If Brooklyn Prospect were to use the cafeteria from 12:15 pm to 1:18 pm, which is simultaneous with one of Sunset Park's lunch periods, to serve 302 students, then the cafeteria would be well over capacity.
q. The proposal states that Sunset Park could offer lunch in six 30 minute periods serving 170 students per period, but 30 minutes for lunch would destroy the

current small learning community ("SLC") model of holding all students' lunch simultaneously because teachers are entitled to more than 30 minutes for lunch, which would make it impossible to align student and teacher schedules. The only other option would be a "rolling schedule," which would be similarly impracticable and disruptive.

r. The DOE states that there is no set schedule for the library, but Sunset Park currently uses library from 10:48 to 1:15, and the library is an important part in the academic development of Sunset Park students who use it during lunch.

s. The proposal incorrectly states that Sunset Park currently uses the dance room for only 12.5 hours per week. Sunset Park uses the dance room for 18.5 hours per week; if that time is reduced to the proposed 12.5 hours next year, students will not be able to earn graduation requirements.

t. Gym capacity is actually 284, in contrast to the capacity of 555 set forth in the proposal. Additionally, Sunset Park's gym time allocation is proposed to remain the same next year as it was this year, though the school will be adding an entire grade. The proposal would force Sunset Park to serve more students at a time in the gymnasium in order to meet graduation requirements. To do this, Sunset Park would have to hire an additional gym teacher and purchase a significant amount of additional equipment. This is in contradiction of the statement in the proposal that there would be no impact on the operating budget or costs of instruction on Sunset Park.

u. In contradiction to the proposal's statement that shared spaces are not currently scheduled for after school use, Sunset Park currently uses the gym from 3:45-6:30. The proposal would jeopardize the programs offered by Sunset Park during that time, as well as the PSAL program currently in place.

v. Since the time allocated to each school in the gym is proposed to remain the same, the ratio of gym time allotted to each school to students served by each school will become inequitable because Sunset Park is projected to enroll a greater number of new students next year than is Brooklyn Prospect.

w. Center for Family Life provides funding. A reduction in its use of space and a reduction in the types of programs it offers would limit that funding.

x. The utilization will be closer to 108.6%, in contrast to the utilization rate set forth in the proposal. This calculation comes from adding the 370 ninth graders who have been matched to Sunset Park to its current enrollment, then adding that number to the 302 Brooklyn Prospect students and the 80 75K371 students, and dividing that total by 1,326, the capacity of the building.

y. Under the proposed space allocation, Sunset Park would have to serve 28.59 students per classroom, while Brooklyn Prospect would only have to serve 23.23 students per classroom.

z. The revised plan is actually a new plan, and it should have been filed at least six months before the beginning of the school year.

aa. Time in shared spaces is inaccurately and inequitably allocated between Brooklyn Prospect and Sunset Park.

bb. The School Leadership Team should not have to negotiate for space and time that has been inaccurately and inequitably allocated in the proposal. Nonetheless, the

proposal states that the Building Council is free to deviate from the proposed plan as it would be feasible and equitable, thus putting the burden on the SLT.

4. A representative of New York State Senator Velmanette Montgomery stated that:
   a. the Sunset Park community struggled to have the K564 building built and the Sunset Park High School created;
   b. Sunset Park's growth is stifled by Brooklyn Prospect's temporary co-location;
   c. Brooklyn Prospect's need to stay one more year now raises suspicions about whether it will actually only be one more year;
   d. the DOE is pitting Sunset Park parents against Brooklyn Prospect parents and Brooklyn Prospect parents against Boerum Hill parents who are in need of daycare. No parents deserve to be put in that by the DOE.
5. A representative of United States Representative Nydia Velazquez stated that:
   a. the Sunset Park community waited for a high school in their community for a long time;
   b. that Sunset Park High School is a welcome presence in the community;
   c. that capital investments should be made to create private spaces for Brooklyn Prospect and other charter schools;
   d. that SPEAC could have been co-located in K564 with Sunset Park, but it chose not to be co-located in the building;
   e. that Sunset Park's instructional programming would be negatively affected by extended co-location.
6. Representatives of Community Board 7 made several comments:
   a. The Sunset Park community has waited for its own school for a long time.
   b. A promise was once made that the utilization rate in K564 would not exceed 100%. Since the DOE has low-balled the number of incoming freshman to Sunset Park High School, the utilization rate will be even higher than the 106% figure set forth in the proposal.
   c. For the first time, library time would be limited for each school in the building.
   d. Brooklyn Prospect's co-location in K564 was originally stated to be temporary, and now it is being extended, which is in violation of the original agreement that the DOE made to the Sunset Park community.
   e. The proposal calls for disproportionately allocated time in shared spaces.
   f. Brooklyn Prospect's extended day would limit Sunset Park's use of the building for afterschool programs.
   g. To claim that the proposal would not have a negative impact on Sunset Park students is disingenuous.
   h. Both schools cannot fit in the building at their expected sizes, and the co-location is unfair to both schools.
7. A representative of CEC 13 made several points about the proposal:
   a. She opposes all co-locations and believes that each school should be in its own building.
   b. Charter schools are not public schools.
   c. There is a possibility of corruption related to charter co-locations.
   d. There are plenty of spaces in District 13 where Brooklyn Prospect could be co-located.
8. Multiple commenters expressed opposition to the proposal for several reasons:

a. The proposal negatively impacts Sunset Park students.
b. Brooklyn Prospect should be in private space or in another under-utilized building.
c. Sunset Park needs space to grow.
d. Sunset Park is a successful school in many respects and should not be punished this way; rather, it should be supported.
e. After school sports programs at Sunset Park would be impeded.
f. Sunset Park's instructional programming would be negatively impacted.
g. The proposal is inaccurate and has not correctly gauged its impact on Sunset Park.
h. The proposal would be disruptive to Sunset Park's relationship with the Center for Family Life, which has had a positive impact on the community.
i. Space and access to shared space has been inequitably distributed in the proposal.
j. The proposal is the path of least resistance for the DOE because re-siting Brooklyn Prospect would be difficult.
k. The DOE promised Brooklyn Prospect would be gone after two years.
l. The Sunset Park community needs its own high school and all the space in the building for that high school.
m. The community has expressed opposition to the proposal.
n. The hallways in the building are already crowded during transitions.

9. Multiple commenters expressed support for the proposal, saying that Brooklyn Prospect is a good school that deserves space, and that Brooklyn Prospect would continue to be a collaborative partner with the other schools in the building.
10. A commenter said that the hearing should not have been held during Regents' testing week or on the night of 75K371's eighth grade graduation.
11. Multiple commenters said that the DOE should have been better prepared to answer questions at the hearing and that Brooklyn Prospect should have been more transparent about its search for space.
12. A commenter stated that Chinese translations of the proposal documents should have been provided.
13. A commenter asked how it is acceptable for a building to exceed 100% capacity.
14. Multiple commenters asked why the DOE is not fulfilling its promise that Brooklyn Prospect would be out of the building in two years.

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

Forty-two comments regarding the original proposal to co-locate Brooklyn Prospect in K032 were received through the DOE's dedicated written and oral comment channels. Thirty-five comments expressed opposition to the initial proposal to re-site Brooklyn Prospect in K032 for the following reasons:

A. Several commenters stated that the addition of 300 students to K032 would limit the space available to the students currently served in the building who receive mandated services pursuant to their IEPs, which would prevent these students from receiving a quality education in the future.

B. Several commenters stated that P.S. 32 has small class sizes and highly specialized facilities, which are designed for the benefit of students in the Autism Spectrum Disorder ("ASD") Nest program. These commenters suggested that the proposal would negatively impact the ASD Nest program. They also suggested that the proposal would reduce the time that P.S. 32's students have in the shared spaces, which would be antithetical to the mission of the ASD Nest program.

C. One commenter suggested that a lawsuit, which would require additional assessments, re-evaluation of the proposal, and an independent analysis of building utilization formulas used by the DOE would probably postpone the proposal to re-site and co-locate Brooklyn Prospect in K032.

D. One commenter speculated that the City would probably have to pay for the private education of all the students in the ASD Nest program at K032 because this proposal would reduce the school's ability to provide mandated services.

E. One commenter stated that New York State law mandates small class sizes for students in P.S. 32's ASD Nest program and therefore K032 is not an underutilized building because the ASD Nest program requires more space.

F. One commenter suggested that the DOE should provide alternate proposals for Brooklyn Prospect's siting that would do less harm to high-needs populations, such as the ASD Nest program at P.S. 32.

G. One commenter felt that placing older students in a building with young children will expose the young children to inappropriate behavior and unsafe conditions.

H. One commenter felt that the proposal discriminates against students with special needs.

I. One commenter felt that the co-location in K032 would result in an inequitable distribution of library time, especially considering the funds the P.S. 32 community has invested in the library.

Seven comments were not related specifically to the original proposal to re-site Brooklyn Prospect to K032, but they do relate to the revised proposal.

15. One commenter stated that moving Brooklyn Prospect out of its current location would unnecessarily disrupt the learning of Brooklyn Prospect students. During the year or two that the school waits for its new building to be built, it should stay in its current location to avoid such disruption.
16. Multiple commenters asserted that if Brooklyn Prospect is not going to K032, it should nonetheless be moved out of its current location until its permanent location is built.

The DOE also received comments through its dedicated written and oral comment channels regarding the revised proposal to expand Brooklyn Prospect and extend its temporary co-location with Sunset Park and P371K@H667 in K564.

17. Multiple commenters expressed support for the proposal, saying that keeping Brooklyn Prospect in K564 until the new building is ready would allow the school to avoid needlessly disrupting the community and education of students currently

enrolled there. They also contended that there is space in K564 to keep Brooklyn Prospect there for one more year and emphasized that charter school students are, in fact, public school students.

18. The DOE received 80 comments and approximately 473 signed copies of a form letter expressing opposition to the proposal. Commenters expressed opposition for various reasons:
    a. The DOE had promised that Brooklyn Prospect would be sited in K564 for only two years total and an alternate location would be found if Brooklyn Prospect's building was not ready by the end of the two years. Brooklyn Prospect's permanent site may not even be available by September 2012, which raises the possibility that the co-location would be extended again.
    b. Separate and unequal conditions are created by expanding Brooklyn Prospect at the cost of the educational options of the other schools in the building.
    c. The proposal puts a burden on Sunset Park and will negatively impact students and the learning communities there. In particular, Sunset Park's school identity will be lost.
    d. Passage of the proposal would damage the Sunset Park community's trust of the DOE.
    e. Brooklyn Prospect should be put in a different location because there are other locations available.
    f. Sunset Park students will lose a significant amount of access to specialized rooms like science labs.
    g. The building will be overcrowded.
    h. The community has waited for decades to have their own community high school, and the proposal is jeopardizing the success of that school.
    i. Sunset Park needs all the space in the building in order to expand.
    j. There was no building walk through done by the Borough Director of Space Planning and the Sunset Park principal.
    k. The BUP does not allocate enough rooms to Sunset Park in order to serve all their self-contained special education classes next year. They will need a minimum of six full-size or half-size rooms dedicated to self-contained special education classes.
    l. Though the EIS states that the proposal will not impose any costs on Sunset Park, the school will need to spend a considerable amount of money to repurpose the two community rooms to be classrooms.
    m. The two rooms in proximity to 75K371's space, which have been deemed by the proposal as "excess," and thus allocated to 75K371 to promote contiguity of space, are actually specialized art rooms which would make classroom management and instruction difficult for 75K371 in those rooms.
    n. The lunch schedule would necessarily cause Brooklyn Prospect students to share the lunchroom with Sunset Park students, which would result in an illegal and dangerous breach of the room's capacity. A reworking of the Sunset Park lunch schedule would result in a disalignment of learning community schedules, which would lead to unequal access among the students to afterschool programming.

o. The proposal would disrupt the coordination between Sunset Park and the Center for Family Life, which would mean that Advisory would have to be facilitated by teachers instead of experts in the social and emotional needs of children.
p. Gym capacity is actually 284, not 555 as set forth in the proposal. Additionally, Sunset Park's gym time allocation is proposed to remain the same next year as it was this year, though the school will be adding an entire grade. The proposal would force Sunset Park to serve more students at a time in the gym in order to meet graduation requirements. To do this, Sunset Park would have to hire an additional gym teacher and purchase a significant amount of additional equipment. This is in contradiction to the statement in the proposal that there would be no impact on the operating budget or costs of instruction on Sunset Park.
q. The proposal would result in the loss of a significant amount of Sunset Park's access to the library and technology, which students rely on for academic support.
r. The revised proposal is actually a new plan, which would have needed to be published at least six months before the beginning of the school year.
s. Rooms and shared space have been allocated inequitably in the proposal and the allocations are based on numerous inaccuracies.
t. Chinese translations of the proposal documents should have been provided.

19. New York City Councilmember Sara Gonzalez submitted a letter expressing several points about the proposal:
    a. The Sunset Park community struggled for decades for their own high school.
    b. The co-location has been an unnecessary burden.
    c. The co-location proposal may have made sense when the schools required much less space. However, now that both Sunset Park and Brooklyn Prospect have grown, it is unfeasible to suggest that all the students could fit in the building.
    d. The proposal sets Sunset Park up for failure.
    e. It is disappointing that the DOE has not ensured earlier access to permanent space for Brooklyn Prospect.
    f. Reneging on the past promise that Brooklyn Prospect would be out of K564 in two years casts doubt on the prospect of Brooklyn Prospect being out of the building by August 2012. It also leaves Sunset Park community members skeptical of the DOE's commitment to their academic welfare.
    g. The DOE could listen to community concerns and, similar to its decision not to expand Community Roots Charter School, choose not to allow Brooklyn Prospect to expand. That prospect is encouraging to members of the community.
20. A commenter stated that Sunset Park offers extensive after-school programming funded by competitive grants and expressed concern that that after school hours in the shared spaces should be considered.
21. A parent of a Brooklyn Prospect student expressed support for the proposal, stating that the school is large enough to accommodate both school organizations, and that there have been no reports of any student incidents or conflicts. Rather, any animosity has been infused by the adults. The parent expressed support for the co-founders of Brooklyn Prospect and expressed concern that the DOE has left the community, parents, and students in limbo until the last minute.

22. Multiple commenters expressed concern with the inaccuracies and inequities claimed by speakers from the Sunset Park Community at the joint public hearing, and inquired whether the DOE will be publishing a revised EIS and revised BUP.
23. Multiple commenters claimed that the revised plan is a new plan, which would require a hearing six months before the start of the school year.
24. A commenter requested an audio recording of the joint public hearing.

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

- Comments A, D, E, and H contend that the co-location of Brooklyn Prospect with P.S. 32, New Horizons, and Good Shepherd Services would limit the space available to students that are currently served in K032, specifically the students who receive mandated services pursuant to their IEPs. As stated in the original EIS and BUP, Brooklyn Prospect would have been re-sited for the 2011-2012 school year in the seven TCUs on K032's grounds and co-located with P.S. 32, New Horizons, and Good Shepherd Services. The DOE also stated in the original EIS that it did not anticipate that the proposed temporary co-location would have adversely affected students in the ASD Nest program at P.S. 32. In 2011-2012, general education students and students with ASD at P.S. 32 would have continued to learn together in an inclusive classroom setting, with some differentiated classes and pull-out services offered to students with ASD students.

  Furthermore, the DOE identified K032 as an underutilized building, which means that it currently has at least 300 seats available. In 2009-2010, P.S. 32 served 276 kindergarten through fifth grade students and 31 students in two sections of pre-kindergarten, for a total of 307 students in K032 and K979, while New Horizons served 202 students in K032. In 2009-2010, building K032 served 378 P.S. 32 and New Horizons students, but it had the target capacity to serve 700 students, which would yield a target building utilization of 54%. Building K979 served 131 students, but it had the target capacity to serve 168 students, which would yield a target building utilization of 78%. In 2009-2010, the combined enrollment of P.S. 32 and New Horizons, 509, was lower than the combined target capacities of K032 and K979, 868.

  In 2010-2011, P.S. 32 served 260 kindergarten through fifth grade students, and 29 students in two sections of pre-kindergarten, for a total of 289 students in K032 and K979, while New Horizons served 192 students in K032. In 2010-2011, building K032 served 361 students, but it had the target capacity to serve 700 students, which yields a target building utilization of 52%. Building K979 served 120 students, but it had the target capacity to serve 168 students, which yields a target building utilization of 71%. In 2010-2011, the combined enrollment of P.S. 32 and New Horizons, 481, is lower than the target capacity of K032. If P.S. 32 and New Horizons had served all of their students in K032, the estimated utilization rate of K032 would be 69%.

  Also, the Citywide Instructional Footprint ("Footprint") allocates 1 full-size classroom for each general education or Collaborative Team Teaching ("CTT") section and 1 full-

size or half-size classroom to accommodate each self-contained special education section served by the school. So, P.S. 32's and New Horizon's self-contained special education students were considered in determining the number of rooms that were to be allocated to P.S. 32 and New Horizons.

Thus, the DOE determined that K032 has sufficient capacity to serve all of P.S. 32's and New Horizons' students during Brooklyn Prospect's temporary co-location in K032 and K979 in the 2011-2012 school year.

- Comments B and I contend that the original proposal would have resulted in an inequitable allocation of time in shared spaces, such as the library. However, in the original BUP, New Horizons and P.S. 32 were allocated more time in the library and gymnasium than Brooklyn Prospect, even though Brooklyn Prospect was projected to enroll more students than New Horizons and almost as many students as P.S. 32.

  Comment B also suggests that the original proposal would negatively impact P.S. 32's small class sizes and the students in the ASD Nest program. As stated above, the Footprint considers the needs of special education students in allocating space. The Footprint allocates one full-size classroom for each general education or CTT section and a full-size or half-size classroom to accommodate each self-contained special education section served by the school.

- Comments C and F suggest that the DOE pursue options beside re-siting Brooklyn Prospect and co-locating it with P.S. 32, New Horizons, and Good Shepherd Services in K032 and K979. The DOE has considered other options and, in response to community feedback, revised the proposal accordingly.

- Comment G questions the DOE's proposal to place elementary students in a building with middle school students. The DOE has multiple successful examples of buildings or campuses that serve students in kindergarten through twelfth grade in one location. These examples include:
  - Leadership Preparatory Bedford Stuyvesant Charter School, an elementary school, shares a building with the Academy of Business and Community Development, a school serving sixth through twelfth grade students;
  - The Julia Richman Educational Complex, which houses four small high schools, a kindergarten through eighth grade school, and a District 75 program;
  - Brooklyn Collegiate, a College Board school that serves sixth through twelfth grade students, shares a building with Achievement First Brownsville Charter School, which currently serves kindergarten through third grade students;
  - Mott Hall IV, a middle school, shares a building with Eagle Academy for Young Men II, which currently serves sixth through eighth grade students, and Leadership Preparatory Ocean Hill Charter School, which currently serves kindergarten and first grade students;
  - Harlem Success Academy 4, an elementary school, shares a building with Opportunity Charter School, which serves sixth through twelfth grade students; and

- J.H.S. 13 Jackie Robinson, a middle school, shares a building with Central Park East I, an elementary school, and Central Park East High School.

Furthermore, all efforts would have been made to assure that students are safe in the building at all times. Any concerns about time in a shared space, such as the gymnasium or cafeteria, could be addressed in a collaborative fashion by the Building Council and the Shared Space Committee, which may alter the shared use of space based on those concerns. The Building Council includes all the principals of all the co-located schools.

Analysis of Issues Raised, Significant Alternatives Proposed and Changes Made to the Revised Proposal[2]

- Comment 1(a) inquired whether the joint public hearing was being conducted in accordance with Chancellor's Regulation A-190, which outlines the procedures concerning significant changes in school utilization and management of school buildings housing more than one school. Comment 1(e) questioned whether a joint public hearing was scheduled to take place in building K564 regarding the original EIS.

The joint public hearing at K564 on June 21, 2011, was held according to the procedures outlined by Regulation A-190. As discussed in the revised EIS and summarized at the joint public hearing, the DOE published the original EIS and the original BUP on March 4, 2011, more than six months in advance of the first day of school. Those documents set forth a proposal to re-site and temporarily co-locate Brooklyn Prospect in the TCUs located on the grounds of building K032 for the 2011-2012 school year. Under the original proposal, Brooklyn Prospect would have been co-located with P.S. 32, an existing DOE zoned elementary school that serves kindergarten through fifth grade students and also offers two full-day pre-kindergarten sections, New Horizons School, an existing DOE middle school that serves sixth to eighth grade students, and a community based organization, Good Shepherd Services.

On February 28, 2011, March 7, 2011, and March 12, 2011, the DOE sent a series of e-mails to representatives of Sunset Park and its SLT, P371K@H667 and its School Leadership Team, Brooklyn Prospect and its SLT, P.S. 32, New Horizons, the District 15 Community Education Council, the Citywide Council on English Language Learners, the Citywide Council on High Schools, the Citywide Council on Special Education, the District 75 Council, the District 15 Community Superintendent, the Brooklyn High School Superintendent, and the District 75 Superintendent requesting available dates in order to schedule a joint public hearing for the original proposal.

Before a joint public hearing could be held, on April 15, 2011, the DOE revised the EIS and the BUP to propose to temporarily allow Brooklyn Prospect remain for an additional year in K564, where it is currently co-located with Sunset Park and P371K@H667, and to expand by an additional grade. The DOE also revised the BUP, which outlines the

[2] 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.

number of rooms that will be allocated to Brooklyn Prospect, Sunset Park, and P371K@H667 and the proposed allocation of shared spaces.

On April 15, 2011, May 9, 2011, and June 1, 2011, the DOE sent a series of e-mails to representatives of Sunset Park and its SLT, P371K@H667 and its SLT, Brooklyn Prospect and its School Leadership Team, P.S. 32, New Horizons, the District 15 Community Education Council, the Citywide Council on English Language Learners, the Citywide Council on High Schools, the Citywide Council on Special Education, the District 75 Council, the District 15 Community Superintendent, the Brooklyn High School Superintendent, and the District 75 Superintendent requesting available dates in order to schedule a joint public hearing for the revised proposal. The joint public hearing was held on June 21, 2011.

The agenda for the joint public hearing that was held on June 21, 2011 was created in accordance with Chancellor's Regulation A-190. On June 17, 2011, the DOE sent a series of e-mails to the representatives of Sunset Park and its SLT, P371K@H667 and its SLT, Brooklyn Prospect and its SLT, P.S. 32, New Horizons, the District 15 Community Education Council, the Citywide Council on English Language Learners, the Citywide Council on High Schools, the Citywide Council on Special Education, the District 75 Council, the District 15 Community Superintendent, the Brooklyn High School Superintendent, and the District 75 Superintendent requesting that they review and comment on the proposed agenda for the joint public hearing.

- Comments 1(b), 3(z), and 18(r) note that, according to Chancellor's Regulation A-190, proposals for significant changes in school utilization must be posted six months prior to the start of the next school year. The commenter also noted that the first day of school for the 2011-12 school year was recently changed from September 7, 2011, to September 8, 2011 and that the sixth month deadline for posting would be March 8, 2011. In addition to expressing support for the proposal, Comment 21 expressed concerns regarding the timing of the vote at the end of the school year. Comment 22 inquired whether the DOE will be publishing a revised EIS and revised BUP as a result of the inequities and inaccuracies expressed at the joint public hearing. Comment 23 claims that the revised plan is a new plan, which would require a hearing six months before the start of the school year.The original EIS was posted on March 4, 2011, which falls within the sixth month posting deadline for either start date of September 7, 2011, and September 8, 2011. The DOE does not intend to revise this proposal again.

- Comments 1(c), 3(a), 4(c), 6(d), 8(k), 14, 18(a), and 19(f) note that when Brooklyn Prospect was originally sited in K564 in 2008-09, the agreement was that Brooklyn Prospect would move out of K564 at the end of the 2011-12 school year. Comment 4(d) states that the DOE is pitting parents against each other. Comment 19(e) states that the DOE should have acted sooner to acquire permanent space for Brooklyn Prospect.

  As discussed in the revised EIS and restated at the joint public hearing, in 2008-2009, before the Education Law and Chancellor's Regulation A-190 stipulated the current process that must be followed when there is a significant change in building utilization,

the DOE allowed Brooklyn Prospect to be sited and temporarily co-located in K564 to serve sixth and seventh grades while a permanent facility was secured. While the private facility, located at 265-271 Douglass Street, was successfully secured, it will not be ready for Brooklyn Prospect's occupancy for the 2011-2012 school year.

Additionally, the DOE notes that after an extensive search, Brooklyn Prospect has signed a provisional lease at separate private facility located at 242 Hoyt Street, where it would be sited for the 2011-2012 school year, as a preferred alternative to this proposal. Brooklyn Prospect will continue to evaluate and pursue this alternative in the coming weeks.

- Comment 1(d) summarizes the intended grade levels that Brooklyn Prospect and Sunset Park would serve in the 2011-2012 school year. Indeed, as stated in the revised EIS and revised BUP, Sunset Park will serve ninth through eleventh grade students, and Brooklyn Prospect will serve sixth through eighth grade students.

- Comment 1(f) questioned how Sunset Park can serve an increased number of students without being allocated more rooms. Comment 1(g) questioned how Brooklyn Prospect can serve an increased number of students without being allocated more rooms. Comment 3(f), states that Sunset Park's current programming of its lunch periods is an important part of its instructional programming. Comments 3(g), 3(i), 3(j), 3(k), 3(l), 3(m), and 3(n) claimed that the space allocation in the revised BUP is flawed and does not accurately reflect the space in the building. Comments 3(g), 3(i), and 18(k) specifically claimed that the revised BUP does not account for Sunset Park's self-contained special education students. Comment 6(h) claimed that both schools cannot fit in the building at their expected sizes. Comment 8(n) states that the hallways in K564 are already crowded during transitions between classes. Comment 18(f) contends that Sunset Park students will lose access to specialized rooms like the science labs.

  As stated in the revised BUP and above, for grades six through twelve, the Footprint allocates 1 full-size classroom for each general education or CTT section and 1 full-size or half-size classroom to accommodate each self-contained special education section served by the school. Additionally, all schools receive a baseline of the approximate equivalent of 3.5 full-size classrooms for student support services, resource rooms and administrative space when serving their entire grade span. It should be noted that Sunset Park does not currently enroll any students who require self-contained special education services.

  In addition, the revised BUP notes that K564 is a relatively new construction site that was completed in 2009 and has a total of 58 full-size classrooms/spaces (which include 4 full-size science demonstration lab and 3 full-size science labs), 27 half-size classrooms/spaces, the equivalent of 9.0 rooms of designed administrative office/space, and 1 quarter-size room which can be utilized as an administrative office/space. K564 also contains a gymnasium, an auditorium, a lunchroom, and a library. The BUP also identifies spaces that are either occupied by community based organizations, are shared

spaces, or contain building services such as the chorus room, music room, custodian office, etc.

The rooms that comment 3(k) identified, such as the black box theater and art rooms, are not specified in the above list because they are not shared spaces and were included in Sunset Park's space allocation. According to the BUP, Sunset Park would continue to be allocated the same number of rooms in the 2011-2012 that it is currently allocated. Thus, these specific rooms would not be taken away from Sunset Park.

Sunset Park is currently operating above its baseline Footprint allocation. It is currently using 12 full-size classrooms and 9 half-size classrooms above its baseline Footprint allocation. Because Sunset Park will be expanding to serve eleventh grade, the revised BUP takes into consideration the DOE's projection that Sunset Park will increase the number of sections it currently has from 24 (including students with disabilities) to 36. The DOE contends that Sunset Park will be able to serve 36 sections of ninth through eleventh grade students in the 37 full-size classrooms and 11 half-size classrooms it has been allocated.

Similarly, Brooklyn Prospect is also currently operating above its baseline Footprint allocation. As stated in the revised BUP, Brooklyn Prospect is currently using 4 full-size classrooms and 1 half-size classroom above its baseline Footprint allocation. Brooklyn Prospect will expand to serve eighth grade, and its number of sections will increase from 8 to 12. The DOE contends that Brooklyn Prospect will be able to serve 12 sections of sixth through eighth grade students in the 13 full-size classrooms and 2 half-size classrooms it has been allocated.

In addition, if this proposal is approved, the DOE will support Sunset Park, Brooklyn Prospect, and P371K@H667 and will ensure that the building is safe at all times. The DOE Office of Space Planning will work with K564's Building Council to establish safe sharing of spaces, and, ultimately, the Building Council may further deviate from the proposed shared space schedule in the revised BUP, to accommodate any safety concerns the schools may have. The required School Safety Committee would also work to ensure the safety of students during arrival, dismissal, and transition between classrooms and shared spaces.

- Comments 1(h), 3(t), and 18(p) reference various and specific language included in the revised BUP.

  Comment 1(h) questioned why there is a reference regarding kindergarten through third grade room utilization when Brooklyn Prospect, Sunset Park, and P371K@H667 do not serve elementary students. This language is standard language in all BUPs, and its inclusion is intended to provide clarification about how the Citywide Instructional Footprint considers space allocation for elementary schools that serve kindergarten through fifth grade and/or pre-kindergarten.

Comments 3(t) and 18(p) refer to the capacity of the gymnasium, which is listed at 555. This represents a typographical error; the DOE acknowledges that the actual capacity of the main gymnasium is indeed 284. The DOE also notes that the capacity of the auditorium in the revised BUP was incorrectly listed at 284; it is actually 625. Lastly, the DOE also notes that the capacity of the cafeteria in the revised BUP was incorrectly listed at 625; it is actually 555.

- Comments 1(i), 5(c), 7(d), 8(b), 8(j) and 18(e) reference alternate locations that, in the opinion of the speakers, would have been better options than K564. The DOE considered many locations and reviewed multiple alternatives for private spaces, and Brooklyn Prospect is continuing to evaluate and pursue an alternative option.. However, the DOE decided to propose that Brooklyn Prospect, Sunset Park, and P371K@H667 remain co-located in K564 for an additional year for the following reasons:
    - Sunset Park is currently phasing in and will not be at its full scale until the 2012-2013 school year;
    - Sunset Park is currently operating above its baseline footprint allocation;
    - Brooklyn Prospect was already located in the building.

- Comments 1(j) and 5(d) relate to the decision to not co-locate a new school proposed by SPEAC, a CBO based in Sunset Park, in K564. In 2008-2009 and in 2009-2010, SPEAC applied to open a District 15 middle school. . The DOE denied each of SPEAC's applications because they did not meet the DOE's criteria for approval.

- Comment 2(a), 2(b), 2(c), and 2(d), by the Brooklyn Prospect representative, stated facts about the current co-location and provided a summary of events leading to the current revised proposal under consideration.

- Comments 3(b) and 18(j) state that, had the Director of Space Planning conducted a walkthrough of K564, it would have been apparent to the DOE that there is not sufficient space for Brooklyn Prospect to be co-located with Sunset Park and P371K@H667 for an additional year. The DOE acknowledges that no walkthroughs of K564 were conducted by the Director of Space Planning. However, because K564 is a recently constructed building that was completed in 2009, the DOE was able to use the building's floor plans, which outlines the rooms in the building, and to reference the original space plans for K564 when Brooklyn Prospect was originally sited in the building to determine each school's respective current room allocation in K564.

- Comments 3(c), 3(g), 3(h), 3(w), 5(e), 6(g), 8(a), 8(d), 8(f), 8(h), 18(b), 18(c), 18(o), 19(d) reference the excellent instructional programming of Sunset Park and the positive benefits of the partnership between Sunset Park and the Center for Family Life, a community based organization that participates in the SPHS Advisory and provides afterschool programs to Sunset Park students. Several of these comments state that the proposal would have a negative impact on Sunset Park and the Center for Family Life. Comments 3(d), 3(e) and 5(b) note that Sunset Park is a successful school. Comment 20 notes that Sunset Park currently offers extensive after school programming funded by

competitive grants and asserts that after school hours in the shared spaces should be considered.

The DOE recognizes the positive accomplishments of both Sunset Park and its current partnerships, including the Center for Family Life. The revised EIS notes that the DOE does not anticipate that this proposal would impact Sunset Park's current partnerships, including the Center for Family Life. Additionally, the revised EIS states that Sunset Park is divided into three small learning communities that use teams of teachers to provide personal attention and Advisory to each student. In general, Advisory may vary across schools citywide and may include, for example, homeroom time to provide social and emotional supports to students via small discussion groups, peer mediation, conflict resolution, or gender specific Advisory. The existing structure of small learning communities will continue to be offered at Sunset Park, and the Center for Family Life will continue to be able to provide Advisory to students. Lastly, the revised EIS states that Sunset Park would continue to offer extracurricular programs based on student interests, available resources, and staff support for those programs. The proposed co-location would not impact those opportunities, but may change the way these programs are configured. For example, some activities may need to share classroom space or the scheduling of these activities may change as a result of greater demands on the available space during or after school hours. Students would continue to have the opportunity to participate in a variety of extracurricular programs though the specific programs offered at a given school are always subject to change.

- Comments 3(l) and 18(m) claim that the 2 excess full-size classrooms that have been allocated to P371K@H667 would be the specialized art rooms. Comments 3(m) and 18(l) contend that Sunset Park will need to spend a considerable amount of money to repurpose two community rooms to be classrooms.

  In 2010-2011, P371K@H667 is using 2 full-size classrooms, 1 half-size classroom, and 1 quarter-size classroom in excess of its baseline Footprint allocation.

  In the revised BUP, the DOE has proposed that P371K@H667's allocation remain 2 full-size classrooms, 1 half-size classroom, and 1 quarter-size classroom above its baseline Footprint allocation. If the PEP approves the proposal, the specific rooms that would be allocated to P371K@H667, Sunset Park, or Brooklyn Prospect, such as the art rooms or the community rooms, would be determined collaboratively by the Director of Space Planning and the schools' principals.

- Comments 3(o), 3(p), 3(q), 3(r), 3(s), 3(t), 3(u), 3(v), 3(aa), 3(bb), 6(e), 8(g), 8(i), 18(b), 18(n), 18(s) claimed that the proposed shared space allocations in the revised BUP are not accurate or inequitable. Comment 6(c) claimed that the proposal would result in each school being allocated limited time in the library for the first time, while comment 18(q) contends that Sunset Park would lose significant amounts of access to the library. Comment 6(f) and 8(e) state that the proposed shared space plan would hamper Sunset Park's use of shared spaces for its after school programs, and Comment 20 noted that after school programming should be considered in the use of shared spaces after school.

Comment 18(p) states that Sunset Park's allocation of time in the gymnasium should expand because Sunset Park will serve an additional grade in 2011-2012.

As described in the revised BUP, the information used to develop the proposed shared space plan was derived from the existing shared space schedule, which was created and approved by the K564 Building Council and submitted in a document referred to as the Campus Audit Template.

According to the 2010 Campus Audit Template, no school in the building has specific times scheduled in the library. Given that there was no schedule on file for the library, the DOE proposed a plan for the library that was equitable and feasible based on the information provided to it by the schools. In the proposed shared space plan, Sunset Park is allocated time in the library from 8:00 a.m. to 12:00 p.m. (4 hours daily), which is greater than the current amount of time in the library that the Sunset Park SLT cites in its comments. Also, Sunset Park was allocated the greatest amount of time in the library since it will have the largest enrollment and the greatest number of grade levels served by any school in K564.

Similarly, the 2010 Campus Audit Template indicates that Sunset Park is allocated the dance room from 10:48 a.m. to 1:18 p.m. and that Brooklyn Prospect is allocated the dance room from 2:35 p.m. to 3:40 p.m. Thus, Sunset Park is currently allocated approximately 2 hours 30 minutes daily for a weekly total of 12 hours 30 minutes weekly, while Brooklyn Prospect is allocated approximately 1 hour 5 minutes daily for a weekly total of 5 hours 25 minutes. The proposed shared space plan maintains the allocations in the dance room outlined in the 2010 Campus Audit Template. Sunset Park is allocated the greatest amount of time because it has the greatest enrollment.

The allocation of time in the gymnasium is also based on the existing schedule as outlined in the 2010 Campus Audit Template. The Campus Audit Template states that P371K@H667 is allocated the gymnasium between 9:00 a.m. and 10:40 a.m. and 1:20 and 2:30 p.m., Sunset Park between 10:48 a.m. and 1:18 p.m., and Brooklyn Prospect between 2:35 and 3:40 p.m. This proposed shared space plan for the gymnasium maintains the existing allocations.

The 2010 Campus Audit Template does not indicate that any time was allocated to the shared spaces on an after school basis. The DOE also notes that the time allocated to Brooklyn Prospect reflects a typo in the end time in the gymnasium. While the proposed shared space plan states that Brooklyn Prospect will be allocated the gym from 2:30 to 4:30 p.m., the numbers 3 and 4 were inadvertently swapped. Brooklyn Prospect's time in the gym should end at 3:40 p.m., which would not infringe upon the time that Sunset Park uses the gym after school, as indicated by the SLT representative. Additionally, as noted elsewhere in this document, the revised EIS states that Sunset Park would continue to offer extracurricular programs based on student interests, available resources, and staff support for those programs. The proposed co-location would not impact those opportunities, but may change the way the programs are scheduled or configured.

All space allocations provided in the revised BUP are scheduled within the room's capacity and, as such, no overcrowding issues are anticipated.

Finally, as described in the revised BUP, Building Councils are free to deviate from the proposed shared space plan to accommodate specific programmatic needs of all special populations or groups within each school as is feasible and equitable, provided that the Building Council comes to an agreement of the final Shared Space Plan collaboratively. Thus, contrary to comment 3(bb), it is the responsibility of the Building Council and the Shared Space Committee, not the SLT, to create and approve a shared space plan for K564.

- Comments 1(f), 3(x), 6(b), 13, and 18(g) contend that building will be overcrowded and that K564's utilization would exceed 100%, and thus, it would be overcrowded during the proposed co-location. Comment 6(b) also questioned the DOE's method for projecting future enrollment. Comment 19(c) claims that Sunset Park and Brooklyn Prospect will not be able to serve their increased numbers of students.

  The DOE calculates enrollment projections for 2011-2012 in an EIS by taking current enrollment, as captured in the 2010-2011 audited register, and projecting class size going forward based on those numbers. Historical enrollment, as captured by the 2009-2010 audited register, is also considered in cases where there appears to be a sharp decline or increase in enrollment for a particular grade. In those cases, a historical average is used to project future enrollment.

  As stated in the revised EIS, K564 has the capacity to serve 1,326 students. The DOE projects that the combined total enrollment of Sunset Park, Brooklyn Prospect, and P371K@H667 will be 1,325-1,407 in 2011-2012. Because the official target capacity and utilization rates for the 2010-2011 school year and beyond are not yet available, the DOE used target capacity data from the 2009-2010 Enrollment Capacity Utilization Report (the "Blue Book") to calculate the estimated building utilization rate in 2011-2012. Thus, the DOE calculated that the estimated building utilization of K564 in 2011-2012 would be 106%.

  As stated in the revised EIS, it should be noted that the utilization rate used in the revised EIS and revised BUP may differ from that published in the 2009-2010 Blue Book because the Blue Book enrollment includes Long Term Absences ("LTAs"), students who have been absent continuously for 30 days or more as of October 31, 2009. The building capacity figures quoted here are consistent with the Blue Book. However, the building enrollment figures referenced throughout the revised EIS and used in the calculation of utilization rates only include the number of students estimated to be regularly attending the school, and thus does not include LTAs. This methodology is consistent with the manner in which the DOE conducts planning and calculates space allocations and funding for all schools.

  Although the estimated utilization of K564 for the 2011-2012 school year will be greater than 100% and may suggest that the building will be overutilized or overcrowded, this

rate does not account for the fact that rooms may be programmed for more efficient or different uses than the standard assumptions in the utilization calculation, described above. In addition, charter school enrollment plans are frequently based on larger class sizes than target capacity, contributing to building utilization rates above 100% while not impacting the utilization of the space allocated to the traditional public school. The DOE also notes that there is sufficient capacity in the building to accommodate all three school organizations. The DOE assumes that full-size classrooms used by District 75 schools have a capacity ranging from 6 to 12 students, depending on the type of program and services offered. In comparison, when those same rooms are used by general education schools (non-District 75), the DOE assumes that the "capacity" will increase to either 18 (when the rooms are used for a pre-kindergarten program) to 28 (when the rooms are used for grades 4-8). Therefore, the utilization rate in this case (which is calculated by dividing aggregate enrollment by aggregate target capacity) may appear to be higher than 100% because P371K@H667 actually serves fewer students in the space that it is allocated than a general education class would.

Additionally, as noted in revised EIS and demonstrated in the revised BUP, even though the projected building utilization rate may exceed 100%, K564 has adequate capacity to accommodate Sunset Park, P371K@H667 and the expansion of Brooklyn Prospect. All organizations, including Brooklyn Prospect are currently using a number of excess rooms. If this proposal is approved, Sunset Park and Brooklyn Prospect will operate closer to their baseline Footprint allocation of rooms for one year, but all schools will continue to be allocated the same number of rooms in 2011-2012 as they were in 2010-2011.

- Comment 3(y) relates to class sizes at Sunset Park and Brooklyn Prospect.

  Class size is a continuing concern for all New York City schools. As stated in the Blue Book, the target classroom capacity and utilization rate reflect aspirational goals for school buildings based on different assumptions about how classrooms are used. The target capacity is 28 for sixth through eighth grade classrooms and 30 for ninth through twelfth grade classrooms. It should be noted, however, that neither the revised EIS nor the revised BUP stipulates class sizes for Sunset Park or Brooklyn Prospect.

  The DOE acknowledges that Sunset Park is still phasing in and that it will serve ninth through eleventh grade in 2011-2012. Based on the DOE's analysis of Sunset Park, P371K@H667, and Brooklyn Prospect, enrollment at Sunset Park is projected to rise from 687 students in 2010-2011 to 975-1,025 in 2011-2012. P371K@H667 currently enrolls 77 students, and it is projected to still serve between 75-80 students in 2011-2012. Because Sunset Park will be expanding to serve eleventh grade, the DOE also projects that Sunset Park will increase the number of sections it currently has from 24 (including students with disabilities) to 36. P371K@H667 will maintain the number of sections that it currently has. Brooklyn Prospect will expand to serve eighth grade, and its number of sections will increase from 8 to 12. Sunset Park, P371K@H667, and Brooklyn Prospect are currently using classrooms above their respective baseline allocations.

- Comments 4(a), 5(a), 5(b), 6(a), 8(l), 18(h), and 19(a) notes that the Sunset Park community has requested the creation of a high school in the Sunset Park neighborhood for years before the creation of Sunset Park. Comment 8(m) stated that the community does not support the proposal. Comment 11 states that representatives of the DOE should have been better prepared to answer questions at the joint public hearing. Comment 18(d) states that the proposal's possible passage would damage the Sunset Park community's relationship with the DOE.

  The DOE appreciates all feedback from the community regarding this proposal. When the revised EIS was issued, it was made available to the staff, faculty, and parent communities at Sunset Park, P371K@H667, and Brooklyn Prospect on the DOE's Web site and in each school's respective main office. In addition, the DOE set up a dedicated website and voicemail to collect feedback on this proposal. All schools' staff, faculty, and parent communities were invited to the joint public hearing to solicit further feedback.

  The joint public hearing regarding this proposal was held on June 21, 2011. All comments made at the joint public hearing are included in this analysis of public comment.

  Although the DOE recognizes that people in the community may have strong feelings against this proposal, the DOE believes that, if this proposal is approved, the school communities at Sunset Park, P371K@H667, and Brooklyn Prospect will be able to maintain their productive and collaborative partnership. Moreover, even though some people may oppose the proposal, the proposal is also supported by many members of the community.

- Comments 4(b), 8(c), and 18(i) state that Sunset Park needs room to grow and the continued co-location of Brooklyn Prospect in K564 would stifle that growth. Comment 6(h) states that Sunset Park and Brooklyn Prospect cannot both fit in K564 at their expected sizes.

  The DOE acknowledges Sunset Park and Brooklyn Prospect cannot both permanently fit in K564 with P371K@H667, particularly when they both reach full scale. As outlined in the revised EIS and revised BUP, the DOE is proposing that Brooklyn Prospect be temporarily allowed to co-locate with Sunset Park and P371K@H667 in K564 for only one additional year, at which point Brooklyn Prospect will serve sixth through eighth grade and Sunset Park will serve ninth through eleventh grade. Sunset Park will continue to phase in and expand to serve eleventh grade students in 2011-2012 and reach its full scale in the 2012-2013 school year.

  Since Brooklyn Prospect was approved by its charter authorizer, the State University of New York's Charter School Institute, to serve students in sixth through twelfth grade and Sunset Park will not reach full scale until it serves ninth through twelfth grade, the DOE does not anticipate that Sunset Park and Brooklyn Prospect will co-locate with P371K@H667 in K564 when Sunset Park and Brooklyn Prospect are at their respective full scales.

- Comment 7(a) notes the commenter's opposition to all co-locations. Comment 19(b) states that the co-location has been an unnecessary burden. Building space is scarce in many New York City neighborhoods. Given this reality, the DOE must use its existing buildings in the most efficient manner possible. As described above, the DOE considered many locations and reviewed multiple alternatives for private spaces, and Brooklyn Prospect is continuing to evaluate and pursue an alternative option. The DOE decided to propose that Brooklyn Prospect, Sunset Park, and P371K@H667 remain co-located in K564 for an additional year for the reasons described above.

- Comment 7(b) states that charter schools are not public schools. Comment 7(c) claimed that there is a possibility of corruption related to charter school co-locations. The commenter incorrectly suggests that charter schools are private schools. On the contrary, charter schools are public schools available for all residents of New York City. They are publicly funded in a similar manner as district schools, but are operated by external organizations. There are currently 125 charter schools in New York City. Charter schools are held accountable, through the terms of five-year performance contracts called charters, for high student achievement. Charter schools must meet the same Regents' performance standards established for all public schools as well as the goals established in their charter. If a charter school fails to meet those terms, it can be closed.

- Comments 9, 15, 16, and 17 are in support of the proposal, and therefore, do not need to be addressed.

- Comment 10 stated that the joint public hearing should not have been scheduled during Regents' testing week or on the night of P371K@H667's eighth grade graduation.

  In accordance with New York State Education Law and Chancellor's Regulation A-190, the required parties were contacted regarding the scheduling of a joint public hearing on the revised proposal and were offered three dates on which the joint public hearing could be held during the required hearing window. In scheduling this hearing with the required parties, all required parties agreed in writing that June 21, 2011, was the best possible date.

  Because all the relevant parties agreed to the date and because it is difficult to find a date on which all parties can be accommodated, the DOE declined to reschedule the hearing.

  The DOE encourages anyone who was unable to attend the hearing on June 21, 2011, to use one of several accessible outlets to submit commentary including: submitting comment via the established phone line at 212-374-0208 and via email at D15Proposals@schools.nyc.gov; or by attending the June 27, 2011 PEP meeting and offering public comment in person. Additionally, the DOE notes that nearly 180 people attended the June 21 joint public hearing and 48 speakers signed up to speak, indicating that a number of members in the community were able to make the hearing and have their voices heard.

- Comments 12 and 18(t) contend that Chinese translations of the revised EIS and BUP should have been provided.

  It is the DOE's standard practice to provide translations to schools when over 10% of the school's population speaks a language other than English, as indicated by the language survey resource at this link: http://schools.nyc.gov/Offices/Translation/TipsandResources. The DOE also provides translated documents upon request by schools or if the school has a bilingual program in a particular language, even if it is not the case that 10% or more of the population speaks a language other than English.

  In this case, Sunset Park, P371K@H667 nor Brooklyn Prospect has a Chinese speaking population greater than 10%. No requests for Chinese translations of the revised EIS and revised BUP were received by the DOE.

- Comment 19(g) proposed that Brooklyn Prospect refrain from expanding if it remained co-located in K564. The DOE rejects this proposal because of the potential negative impact it would have on Brooklyn Prospect's current and incoming students. Brooklyn Prospect conducted its admissions lottery on April 6, 2011, and it would be unfair to students who have been accepted to Brooklyn Prospect for the 2011-2012 school year if Brooklyn Prospect refrained from accepting new students next year. Alternatively, if Brooklyn Prospect refrained from expanding to serve eighth grade students, it would negatively affect current Brooklyn Prospect students, who would then need to seek middle school enrollment after the District 15 middle school choice process has closed.

- Comment 24 was not a comment in response to the proposal but rather an inquiry regarding the possibility of receiving an audio recording of the joint public hearing. An audio recording of the hearing is not available at this time, however a written transcript of the joint public hearing is available online: http://schools.nyc.gov/NR/rdonlyres/AD66EE2A-2A51-433E-9962-37C4E633B9E2/107199/BKProspect.pdf

Changes Made to the Revised Proposal As a Result of Public Comments

As discussed in the summary above, the DOE revised the EIS and BUP.

In the revised EIS, the DOE proposes to temporarily allow Brooklyn Prospect to remain in its current location, where it is co-located with Sunset Park and P371K@H667, and to expand by one additional grade. If this revised proposal is approved, Brooklyn Prospect would only remain in the K564 building for one additional year.

The DOE also revised the BUP, which outlines the number of rooms that will be allocated to Brooklyn Prospect, Sunset Park, and P371K@H667 in K564 next year and includes a shared space schedule that proposes how the shared spaces may be shared amongst all the schools.

No additional changes have been made to the proposal.