

Public Comment Analysis

Date: October 29, 2013

Topic: The Proposed Co-Location of New Public Elementary Charter School, Success Academy Charter School – New York 6 (84QTBD), with Existing Schools I.S. 59 Springfield Gardens (29Q059) and P.S. 176 Cambria Heights (29Q176) in Building Q059 Beginning in 2014-2015

Date of Panel Vote: October 30, 2013

Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to co-locate Success Academy Charter School – New York 6 (84QTBD, “SA – New York 6”), a new public elementary charter school that will serve students in kindergarten through eighth grade, in building Q059 (“Q059”), located at 132-55 Ridgedale Street, Queens, NY 11413 in Community School District 29 (“District 29”) beginning in the 2014-2015 school year. If this proposal is approved, SA – New York 6 will be co-located in Q059 with I.S. 59 Springfield Gardens (29Q059, “I.S. 59”), an existing district middle school, and P.S. 176 Cambria Heights (29Q176, “P.S. 176”), an existing district elementary school that will serve grades four and five in Q059 for a three-year period starting in the 2013-2014 school year during construction of the school’s addition.

On April 17, 2013, the Panel for Educational Policy (“PEP”) approved a proposal to temporarily re-site and co-locate two grade levels of P.S. 176 in building Q059 beginning in the 2013-2014 school year. P.S. 176 is a zoned elementary school that currently serves students in kindergarten through third grade, and a pre-kindergarten program in building Q176 (“Q176”), located at 120-45 235th Street, Queens, NY 11411, in District 29. Beginning in the 2013-2014 school year, P.S. 176 will temporarily serve grades four and five in Q059 for a three-year period during construction of its addition. The DOE plans to move P.S. 176’s students to main building Q176 or the new permanent site adjacent to building Q176 after the 2015-2016 school year.

I.S. 59 is a zoned middle school serving students in grades six through eight in building Q059. I.S. 59 will admit students for the 2014-2015 school year and beyond through the middle school application process using an unscreened admissions method, with a priority to the Q059 zone.

Success Academy Charter Schools (“SACS”) is a charter management organization (“CMO”) that currently operates 18 public charter schools in New York City, including six new public elementary schools serving students for the first time in 2013-2014. The four SACS elementary schools that received a Progress Report for the 2011-2012 school year all received an overall grade of A.

SA – New York 6 has submitted a preliminary application for charter authorization from the State University of New York Trustees (“SUNY”) to serve students in kindergarten through fifth grades. SACS has also informed the DOE that it intends to apply to SUNY to expand its grade span to serve students in kindergarten through eighth grade, reaching full grade span in 2021-2022. The proposal to open and co-locate kindergarten through eighth grade of SA – New York 6 in Q059 described in this EIS is contingent upon SUNY’s approval of SA – New York 6’s application for charter authorization and for expansion.

Only SUNY has the authority to approve or deny SA – New York 6’s application for charter authorization and expansion. If SUNY does not approve SA – New York 6’s charter application, this proposal will not be implemented. Should SUNY approve SA – New York 6’s application for kindergarten through fifth grade, but deny the expansion, SA – New York 6 will only serve students in kindergarten through fifth grades in the building. For the purposes of this proposal, it is assumed that SUNY will approve SA – New York 6’s application for charter authorization and expansion.

If this proposal is approved, SA – New York 6 will open in the 2014-2015 school year serving a total of 150-210 kindergarten and first grade students and will add one grade each year until it reaches full grade span serving students in kindergarten through eighth grade in the 2021-2022 school year. Although SA – New York 6 will reach full grade span in the 2021-2022 school year, its enrollment will stabilize in the 2023-2024 school year, when it is expected to serve 675-810 students in kindergarten through eighth grade. SA – New York 6 will admit students via the charter lottery application process, with preference given to District 29 residents.

According to the 2011-2012 Enrollment, Capacity, Utilization Report (“Blue Book”), Q059 has a target capacity of 1,295 students, but in 2013-2014 the building serves approximately 777 students, yielding a building utilization rate of 60%. This means that the building is “under-utilized” and has space to accommodate additional students. In 2015-2016, during the last year when P.S. 176 is temporarily co-located in Q059, all three schools will serve a total of 855-975 students in Q059, yielding a building utilization rate of 66%-75%. In 2023-2024, once SA – New York 6 is at full scale and reaches stable enrollment in Q059, it is projected that there will be approximately 1,140-1,305 students served in Q059, thereby yielding an estimated building utilization rate of approximately 88%-101%. Although a utilization rate in excess of 100% may suggest that a building will be over-utilized or over-crowded in a given year, this rate does not account for the fact that rooms may be programmed for more efficient or different uses than the standard assumptions in the utilization calculation.

The DOE supports SA – New York 6’s placement in District 29 in order to provide a new educational option for students and families. The details of this proposal have been released in an Educational Impact Statement (“EIS”), which can be accessed here:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2013-2014/Oct30SchoolProposals>.

Copies of the EIS are also available in the main offices of I.S. 59 and P.S. 176.

Summary of Comments Received

A joint public hearing regarding the proposal was held at building Q059 on October 9, 2013. At the hearing, interested parties had the opportunity to provide input on the proposal. Approximately 130 members of the public attended the hearing and 32 people spoke. Present at the meeting were: District 29 Community Superintendent Lenon Murray; DOE representative Jenny Sobelman; District 29 Community Education Council (“CEC 29”) President Alicia Hyndman; Carleton Gordon, Principal of I.S. 59; Arlene Bartlett, Principal of P.S. 176; Tandra Lane, Muhammed Laguda, and Annette Brown representing the I.S. 59 School Leadership Team (“SLT”); Erica Lane representing the P.S. 176 SLT; Jason Hiliard representing Congressman Gregory Meeks; Jayneille Edwards representing Council Member Donovan Richards; Council Member Leroy Comrie; Council Member elect Daneek Miller; Assembly Member William Scarborough; State Senator James Sanders; and Jillian Roland and Edward Hui from the DOE’s Division of Portfolio Planning.

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

1. CEC 29 President Alicia Hyndman spoke against the proposed co-location and asserted the following:
 - a. She expressed concern that this proposal would be implemented under a new mayor.
 - b. She stated that every elected official in Queens opposes this proposed co-location.
 - c. She expressed concern that students would eat lunch at 10 am and would need to use a bathroom on another floor.
 - d. She expressed concern that the new school in Q059 would have better resources than I.S. 59 as I.S. 59's enrollment declines.
 - e. She expressed concern that Success Academy Charter Schools has not presented to the District 29 community.
 - f. She asked why District 29 needs more schools and this school in particular.
 - g. She stated that the rationale for the proposal is to provide choice, yet parents will not have choice if their child does not get into SA – New York 6.
 - h. She expressed general opposition to co-locations.
2. I.S. 59 SLT representative Muhammed Laguda expressed concerns about overcrowding and the safety of the proposed co-location.
3. I.S. 59 SLT representative Tandra Lane expressed opposition to the proposed co-location and asserted the following:
 - a. She stated that the DOE should invest in I.S. 59 and allow its enrollment to increase.
 - b. She stated that the Q059 building cannot accommodate another 800 students.
 - c. She expressed opposition to co-locating in the Q059 building a private school that does not accept every student in the community.
 - d. She asked that the community be part of any decision about organizations in building Q059.
 - e. She expressed concern that the co-location negatively impacts students at I.S. 59.
 - f. She expressed concerns about the impact of the co-location on academic programs at I.S. 59, such as the Rising Star Academy.
4. Assembly Member William Scarborough expressed opposition to the proposed co-location and asserted the following:
 - a. He cited former proposals for the Q059 building and stated that the DOE has treated I.S. 59 unfairly, which has created an unstable environment.
 - b. He expressed concerns that a co-location would cause hostility between schools.
 - c. He stated that Bloomberg has an agenda to co-locate as many schools as possible before the end of his term.
5. Council Member Leroy Comrie expressed opposition to co-locations and asserted the following:
 - a. He stated that co-location does not work.
 - b. He stated that the DOE is disrespecting I.S. 59.
 - c. He stated that Success Academy Charter Schools screens their students.
 - d. He expressed concern that the new school in Q059 would have better resources than I.S. 59.
 - e. He stated that the DOE does not have the right to make decisions that would impact New York City students under the next mayor, and that the next mayor will have to fix the problems of this administration.
 - f. He stated that it does not make sense to pay for two school administrations serving the same grades.
6. A representative from Congressman Gregory Meeks' Office spoke on behalf of Congressman Meeks stating that he would join forces with other elected officials and colleagues to ensure better resources are directed at I.S. 59.
7. A representative from Council Member Donovan Richards' Office spoke on behalf of Council Member Richards stating that the Council Member supports the community:

- a. She stated that the failed policies of Bloomberg should not continue.
 - b. She advocated for funding existing schools, supporting teachers, and involving parents in decisions.
 - c. She stated that parents are concerned about the quality and type of education their children can access.
8. Council Member elect Daneek Miller expressed opposition to co-location and asserted the following:
- a. He expressed support for I.S. 59 stating that Principal Gordon has done a phenomenal job.
 - b. He stated that he will continue to support schools in District 29 and ensure they are properly funded.
 - c. He stated that every member of the Queens delegation opposes co-location proposals in Queens, and that attendance at the joint public hearing shows where the community stands on this topic.
 - d. He stated that he will not allow the mayor to perpetuate failed policy over the next five years.
9. State Senator James Sanders stated that he will listen to the community to understand whether this proposal is for the better of the community.
10. I.S. 59 SLT representative Annette Brown expressed opposition to the proposed co-location and asserted the following:
- a. She referred to the history of proposals for building Q059.
 - b. She stated that Success Academy Charter Schools screens their students.
 - c. She expressed concern that I.S. 59 serves the community and SA – New York 6 would serve students from other communities.
 - d. She expressed concern about overcrowding in shared spaces as a result of this proposal, stating that students would eat lunch at 10:30 am.
 - e. She asked that I.S. 59 receive more funding to re-establish their music program and offer foreign language.
 - f. She expressed concern that the new school in Q059 would have better resources than I.S. 59.
 - g. She expressed concern that I.S. 59 needs time for its enrollment to increase, stating that I.S. 59's enrollment has decreased because of neighboring K-8 schools, and that the school intends to serve more students through its new Rising Stars Academy.
 - h. She stated that the I.S. 59 playground is not yet repaired.
11. A representative from the United Federation of Teachers expressed opposition to the proposal stating that the community was not asked if they wanted this co-location.
12. A representative from Community Board 12 expressed opposition to the proposal and asserted the following:
- a. She stated that the community opposes the proposed co-location.
 - b. She expressed opposition to co-locations and stated that co-location causes inequity to existing schools.
13. A commenter questioned the numbers in the Educational Impact Statement, stating that I.S. 59 would take in approximately 150 new students each year and thus over time enrollment will be over capacity.
14. Multiple commenters expressed concern about overcrowding in shared spaces as a result of this co-location.
15. Multiple commenters expressed concern that resources would be allocated disproportionately between I.S. 59 and SA – New York 6, in favor of SA – New York 6.
16. Multiple commenters stated that this co-location would create animosity between I.S. 59 and SA – New York 6.
17. Multiple commenters asked that the DOE invest resources in I.S. 59 and support I.S. 59 so that it can attract more students.
18. Multiple commenters stated that Success Academy is privately run and should not use public space.

19. Multiple commenters expressed general opposition to the proposed co-location.
20. Multiple commenters stated that District 29 does not need a Success Academy Charter School.
21. Multiple commenters expressed concern about the safety of the co-location, particularly in shared spaces; one commenter asked how the schools in Q059 would abide by the City's Health Code.
22. Multiple commenters stated that the DOE should have a conversation with the community. One commenter stated that there was a CEC meeting about this proposal before the school year started.
23. Multiple commenters expressed concern that Success Academy Charter Schools has not come to the District 29 community, and that they were not represented at the hearing.
24. A commenter expressed concern that Success Academy does not have an afterschool program or bus service.
25. A commenter expressed concern that the streets outside of Q059 would be crowded if another school were co-located in the building.
26. Multiple commenters expressed concern that their students would not have a middle school option if I.S. 59's enrollment goes down and if SA – New York 6 has a waitlist.
27. Multiple commenters expressed concern that Success Academy Charter Schools screen their students.
28. Multiple commenters expressed support for I.S. 59, many of whom cited its Rising Stars Academy.
29. A commenter stated that the Bloomberg administration is trying to harm schools doing well in a community of color.
30. Multiple commenters stated that the DOE is privatizing public schools.
31. A commenter expressed concern about students eating lunch at 10:30 am in co-located buildings.
32. Multiple commenters referred to former proposals for Q059.
33. A commenter asked why the district needs another K-8 school.
34. A commenter stated that co-location contributes to the prison pipeline.
35. A commenter stated that Jamaica High School and Beach Channel High School were closed and replaced with charter schools.

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

36. The DOE received a written comment from Alicia Hyndman, President of CEC 29, expressing concerns about the timeline for the proposed opening and co-location of SA – New York 6 in Q059:
 - a. She expressed concern about committing to a joint public hearing date prior to receiving a proposal.
 - b. She expressed concern that the proposal felt rushed, stating that the notification of this proposal occurred at the end of the school and CEC year where there was no opportunity for the CEC to collaborate and coordinate required community awareness meetings.
 - c. She expressed concerns about the co-location of three schools in Q059 and suggested that the DOE wait until construction is completed at P.S. 176 before opening a new school in Q059.
37. The DOE received a written comment from CEC 30 expressing opposition to the proposal:
 - a. CEC 30 shared a resolution calling for a moratorium on all school closures, phase-outs, and charter school co-locations.
 - b. CEC 30 shared a resolution calling for all co-located charter schools to pay for space and services in public school buildings.
38. The DOE received multiple written comments expressing opposition to the proposal:
 - a. A commenter stated that it is unfair to co-locate Success Academy Charter Schools in any school that is struggling.
 - b. A commenter expressed concern that there is not enough space for all schools at scale.
 - c. A commenter asserted that I.S. 59 has always rejected co-locations, so why would they support this one.
 - d. A commenter expressed concern about Success Academy Charter Schools' admissions policies.

- e. A commenter expressed concern about the impact of the co-location on the ability for I.S. 59 to open new programs and improve performance.
 - f. A commenter stated that no one from Success Academy Charter Schools has shown up to any meetings about this proposal or has tried to meet with the community.
 - g. A commenter stated that the DOE is trying to phase out I.S. 59.
39. The DOE received a written comment expressing concern that not many people attended the SUNY charter hearing at PS/IS 295 on October 2nd, 2013.
40. The DOE received multiple oral comments expressing opposition to the proposal:
- a. Multiple commenters expressed concerns about space in the Q059 building.
 - b. Multiple commenters expressed concern that Success Academy Charter Schools screens their students.
 - c. Multiple commenters expressed concern that Q059's enrollment has decreased over time because neighboring elementary schools have expanded to serve students through eighth grade, and that this proposal would not allow for Q059's enrollment to expand under middle school choice.
 - d. Multiple commenters expressed concern about the logistics of the co-location such as scheduling lunch periods for each school, and congestion in the morning on the streets surrounding the Q059 building.
 - e. Multiple commenters expressed concern about the impact of this proposal on the property values in the I.S. 59 community.
 - f. Multiple commenters referred to former co-location proposals for I.S. 59, stating that the I.S. 59 community does not want another co-location.
41. The DOE received multiple oral comments asking that the DOE invest resources in I.S. 59 and that I.S. 59 have a science focus.
42. The DOE received multiple oral comments asking why the DOE is proposing to open another K-8 school in District 29.
43. The DOE received multiple oral comments expressing concern that resources would be allocated disproportionately between I.S. 59 and SA – New York 6.
44. The DOE received an oral comment asking why the DOE is proposing to open SA – New York 6 in District 29.
45. CEC 29 shared a resolution opposing the proposal:
- a. The resolution expressed concerns that the DOE did not engage the community in the planning process and that information about the proposal was shared before the school year began.
 - b. The resolution expressed concerns about the impact of the proposal on I.S. 59's enrollment, and specifically that I.S. 59's enrollment will not be able to increase under this co-location.
 - c. The resolution expressed concerns about scheduling shared spaces among three school organizations.
 - d. The resolution asserted that the two other charter schools in District 29 are located in private space, and asked why SA – New York 6 is not finding private space.
 - e. The resolution urges the DOE to remove the proposal from the October 30th PEP agenda.
46. The Queens High School Presidents' Council submitted a letter requesting that the PEP vote against co-locations in Queens:
- a. The letter asserted that co-locations are being rushed and do not adequately engage communities.
 - b. The letter expressed support for construction of new schools with additional seats.
 - c. The letter expressed concern that the cost of additional administrative staff for a new school takes funding and classrooms away from students.
 - d. The letter expresses concern that small schools have a limited number of academic and extra-curricular offerings.
 - e. The letter encourages the DOE to assess the impact of co-locations on students.

The DOE received a comment which does not directly relate to the proposal. This comment is summarized below.

47. The DOE received a written comment asking that the DOE give teachers the opportunity to teach their own curriculum and not just what is on the state test.

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

Comments 1(a), 4(c), 5(e), 7(a), and 8(d) concern the timing of this proposal and the fact that it would be implemented under a new mayor.

This proposal represents a continuation of DOE's strategy to increase access to high quality schools in communities that need better options for the 2014-2015 school year.

This timeline is not new. The PEP already approved 23 proposals for September 2014 implementation during the May and June PEP meetings.

The development of 2014-2015 proposals reflects the DOE's extensive strategic planning to advance its proven strategy of bringing high quality district and charter schools online, as well as its desire to allow the maximum allotment of time for communities and educators to work towards their successful implementation.

Forward planning allots more time for:

- School/leaders to meet each other; and
- The Office of Space Planning to plan school placement and implement any needed facilities upgrades; and
- Charters to submit proposals for facilities matching; and
- Division of Facilities to review and conduct work on approved proposals.

Comments 1(f,g), 7(c), 29, 33, 38(c), 42, and 44 concern the rationale for this proposal, and comments 1(b), 12(a), 19, 20, 37(a), 38(a), and 45(e) express general opposition to the co-location proposal and SACS.

The DOE believes in SACS's record of success and supports the placement of this SACS charter school in District 29 in order to continue providing educational opportunities for students and families. SACS operates 18 public charter schools in New York City, including six new public elementary schools serving students for the first time in 2013-2014. The four SACS elementary schools that received a Progress Report for the 2011-2012 school year all received an overall grade of A. Furthermore, on the 2012-2013 New York State exams, SACS demonstrated strong results in English Language Arts ("ELA"), math, and science. Compared to all New York City schools, the seven Success Academy schools with testing grades performed in the top 2% on the state math examination and in the top 7% on the state ELA examination. Additionally, 100% of Success Academy students who took the state science test passed the exam.

If this proposal is approved, SA – New York 6 will provide District 29 students with an additional elementary school option. In the Spring of 2014, all incoming kindergarten and first-grade students residing in District 29 will have the opportunity to participate in the charter application lottery to enter

kindergarten and first grade at SA – New York 6 beginning in 2014-2015 school year. SACS has also informed the DOE that it intends to apply to SUNY to expand its grade span to serve students in kindergarten through eighth grade, reaching full grade span in 2021-2022. If this proposal is approved, students who enter SA – New York 6 in the elementary grades will have the option of continuing at the school through eighth grade.

According to the 2011-2012 Enrollment, Capacity, Utilization Report, Q059 has a target capacity of 1,295 students, but in 2013-2014 the building serves approximately 777 students, yielding a building utilization rate of 60%. This means that the building is “under-utilized” and has space to accommodate additional students.

Given that building space is scarce in New York City neighborhoods, and the growing enrollment needs of the DOE’s 1.1 million students, the DOE must use its existing public buildings in the most efficient manner possible. Sharing space is central to New York City’s strategy for school improvement. DOE has over 900 schools and programs co-located with at least one other district or charter school in multi-school campus buildings. Co-locating charter schools with district schools is necessary to ensure that students and families in every community have increased access to and range of high-performing educational options.

There are several structures to facilitate a smooth co-location between the two schools. Co-located schools on campuses must actively participate in a Building Council, which is a campus structure for administrative decision-making for issues impacting all schools in the building. Additionally, a Shared Space Committee will review the implementation of the BUP once it has been approved by the PEP. To the extent that principals and charter leaders are unable to reach agreement upon the use of shared spaces, they may avail themselves of a mediation process outlined in the Campus Policy Memo, which is available at <http://schools.nyc.gov/community/campusgov>.

Comments 1(c), 10(d), 31, and 45(c) express concern about the shared space schedule and access to shared spaces in the building; comments 25 and 40(d) concern congestion during drop off/pick up if more students attend school in the Q059 building.

The Building Utilization Plan puts forth a proposed shared space schedule for the co-located schools that is feasible and demonstrates that the co-located schools may be treated equitably and comparably in the use of shared spaces. The final shared space schedule will be collaboratively drafted by the Building Council if the proposed co-location is approved by the Panel for Education Policy.

If conflicts emerge and progress is impaired, the Building Council will follow the dispute resolution procedures outlined in the Campus Policy Memo available at the following link: <http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo>.<http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo.htm>.

The DOE does not anticipate that this proposal would lead to any complications related to increased congestion (pedestrian or automobile). As noted in the BUP for this proposal, SACS hours start earlier and end later than I.S. 59 and P.S. 176. SA – New York 6’s school day would run from 7:45 am to 4:30 pm, while I.S. 59’s and P.S. 176’s school days run from approximately 8:00 am to 3:00 pm. Additionally, as noted during public comment, SACS does not provide yellow bus service to students.

Comments 2, 3(b), 13, 14, 21, 36(c), 38(b), and 40(a) concern overcrowding in Q059 as a result of this proposal and the safety of this co-location.

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, allocation of classroom, resource, and administrative space is guided by the Citywide Instructional Footprint (the “Footprint”) which is applied to all schools in the building.

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 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 is 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/ronlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf.

The Building Utilization Plan (“BUP”) details the number of class sections each school is expected to program each year 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 Building Council, which is comprised of the principal of each school, and the Office of Space Planning if the proposal is approved. The BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location.

Although a utilization rate in excess of 100% may suggest that a building will be over-utilized or over-crowded in a given year, this rate does not account for the fact that rooms may be programmed for more efficient or different uses than the standard assumptions in the utilization calculation.

In addition, charter school enrollment plans are frequently based on larger class sizes than target capacity, contributing to building utilizations above 100% while not impacting the utilization of the space allocated to the traditional public school.

Pursuant to Chancellor’s Regulation A-414, every school/campus is mandated to form a School Safety Committee, which is responsible for developing a comprehensive School Safety Plan that defines the normal operations of the site and what procedures are in place in the event of an emergency. Thus, if this proposal is approved, the DOE Office of Space Planning and building Q059’s School Safety Committee would collaborate to ensure the safety of students during arrival, dismissal, and transition between classrooms and shared spaces such as the cafeteria.

The School Safety Plan is updated annually by the Committee to meet changing security needs, changes in organization and building conditions and any other factors; these updates could also be made at any other time when it is necessary to address security concerns. The Committee will also address safety matters on an ongoing basis and make appropriate recommendations to the Principal(s) when it identifies the need for additional security measures.

In regards to comment 21, which concerns the City's Health Code, the DOE will abide by all applicable laws and regulations.

Comments 1(h), 5(a), 8(c), 34, and 46(c,e) state general opposition to co-locations, and comments 3(e), 4(b), and 16 concern the impact of a co-location on students attending co-located schools.

A co-location means that two or more school organizations are located in the same building. While they share common spaces like auditoriums, gymnasiums, and cafeterias, each school is allocated particular classrooms and spaces for its own students' use. Co-location is the everyday experience of more than half the schools in New York City. Of all district schools, approximately two-thirds are co-located with another school.

Co-locations allow the DOE to use its limited facilities efficiently while simultaneously creating additional educational options for New York City families. This is necessary because the DOE has scarce resources and a demand for more options.

There are examples of school buildings in which district and charter school principals have collaborated to meet the needs of all students served in the building, such as:

- Building K023 currently houses Brooklyn Charter School, a charter elementary school serving students in grades K-5, and P.S. 23, a district elementary school. The Principals of both schools attended Principal Academy together and regularly collaborate on joint school events and extracurricular opportunities for students.
- Building M142 currently houses Manhattan Charter School, a charter elementary school which is growing to serve students in grades K-5 at full scale, and P.S. 142 Amalia Castro, a district elementary school serving students in grades K-5; there is also an Educational Alliance Head Start program served in the building, which offers Pre-Kindergarten services. During the 2009-2010 school year, Manhattan Charter and P.S. 142 Amalia Castro worked together to submit a joint grant application for funding for facilities improvements to benefit all students currently attending school in the M142 building.

The DOE recognizes that creating a positive school culture is a priority among parents, students, and staff. The DOE is fully committed to working closely with the schools in Q059 to maintain a safe and secure environment in the building for all students and to create a positive culture. The DOE is confident that the principals in Q059 will be able to create a collaborative and mutually respectful environment for all students, staff, and faculty members in the building.

Comments 3(a), 5(f), 6, 8(b), 10(e), 17, and 41 concern the availability of resources for DOE schools, particularly I.S. 59, and comments 1(d), 5(d), 10(f), 12(b), 15, and 43 concern the contention that charter schools have inequitable access to additional resources and funds.

Fair Student Funding (FSF) dollars – approximately \$5.0 billion in the 2012-2013 school year based on projected registers – are used by all district schools to cover basic instructional needs and are allocated to each school based on the number and need-level of students enrolled at that school. All money allocated through FSF can be used at the principals' discretion, such as hiring staff, purchasing supplies and materials, or implementing instructional programs. As the total number of students enrolled changes, the overall budget will increase or decrease accordingly, allowing the school to meet the instructional needs of its student population. In addition to the FSF student-need based dollars a school receives, all schools

receive a fixed lump sum of \$225,000 in FSF foundation and \$50,000 in Children First Network Support to cover administrative costs.

Principals have discretion over their budget and make choices about how to prioritize their resources to best align with their educational goals. Schools may choose to hire fewer administrative staff (e.g. forgoing or only having a single assistant principal) freeing up dollars to be directed toward other priorities.

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 and can decide how to best use those funds. 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.

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 DOE school, that 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 different DOE school. In this regard, the impact of a parent selecting a charter school is no different than the impact of a parent selecting a DOE school other than the child's zoned option. The DOE believes the ability of parents to choose where they wish their child to attend school is of paramount importance, and is committed to increasing the options available to families.

Comments 1(e), 23, and 38(f) concern SACS' engagement with the District 29 community.

If this proposal is approved, SACS will conduct engagement and recruitment of prospective students in District 29 over the coming year by using a variety of methods. These methods may include, but are not limited to:

- Posting fliers and other printed materials throughout the CSD(s) the school intends to serve (the fliers will be primarily in English, but may also include other dominant languages spoken in the CSD)
- Reaching out to local community organizations, centers, and/or faith-based organizations
- Holding open houses or information sessions
- Mail campaigns
- Advertising in local media (newspapers, radio)
- Contacting local elected officials and community boards
- Setting up a school Web site with school and application information
- Visiting "feeder schools," daycare centers, or schools that serve grades that feed into the intake grade(s) of the charter school.

Comment 30 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. Success Academy Charter Schools are governed by a not-for-profit board of trustees. There are no for-profit charter schools in operation in New York City.

Comments 3(c), 5(c), 10(b,c), 27, 38(d), and 40(b) concern the admissions method of SA – New York 6, and whether it would screen students.

Any child eligible for admission to a district public school is eligible for admission to a public charter school. If the number of applicants exceeds the number of available seats at a charter school, a random selection process, such as a lottery, must be used. Lotteries select students randomly from among the applicant pool. In contrast, screened schools are able to select their students based on factors including 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. Charter schools give preferences to students based on various factors, including, but not limited to, whether the applicant has a sibling already enrolled in the charter school, and/or lives in the charter school's community school district.

Application rules, procedures, and deadlines for charter schools vary, but most charter schools accept applications for the following school year until April 1 and conduct admissions lotteries during the second week of April. Interested parents should contact each charter school individually to obtain an application. Many schools also post applications on their Web sites.

If this proposal is approved, SA – New York 6 will admit students via the charter lottery application process, with preference given to District 29 residents. SA – New York 6 will provide a lottery preference to siblings of current or accepted students and applicants who reside within District 29. For more information about the charter lottery application process, please consult the DOE's directory of NYC Charter Schools, which can be accessed on the DOE's Web site:

<http://schools.nyc.gov/community/planning/charters/For+Parents/default.htm>.

In May 2010 the Charter Schools Act was amended to expressly require that charter schools demonstrate good faith efforts to attract and retain English Language Learners ("ELLs"), students with disabilities, and students eligible for free or reduced lunch at rates comparable to those of the Community School District as determined by State Education Department ("SED"). According to school registers as of October 1, 2013, all eighteen SACS schools are currently serving students with special needs, and approximately 12% of SACS' current students have IEPs. This is comparable to the District 29 average, where 13% of students enrolled in District 29 schools in the 2012-2013 school year had IEPs.

Pursuant 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 Learner ("ELL") students 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. Charter schools must admit all students according to their lottery preferences, and may not turn away a student because of language ability, behavioral problems, or services required by an IEP.

Comments 3(d), 7(b), 11, 22, 36(b), 39, 45(a), and 46(a) concern DOE engagement with the District 29 community; and comment 36(a) concerns the timeline for scheduling joint public hearings.

The DOE is committed to engaging with the community for all proposals to implement a significant change in school utilization, as detailed in Chancellor's Regulation A-190. Chancellor's Regulation A-190 sets out the public review and comment process that the DOE undertakes with respect to all such proposals by the Chancellor (e.g., grade reconfigurations, re-sitings, co-location of schools, or phase-outs).

The DOE appreciates all feedback from the community regarding a proposal. Prior to the proposal posting, representatives from the Office of Portfolio Management spoke with I.S. 59's and P.S. 176's Principals and Network Leaders, the Community School District 29 Superintendent, and the CEC 29 President. When the EIS and BUP for this proposal were issued, they were made available to the staff, faculty and parents at the impacted schools, on the DOE's Web site, and in the main offices of I.S. 59 and P.S. 176. Additionally, the DOE discussed this proposal with the District 29 community during a CEC meeting on September 4th, 2013. Moreover, the DOE dedicated a proposal-specific Web site, voicemail and email address to collect feedback on this proposal. Furthermore, all schools' staff, faculty, and parent communities were invited to the joint public hearing to provide further feedback. The DOE considers all of the feedback received during the community engagement process and the Joint Public Hearing. In the past, in reviewing this community feedback, the DOE has both revised and withdrawn proposals in response to this input.

Should the PEP approve this proposal, we can continue to work with the community to ensure there will be further opportunities to learn about SACS over this school year.

With regards to comment 36(a), on August 29th, 2013, the DOE issued this proposal. The hearing was scheduled in accordance with state law and Chancellor's Regulation A-190, which requires that a joint public hearing be held no sooner than 30 days, but not later than 45 days, after the filing of the original EIS. There are at least 30 days between posting the proposal and the subsequent hearing specifically in order for the community to have the time to review and understand the proposal before a hearing takes place. The DOE works with school communities—SLTs, Principals, parents—and CECs to select the best possible hearing date for that community. In this particular case, the DOE allowed approximately an additional two weeks before the October 30th PEP vote to provide the community with additional time to review and understand the proposal.

Although the DOE recognizes that people in the community may have strong feelings against this proposal, the DOE believes that, if this proposal is approved, the school communities at I.S. 59, P.S. 176, and SA – New York 6 will be able to create productive and collaborative partnerships.

Comments 4(a), 5(b), 10(a), 32, and 40(f) concern former proposals for the Q059 building, the impact of these proposals on I.S. 59, and the DOE's rationale for proposing to co-locate schools in this building.

As mentioned above, co-location is the everyday experience of more than half the schools in New York City. Of all district schools, approximately two-thirds are co-located with another school. Co-locations allow the DOE to use its limited facilities efficiently while simultaneously creating additional educational options for New York City families. This is necessary because the DOE has scarce resources and a demand for more options.

The DOE has developed proposals to open new schools in the Q059 building as an effort to add educational options for the District 29 community. According to the 2011-2012 Enrollment, Capacity, Utilization Report, Q059 has a target capacity of 1,295 students, but in 2013-2014 the building serves approximately 777 students, yielding a building utilization rate of 60%. This means that the building is “under-utilized” and has space to accommodate additional students.

The DOE will continue to support the education students receive at I.S. 59. All schools receive support and assistance from their superintendent and [Children First Network](#), a team that delivers operational and instructional support directly to schools.

[Comments 8\(a\) and 28](#) discuss the positive aspects of I.S. 59: its school leadership, its new programming, and its standing in the community.

The DOE acknowledges these comments and recognizes the collaborative role that parents and principals partake in developing schools. In addition, schools throughout the city are not just educational institutions, but rich and tight-knit communities. The DOE expects that all schools will be fully engaged with the community and will continue to play a vital role as an anchor for the community.

[Comment 9](#) expresses that State Senator James Sanders will listen to the community, and does not require a response.

[Comments 3\(f\), 10\(g\), 38\(e\), 40\(c\), and 45\(b\)](#) concern the impact of this proposal on I.S. 59’s programming and enrollment; and [comment 38\(g\)](#) asserts that the DOE plans to phase out I.S. 59.

As stated in the EIS, this proposal is not expected to impact student enrollment, instructional programming, or the admissions process of I.S. 59.

Nothing leads the DOE to believe that the proposed co-location will impact I.S. 59’s enrollment. The enrollment projections in the EIS are based on current enrollment at I.S. 59 at the entry point grade level, and assume that the same number of students will age up and that there will be stable incoming enrollment at the entry point grade. Specifically, enrollment is projected to stabilize when the school’s larger 7th and 8th grade cohorts graduate after the 2014-2015 school year. As described in the BUP, in each year of the co-location, I.S. 59 has been allocated space in excess of its Instructional Footprint. As such, I.S. 59 has sufficient space to offer the programming it chooses.

As stated in the EIS, this proposal is for the co-location of SA – New York 6 in Q059, not for the phase-out of I.S. 59.

[Comment 26](#) concerns the impact of this proposal on middle school options available to students in District 29.

Beginning for the 2014-2015 school year, all middle schools in District 29 will participate in the middle school application process. Thus, beginning for the 2014-2015 school year, I.S. 59 will admit students using an unscreened admissions method, with a priority to the Q059 zone. Beginning in the 2014-15 school year, students in District 29 will have access to a wide range of middle school options in addition to I.S. 59. SA – New York 6 will be a valuable addition to the District 29 community and will not prevent I.S. 59 from continuing to serve all students who seek to enroll there.

Additionally, SA – New York 6 gives preference to students residing in District 29 and thus offers additional seats for District 29 students.

Comment 24 concerns the after school programming at SACS and transportation provided to students attending their schools.

SA – New York 6’s school day would run from 7:45 am to 4:30 pm. If this proposal is approved, specific information about SA – New York 6’s programming would be available on the SACS Web site at <http://successacademies.org>.

As noted during public comment, SACS does not provide yellow bus service to students.

Comments 18, 37(b), and 45(d) suggest that SACS should open schools in private space.

The DOE seeks to provide space for additional education options for all students, regardless of whether students are served in DOE or public charter schools. The DOE welcomes public charter schools to lease or provide their own space, but the DOE will offer space in DOE buildings where it is feasible to do so. The DOE does not lease space directly for charter schools; a charter school interested in parochial school or other space would have to acquire or lease that space with private funds.

In addition, the DOE does not charge charter school's rent because the DOE is allowed to charge for its "costs"; the cost associated with a co-located charter school operating in district space is \$0. The DOE is responsible for turning on the lights, and for heat and clean the building irrespective of the type – whether district or charter – of children in the building.

Comment 40(e) concerns the impact of a co-location on property values in the community.

The DOE considers what is best for the students in the community in its decision-making process. As mentioned above, the DOE believes in SACS’s record of success and supports the placement of this SACS charter school in District 29 in order to continue providing educational opportunities for students and families. The DOE supports parent choice and strives to ensure that families have access to high-quality schools that meet the needs of all children. The state Charter Schools Act requires that charter schools demonstrate good faith efforts to attract and retain ELLs, students with disabilities, and students eligible for free or reduced lunch at rates comparable to those of the Community School District as determined by State Education Department (“SED”). Thus, the DOE believes that the proposed co-location of SA – New York 6 will increase parent choice by creating access to an additional elementary and middle school option for students in District 29.

Comment 10(h) concerns the construction of the playground at I.S. 59.

I.S. 59’s playground project is now forecast to be complete for the Spring of 2014 due to a delay by the General Contractor.

In regards to Comment 35, Jamaica High School and Beach Channel High School were replaced with district schools.

Comment 46(b) expresses support for construction of new school buildings and does not require a response.



Comment 46(d) does not relate to the proposal as it pertains to programming at high schools and thus does not require a response.

Comment 47 is unrelated to the proposal and thus does not require a response.

Changes Made to the Proposal

No changes have been made to this proposal.