Department of Education
Dennis M. Walcott, Chancellor

Amended Public Comment Analysis[1]

Date: June 26, 2011

Topic: The Revised Proposed Co-location of a New Public Charter School, Success Academy Charter School, with Existing Schools Louis D. Brandeis High School (03M470), The Urban Assembly School for Green Careers (03M402), The Global Learning Collaborative (03M403), Innovation Diploma Plus (03M404), and Frank McCourt High School (03M417)in the Brandeis Educational Campus

Date of Panel Vote: June 27, 2011

Summary of Proposal

In an Educational Impact Statement ("EIS") and Building Utilization Plan ("BUP") posted on December 17, 2011, the New York City Department of Education ("DOE") proposed to open a new public charter school, Success Academy Charter School ("SACS"), and site it in the Brandeis Educational Campus, Building M470 ("M470" or the "Brandeis Campus"), located at 145 West 84th Street, New York, NY 10024 in Community School District 3. SACS would be co-located in M470 with Louis D. Brandeis High School (03M470, "Brandeis High School"), The Urban Assembly School for Green Careers (03M402, "Green Careers"), The Global Learning Collaborative (03M403, "Global Learning"), Innovation Diploma Plus (03M404, "Diploma Plus"), and Frank McCourt High School (03M417, "Frank McCourt"). 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 February 1, 2011.

On June 6, 2011, the DOE substantially revised this proposal. The revised EIS:

[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.

- updates current enrollment at all schools to reflect the 2010-2011 Audited Register (which was not yet available at the time the original EIS was published);
- changes the projected enrollment for Green Careers and Global Learning to conform to budget register projections for 2011-2012, and therefore also changes the total number of students projected to be served by all schools and the projected building utilization rate;
- includes additional information about the programs and partnerships of the high schools in the Brandeis Educational Campus;
- includes additional information on the impact of the proposal on future elementary school students in District 3;
- provides detailed projections of the proposed grade levels and estimated enrollments of all six organizations in M470 over a 5 year period;
- includes updated facilities information and;
- includes information about a YABC program that operates in the M470 building.

The revised BUP includes the following changes:

- the proposed shared space schedule 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;
- the current enrollment information for all DOE schools has been updated to reflect the 2010-11 Audited Register (which was not available at the time the BUP was originally published);
- the number of students that Green Careers is projected to serve in 2011-2012 has been revised to reflect budget register projections for 2011-2012;
- the allocation of space between all school organizations has been revised to address mathematical inconsistencies in the original BUP, and additional information about planned construction;
- the science labs have been included as shared spaces and have not been allocated to the individual schools;
- room allocation charts have been added for each school during each year;
- updated and more detailed information has been provided regarding planned construction projects in the building and;
- the formatting of the room allocation charts in the original BUP has been altered to make them easier to understand.

SACS would open in September 2011 to serve 180-190 students in Kindergarten and first grade, and would add one grade each year until it reaches full scale in 2015-2016. At that time, SACS will serve approximately 480-490 students in Kindergarten through fifth grade. The charter for SACS authorizes a higher enrollment for this school; however, the proposed enrollment is the maximum that can be accommodated in the available space.

The Brandeis Campus currently houses five high schools. Brandeis High School is in the process of phasing out, and is scheduled to close in June 2012. It currently serves 685

students in grades 11-12. Four other high schools, as noted above, are phasing in to the Brandeis Campus and all will serve grades 9-12 at full scale.

The Brandeis Campus has the capacity to serve 2,148 students. In the 2010-11 school year, the building only served 1,403 students, yielding a utilization rate of 65%. Once Brandeis High School has phased out, the other four high schools have phased in, and SACS is serving students in grades K-5, there will be approximately 1,980-2,090 students served in the building, yielding a building utilization rate of 92%-97%.

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 revised BUP are also available in the main offices of Brandeis High School, Green Careers, Global Learning, Diploma Plus, and Frank McCourt.

Summary of Comments Received at the Joint Public Hearings

A joint public hearing regarding the original proposal was held at Brandeis Educational Campus on January 25, 2011. At that hearing, interested parties had an opportunity to provide input on the original proposal. Approximately 371 members of the public attended the hearing, and 112 people spoke. Present at the meeting were Manhattan High Schools Superintendent Elaine Gorman; District 3 Community Education Council ("CEC 3") President Noah Gotbaum; Rachel Dahill Fushell, Academic Dean of Global Learning representing the School Leadership Team ("SLT"); Lisa Steglich, a representative of the Frank McCourt SLT; John Englert, co-chair of the Citywide Council on Special Education ("CCSE"); Ellen McHugh, member of CCSE; Paola Dekoeck, representing Citywide Council for High Schools ("CCHS"); Harvey Lichtman, a teacher from Brandeis High School representing the SLT; Rick Sherwin, a representative of the Global Learning SLT; Safiyah Raheem representing Council Member Inez E. Dickens; Lauren Schuster representing the Office of Assembly Member Linda B. Rosenthal; Robert Gottheim representing U.S. Congressman John Nadler; Jared Chausow representing State Senator Tom Duane; New York City Council Member Gale Brewer and; Elizabeth Rose and Gaby Fighetti from the Division of Portfolio Planning. Eva Moskowitz from Success Charter Network also attended.

An additional joint public hearing regarding the revised proposal was held at Brandeis Educational Campus on June 21, 2011. At the hearing, interested parties had an opportunity to provide input on the revised proposal. Approximately, 60 members of the public attended the hearing and about 35 people spoke. Present at the meeting were: Manhattan Superintendent Elaine Gorman; Community District 3 Superintendent Sara Carvajal; Frank McCourt SLT representative Lisa Steglich; Global Learning Principal Jennifer Zinn and SLT representatives Rachel Dahill-Fuchel and Jeffrey Picca; Diploma Plus Principal Casey Jones and SLT representative Carla Cherry; Green Careers Principal Alexandra Rathmann-Noonan; Brandeis High School Principal Arleen Liquori; CEC 3 President Noah Gotbaum and representatives Christine Annechino, Olaiya Deen, Jimmie

Brown, and Alicia Simpson; Citywide Council on English Language Learners ("CCELL") representative Theresa Arboleda; Community Board 7 representative Marc Diller; New York City Council Member Gale Brewer; Neal Alfort from the Office of Assembly Member Linda B. Rosenthal and; Deputy Chancellor Marc Sternberg and Elizabeth Rose from the Division of Portfolio Planning.

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

1. Noah Gotbaum, president of CEC 3 asserted that:
    a) District 3 is overcrowded. The DOE has never previously offered the Brandeis campus as an option to relieve that overcrowding. There is not enough space in District 3. When the DOE co-locates charters with district schools, it pushes out district students.
    b) At PS 149 and Wadleigh Secondary School, Success Network pushed out district students. At PS 149, students receive therapy in hallways and cannot use the gym because Harlem Success Academy is in the building.
    c) The Brandeis campus recently underwent a $22 million renovation. Mr. Gotbaum asserted that recently-created science rooms, hallways, and closets will be renovated into classrooms. Mr. Gotbaum expressed the opinion that this is wasteful and reflects poor planning.
    d) The District 3 community does not want or need a new elementary school. Existing elementary schools are high quality. Parents want more resources and less overcrowding in public schools.
    e) District 3 received a federal magnet grant to upgrade and integrate schools. The DOE is undermining this grant by providing space and funds to a charter school to recruit students away from the schools that the federal government is funding an effort to recruit students to attend.

2. Rachel Dahill Fushell, a representative of the Global Learning SLT, shared an anecdote about students at her school. She noted that students from the schools on the campus are reprimanded if they move into space designated for other the schools. She also asserted that:
    a) The four high schools on the campus have built a strong collaboration. The schools share resources such as science laboratories, ceramic and dance studios, music rooms, the cafeteria, gymnasiums, and other athletic facilities. The schools also share resources such as paper for bulletin boards and a laminating machine. Students participate in extracurricular activities such as attending a Model United Nations conference together.
    b) The schools have been told that if the new school comes into the building, it will not be part of that collaboration because it is an elementary school which needs to remain separate. This undermines the strong collaboration the schools have established. The schools on

the campus had hoped that another organization would join them and be part of that collaboration.

c) Global Learning is participating in Phase One of the special education reform. To be successful in this effort, the school requires more space than has been allotted. Students require space for emotional, social, and intellectual growth. This requires an easy, comfortable environment, not overcrowded, chaotic rooms and hallways.
d) Though the numbers may indicate that this campus has room for an additional school, based on the idiosyncratic needs of students, this numerical calculation does not work.
e) A DOE representative told the schools at a meeting that they were being asked to do the impossible. Instead of asking this, the DOE should help the schools and students to be successful.

3. Rick Sherwin, a representative of the Global Learning SLT asserted that:
    a) Community Board 7, CEC 3, and many elected officials oppose this co-location. The community does not want this co-location; it will be dangerous. If this co-location is approved, this hearing means nothing.
    b) $22 million were spent to renovate this campus for high schools. Renovating the campus to fit an elementary school is a waste of money. How much will it cost to renovate the campus for an elementary school?
    c) The building is already confined. There is not extra space. Where will the one thousand new students go?
    d) The DOE walk through labeled science labs, music rooms, art rooms, and a theater as classrooms that can be used for the new school. These are not classrooms; the existing schools need them for their designated purposes.
    e) One of the schools on the campus is a transfer school with students up to 20 years old. It is not a good idea to put these students in the same building with young elementary school students. Two of the schools are participating in Phase One of the special education reform. The campus has a higher enrollment of special education students than other schools do. The schools welcome these students and it is the schools' mission to serve them. But, they need space.
    f) The existing schools need to grow into full capacity in their building before another school organization is added.
    g) Teachers in schools co-located with charter schools say that co-location leads to unequal treatment, including being moved into inferior space.

4. Lisa Steglich, a representative of the Frank McCourt SLT, asserted that:
    a) The EIS contains numerous errors, including: a kitchen and a dance studio are counted as regular classrooms; the number of students at Brandeis High School is listed as 600, but 800 actually attend; and specialty rooms are listed as regular classrooms.

b) The EIS does not address the issue of flow management and control of different student populations.
c) The EIS states that space will not be taken away from existing schools. But each year, existing schools have received additional classrooms. If this stops happening, space will be taken away.
d) The DOE developed this proposal based on a walk through of the building. This walk through was subjective and has insufficient detail. Why doesn't the DOE use the facilities survey which is objective and much more detailed?
e) The EIS states that SACS students will not have to go through scanners. This sends a message that SACS students are privileged and trustworthy and other students are not.
f) Demand for schools in the building is higher than demand for SACS. SACS receives about 3 applications for each seat, while Frank McCourt receives about 9 and Global Learning receives about 8.
g) In a time of tight budgets, why spend public school dollars converting a high school to an elementary school?
h) The DOE will build a separate cafeteria for SACS. This is an admission that high school and elementary school students should not mix.
i) Spaces such as the ceramic studio and kiln, black box theater, lighting and sound control room, science labs, and music rehearsal rooms will be threatened.
j) The DOE has told principals their schools will receive $500,000 in matching funds if a charter school is co-located with them. But the EIS states that the DOE will decide if the schools qualify for the match after the project is complete. This is a conflict.

5. John Englert, co-chair of the Citywide Council on Special Education, asserted that:
   a. The EIS does not address educational issues, including scheduling, equipment, programs, activities, testing accommodations, and social interactions between students with disabilities and their peers.
   b. The DOE states that if the proposal is approved specific room allocations will be made by the Office of Space planning in conjunction with the building council. A draft building utilization plan has been provided. However, reconfiguration of classroom space without redesign of mechanical systems can lead to air quality control and ventilation issues, jeopardizing the health and safety of children.
   c. The proposal does not address time it takes students to travel through overcrowded halls in the building.
   d. Rooms are not designated for the delivery of special services.
   e. The DOE targets 28 students per classroom, not 20 which is acceptable for K-3.
   f. Why didn't the DOE consider space of nearby Catholic schools which are closing: St. Joseph, Holy Family, and All Saints?

g. This plan has been developed without consideration for children's education and safety. The community needs to hold the DOE accountable.

6. Ellen McHugh, asserted that:
    a) Students with low incidence disabilities, such as deaf students, are underrepresented in the population of charter school students with disabilities. The law states that charter schools must provide the full range of supports and services for students with disabilities to succeed.
    b) Students with disabilities are often discriminated against and segregated.

7. Paula Dekock, a representative of the Citywide Council on High Schools, asked:
    a) Why is the $22m that was spent on this school for high school students now being used for non-high school students?
    b) Current high schools need space for things like extracurriculars, sports, labs, and CTE space. Why take space away from this?
    c) Why take high school seats away at all? We need more good high school seats across the city.
    d) Why do potential charter parents want to come to a school meant for high school students?

8. Harvey Lichtman, a teacher delegate from Brandeis High School, asserted that:
    a) The Brandeis SLT opposes this co-location
    b) If SA8 is co-located here, the DOE will cut the budgets and staffing of the other schools in the building
    c) Charter schools represent a privatization of public education, and he opposes charter schools in general.

9. Noah Gotbaum, president of Community Education Council 3 asserted that:
    a) What level of outrage and comment does the DOE need to hear to know that the community is opposed to this proposal?
    b) Knowing the district is overcrowded and that the school is prioritizing ELL and children from at risk schools, how does this address the needs of the community? And how does the DOE define a "failing school" for this purpose?
    c) Typically, as a charter school grows into a building, the district schools shrink. This would displace high need students already in schools in the building.

10. Eva Moskowitz, founder of Success Network, asserted that:
    a) The goal of this school is to increase choice, regardless of whether it is a district or a charter school.
    b) The new school will focus on critical thinking, science, reading and writing, and field studies.

11. Robert Gottheim, a representative from US Congressman John Nadler, read a statement from the Congressman:
    a) This proposal will not address overcrowding in the district, nor will it bring new resources to struggling schools.
    b) This will divert resources and will require additional costs to retrofit the building for K students
    c) We should not co-locate K and high school students

12. Jared Chausow, a representative for State Senator Tom Duane, read a statement from the Senator:
    a) We should use the space in this building to expand one of the high schools in the building, or to create another high school serving the community.
    b) This proposal would take away space from existing schools and would cause strife and disruption as the schools fight for scarce resources
    c) Success Network has bad relations with other schools that they share buildings with, including at PS 149 and 241.
    d) Mixing high school and kindergarten students is dangerous to the students and would cost extra money to retrofit the building. These modifications would limit the current schools ability to work together to share and exchange space
    e) Success's desire to grow could threaten further capital investment in the building
    f) Success's lottery preferences would mean that the school does not serve students from District 3. In addition, because demand is so high for Success schools, local families would have a low chance of getting access to the school.
    g) The DOE should instead promote the district choice schools, or schools that are part of the federal magnet grant.

13. City Councilmember Gale Brewer asserted that:
    a) This building is meant for high school students, and it is unfair for high school and kindergarten students to come through different entrances and only one through metal detectors.
    b) The current high schools need to grow, for extracurriculars and sports
    c) Success's preference for ELL and "at risk" students will not solve the overcrowding problem in the district
    d) The district needs more high school seats. The space should be used for that.

14. Safiyah Raheem, representing Councilmember Inez E. Dickens, stated:
    a) Councilmember Dickens is opposed to this co-location and other co-locations because schools need room to grow for things like the Arts.
    b) This would create inequity in resources, as Success could solicit additional funds for things like smartboards, while the DOE schools would be subject to city constraints

c) Success should find private facilities with its private endowment, such as leasing one of the closing parochial schools.

15. Lauren Schuster, representing Assembly member Linda B. Rosenthal, stated:
    a) The district is overcrowded, and it is irresponsible to allocate space to an elementary charter school. This would not address the overcrowding problem.
    b) It is dangerous to put kindergarten students in a building with students 18-20 years old.
    c) Success charter gives preference to ELL and "at risk" students from out of district over in-district students, which will worsen the seat shortage.
    d) Addressing the district seat shortage is not part of the school's plan, as laid out in its charter.
    e) Current diagnosis of the space is incorrect, and in a recent walkthrough community leaders noted that several rooms were mis-categorized.
    f) The West Side community is opposed to this proposal, and the community board voted unanimously to oppose it.
    g) Parents on the West Side are satisfied with the schools they have and want them expanded, rather than have charter schools brought in.

16. Multiple commenters stated that there is not enough space in the building for another school, and it will cause overcrowding in the school building.
17. Multiple commenters stated that the school is dangerous, and that it is not a good idea to mix elementary and high school students.
18. Multiple commenters stated that this co-location will cause current schools to lose space, programs, and teachers, and will cause current schools to have less access to shared space such as the gym and cafeteria.
19. Multiple commenters stated that they would prefer the current schools to expand rather than bring in another school.
20. Multiple commenters stated that this co-location would require the school to be retrofitted for younger students, and the current high schools would lose access to space.
21. Multiple commenters stated that the district has a space shortage, and this does not provide a solution for the need for more district seats. The seats are needed for district seats.
22. Multiple commenters stated that Success will not serve District 3 students because of the preferences in its lottery, and so will exacerbate space problems in the district.
23. Multiple commenters stated that Success Network schools have not been good neighbors in other co-locations throughout the city, and would not likely be in this situation either.
24. Multiple commenters stated that Success Network is an educational benefit to the community, and would increase the number of high-quality seats in the community.

25. Noah Gotbaum stated, in response to a question, that he would not support a Success network high school in this building because in other co-locations in the city they have squeezed out kids in the current schools.
26. Carmen Valcasero, an SLT member from Frank McCourt, stated that their children have a right to be in the building and use the resources of the building, and the charter school does not.
27. Multiple commenters stated that the presence of Success would create additional choice for District 3 residents, which they desire.
28. Multiple commenters stated that the Department of Education is simply imposing its will over the opinions of the community.
29. Multiple commenters stated that Success schools have a track record of high achievement.
30. Multiple commenters stated that Success schools do not have self contained classes that they do not accept students that need those services, or that they counsel out students with special needs.
31. One commenter stated that Success schools do not accept students with behavioral issues.
32. Multiple commenters stated that there is no problem putting elementary and high school students in the same building, and that private schools do it all the time.
33. One commenter stated that rezoning and the federal magnet grant has created uncertainty in the district, and that adding a charter would create an inflexible school that cannot adapt to the needs of the community.
34. One commenter stated that a Success elementary school is co-located with a high school in another building, and there are no problems.
35. One commenter stated that Success was supposed to change its charter in the Fall to say it would prioritize district students, but it has not done that.
36. Multiple commenters stated that Success students would have preference for District 3 seats when the move from 5th to 6th grade, and there is not room to accommodate them. There is hardly room to accommodate all of the District 3 students that will be seeking 6th grade then.
37. Multiple commenters stated that the district needs middle and high school seats, not elementary school seats.
38. One commenter stated that hundreds of parents want this school in their community, as evidenced by the hundreds of students who have already applied for the lottery.
39. One commenter stated that there are plenty of other high quality elementary school options in District 3, and so this choice is not needed.
40. One commenter stated that this co-location will increase congestion in the neighborhood, including more buses idling on the street during the day.
41. One commenter asked how many special education students are actually served by Success.
42. One commenter stated that the DOE formerly said that Brandeis was not suitable for an elementary school, and so it put PS 452 in a middle school building. Why is this case different?
43. One commenter stated that it is unfair that charter schools can determine their own admissions criteria.

44. One commenter stated that Jenny Sedlis, External Affairs Director, from Success Charter Network told him if a student receives a seat in the lottery, but does not accept a spot, then the school does not pull from the wait list but from somewhere else.
45. Multiple commenters stated that it is unfair that the high school students would have to go through the scanners, but the Success students would not.
46. One commenter stated that every school in the district is opposed to this co-location, because they know that it means eviction for district schools.
47. One commenter stated that charter schools drive a wedge between community members, and between the resources of schools.
48. One commenter stated that Success schools have better resources than the district schools they are co-located with, which is unequal and unfair.
49. One commenter stated that the community was not consulted on this decision.
50. One commenter state that the preference for ELL students is going to negatively affect dual language programs across the city that need these students to implement their model.
51. One commenter stated that choice in this instance is bad because choice for one person precludes choice for another person.
52. One commenter stated that this proposal is way to get Success access to one of the nicest buildings in the district.
53. One commenter stated that Success appears to have discriminatory hiring practices.
54. One commenter stated that Success students come in already at or near grade level, because the school gets to select its students.

The DOE received comments at the Joint Public Hearing which did not directly relate to the original proposal and therefore, will not be addressed.

55. One commenter stated that district schools are just as orderly and high-quality as Success schools claim to be.
56. One commenter stated that the DOE phased out PS 241 only to make room for Success several years ago in another building.
57. One commenter stated that Success plans to add a 6-8 school afterwards, and there is no room for that in District 3.
58. One commenter stated the solution to the space shortage would be to build new schools.

<u>Summary of Issues Raised in Written and/or Oral Comments Submitted to the DOE regarding the original proposal</u>

59. New York State Assembly Member Daniel O'Donnell expressed his opposition to the proposal based on following reasons: it is in violation of the intent and spirit of the law passed in 2010 by the New York State Legislature that requires advanced public notice of potential co-locations; the retrofitting needed to accommodate a K-5 student population would represent an inappropriate expenditure and misuse of financial resources; and a co-location would potentially

interfere with the growth and success of the schools currently thriving at Brandeis.

60. The Global Learning Collaborative held a town meeting on January 25, 2011 and submitted a statement opposing the proposed co-location. Reasons given included:
    a. Brandeis campus was built to hold a pre-determined number of students.
    b. Concern for how age-diverse groups of students will fit together and move with safety and ease.
    c. Special needs populations need space beyond the current determination of the number of rooms and types of space listed in the BUP.
61. Approximately 353 comments were received in opposition to the proposed co-location. Reasons given were:
    a) The campus is unsuitable for elementary school students and remodeling would be expensive.
    b) Existing High schools should have the option to expand in the future.
    c) Parents chose the schools in Brandeis campus specifically because the building wasn't overcrowded.
    d) The number of rooms outlined in the Building Utilization Plan is incorrect.
    e) New Charter School would funnel resources from the existing schools.
    f) New Charter School gives priority admission to students "at risk" from within and then outside of District 3 before admitting students not at risk from within the district.
    g) Middle and high schools seats will be lost.
    h) Music rehearsal rooms, ceramic studio, dance studio and black box theatre in the building should not count as classrooms.
    i) Overcrowding is a serious and long-term issue in District 3.
    j) District 3 has zero priority high school seats compared to other districts.
    k) Safety concerns regarding big age gap among the students.
    l) Co-locating Success charter schools with other public schools has resulted in negative impact on all schools.
    m) Special Education students need space for development.
    n) Publicly funded facilities should be dedicated to public schools.
    o) Charter school buses would cause street congestion in the neighborhood.
    p) Charter schools discourage children with special needs from applying.
    q) Community leaders are all against the proposal.
    r) The charter school claims it is recruiting English Language Learner students but doesn't even have promotional material printed in Spanish. This is not a school for the whole community.
    s) Success Charter has enough funds to waste on relentless solicitations via robo-calls and mailings.
62. Approximately 10 comments were received in support of the proposed co-location. Reasons given were:
    a) More options for the parents.

b) There is currently lack of space at P.S. 9; the charter school would alleviate overcrowding in one school.

63. One commenter raised concerns that the PEP would only see the public comments analysis 24 hours before the vote and with all the other proposals that the comments will not be taken into consideration.
64. One commenter questioned why the PEP members had a pre-meeting to discuss the proposals without receiving community input.
65. The DOE has received approximately 968 copies of an online petition opposing the co-location citing the overcrowding issues in the Southern part of District 3, the lottery preference of the charter school, and issues with co-locating an elementary school with high schools.
66. One Commenter expressed support for the proposal, but asked that there be a separate dedicated entrance for SACS to ensure the K-5 children are kept separate from high school students during drop offs and pickups.
67. Public Advocate for the City of New York Bill de Blasio wrote a letter to the DOE, expressing the following concerns:
    a) Although the Department of Education attempted to engage the school community and have made significant strides in the engagement process, the meetings were rushed and the school community's valid concerns were not reflected in the process and the EIS.
    b) Charter School would not help address current overcrowding or the need for increased classroom space.
    c) Students will be admitted to the charter school through the citywide lottery, which will bring additional students into an already overcrowded district.
    d) DOE will have to modify the recent renovations at Brandeis to adjust for elementary school students.
    e) 5 year old children and 19 year old students in a single building raises serious safety concerns and requires a plan for addressing security needs.
    f) Brandeis High School will lose valuable space such as classrooms, a kitchen and a dance studio.
    g) If these questions are not answered, the PEP should vote against the proposal.

68. Recording Secretary, Paola de Kock, of Citywide Council on High Schools expressed her opposition to the proposal, citing that the Brandeis campus should be reserved to serve the community it was designed for, high school students in District 3.

69. Council Member Melissa Mark-Viverito expressed her opposition to the proposals to co-locate charter schools in District 3 based on the lack of long term plan in place, engagement in extensive community dialogue, and development of comprehensive community impact statement.

70. CEC 3 Resolution titled "CEC 3 Resolution Against Proposed and Future Charter Co-Locations in District 3 Including the Establishment of Upper West Success ("UWS")[2]. Academy in the Brandeis High School Complex, and Harlem Success Academy I Middle School at P.S. 149 and Wadleigh Secondary" was submitted. The resolution cited the following points:
    a) District 3 has a range of good to excellent zoned and district schools, all of which require additional resources.
    b) District 3 has numerous choice schools.
    c) District 3 has been awarded a federal magnet grant, which attracts students from across the district.
    d) DOE's calculations project fewer than 300 district-wide elementary and middle school seats available by September 2012.
    e) DOE has failed to provide long term plan on how to accommodate District 3 students over the next five years.
    f) Success Charter co-locations have been uniformly terrible.
    g) Success Charter Schools enroll and educate far lower percentages of the most needy and at risk children including ELLs.
    h) CEC3 resolved that;
        i. The PEP denies the votes on co-locations.
        ii. There be a freeze on Charter co-locations and expansions in District 3 until DOE provides District 3 Community with adequate facilities and resources for existing schools.
        iii. The Comptroller conduct an audit to reconcile DOE capacity and utilization statistics with experiences and observations of parents, educators, and CECs.

71. Community Board 7 submitted a Resolution expressing opposition to the proposal, citing severe overcrowding and substantial expense that would be required to retrofit a high school building to serve kindergarteners as main reasons

72. Citywide Council on Special Education submitted a statement that was read during the hearing and is described in the above comment 5.

73. US Congressman John Nadler submitted a statement that was read during the hearing and is described in the above comment 11.

<u>The following comments and remarks were made at the joint public hearing on June 21, 2011 on the **revised** proposal:</u>

74. CEC 3 President Noah Gotbaum expressed his opposition to the proposal. Reasons cited were:

[2] Success Academy Charter School changed its name to Upper West Success Academy. To avoid confusion, the school will be referred to as "SACS" throughout.

a) The law requires that an EIS and BUP be filed at least sixth months prior to the school year. The revisions that the DOE published constitute a brand new EIS and BUP and require a new six months process.

b) Success schools cannot fill D3 quotas (HSA1 is 60% out of district and HSA4 is 74% out of district despite giving priority to District 3) and have to spend money to recruit applicants in District 3.

c) The money spent on advertisements should be spent on food and transportation for the students.

d) There's no transparent information on the charter application process or marketing.

e) High Schools in the building have higher demands in the district that go unmatched as demonstrated by the higher number of applications (i.e. Frank McCourt had 8000 applicants).

f) Magnet grants will create new educational options for special needs families, but public schools are getting undermined by the charter schools.

a. High Schools already in the building serve the special need population including ELL, self-contained and special education students who will have less space (i.e. Innovation Plus and Global Learning Collaborative serve 25% ELL students; Frank McCourt is 4% self-contained and 19% Special Education students).

b. Success is educating less than 3% ELL while the district average is 16% and serves 0 CTT students.

75. Global Learning Collaborative SLT representative Rachel Dahill-Fuchel asserted that the DOE's assessment of the building is inaccurate and does not take into account the student needs and population. She also noted that the high schools in the building need space to educate special education students and to grow to serve at full-scale.

76. Geoffrey Picca, Global Learning Collaborative SLT representative, noted that the schools targeted for closure by DOE serve an overwhelming population of ELL and Special Education kids.

77. Carla Cherry, Innovation Diploma Plus SLT representative, expressed her concern that the on-going construction in the building is making them lose rooms including teacher's lounge and is preventing them from hosting summer programs at the school.

78. Lisa Steglich, Frank McCourt SLT representative, noted her opposition to the proposal, stating that the revision was made only after the lawsuits and had nothing to do with public comments; revised EIS calls storage rooms in the basement that contain state-mandated records as "unused" rooms; SACS students

will be treated differently with separate entrances and more room per section and; Brandeis was not the original space to locate SACS.

79. Christine Annechino, CEC 3 representative, asserted that the district is overcrowded and it needs more middle school seats, not elementary school seats.

80. Olaiya Deen, CEC 3 representative, noted that the problem is with Mayoral Control and it needs to be reformed.

81. Jimmie Brown, CEC 3 representative, stated that special need students need more than half a classroom that the DOE assigns them.

82. Theresa Arboleda, a Citywide Council on English Language Learners representative, criticized the SACS of not making an effort to outreach to ELLs in their marketing. She also mentioned that the charter schools are able to purchase names for promotional mailings while traditional public schools do not have the funds. She also expressed her concern that there has not been adequate preparation for ELL students.

83. Community Board 7 representative, Marc Diller, stated that the revisions to the BUP and EIS do not address the core issues in the district. He noted that:

    a) The co-location will not relieve overcrowding in District 3.
    b) The students from P.S. 9 who do not fit the admission priorities were admitted to SACS.
    c) Elementary School population should not intermingle with High School population.
    d) Science demo rooms will be used for English class, which is not a great use for the room.
    e) Brandeis Educational Campus was initially suggested for locating a middle school in October 2010, but was denied due to space. Nothing has changed since then so why is an elementary school able to be sited in the building?

84. New York City Council Member Gale Brewer expressed her opposition to the proposal, citing the following reasons:

    a) High schools in the Campus need space to grow.
    b) There's already overcrowding in the building.
    c) Traffic will be a problem with an increased number of cars and buses for the elementary schools students.
    d) It is segregation to have two separate entrances.

85. Neal Alfort from the Office of Assembly Member Linda B. Rosenthal read a statement in opposition to the proposal, noting that mixing varying age groups is potentially dangerous; retrofitting the building for elementary school students is waste of money; charter schools will be given more space and; District 3 is already overcrowded.

86. Approximately 12 commenters expressed their opposition to the proposal. Reasons cited were:

    a) There is widespread opposition to the proposal from the community.
    b) There is no space in the district.
    c) The building is designed to serve high schools. Elementary school is not a good fit.
    d) High schools in the building need space to grow.
    e) Charter School will take away other good school options in the district.
    f) Renovating and retrofitting a building is waste of money.
    g) There are successful examples of charter and public school co-locations in private space. SACS should seek private space.
    h) P.S. 166 used to be a bad school, but parents gave it a chance and now it is a great school – same could apply to the failing schools in District 3. Parent involvement can transform failing schools.
    i) There are no charter schools in District 6 even though they have a large number of ELL populations.
    j) SCA built more school buildings in District 2 to solve overcrowding, but the solution to overcrowding in District 3 is co-location.
    k) SACS is spending a lot of money for advertising in English only.
    l) It doesn't make sense that the charter school is approved without a location.
    m) Admission process does not give absolute priority for District 3 kids.

87. Approximately 8 commenters expressed their support for the proposal. Reasons cited were:

    a) Success schools have great track record and SACS will provide great education for the students.
    b) SACS gives students zoned to failing schools another option.
    c) Students should not be placed in failing schools and be expected to wait until public schools catch up.
    d) SACS is non-exclusive.
    e) Charter schools get less money to run their school per child than traditional public schools, but Success is efficient in how they allocate their resources.

88. A commenter noted that the parents should not fight against each other and blamed the DOE for "setting schools up to fail."

89. A commenter noted that though the revised EIS and BUP says YABC does not have a permanent space in the building, the program has been around for seven years and needs more consideration. She also asked what would happen to these kids if YABC program is gone.

The following were questions received during the Question & Answer period.

90. Were the LTAs counted as discharged, or drop out students in the revised EIS? What happened to these kids and do you have proper documentation for audit purposes? What will happen to these kids?

91. If there are 458 seats to be had, why not give them to the much-needed high school seats?

92. Where do you propose the elementary school students to go once they reach 6th grade?

93. How can you allow millions to be spent in advertising a new charter school that does not address the lack of middle school and high school seats in any meaningful way?

94. $100 million has been spent by the SCA to buy new schools in District 2, but why is the solution to overcrowding in District 3 co-location with charters?

95. With impending cuts of teachers and education budget, how can you justify $20 million cost of retro-fitting when 27 parochial schools lie empty ready for use?

96. Why did the DOE reject locating a middle school at Brandeis?

97. Why isn't YABC included in the EIS?

98. How many kids from HSA1 have been expelled?

99. By reviewing the test scores so closely, aren't you incentivizing Success Charter to reject kids who will not do well, including ELLs and SPED? Have you done an audit to determine whether Success is actually serving ELL and SPED students and ensure they are accountable to State Law? What kind of evaluations are you doing to monitor?

100. How many children were offered a space at SACS who do not fall into a category that Success deemed "at risk" (i.e. ELL or zoned to what Success called "failing schools")?

101. Why does DOE only look at test scores to determine how well a school is performing?

102. What is the plan for SLTs to work out space concerns in mutually beneficial way?

103. If we are in an environment of scarce resources, why is the DOE's policy about competition? On what basis can we expect cooperation, when you're creating competition?

104. High Schools in the building, for example Frank McCourt, have ratio, upwards of 8 applicants to one seat, don't you think that is the greater demand?

105. How does SACS help overcrowding in the district?

106. Does SACS serve District 3 families?

107. Why set up another Success charter school when the two that are already in Harlem are not even being utilized by District 3 parents?

108. How do we know there were 700 applications for SACS?

109. If the charter school's premise is to offer and serve options to elementary school children in failing schools, then how can those students be adequately served if a multitude of current P.S. 9 kindergarteners (children in one of the best performing schools in the city) have applied to a "lottery" system and been accepted?

110. Will SACS accommodate CTT Special needs students and if so, what percentage of its enrollment will be special needs in School Year 2011?

111. SACS is a school of choice – why should other parents be able to say my child shouldn't be able to attend school here in this building?

112. How can Hazel Dukes and the NAACP come out against SACS when these charter schools have done so much good in the African American community?

113. There have been many problems on the 85th street entrance, including loud noise, vandalism, illegal entries, and stashed weapons, is it possible that the 84th street be the only entrance?

114. Why is there any opposition to the SACS and charters that have a proven track record when a recent study showed that only 21% of NYC children are actually college-ready and prepared for the next level of education?

The DOE received comments at the Joint Public Hearing which did not directly relate to the revised proposal and therefore, will not be addressed.

115. A commenter inquired why his child who's testing in the 96 percentile is unable to get into Anderson or other Gifted & Talented program in the district.

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

116. New York State Assembly Member Daniel O'Donnell submitted a statement in opposition to the proposal, stating:
    a) The proposal is a violation of the law passed in 2010 by the New York State legislature that requires an advanced public notice of potential co-locations. The public notice and hearing processes are inadequate.
    b) Retrofitting the building to accommodate a K-5 student population would be a misuse of financial resources.

c) The co-location would potentially interfere with the growth and success of the schools in Brandeis. Resources should remain available to the public schools.

117. Approximately 15 comments were received in opposition to the proposal. Reasons cited were:
    a) Charter schools take space and resources from existing schools.
    b) District 3 needs more public school seats that give priority to District 3 families.
    c) District 3 already houses the Anderson School, which draws students from outside the district.
    d) District 3 is overcrowded.
    e) DOE should address the problems of kindergarten waitlists, large class sizes and inadequate funding for basic supplies.
    f) The revised EIS does not address the problem of housing elementary school students with high school students who have varying needs. The construction plan for the multi-purpose room demonstrates that the two different age groups should not be mixed.
        i. NYC SCA standards state that elementary and high school standards are not shareable.
    a) The construction of the "exclusive" multi-purpose room shows unequal treatment of the student groups in Brandeis Educational Campus.
    b) Upper West Side parents are happy with the current selection of public elementary school choices in the neighborhood and do not want another option. P.S. 452 eliminated waitlists in District 3.
    c) Retrofitting the high school building would be a waste of money.
    d) DOE should support the high schools in the building.
    e) The campus has many challenges addressing the sharing of space among four high schools already in the building. It would be an added challenge to co-locate an elementary school.

118. A commenter stated that the space utilization plan seems to fairly allocate the resources in the Brandeis space for 2011 and for the coming years.

119. A commenter accused the proposal of bringing profit into public sector and suggested that they open a Starbucks and Chase bank in the school to bring in added revenue or knock down the building to build a condo for private school parents.

120. Community Board 7 submitted a statement, titled "Working Principle for Envisioning Manhattan's Upper West Side." The relevant statements included references to providing safe and easy access to free public education, within walking/biking distance of their homes that provides:
    a) Safe, not crowded, learning environment without the need for police
    b) Daily opportunities for physical exercise
    c) Free, engaging afterschool programs
    d) Access to libraries, technology, life skills training, internships and job training
    e) Access to preventative medical care, mental health care and family planning

f) Partnerships with local institutions and businesses that support education.

121. A commenter noted that during a CEC meeting in October 2010, they were told that Brandeis was not considered "underutilized" and that the schools in the building were new and not yet at full-capacity and therefore, the available space in the building will be preserved to meet "high school needs." She also noted that there already are enough choice programs for G & T, Dual Language, Music, magnet schools and Manhattan School for Children in District 3. Success schools do not serve District 3 kids and do not serve "at risk" students.
122. Assembly Member Linda B. Rosenthal submitted a statement in opposition to the proposal, which was read during the Joint Public Hearing on June 21 and described in comment 85.
123. A commenter expressed his support for the proposal. He noted that District 3 needs more good schools that do not limit admissions to those who can afford to live in the most expensive parts of the District or to those who score the highest on standardized tests. While P.S. 145 would have been a better location for SACS instead of co-locating with a high school campus, which is not ideal, he stated that the important thing is to provide SACS with a space to open.
124. A commenter inquired, as most children for Upper West Success are from outside this zone, has a traffic impact study been conducted for West 85th Street?
125. A commenter inquired, what will be the impact on the neighborhood from the construction? Traffic? Noise? Pollution?
126. A commenter inquired about the number of students who are expelled from or have been asked to leave Harlem Success Academy?
127. A commenter inquired whether the DOE approves of Harlem Success parents and students being told to go to anti- NAACP Rally and to start school 2 hours late?
128. A commenter inquired whether middle school and high school students have an opportunity to apply for SACS? If not, what will happen to them come September 2012?
129. A commenter inquired why there appear to be only parents of elementary students speaking up for charters?

<u>Additional Comments Recevied after the initial posting of this Analysis of Public Comment</u>

130. A commmenter asserted:
    a) That there is a need for additional high school seats, and seats that give priority to District 3 in particular.
    b) That District 2 priority high schools have high graduation rates because they are community high schools, and that District 2 priority high schools have enough capacity to serve 38% of all District 2 8th graders.
    c) That the Brandeis Campus contains the only high schools between 65th street and 123rd street on the west side.
    d) That the DOE is building new capacity in District 2, but is not providing the same solution to overcrowding in District 3.

e) That based on test scores and at-risk students, there is greater need for Success Academy schools in District 6 than in District 3.

131. The PS 9 PTA submitted a resolution opposing the proposed siting of SACS at Brandeis due to the need for middle school seats in the southern portion of District 3 as a result of re-purposing middle school buildings in the area for elementary seats; the additional demand that graduating 5th graders from charter schools located in District 3 will place on existing District 3 middle schools; and opposition to retro-fitting of Brandeis space for elementary students.

132. A commenter is concerned that middle school students from the southern part of District 3 will have to travel long distances to attend middle school. In particular, there are/will be approximately 400 students graduating from PS 199, 452, 87 and 9 looking for middle school seats.

133. 10 commenters oppose the siting of SACS and assert there is a need for additional high school seats. These comments further assert that (not all statements in all comments):
   a) there should be a zoned high school seat for all students
   b) In Manhattan only Districts 3 and 5 do not have district priority high school seats; other boroughs have zoned high schools
   c) Brandeis is the only neighborhood, community high school in District 3, and the DOE is reducing the capacity for incoming 9th graders in this building
   d) The DOE should not spend money retro-fitting a high school building for elementary school seats
   e) The charter school should be placed in the northern part of District 3

134. A commenter states that public schools do not need to be replaced by charter schools.
135. A commenter states the DOE should not wreck a high school for a charter school.

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

Comments 10, 24, 27, 29, 32, 34, 38, 62, 87(a-e), 111, 114, 118 and 123 are in favor of the proposal and do not require a response.

Comments 2(d), 3(c-d, f-g), 4(a-d,i), 5(a-e), 7b, 14(a), 15(e), 16, 18, 60(a, c) 61 (d, h, m), 67(f), 75, 78, 81, 84(b), 85, 116(c) relate to the process by which space is allocated to schools and shared space scheduling.

There are currently hundreds of schools in buildings across the city that are co-located; some of these co-locations are multiple DOE schools while others are DOE and public

charter schools sharing space. In all cases, the Instructional Footprint is applied to both DOE and public charter schools to ensure equitable allocation of classroom, resource and administrative space.

The DOE seeks to fully utilize all its building capacity to serve students. The DOE does not distinguish between students attending public charter schools and students attending DOE schools. In all cases, the DOE seeks to provide high quality education and allow parents/students to choose where to attend.

The Citywide Instructional Footprint (the "Footprint") is the guide used to allocate space to all schools based on the number of class sections they program and the grade levels of the school. The number of class sections at each school are determined by the Principal based on enrollment, budget, and student needs; there is a standard guideline of target class size (i.e., number of students in a class section) for each grade level. At the middle school and high school levels, the Footprint assumes every classroom is programmed during every period of the school day except one lunch period. The full text of the Instructional Footprint is available at http://schools.nyc.gov/NR/rdonlyres/8CF30F41-DE25-4C30-92DE-731949919FC3/87633/NYCDOE_Instructional_Footprint_Final9210TNT.pdf

The revised BUP details the number of class sections each school is expected to program each year through 2015-2016 and allocates the number of classrooms accordingly. The assignment of specific rooms and location for each in the building, including those for use in serving students with IEPs or special education needs, will be made in consultation with the Principals of each school and the Office of Space Planning if this proposal is approved. The revised BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location.

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 available at http://schools.nyc.gov/community/campusgov.

With respect to concerns regarding the classification of certain spaces, it should be noted that the kitchen was not counted as a classroom or allocated to any school in any of the BUPs posted. In addition, certain rooms that are currently shared among the High Schools, such as the room containing the ceramics kiln, would be assigned to individual schools. However, the high schools may opt to continue to share these spaces, as their schedules allow. Shared spaces would continue to include: the cafeteria, auditorium, 3 gymnasiums, library, dance studio, garden, and play ground. In addition, a new black box theatre will be shared by the high schools once it is completed during the 2011-2012 school year.

With respect to concerns that the Brandeis Campus is already overcrowded, as indicated in the revised EIS, in 2010-2011, the building only enrolled 1,403 students though it has a capacity of 2,148 seats, yielding a building utilization rate of only 65%. Furthermore, the revised EIS provides annual enrollment projections for each school demonstrating the

total planned enrollment remains below the building capacity. The DOE verified the amount of space available in the building through a walkthrough performed by Richard Bocchicchio, Manhattan Director of Space Planning, and did not rely upon the annual facilities survey to determine the number or availability of classrooms. The DOE believes that the walkthrough properly identified the available space in the building and is more reliable than the facilities survey for space planning purposes. The space allocation plan in the revised BUP demonstrates that all schools would receive their baseline footprint allocation of rooms as they continue to phase-in (or phase-out, in the case of Brandeis High School).

The allocation of space for High Schools requires schools to program their space for maximum efficiency. Thus, while a school may have a specialty classroom such as a science lab or a music room in its allocation, it is expected to use that room for other subjects if there is time available after all specialty classes are scheduled.

The original BUP allocated tri-facial science labs as part of the schools' room allocations. However, there are not sufficient tri-facial labs for each high school to have its own, so the revised BUP does not count tri-facial labs in the schools' room allocations, and retains these rooms as shared spaces. Each high school is allocated its own science demonstration lab (demo lab).

With respect to the contention that there are approximately 800 students enrolled at Brandeis High School, rather than the projected enrollment of 685 students, as indicated in the EIS, it should be noted that the 685 figure excludes Long Term Absences ("LTAs"), students who had been absent continuously for 30 days or more. As explained in both the original and revised EIS, it is appropriate to exclude LTAs from enrollment projections for space planning purposes because LTAs do not currently attend the school, and thus are not occupying "seats" in the building.

For the purposes of projecting class sections at each high school, the DOE assumed 28-30 students per class section. SACS plans to enroll 25-30 students per class section. The potentially smaller class size for SACS is consistent with DOE target capacity for elementary grade classes (20 students in grades K-3) vs. high school classes (30 students).

The allocation provided for special needs students is consistent citywide, and is applied consistently in this proposal. This proposal does not require that any special education students be provided instruction in spaces that are not designed for student use; all renovations are expected to provide appropriate ventilation for the intended use of the space.

<u>Comments 4(j), 8(b), 11(a), 12(b, e), 14(b), 26, 47-48, and 61(e)</u> concern the availability of resources for DOE schools and the contention that charter schools have an inequitable access to additional space and resources.

With regard to the distribution of space, as discussed above, the DOE applies the Citywide Instructional Footprint to allocate a total room count to each organization as they phase into the Brandeis campus. The assignment of specific rooms and location for each school in the building will be made in consultation with the Principals of each school and the Office of Space Planning if this proposal is approved.

With regard to funding and other resources, charter schools receive public funding pursuant to a formula created by the state legislature, and overseen by the New York State Education Department. The DOE does not control this formula, and the funding formula for SACS is not affected by the approval or rejection of this proposal. Charter management organizations, just like any other school citywide, may also choose to raise additional funds to purchase various resources they feel would benefit their students (e.g., Smartboards, fieldtrips, etc). However, pursuant to Chancellor's Regulation A-190, the Chancellor or his/her designee must first authorize in writing any proposed capital improvement or facility upgrade in excess of five thousand dollars, regardless of the source of funding, made to accommodate the co-location of a charter school within a public school building. For any such improvements or upgrades that have been approved by the Chancellor, capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter school within the public school building. In M470, we do not anticipate that SACS would require additional work beyond the work described within the revised BUP as part of the campus restructuring effort. The only project anticipated to qualify for matching funds is the conversion of four storage rooms adjacent to the cafeteria to a multi-purpose room for SACS. The matching funds this will generate have been earmarked for planned upgrades to the gymnasiums and locker rooms, and creation of a black-box theatre for the high schools. These projects were identified and prioritized by the Building Council.

With respect to concerns that charter schools "funnel" resources away from DOE schools, it should be noted that charter schools receive public funding based on their student enrollment, as do DOE schools. To the extent that a student opts to attend a charter school rather than a particular zoned DOE school, that zoned DOE school's enrollment may decline, resulting in less per student funding. However, this very same result occurs whenever a student decides to attend a choice, unzoned DOE school, rather than his or her zoned school. In this regard, the impact of a parent selecting a charter school is no different than the impact of a parent selecting an alternative DOE school. The DOE believes the ability for parents to choose where they wish their child to attend school is of paramount importance, and is committed to increasing the options available to famililes.

<u>Comments 1(c), 3(b), 4(g), 7(a), 11(b), 20, 59, 61(a), 67(d), 71, 85, 86(c), 95, 116(b), 117(i), 131, 133(d)</u> relate to the campus restructuring that has been proposed for the Brandeis campus and contend that "retrofitting" will be necessary to accommodate SACS.

The DOE's proposal to fund a restructuring of this campus is not related to the proposal to locate SACS in the Brandeis campus. The restructuring work would have been

completed regardless of whether or not another school (elementary, middle or high) phased into the building. Further, restructuring work that has already been completed will not be jeopardized as a result of this co-location. The following is a list of projects at the Brandeis campus that have been completed by the School Construction Authority ("SCA") since 2001. The total is substantially below $22 million, and most of this spending appears unrelated to work to restructure the school for multiple organizations.

Project	**Date Completed**	**Const. Est.**
Program Accessibility	Jun-01	$293,000
Emergency Lighting	Mar-04	$132,000
Science Lab	Sep-05	$4,300,000
Climate Control	Feb-06	$800,000
IPSurveillance Cameras	Aug-06	$276,000
FY05 Music Room	Oct-06	$170,000
Exterior Modernization	May-07	$9,600,000
Walk-In-Freezer Replacement	Sep-07	$295,000
Total		**$15,866,000**

The additional restructuring work to be undertaken to support a fifth school in the building includes: the conversion of administrative space to create additional classrooms. A portion of this work would be undertaken for the 2011-2012 school year, the remainder would be done once Brandeis High School has closed. Once this work is complete M470 will have a total of 81 full size classrooms (including 3 full size science labs and 7 full size science demonstration classrooms), 16 half size classrooms and the equivalent of 10.5 full size designed administrative spaces.

In addition, the DOE plans to convert four rooms that are currently being used for records storage into a multi-purpose room, which is slated for use by SACS students for its lunch service.

With respect to comments concerning the purported need to "retrofit" the Brandeis Campus to accommodate SACS: There is no "retro-fitting" planned. No bathroom fixtures are being changed for smaller units, no science labs are being demolished, no facilities that have been renovated are being remodeled. As discussed above, the only space being renovated specifically for the elementary students is the conversion of four storage rooms into a multi-purpose room, which will be used by SACS. However, if SACS did not occupy the Brandeis Campus, the multi-purpose room could be used beneficially by the other high schools for various purposes, including, but not limited to, the storage of files. The total planned expenditures are $3 million, including the matching funds provided to the DOE schools for upgrades to the gymnasiums, locker rooms, and black box theatre.

Comment 117g contends that the construction of the multi-purpose room to be used by SACS demonstrates "unequal treatment," it should be noted that the multi-purpose space

provides additional cafeteria capacity and physical education space which is necessary because SACS students will not have access to the gymnasiums or existing cafeteria for physical education.

Comments 1(a, d), 9(b), 11(a), 12(f), 13(c, d), 15(a, c, d, g), 21, 22,35, 36, 44, 61(b-c,f,g-j,n), 65, 67(b,c), 71, 83(a), 85, 105 relate to the claim that available space in Brandeis should not go to SACS and should instead be utilized to alleviate overcrowding and waitlists in District 3.
Fundamentally, the proposal to open SACS, an elementary school which will serve grades K-5 at scale, is intended to provide a high performing option for parents of District 3 who are currently dissatisfied with their elementary school options. Currently SACS's charter provides that preference shall be given to:

- Siblings of currently attending or accepted students;
- Applicants zoned to attend failing schools[3] and/or applicants who are deemed English Language Learners (ELLs) who reside in District 3;
- Applicants zoned to attend failing schools and/or applicants who are deemed English Language Learners (ELLs) who do not reside in District 3;
- Other applicants who reside in District 3;
- Other applicants who reside outside of District 3.

However, by recruiting heavily from District 3 (which Success Charter Network has done), the intended outcome is to reduce overcrowding and waitlists in this district by providing a high quality elementary school from an organization with a track record of success. Indeed, SACS reports that it received 700 applications from District 3 families for the 2011-2012 school year. The DOE agrees the objective of serving as many District 3 students as possible would be addressed more directly by revising the lottery preference for this school to provide absolute preference to District 3 students, and has urged this change. SACS applied to revise its charter accordingly, but the revision was not approved by SACS's authorizer, SUNY.

Comments 1(e) and 33 relate to whether this proposal impacts the Magnet grant applications submitted for District 3.

The DOE does not anticipate that the proposal to locate SACS will affect the Magnet grant applications. Those applications were for select schools within the District, none of which are located in the Brandeis campus or impacted by this proposal. The granting authority has not indicated that it believes the grant is jeopardized by the proposal.

Comments 6, 13(c), 30, 31, 41, and 61(p), 61(r), 70(g), 74(g, h), 82, 98, 99, 110 concern the extent to which Success Charter Network schools serve students with special needs or

[3] SACS defines "failing schools" as any school that receives a D or F on the Performance grade of the DOE annual progress report. For purposes of enrollment for the 2011-2012 school year, 12 of the 17 zoned schools in District 3 met this definition.

English Language Learners, and contend that SACS is not attempting to recruit ELL students.

Under recent amendments to state law, public charter schools must 1) serve all students who are admitted through their lotteries, and 2) serve a percentage of Special Education and English Language Learners comparable to the district average. Charter schools which fail to meet the special education and or ELL targets set by their authorizer risk being closed or having their renewal applications rejected. SACS must admit all students according to its lottery preferences, and may not turn away a student because of language ability, behavioral problems or services required by an IEP. SACS has an admission preference for ELL students, and reports that 15% of offers for 2011-2012 have gone to students who are English Language Learners, demonstrating its commitment to serve ELLs. Contrary to certain of the above-listed comments, SACS did, in fact, distribute Spanish marketing materials which were targeted to households with Spanish speakers. Thus, it is not surprising that commenters from non-Spanish speaking households were not aware of these translated materials.

The actual number of students with IEP's served by existing Success Academy schools varies by school. SACS will learn which of its admitted students already have IEPs and will assess its students that may need IEPs. It is not possible to determine the percentage of students with IEPs at this time. SACS is expected to provide all required support services to its students. The charter authorizer is responsible for determining the school's compliance with its charter. The DOE has not performed an audit to determine the number of students at Success Academy Schools who are eligible to receive ELL or IEP services.

Comments 98, 99 and 126 concern the attrition rate at Success Academy schools and imply that Success Academy schools expel students, particularly ELL and special need students, in order to improve their performance.

The DOE annual Progress Report compares school performance with the 40 schools serving the most similar student populations. The Progress Report also provides "extra credit" to schools that succeed at helping ELL and Special Education students achieve. Thus, the incentive is for schools to serve its ELL and Special Education students well, and a school is not advantaged by having a lower enrollment of ELL and Special Education students. Furthermore, recent amendments to the charter law require charter schools to make public a variety of information, including attrition rates. This information should be available on August 1.

Comments 2(b, c), 7 (b, c), 12(a, g), 13, 19, 37 61(g,j), 68, 74(e) , 84(a), 86(d), 91, 116(c), 117(j), 117(k), 130(a), 133 contend that the available space in the Brandeis campus should be utilized to increase the number of high school seats in Manhattan / District 3, or specific high schools currently located in the Brandeis Campus.

The DOE closely monitors the need to create additional elementary, middle and high school seats across the city and believes that this proposal will meet a critical need in

District 3: additional quality elementary school seats. Within any district or borough, there are other competing priorities – and in the case of Manhattan, another priority is to increase the number of quality high school seats. The DOE does not believe this proposal will impede the Department from increasing quality high school seats in other buildings around the city. The DOE, as it has done, will continue to work towards improving its portfolio of high school seats in Manhattan and all boroughs.

Comments 83(e), 96 inquire why Brandeis was not an option for the relocation of a middle school when this option was raised by the community in the past. When this option was raised in 2009-2010, Brandeis enrollment was higher than at present, and there was not sufficient room to relocate a middle school to the building. This middle school has since been approved by the PEP to relocate to the M145 building for the 2011-2012 school year. Similarly, comment 42 notes the DOE declined to place a new elementary school in the Brandeis building in 2010-2011, and opened P.S. 452 in M044 instead. Again, in 2010-2011, the Brandeis phase-out was not sufficiently advanced to allow for opening a new school in the building.

In response to comment 121, at the October 2010 CEC meeting, the DOE presented the list of buildings officially deemed "under-utilized," and the Brandeis building was included on that list. At that time, the DOE was anticipating adding a fifth high school to the Brandeis Campus in 2012-2013. As the DOE explored available options to re-site and open additional schools in District 3, we decided to propose siting SACS in Brandeis Campus. The DOE frequently explores more than one option for under-utilized buildings.

Comments 9(c) and 25 suggest that the high schools in the building would shrink as a result of the SACS co-location. However, the High School Admissions Process makes offers to a fixed number of students at each high school, and as has been pointed out by several commenters, these schools receive far more applicants than they have seats. Since High Schools are open to all students citywide, there is no reason to believe the high schools in the Brandeis Campus would not continue to attract sufficient applicants to fill their seats, either through the main application round or through over-the-counter placements.

With regards to comments 78 and 84(d), it is typical in most co-located buildings for schools to use different entrances; it is possible that if, in the future scanning is removed from the Brandeis Campus, the high schools may also choose to use more than one entrance.

Comment 113 requests SACS not use the 85th street entrance due to the increase in noise that would result. Many elementary school entrances are on residential streets. The Building Council will determine which entrance each school shall use to best meet the needs of schools and students in the building.

Comments 4(e), 13(a), and 45 state that it is unfair that the SACS students do not have go through the scanners at the Brandeis campus.

As a part of this proposal, SACS students will enter the building through a separate entrance without scanners. In proposing this, the DOE is not favoring one organization over another. It is current NYPD policy that students enrolled in grades kindergarten through five, whether in a DOE school or a public charter school, do not go through scanning. Adults visiting SACS would be required to enter through scanners.

Comments 4(f), 74(e), 104 claim that Success Charter Schools are not in as high demand as the high schools in the Brandeis Campus and assert that Frank McCourt High School had 8,000 applicants. As a preliminary matter, for the 2011-2012 school year, Frank McCourt received 954 applications.

While comparing a high school demand to an elementary school's demand is not entirely relevant, Success Charter Network schools are amongst the highest in demand schools citywide. Typically, each Success Charter Network school receives 10 applications for every available seat.

Students applying to high school are instructed to list 12 schools on their applications; this results in many high schools receiving substantially more applications than they have seats available. Moreover, the DOE conducts high school planning on a borough-wide basis, not a neighborhood basis, as all high school students are expected to be able to travel. Thus, even though a high school may not be located on the Upper West Side, it may still serve those residents.

Comment 8(c) asserts that charter schools represent the privatization of education.

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. Each school is governed by an independent board of directors. Under recent amendments to New York state law, for-profit entities may not operate new charter schools in the state.

Comments 5(f), 14(c) and 86(g) suggest that Success Charter Network should open schools in private space.

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 in DOE schools where it is feasible to do so. The DOE does not lease space directly for charter schools; a charter interested in parochial school space would have to acquire or lease that space with private funds.

Comments 12(c), 23 and 61(l), 70(f) state that Success Charter Network schools have not demonstrated a willingness to work collaboratively with other schools with which they share buildings.

The DOE expects and anticipates SACS and the other high schools in this building will work collaboratively to build a strong work relationship through the Building Council and Shared Space Committee. As indicated in the original and revised BUP, if disputes should arise, school leaders are encouraged to engage in the dispute resolution measures set forth in the Campus Policy memo available at: http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo.htm.

Comments 28, 46, 49, 52, 59, 67(a)(g), 69, 116(a) state that the DOE did not adequately engage with the community and/or did not comply with applicable State laws.

The DOE provided notice to all requisite stakeholders as required by law, and has and will continue to listen to community feedback consistent with Chancellor's Regulation A-190. Indeed, as described above, more than 400 members of the public collectively attended the two joint public hearings concerning the original and revised proposals, and the DOE received hundreds of comments via its dedicated voicemail number and e-mail address.

Moreover, the DOE had previously considered an alternate location for SACS at M145, where it would have co-located with P.S. 145. The community was concerned that this co-location could jeopardize the magnet grant recently received by P.S. 145, and opposed that proposal. In addition, P.S. 145 would only have had space for a few grades of SACS. Based on community feedback and additional analysis, the DOE developed the proposal to co-locate SACS at Brandeis Campus, where there is more available space.

An analysis of public comments received will be provided to the Panel for Educational Policy prior to its determination regarding this revised proposal.

Comment 74(a) asserts that the revised co-location proposal amounts to a new proposal, and that the revised EIS and BUP should have been issued more than six months prior to the upcoming school year. The DOE maintains that it has issued the revised EIS and BUP in a manner consistent with applicable laws and regulations.

Comment 39 and 117(h) state that there are sufficient high quality elementary schools in District 3.

District 3 has a number of high performing elementary schools such as PS 199 and PS 87. Historically, many families from outside these zones were able to apply to attend through the District 3 Lottery (and previously though direct application to the schools). Recent housing growth and demographic changes have resulted in overcrowding at these schools, and they no longer accept students living outside their zones. To address these issues, the DOE opened a new school, P.S. 452, in District 3, and CEC 3 recently approved rezoning to help address the overcrowding in the PS 199 and PS 87 zones.

However, in spite of the other District 3 schools, several Gifted & Talented programs and choice programs, there is still concern among families in the area that there may not be enough seats, and that the quality of other schools in District 3 are not performing at a

desirable level. SACS has stated they received 700 applications from District 3 residents. This indicates a significant interest in additional, non-zoned options for District 3 families.

Furthermore, several of the comments in support of this proposal were from District 3 parents interested in additional options for their children.

Comments 40, 61(o), 84(c) and 124 contend that opening SACS on the Brandeis Campus will increase congestion in this area of the Upper West Side in District 3.

The DOE does not anticipate that this proposal would lead to any complications related to increased congestion (pedestrian or automobile). As noted by a commenter, SACS hours start earlier and end later than the other elementary schools in the area, and SACS does not provide yellow bus service to students.

In response to comment 124, which inquires whether a traffic impact study has been conducted, no such traffic impact study has been conducted, and it should be noted that the DOE is not required to conduct traffic impact studies for the placement of schools in existing DOE buildings. Additionally, the building's capacity will not be exceeded by the co-location of SACS. The impact of SACS' enrollment would not be greater than if high school enrollment were increased to fill the building, and high school enrollment is open to students citywide.

Comment 50 states that SACS's preference to admit English Language Learners in its lottery will negatively impact dual language programs across this district and borough.

ELL students should be provided many choices as to their preferred academic environment just as native English speakers are. As previously stated, the DOE supports revising the lottery preference for SACS to give absolute preference to District 3 students.
Comment 51 asserts that school choice in this instance is 'bad' because choice for one family precludes choice for another.

The DOE is proud to oversee a school system where many of its schools provide choice, unzoned admissions process to parents and their children. In this case, siting SACS in Brandeis does not preclude choice for high school families who wish to apply to any of the four schools phasing-in to Brandeis. The enrollment at these schools would not increase above their current plans if SACS were not sited in the building.

Comments 43, 44 and 54 assert that Success Charter Network has higher performing students because it is able to 'select' its own students.

Public charter schools are not able to select their own students, but rather must admit students through a lottery process. Lotteries select students randomly from among the applicant pool. In contrast, screened schools such as Frank McCourt High School, are able to select their students based on academic achievement, attendance, teacher

recommendation, and admissions tests. Zoned schools admit students based on home address, which is frequently correlated with income and parental education levels.

Comment 74(b) asserts that Success schools cannot fill its District 3 quotas. There are no admission quotas for District 3 residents for these schools. Success Charter schools follow an order of preference for admitting applicants to its schools, which provides preference for siblings, then District 3 students zoned for or attending schools receiving a D or F grade on the performance section of the DOE annual Progress Report, then students zoned for or attending other schools with comparable Progress Report grades, followed by other District 3 students.

Comments 61(s), 74(c, d), 82, 83(b), 86(k), 86(m), 93, 106, 108, 109 relate to SACS' marketing strategy and lottery process. Success Charter's application process and lottery are regulated by its charter and authorizer. To the extent that the comments contend that students from D3 schools who do not fit lottery preferences were admitted, it should be noted that all District 3 students are eligible to attend SACS, and are considered in the initial lottery in order of the lottery preferences. SACS has advised the DOE that it gives preference to District 3 students for offers from its waitlist. The DOE does not have details of the number of students admitted under each lottery preference, or from the waitlist. However, if students from PS 9 have been offered admission to SACS as claimed, it appears SACS has the potential to help address overcrowding concerns in the area.

Comment 107 contends that District 3 families have not expressed interest in attending existing Harlem Success Academies. Families living on the Upper West Side have historically been unwilling to travel to Harlem to attend school; thus offering a Success Network option on the Upper West Side would have the potential to attract a broader group of District 3 students than the existing Success Academies in District 3. SACS has stated that 700 District 3 students applied.

Comment 100 asks for the number of students admitted to SACS for each of its admission preference groups. SACS has stated that 100% of its lottery offers went to District 3 residents, and 15% of these offers were to ELL students.

Comment 63 concerns the Panel for Educational Policy's review of public comments. Consistent with state law, the DOE will provide an analysis of all public comments received at joint public hearings or through the dedicated voicemail number and/or e-mail address up to 24 hours before the scheduled Panel vote.

Comment 64 asks why Panel members had a 'pre-meeting' about this proposal prior to receiving the community's input. It is in the discretion of Panel for Educational Policy (PEP) members to meet and communicate regularly in advance of joint public hearings and the PEP voting dates. Each Panel Member must work hard to understand the facts and nuances of the various Educational Impact Statements.

Comments 3(a), 8(a), 9a, 15(f), 46, 61(q), 86(a) assert there is widespread community opposition to this proposal; some further assert that the DOE should withdraw the proposal.

The DOE acknowledges there is community opposition to this proposal. There are times when the DOE and certain members of the community differ in their opinions about specific projects. However, it is apparent that a significant number of District 3 community members support the co-location of SACS as evidenced by the approximately 700 applications they submitted for SACS's inaugural lottery, and the many comments supporting this proposal made by parents of rising Kindergarten students. For example, comments 10, 24, 27, 29, 32, 34, 38, 62, 87 a-e, 111, 114, 118 and 123 are in favor of the proposal, and many or most of these came from parents interested in their child attending SACS.

Comments 4(h), 3(e), 7(d), 11(c), 12(d), 15(b), 17, 60(b), 61(a, k), 65,67(e), 83(c), 85, 86(c), 117(f) question placing elementary students in a building with high school students. Comment 66 supports the proposal and requests a separate entrance for elementary and high school students, which is being planned as part of this proposal. There are several successful examples of K-12 buildings or campuses, such as the Julia Richman Educational Complex, which houses four small high schools, a K-8, and a D75 program (this campus was planned to include elementary in its initial design); HSA 4, an elementary school, which is co-located with Opportunity Charter School serving grades 6-12 in District 3; M013 in District 4, which houses an elementary school, a middle school, and a high school; and the Adlai Stevenson Campus, which houses eight high schools, an Alternative Learning Center, and P.S. 138's pre-kindergarten program. There are also numerous private schools citywide that operate K-12 in a single building. The DOE is not aware of any increase in the number or severity of disciplinary problems at the DOE campuses as a result of the co-location of elementary and high school students. Furthermore, the DOE is not aware of these co-locations resulting in increased or unreasonable demands on administrators or staff.

Comment 5(g) claims the plan does not consider education or safety. Per the above, we believe this will be a safe environment for students. The DOE is proposing this co-location in order to provide strong educational options.

Comment 53 asserts Success Charter Network follows discriminatory hiring practices. The DOE does not have authority over SCN's hiring, but is unaware of any history or allegations of discrimination.

Comments 61(i), 65, 69 70(e), and 79, 86(b), 86(j), 94, 117(a-e), 130(d), 131, 132 express several reasons for opposition addressed in the sections above, and also raise the need for more resources for other District 3 schools, and long-term capacity planning for District 3 needs, including middle schools.

The co-location of a public charter school does not impact the resources available to other District 3 schools, other than by enrolling students who might have attended those

schools. The DOE supports choice over requiring students to attend a school they do not prefer.

Co-locating a public charter school that enrolls District 3 students helps address District 3 needs by utilizing previously under-utilized capacity.

The DOE reviews enrollment projections, capacity, and utilization annually. Should this analysis indicate a need, the DOE may propose amendments to the Capital Plan to address changes in capacity need. Capacity and projected demand are analyzed on a district by district basis, and additional capacity is proposed for each district based on the overall district need.

With respect to the inquiries regarding why additional school buildings were constructed in District 2, analysis of projected demand in District 2 indicated the existing building capacity was not sufficient to meet the anticipated enrollment growth. As a result, the DOE has provided capital funds and worked with developers to create additional capacity. In contrast, projected demand in District 3 indicated there was sufficient under-utilized capacity in the District to meet the projected demand, and thus the DOE had not proposed new capacity for District 3. Nevertheless, there are two upcoming sources of new capacity in District 3: space for a school in the Riverside South development, and the current Beacon High School space, which will become available in 2015-2016 after Beacon relocates to a new facility being developed for it on West 44th Street. The DOE will work with the District 3 community to identify potential uses for these buildings.

With respect to the concern that future middle school students will have to attend middle school far from their homes, it is worth noting that the District 3 middle school with the most applicants is the Delta program at I.S. 54, located on West 107th Street. This demonstrates that families from the southern portion of District 3 are willing to travel for quality school programs. In addition, the space currently occupied by Beacon High School on West 61st street will become available in 2015-2016; the DOE will work with the District 3 community to identify the future usage of this space.

Comments 36, 67 and 92 concern the impact of SACS on middle school admissions in District 3. Success Charter Network plans to apply for a grade expansion to serve middle school grades when it applies for a renewal of its charter in five years. There is no location identified yet for these additional grades. All students who attend a DOE or public charter school in District 3 are also eligible to participate in the D3 middle school choice process. If SACS primarily enrolls District 3 residents as anticipated, there should not be a significant increase in demand for middle school seats in District 3.

Comment 74(f) asserts that charter schools are undermining public schools. Similarly, comment 86(e) asserts SACS will negatively impact other good school options, and comment 103 concerns the DOE's position on competition amongst schools. Comments 134 and 135 also relate to SACS "hurting" other DOE schools or assert that the DOE plans to replace traditional public schools with charter schools. The DOE supports parent choice and is committed to providing different educational options to communities.

Charter schools are also public schools, and thus represent a distinct alternative for parents who are not satisfied by the DOE options available. Please refer to the response to comments 4(j), 8(b), 11(a), 12(b, e), 14(b), 26, 47-48, and 61(e) for a discussion of the relative impact of a charter school with respect to a zoned school's funding. The DOE notes that the proposal at issue does not involve the replacement of a DOE school with a charter school, but rather the creation of a new elementary school option in a building currently serving high school students.

Comments 77 and 125 concern the impact of construction in the building and on the neighborhood. The construction currently underway in the building began after May 1st, and thus is affecting the existing schools for only a short period of the school year. This construction is being undertaken as part of the long-term restructuring of the Brandeis Campus to house a 5th school on a permanent basis. It is not directly related to the proposal to co-locate SACS in the M470 building.

The recent exterior modernization project conducted at Brandeis in 2007, at a cost of $9.6 million, would have generated greater impact on the neighborhood than the interior construction work that would be conducted over the summer in 2011 and 2012.

Comment 77 further notes that construction prevents summer school from being held in the building. All DOE buildings typically do not stay open for summer school. The responsibility of hosting summer school is frequently rotated among nearby buildings based on school and facilities needs. Brandeis Campus schools will hold summer programs in the Martin Luther King Jr. Complex, located at 122 Amsterdam Avenue, which is approximately 1 mile away and accessible on the same bus and subway routes as Brandeis.

Comment 78 concerns the basis for the DOE's issuance of the revised EIS and revised BUP, the characterization of certain basement spaces, and the original proposed location for SACS. The revisions to the EIS and BUP were made to address issues raised about the proposed shared space schedules in the building, and also to provide greater detail on renovation plans. All state mandated records will be retained on site. The DOE frequently considers several options for siting of new schools. In this case, it was determined that the location originally contemplated for SACS, building M145was better suited for a middle school.

Comment 83(d) contends that science rooms should not be used for English classes. The DOE has allocated science demo rooms to each high school, and tri-facial science labs as shared spaces. We anticipate Principals will schedule science classes in these rooms. If, however, there are periods when these rooms are not required for a science class, the Principals should make maximum use of all their space, and may schedule other subjects or uses for these rooms when they are not needed for science instruction.

Comments 89 and 97 concern the YABC located in the Brandeis Campus and ask what will happen to students who are currently attending that program. As noted in the revised EIS, the YABC currently located on the Brandeis Campus will be closed at the

conclusion of the 2010-2011 school year due to decreased demand. The decision to close the YABC was made independent of the co-location proposal. The office of Postsecondary Readiness will work with the Principal of Brandeis to support the remaining YABC students who do not graduate in August to find alternative options. This will include other YABC's in Manhattan such as the Washington Irving and George Washington High Schools as well as other YABC's throughout the five boroughs.

Comment 90 concerns LTAs. Per Chancellor's Regulations A-210 and A-240, the attendance coordinator (administrator or pedagogue), under the supervision of principal or his/her designee, is responsible for the overall operation of the school attendance program. Each school must have an Attendance Committee comprised of, but not limited to, teachers, administrators, and members of the Pupil Personnel Team, to review and improve the school's attendance program. If an absent student's case cannot be resolved at the school level, a record of the school's interventions is given to the attendance teacher for further investigation.

A student above compulsory school age (has completed the school year in which he/she turns 17) may be discharged by the school after 20 days consecutive absences and the school complies with required procedures including the scheduling of a conference and the notification of the right to re-enroll.

Please refer to the response to comments 2(d), 3(c-d, f-g), 4(a-d,i), 5(a-e), 7b, 14(a), 15(e), 16, 18, 60(a, c) 61 (d, h, m), 67(f), 78, 81, 85 for a discussion of the revised EIS's treatment of LTAs.

Comment 102 asks how SLTs are involved in working out space concerns. In any building where more than one school is co-located, the Building Council – consisting of the Principal of each school – meets regularly to address issues related to space allocations and shared space usage. In buildings with a charter school, there is also a Shared Space Committee, which meets at least 4 times per year, and includes a parent and teacher representative from each school. This committee monitors the implementation of the shared space schedule, and identifies areas of concern that can be addressed by the Building Council. According to Chancellor's Regulation A-190, the shared space committee shall be comprised of the principal (or an assistant principal of the D75 school organization), a teacher, and a parent from each co-located school or D75 school organization. With respect to a non-charter school's teacher and parent members, such shared space committee members shall be selected by the corresponding constituent member of the SLT at that school.

Comment 2(a) notes the current Building Council is highly collaborative, and 2(b) raises concerns about the degree to which SACS will participate in that collaboration because it is an elementary school. The collaboration required and issues addressed by a Building Council do not depend upon the schools serving the same grades. While the elementary school would share fewer spaces with the high schools, there is no reason why the Building Council could not continue to be a collaborative environment in which all schools work together to meet the needs of all students.

Comment 2(e) asserts a DOE representative told the schools on the Brandeis Campus they were being asked to do the impossible. While these words may have been used, they are a metaphor for tackling difficult challenges, which schools do everyday; it was not meant to communicate that co-locating with SACS was literally an impossible task.

Comment 119 suggests opening a business within the Brandeis building or tearing it down to build condos. Both of these suggestions appear to be facetious, but in any event, these proposed uses of space are not appropriate for the Brandeis Campus because they would reduce the space available to serve students, and thus are not in the interests of the DOE or students.

Comment 120 provides a vision for the Upper West Side overall, and is not specific to the proposed use of the Brandeis Campus.

Comment 127 inquires whether the DOE approves of Harlem Success parents and students attending a pro-charter school rally. The DOE takes no position on this.

Comment 128 inquires whether middle and high school students may apply to Success Academy schools. Success Academy schools admit students in grades K-2 or K-3, depending on the school. Currently there are no Success Network high schools. Middle and High school students may apply to DOE middle schools through their District choice process, to high schools citywide through the High School Admissions Process, to schools with school-based admissions, and to charter schools serving the appropriate grades.

Comment 129 inquires why only elementary school parents appear to support charter schools. This proposal concerns an elementary grade charter school and the joint public hearings referenced above were only intended to address the co-location of that school on the Brandeis Campus. At hearings for charter schools serving middle school and high school grades, parents and students of those grade levels attended and spoke in support of the charter school.

Comment 130(b) asserts that high schools that give priority to District 2 have high graduation rates and are successful because they are community high schools. The DOE believes these schools have high graduation rates because they are academically screened schools that serve students who are highly likely to graduate from high school. There is a high correlation between 8th grade test scores and the likelihood of high school graduation. The 5 high schools that give admission priority to District 2 students have relatively high average incoming test scores, meaning students arrive in 9th grade performing at or above grade level. This comment further asserts the District 2 priority high schools have the capacity to serve 38% of all District 2 8th graders. In fact, these schools do not fill with District 2 students as many students from District 2 do not meet the academic screens or are matched to schools they rank higher.

Comment 130(c) asserts the Brandeis Campus high schools are the only high schools on the west side between 65th and 123rd streets. This is not accurate. Edward A. Reynolds High School is on West 102nd street; Wadleigh Secondary School and Frederick Douglass Academy II serve high school grades and are located on West 114th Street, and Opportunity Charter School serves high school grades and is located on West 113th Street.

Comment 130(e) asserts there is more need for Success Academy in District 6 than in District 3. The DOE has proposed and the PEP has approved the opening of a KIPP elementary charter school in District 6 to provide additional choices for District 6 residents.

Comment 133(a-c) suggest creating more zoned high schools. The DOE supports the ability for all parents and students to exercise choice. Based on past experience, zoned high schools do not serve zoned families well. The system of zoned high schools frequently resulted in students attending schools they did not wish to attend, and did not meet their needs. While neighborhood residents may wish to have a zoned school, when Brandeis was zoned it generally did not serve students from the immediate neighborhood.

Comments 1(b), 74(c), 76, 80, 86(h, i), 86(l), 88, 101, 112 are not directly related to the proposal and thus does not require a response.

Changes Made to the Proposal

On June 6, 2011, the DOE revised this proposal. The revised EIS:

- updates current enrollment at all schools to reflect the 2010-2011 Audited Register (which was not yet available at the time the original EIS was published);
- changes the projected enrollment for Green Careers and Global Learning to conform to budget register projections for 2011-2012, and therefore also changes the total number of students projected to be served by all schools and the projected building utilization rate;
- includes additional information about the programs and partnerships of the high schools in the Brandeis Educational Campus;
- includes additional information on the impact of the proposal on future elementary school students in District 3;
- provides detailed projections of the proposed grade levels and estimated enrollments of all six organizations in M470 over a 5 year period;
- includes updated facilities information and;
- includes information about a YABC program that operates in the M470 building.

The revised BUP, which is annexed to this revised EIS, makes the following changes:

- the proposed shared space schedule 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;
- the current enrollment information for all DOE schools has been updated to reflect the 2010-11 Audited Register (which was not available at the time the BUP was originally published);
- the number of students that Green Careers is projected to serve in 2011-2012 has been revised to reflect budget register projections for 2011-2012;
- the allocation of space between all school organizations has been revised to address mathematical inconsistencies in the original BUP, and additional information about planned construction;
- the science labs have been included as shared spaces and have not been allocated to the individual schools;
- room allocation charts have been added for each school during each year;
- updated and more detailed information has been provided regarding planned construction projects in the building and;
- the formatting of the room allocation charts in the original BUP has been altered to make them easier to understand.

No further changes were made to the revised proposal.