Department of Education
Dennis M. Walcott, Chancellor

Public Comment Analysis

Date: October 29, 2013

Topic: The Proposed Co-location of Achievement First Brooklyn Academy Charter School with Existing Schools J.H.S. 166 George Gershwin (19K166), UFT Charter School (84K359) and Van Siclen Community Middle School (19K654) in Building K166 Beginning in 2014-2015

Date of Panel Vote: October 30, 2013

Summary of Proposal

On September 13, 2013, the New York City Department of Education ("DOE") issued an Educational Impact Statement ("EIS") describing a proposal to co-locate Achievement First Brooklyn Academy Charter School ("AF Brooklyn Academy"), a new public elementary charter school that will serve students in kindergarten through fourth grade, in building K166 ("K166"), located at 800 Van Siclen Avenue, Brooklyn, NY 11207, in Community School District 19 ("District 19") beginning in 2014-2015. If this proposal is approved, AF Brooklyn Academy will be co-located in K166 with J.H.S. 166 George Gershwin (19K166, "J.H.S. 166"), an existing district middle school that currently serves students in seventh and eighth grades, Van Siclen Community Middle School (19K654, "Van Siclen Community Middle School"), an existing district middle school that currently serves students in sixth grade and when fully at scale will serve students in sixth through eighth grades and UFT Charter School (84K359, "UFT Charter"), an existing public charter school that currently serves students in kindergarten through twelfth grades across two separate sites. UFT Charter's kindergarten through eighth grades are located in building K292 ("K292"), which is located at 300 Wyona Street and 301 Vermont Street, Brooklyn, NY, 11207 in District 19, while the school's ninth through twelfth grades are located in K166. In addition, K166 houses two community-based organizations ("CBOs"): CAMBA and the East New York Campus Satellite of Medgar Evers College ("ENY"). ENY hosts a GED Plus program in K166.

AF Brooklyn Academy has submitted an application for charter authorization to the State University of New York Trustees ("SUNY") to serve students in kindergarten through fourth grades. AF Brooklyn Academy would be managed by Achievement First Schools ("Achievement First"), a Charter Management Organization ("CMO"). The proposal to open and co-locate AF Brooklyn Academy in K166 described in the EIS is contingent upon SUNY's approval of AF Brooklyn Academy's application for charter authorization. Only SUNY has the authority to approve or deny AF Brooklyn Academy's application for charter authorization. For the purpose of the proposal, it is assumed that SUNY will approve AF Brooklyn Academy's application.

If the proposal is approved, AF Brooklyn Academy will open with kindergarten and first grade in 2014-2015, and add one grade each year until it serves students in kindergarten through fourth grades in 2017-2018. The school will admit students via the charter lottery application process with preference given to District 19 residents. AF Brooklyn Academy's lottery is described in more detail in Section III.A of the EIS.

According to the 2011-2012 Enrollment Capacity Utilization Report (the "Blue Book"), building K166 has a target capacity of 1,320 students. In 2013-2014, the building is serving approximately 674 students yielding a building utilization rate of only 51%.

If the proposal to co-locate AF Brooklyn Academy with J.H.S. 166, UFT Charter, and Van Siclen Community Middle School, is approved, in 2014-2015 AF Brooklyn Academy's kindergarten and first grades will begin phasing in. In 2017-2018, once AF Brooklyn Academy's kindergarten through fourth grades have fully phased in and the school has reached full scale, AF Brooklyn Academy is projected to serve approximately 385-505 kindergarten through fourth grade students, UFT Charter is projected to serve approximately 320-420 ninth through twelfth grade students, Van Siclen Community Middle School is projected to serve approximately 345-375 sixth through eighth grade students, and J.H.S. 166 will no longer serve any students, for a total of approximately 1,050- 1,300 students, yielding a projected building utilization rate of approximately 80%- 98%.

As detailed in the Building Utilization Plan ("BUP") associated with the EIS, all schools will receive space that meets their instructional needs, and the building has space to accommodate J.H.S. 166, UFT Charter, Van Siclen Community Middle School and AF Brooklyn Academy.

Summary of Comments Received at the Joint Public Hearings

A joint public hearing regarding the proposal was held at building K166 on October 28, 2013. At this hearing, interested parties had an opportunity to provide input on the proposal. Approximately 22 members of the public attended the hearing, and 9 people spoke. Present at the meeting were District 19 Community Superintendent Joyce Stallings-Harte, who served as the chancellor's designee; District 19 Community Education Council ("CEC 19") President Erica Perez; Greg Grant a J.H.S 166 School Leadership Team ("SLT") representative ; Carlos German a J.H.S 166 SLT representative; UFT Charter School Principal Shep Brown; Van Siclen Community School SLT representative Kiesha Kemp; Gwen Hopkins from the DOE, Division of Family and Community Engagement; and Timothy Castanza from the DOE, Division of Portfolio Planning.

The following comments and remarks were made at the joint public hearing on October 28, 2013 on the proposal:

1. CEC 19 President Erica Perez commented that:
    a. The greatest concerns of the CEC are the mixed ages that will be in building K166.
    b. The combinations of ages in the building will be disruptive and cause problems in learning.
    c. The neighborhood around K166 is not safe for young children.
    d. All students deserve a stable school environment and the proposal will not bring that.

2. SLT representative Greg Grant commented that:
    a. This proposal would expose elementary aged students to high school aged students which is not safe.

   b. There are already cases where older kids harass younger children at K166.
   c. The building is built for middle school students.
   d. Achievement First already has a building and they should place the elementary school in a building with their high school students.
   e. Each school in the building should have their own bathrooms.

3. SLT representative Carlos German commented that:
   a. He has concern over the safety of the current children in the building who would be impacted by the proposal.
   b. Building K166 should be left the way it is now.

4. SLT representative Kiesha Kemp commented that she had no comment on the proposal at this time.

5. Principal Brown commented that he had no comment on the proposal at this time.

6. An SLT member commented that:
   a. The proposal should have been for a middle or high school co-location, not an elementary school.
   b. The proposal is not the solution to solving the underutilization in the building.
   c. Young children should not be subjected to the safety issues that come with older children.
   d. This proposal sets up East New York for a continuation of its bad reputation.
   e. Charter schools should get their own buildings.
   f. A decision is already made about the proposal.

7. An SLT member commented that:
   a. The co-location process is troubling.
   b. The DOE did not take children into account when putting forth this proposal.
   c. The proposal puts young children at a safety risk.
   d. DOE policymakers do not understand the issues facing parents and school staff.
   e. The bathrooms in the school are going to have to be shared and that is an issue.
   f. Shared spaces need to be considered with this proposal.
   g. The proposal is wrong and should be rethought.

8. A member of the CEC commented that:
   a. This school would be better for different programming needs, not an elementary charter school.
   b. Charter schools should find their own buildings.
   c. Charter schools get money from billionaires to fund their schools.

9. A member of the CEC commented that:

a. Achievement First stops students from using their lunchroom and holds them up during fire drills.
b. Co-location in District 19 is the wrong decision.
c. The community wants a District 79 program.
d. Bringing elementary school students into a middle school is not a good move.
e. Achievement First does not allow their students to go outside and or socialize.
f. 2014 will bring new changes in the way we look at schools.

10. Multiple commenters spoke in favor of the proposal.

11. One commenter stated that:
    a. Co-locations are not working as well as the DOE wants communities to believe
    b. Students are not given time in science classes and libraries as a result of co-locations.

12. One commenter expressed concern over safety for children in the building as a result of the proposal.

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

No written or oral comments were submitted to the DOE regarding this proposal.

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

Comments 1(d), 3(b), 6(a), 7(d, g), 8(a) and 9(b) express general opposition to the proposal.

The DOE believes there is a need for increased options for students in Brooklyn, including those students located in District 19. The DOE strives to ensure that all students in New York City have access to various educational options at every stage of their education. This proposal aims to provide a new option for these students.

Given that building space is scarce in New York City neighborhoods, and the growing enrollment needs of our 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 new 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.

The DOE believes in Achievement First's record of success and supports the permanent placement of an Achievement First charter school in District 19. Achievement First's schools have a strong track record of

academic achievement: of the five Achievement First schools that received a Progress Report in 2011-2012, four earned an overall score of A and the other earned a B. Furthermore, on the 2012-2013 New York State Exams, Achievement First Charter School's demonstrated strong results in ELA, math, and science. The co-location of a public charter school does not impact the resources available to other District 19 schools, other than by enrolling students who might have attended those 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.

Comments 1(a-b) and 9(d) express concern over the co-location of middle school students in a building with elementary school students.

Due to space limitations, it is not unusual for varying grade levels to be co-located in a building together. There are successful examples of mixed grade co-located school buildings or campuses in New York City. These examples include:

- Building K324, which currently houses three schools: M.S. 267, an existing middle school serving students in grades sixth through eight, La Cima Charter school, a charter elementary school serving students in grades K-5, and Bedford Stuyvesant Collegiate, an existing charter secondary school, which is currently in the process of growing to serve students in grades 5-12. Members of the building council worked together to secure financing from KaBOOM to resurface the schoolyard and playground for all of the children at K324.
- The Julia Richman Educational Complex, which houses four small high schools, a K-8 school, and a District 75 program;
- Building M092, which currently houses three schools: St. Hope Leadership Academy Charter School, a charter middle school serving students in grades fifth through eighth, P.S. 92, a district elementary school which serves students in grades K-5, and Democracy Prep Charter School, a charter high school serving students in ninth through twelfth grade.

Comment 6(f) claims that a final decision has already been made about the proposal.

This comment is untrue. Chancellor's Regulation A-190 sets out the public review and comment process that the DOE undertakes with respect to all such proposals, including this proposal to co-locate AF Brooklyn Academy. Included in this process is a joint public hearing in which public comment is collected and analyzed.

The DOE also solicits community feedback via phone, email, and the DOE Web site until 24 hours prior to the PEP vote. Those comments and analysis are then made available to the Panel for Educational Policy before the Panel votes on a proposal.

The DOE will continue to listen to community feedback consistent with Chancellor's Regulation A-190. A final decision will be made for each proposal when the proposals are voted on by the PEP on October 30th.

Comments 7(a) and 11(a) express dissatisfaction with the co-location policy

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, most with another district 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 there are scarce resources and a demand for more options. The DOE believes in the record of success at Achievement First charter schools and strongly believes AF Brooklyn Academy will be a valuable addition to the K166 and District 19 communities.

Comment 6(b) claims that the proposal is not the way to solve underutilization in the building.

As explained above, given that building space is scarce in New York City neighborhoods, and the growing enrollment needs of our 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 new 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.

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

Comment 7(f) claims that shared spaces were not considered in this proposal. Comment 11(b) claims that students are not allowed access to science labs and libraries as a result of co-locations.

These comments are not true. All students will have access to rooms necessary to fulfill their graduation requirements. Additionally, the Building Utilization Plan ("BUP") 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. These include such shared spaces as the library, gymnasium and cafeteria.

The final shared space schedule will be collaboratively drafted by the Building Council if the proposed co-location is approved by the PEP.

The BUP also 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 by the Office of Space Planning in consultation with the Building Council, which is comprised of the principal of each school, if the proposal is approved. The BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location.

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

Comments 2(a-b), 3(a), 6(c), 7(c) and 12 claim that the safety of the children in the building is at risk as a result of the proposal.

The DOE is not aware of any increase in the number or severity of disciplinary problems at the DOE campuses where elementary, middle and high school students are co-located.

Pursuant to Chancellor's Regulation A-414, every school 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. 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. If this proposal is approved, the School Safety Plan would be revised to ensure the safety of all students on the K166 campus.

Comment 1(c) claims that the neighborhood around building K166 is unsafe for younger children.

The DOE believes that every neighborhood deserves high performing and high potential school options at all grade levels.

Furthermore, school safety agents are allocated to schools based on each building's projected enrollment. The NYPD School Safety Division looks at a set of variables to determine the number of safety agents to deploy to a particular school building, including the crime rate, size and design of the building, enrollment, and grade span. The schools will continue to work with the building's safety agents to ensure safety of all students.

Additionally, the DOE expects all schools to develop codes of behavior and implement policies and procedures to ensure safe and appropriate behavior in and around the school building.

Each school building must also establish a Building Response Team that will consist of trained staff members from each of the campus' schools and programs, and which is activated when emergencies or large building-wide events occur. The members of this team must be identified and listed in the School Safety Plan.

The completed Safety Plan for the K166 school building will be submitted to the Borough Safety Directors of the Office of School and Youth Development ("OSYD") for approval. If changes or modifications are necessary, the School Safety Committee will be advised. Once the School's Safety Plan is approved, it will be submitted to the NYPD for final approval and certification by the NYPD. OSYD supports schools in maintaining a safe, orderly and supportive school environment. OSYD works directly with Children's First Network Safety Liaisons and schools to establish and implement integrated safety, discipline and intervention policies and procedures, to promote respect for diversity, and to nurture students' pro-social behavior by providing them with meaningful opportunities for social-emotional learning.

We encourage all schools to seek support from OSYD to address any issues involving safety and security.

Comment 9(e) claims that Achievement First does not allow their students to socialize or interact with other schools in the buildings they are located in.

With respect to AF Brooklyn Academy's proposed co-location in K166, it should be noted that in many buildings housing co-located schools, each school is assigned floors or hallways for their classrooms and specific stairways for students to use. These measures are taken to cultivate cohesive cultures within each school. Separation between schools is intended to limit any issues that might arise from groups of students who may not know each other well and to nurture school unity.

As mentioned above, the BUP puts forth a proposed shared space schedule for the co-located schools in the building that demonstrates that each of the co-located schools may be treated equitably and comparably in the use of shared spaces. The final shared space schedule is collaboratively drafted by the Building Council if the proposed co-location is approved by the Panel for Education Policy.

Comment 2(c) claims that building K166 is not structurally built to serve elementary school students. Additionally Comments 2(e) and 7(e) claim that each school should have their own access to bathrooms.

While a facility may initially be designed to serve a specific age level, that does not limit the ability to serve different age levels in that building. As referenced above, the assignment of specific rooms and location for each in the building, including bathrooms, will be made by the Office of Space Planning in consultation with the Building Council, which is comprised of the principal of each school, if the proposal is approved

In many buildings where schools are co-located, each school is assigned bathrooms on the floors or hallways of their classrooms and specific stairways for students to use. These measures are taken to cultivate cohesive cultures within each school. Separation between schools is intended to limit any issues that might arise from groups of students who may not know each other well and to nurture school unity. If the assignment of specific bathrooms is not working or is inadequate, the Building Council may discuss alternative arrangements.

Comments 6(e) and 8(b) claim that charter schools should have their own buildings. Additionally, Comment 8(c) claims that charter schools have billionaires funding their schools.

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. We welcome public charter schools to lease or provide their own space, but we 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.

Charter schools receive public funding for general education students 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 charter schools 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.).

Comment 2(d) claims that Achievement First already has a building and should co-locate their elementary school grades with their high school grades in that building.

As stated above, co-locations allow the DOE to use our limited facilities efficiently while simultaneously creating additional educational options for New York City families. This is necessary because we have scarce resources and a demand for more options.

At this time, the DOE believes that AF Brooklyn Academy will be an excellent partner for the K166 community and meets the need for additional quality options at the elementary school level in District 19. 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. We welcome public charter schools to lease or provide their own space, but we will offer space in DOE buildings where it is feasible to do so.

Comment 6(d) claims that the proposal sets up the East New York community for a continued bad reputation and Comment 7(b) claims that the proposal does not take into account the children of the community.

The DOE also believes that AF Brooklyn Academy will be a valuable addition to both the K166 community as well as the entire East New York community. The DOE will continue to support the schools in the East New York community, including the schools in building K166, in successfully serving and meeting the needs of their students.

Comment 10 is in favor of the proposal and does not require a response.

Comments 4 and 5 state that the commenters had no comment on the proposal and thus do not require a response.

Comments 9(a, c, f) are not directly related to the proposal and thus do not require a response.

Changes Made to the Proposal

No changes have been made to the proposal.