



Public Comment Analysis

Date: October 29, 2013
Topic: The Proposed Opening and Co-location of New Public Charter Elementary School Compass Charter School with Existing School M.S. 113 Ronald Edmonds Learning Center (13K113) and a District 75 Program, P372K@K113, in Building K113 Beginning in 2014-2015
Date of Panel Vote: October 30, 2013

Summary of Proposal

On September 12, 2013, the New York City Department of Education (“DOE”) issued an Educational Impact Statement (“EIS”) and Building Utilization Plan (“BUP”) describing a proposal to open and co-locate a new public charter elementary school, Compass Charter School (84KTBD, “Compass Charter School”), with existing district middle school, M.S. 113 Ronald Edmonds Learning Center (13K113, “M.S. 113”), and a District 75 program, P372K@K113 (75K372, “P372K@K113”), in building K113 (“K113”) beginning in the 2014-2015 school year. Building K113 is located at 300 Adelphi Street, Brooklyn, New York, 11205 in Community School District 13 (“District 13”). 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.

As noted above, K113 houses 1 site, P372K@K113, of a multi-site District 75 (“D75”) school which serves kindergarten through fifth-grade students with Autism Spectrum Disorders. K113 also houses administrative offices for the DOE’s Universal Pre-Kindergarten program. If the proposal is approved, Compass Charter School will be co-located with M.S. 113 and P372K@K113. Compass Charter School will open in September 2014 and will serve 80-100 students in kindergarten and first grade and will add one grade each year until it reaches full scale in 2018-2019. At that time, Compass Charter School will serve approximately 240-300 students in kindergarten through fifth grade.

The EIS and BUP describing this proposal can be accessed here:
<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2013-2014/Oct30SchoolProposals>.

Copies of the EIS and BUP are also available in the main offices of M.S. 113 and 75K372.

Summary of Comments Received at the Joint Public Hearings

A joint public hearing regarding the proposal was held at the K113 building on October 24, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 152 members of the public attended the hearing, and 29 people spoke. Present at the meeting were Chancellor’s Designee Elaine Gorman; District 13 Community Education Council (“CEC 13”) President David Goldsmith, First Vice President Ben Greene, and member Ayanna Blaize; M.S. 113 School

Leadership Team (“SLT”) representative Principal Dawnique Daughtry; P372K@K113 SLT representative Principal Arthur Mattia; Citywide Council on District 75 representative, Rebecca Green; a representative of Council Member Letitia James; New York State Assembly Member Walter Mosley; a representative of Council Member-elect Laurie Combo; New York State Senator Velmanette Montgomery; and Renee Collymore, District Leader of the 57th New York State Assembly District. In addition to Elaine Gorman, Estelle Acquah, Yoo Jin Cheong, and Tim Castanza from the DOE’s Division of Portfolio Planning were also present.

The following comments and remarks were made at the joint public hearing on October 24, 2013

1. CEC 13 President, David Goldsmith, stated the following:
 - a) From a District 13 stakeholder point of view, the biggest flaw in the proposal is that the DOE is disconnected from the school districts it is serving and is operating blind to the needs of the district. It is inevitable that damage will be done because of this.
 - b) Community members are often shocked by the proposals, and ask “how in the world could they have thought of that”? The DOE does not know what it is doing, nor do DOE employees know our schools. The DOE makes these decisions with flawed and incomplete information.
 - c) The co-location of a charter school in the only large middle school in the district is wrong.
 - d) The DOE believes it knows what’s best for our schools and believes it doesn’t need true engagement. The DOE has its own vision of the importance of charter school options and co-locations. They know how to take the problems apart, but not how to truly work to fix our schools.
 - e) CEC 13 acknowledges that the DOE modified the proposal. The original proposal was to reduce M.S. 113 by four sections. Reducing the school by one section per grade causes less damage. This modification came about as a result of overwhelming threats and protest from the community.
 - f) The communication between the CEC and the Office of Portfolio Management (“OPM”) was damaged. This is no way to do school planning. Hopefully we can rebuild the connections between OPM and the key stakeholders.
2. CEC 13 member, Ayanna Blaize, read CEC 13’s resolution, which passed on October 15, 2013. The resolution opposes M.S. 113’s targeted enrollment reduction and moves to maintain and expand the enrollment of MS 113.
3. Principal of M.S. 113, Dawnique Daughtry, stated the following, which was also submitted via a written comment:
 - a) The demographics of the areas served by M.S. 113 have changed.
 - b) The following factors have made it clear that the primary determinant of a school’s future is solely a focus on numbers: the implementation of mayoral control; the elimination of the Board of Education; the creation of the Office of School Enrollment; the introduction of mayoral agenda to increase the number of new schools, including more charters; and new curriculums.
 - c) According to the DOE, K113 is an under-utilized building and due to a decline in enrollment and the lack of progress at M.S. 113, there is space in the building. However, there are A rated schools that are located in underutilized and under-enrolled buildings, and the DOE doesn’t propose to co-locate a school in those buildings.
 - d) If M.S. 113 is not making progress, why would the DOE place another school in building? Co-located schools have their own set of challenges to overcome.
 - e) Since the implementation of middle school choice, schools no longer have control over their enrollment and entrance processes. At M.S. 113, we are limited to enrolling students from District 13. Could it be that under enrollment is a process created by the DOE to create space for charter schools?

- f) M.S 113's progress report grades suggest that the school is not successful. However, the progress report grade is based on a comparative measure. Schools are placed in a peer group of schools based on a school's 4th graders' performance. If the peer group is making more progress, it may appear that a school is making little to no progress. As a result it is difficult for a principal to identify any targets to meet. Principals are chasing a moving target
 - g) M.S. 113's performance and quality review metrics have fluctuated throughout the years due to the introduction of the Common Core Learning Standards; the presence of an uninterested principal prior to my tenure, and in 2010-2011, the DOE seemingly changed its metrics for evaluation.
 - h) The current system of numbers is flawed; a school cannot be summed up by numbers. Behind those numbers is a child; there is a story that impacts the outcome. The numbers don't tell the whole story.
 - i) We don't want to be co-located or reduce our enrollment. M.S. 133 is a vibrant school community with a rich history of school success.
 - j) M.S. 113 got a Progress Report Grade of "A" five years ago.
 - k) We continue to offer a barrier free learning environment and continue to educate every child that walk through our doors.
4. Citywide Council on District 75, Rebecca Green, asked the following questions that were directed to the Panel for Educational Policy:
- a) Will the proposed rooms for the charter school be the ones on the first floor that were identified during the walkthrough last spring with Portfolio? It will be very important for our students to remain in close proximity of one another, i.e., use the staircase that leads back down to where the current classes are located in the basement.
 - b) Will the middle school or charter school use the new area for their class transitions?
 - c) Will we keep our separate entrance on Carlton Avenue or will this now be shared?
 - d) As a result of another school program joining the community and the support needed to ensure that students with autism are safe across two separate floors, will we get our own school safety agent?
5. Principal of P372K@K113, Arthur Mattia, stated the following:
- a) The administrations of both schools have worked together for 6+ years regarding the needs of our children. Principal Daughtry has supported us. Regardless of whatever happens, this has been a nice collaboration between the two schools and we are looking to forward continuing this in the future.
 - b) The proposal would give us four additional rooms to bring us up to our baseline Footprint allocation.
6. A representative for Council Member Letitia James stated the following:
- a) The council member would like to see a moratorium on all co-locations. This autocratic approach has allowed charter school to flourish and district schools to close. We support the United Federation of Teachers' lawsuit to stop these co-locations. This is privatization of our public school system and this is union busting.
 - b) The mayor's agenda has systematically undermined the public school education process and created separate, but unequal policies. It has provided charter school with free rent and resources when our district schools need resources.
 - c) Why do we need new elementary schools? There are two elementary schools down the block that are underutilized and high performing.
 - d) This process has been rushed because the time is up for this administration.
 - e) As we move to the next administration, the council member looks forward to continuing to work with the community to make sure that all children receive a great public school education. Hopefully, the new administration will repeal all of these co-locations because some of them won't even be implemented until 2015.

- f) The percentage of children at M.S. 113 that have Individualized Education Plans is high and charters schools do not take these students.
7. New York State Assembly Member Walter Mosley
 - a) I stand in here opposition to the co-location. We need to work to strengthen, not punish the school. We need to make thoughtful decisions that consider a school's context and its role in the community it serves.
 - b) M.S 113 is the only middle school in District 13 with its own building. It is a large and comprehensive school and able to support a wide plethora of programming needed to support student success. Reducing enrollment and resources will only further hurt the school.
 - c) Students will have to compete for the use of shared spaces like the gym.
 - d) Although school choice is important and some charter schools have made contributions, we cannot compromise the sole middle school in the community, or be driven by the numbers, in order to place a charter school
 - e) We are finally on a cusp of a new administration after a decade of closures, truncations, enrollment reductions, etc. To rush this decision will impact hundreds of working families and it irresponsible and reprehensible.
 8. Renee Collymore, District Leader of the 57th New York State Assembly District, commented as follows:
 - a) They are trying to stop the power of democracy, but we have to keep going to let the government get the message.
 - b) I don't support this co-location, and I stand with the people here in opposing this.
 9. A representative for Council Member-elect Laurie Cumbo stated that that although she could not attend the hearing, the Councilwoman-elect wanted to thank the community members for their support.
 10. Multiple commenters expressed support for Compass Charter School and the proposal, citing the dedication and passion of its founding team; its commitment to studying national education best practices and desire to bring those methods back to under-served communities; its unique, teacher-led curriculum and educational model; its work to integrate into the District 13 community; its commitment to addressing social and economic injustices; and its commitment to fostering a collaborative relationship with M.S. 113.
 11. A commenter stated the following:
 - a) This co-location will cause the quality of education at M.S. 113 to decrease.
 - b) We will stand, fight and rally in the mayor's office. We cannot give up on our children.
 12. New York State Senator Velmanette Montgomery stated the following:
 - a) One of the premier programs that teaches dance in NYC is right here at M.S. 113.
 - b) My huge disappointment is that we have come up with this process whereby we punish our struggling schools, as opposed to supporting them.
 - c) We don't need to do anymore co-locations. That is not a decision that should be made at any school until we have a new chancellor and new DOE.
 - d) Politically, I am promoting a concept that would remove mayoral control.
 - e) We shouldn't create a divisive community based on charter vs. district, and A vs. B schools.
 13. CEC 13 First Vice President, Ben Greene, stated the following
 - a) I am against this co-location. Co-locations undermine district schools. We have been brainwashed and we drank the charter school Kool-Aid.
 - b) Charter schools are not about the community. Once they get in the buildings, they start taking over the building and classrooms.
 - c) The DOE spews nonsense that it engages with the community, and that its process is transparent, but that does not happen.
 - d) We don't need any more elementary schools in this district. We already have Success Academy here, and this mistake will be repeated if this proposal is approved.

- e) Co-locating elementary and middle school students together is a mistake, as these students have different development needs.
 - f) The DOE should not rush this process and should wait until a new mayor is installed.
 - g) Compass can provide these special programs because they don't pay rent.
 - h) The DOE gives schools a stupid report card, which they often misuse.
14. Multiple commenters expressed their support for M.S. 113, stating that the school administration has created a familiar and supportive environment; produced accomplished alumni; continues to make academic progress; boasts comprehensive academic and extracurricular programming that provides a holistic education.
15. Multiple commenters expressed general opposition to the co-location.
16. A commenter stated the following:
- a) We should consider the CEC's resolution to force charter schools to disclose relevant and detailed information to support informed parent decision making, especially in instances that will affect downsizing and reducing of resources.
 - b) Elementary school students should not be mixed with middle school students.
 - c) Our kids will be displaced, destabilized, and spaces will be impacted and lost. They will lose their science, art, and dance programs.
17. A commenter stated that charter schools have high turnover and M.S. 113 has had teachers here for decades.
18. A commenter stated that the DOE only cares about number and manipulates the system in order to site charter schools.
19. A commenter stated the following:
- a) This procedure is pining schools against each other. Compass is great and should have its own building.
 - b) There are multiple elementary school options already in this neighborhood.
 - c) The DOE has plans to reduce M.S. 113's enrollment by 300 students. I know that Compass want to expand to middle school and the DOE will likely further reduce M.S. 113's enrollment to accommodate this.
 - d) The neighborhood is gentrifying, but M.S. 113 is not, and the DOE has a problem with that and want to eliminate this school as well.
 - e) The EIS states that M.S. 113 has a history of low performance, but we got an A in 2008.
 - f) The DOE should support all schools not punish them.
20. A commenter stated the following:
- a) Putting elementary with middle school students is not safe, nor does it make sense.
 - b) We don't need more elementary schools; we need more middle schools.
 - c) The real issue here is co-location.
 - d) There is a lack of transparency. Compass did not come to speak to CEC 13, so we don't know who they talked to.
 - e) In one co-location scenario, a charter school took over the library to do boat building, even though the district school didn't want that.
21. A commenter stated the following:
- a) I keep hearing that Compass has good teachers, but they need to have patience.
 - b) We need to get rid of this mayor and have the new mayor listen to both sides and give us time to have a level playing field.
22. A commenter stated that it is arrogant to talk about improving the quality of education when we have great education here at M.S 113.
23. A commenter stated that M.S 113 has a uniform program that distinguishes between sixth, seventh, and eighth grade students and students struggle with this. Bringing in elementary schools students will exacerbate these issues even further.

24. A commenter stated that Compass should not boast about sharing best practices because that is the responsibility of all schools.
25. A commenter stated that charter schools divide students.
26. A commenter stated that charter schools push students out.
27. A commenter stated the following: we are not going to let a school with no history replace our school.
28. A commenter stated the following:
 - a) M.S. 113 does not need to go through any more suffering and changes. Our budget has been cut and our programs are impacted. We have lost our technology program and our technology teacher. We need to keep M.S. 113 moving and build our school.
 - b) A child was pulled out of M.S. 113 and put into a charter school, but the parent said she never approved her child to be put in a charter. There is an underhanded way that charter schools are stealing our students.
29. A commenter stated the following:
 - a) Why would this charter school insist upon coming into this school when there is obviously such resistance? But they seem to not care and will dismiss that because of a tunnel vision objective to come in here at all costs. This kind of climate and resistance is not conducive to a good co-location.
 - b) There is a suspicion that behind this educational venture is the attempt to actually take over the community. We have seen the daycare centers taken over by corporations.
 - c) What is the rush? We will have a new administration and we need more time to come to some sort of agreement.

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

30. Multiple commenters wrote in support of Compass Charter School and the proposal.
31. CEC 13 submitted a resolution, passed on October 15, 2013, which opposes M.S. 113's targeted enrollment reduction and moves to maintain and expand the enrollment at MS 113.
32. A commenter wrote in opposition to the proposal, stating the following:
 - a) There is no need for an additional elementary charter school in District 13.
 - b) Charter schools tend to cherry pick students, while not paying attention to under-served, special needs, or English Language Learner ("ELL") students.
33. Multiple commenters stated the following:
 - a) The gentrification of neighborhoods in District 13 has promoted racism and prejudice and diluted the diversity in the public schools because wealthy parents choose not to send their children to existing public schools.
 - b) Parents who choose private schools can afford charter schools.
 - c) Charter schools are taking over and sucking the resources from district schools.
 - d) There is no need for an additional elementary school in District 13.

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

Comments 3(a), 3(b), 8(a), 9, 11(b), 12(d), 21(a-b), 24, 29(b), 33(a-b) do not directly relate to the proposal, in that the comments do not discuss the co-location proposal, and therefore do not require a response.

Comments 5(a) and 14, discuss the positive aspects of the schools in K113, their school leadership teams, and their standing in the community. The DOE acknowledges these comments and recognizes the

collaborative role that parents and principals partake in developing these 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 anchors for the community. With respect to these comments, the DOE's proposal to co-locate Compass Charter School in K113 is not intended as a slight against M.S. 113 and P37K@K113, their leadership, or its communities. Instead, it is intended to provide a new elementary charter school option.

Comments 10 and 30 are in support of Compass Charter School and the proposal and do not require a response.

Comments 1(c), 2, 3(d), 3(i), 6(a), 6(e), 7(a), 7(d), 8(b), 12 (c), 12(e), 13(a), 15, 18, 20(c), 25, 27, 29(a), and 31 express general opposition to this proposal and charter school co-locations in general.

The DOE notes there is a need for increased options for students in the Brooklyn, including those students located in District 13. 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.

The DOE believes in Compass's unique educational model and believes that it will provide another option for Brooklyn families.

Roughly half of schools in New York City share space in a building. Because of co-locations, the DOE is able to use limited facilities efficiently while simultaneously creating additional high-quality options for New York City families. This is necessary when there are scarce facilities and a demand for more high-performing options.

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.

There may be commenters who suggest that co-locations pit schools against one another, but there are examples of school buildings in which district and charter school principals have collaborated together to meet the needs of all students served in the building:

- 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.

Comments 1(a), 1(b), 1(d), 1(f), and 13(c) assert that the DOE does not properly engage with the community before generating proposals. Comments 16(a) and 20(d) specifically assert that charter schools should be more transparent when engaging with the community.

The DOE appreciates all feedback from the community regarding a proposal. When the EIS and BUP for this proposal were issued, it was made available for staff, faculty and parents in the main offices of all of the existing schools in the K113 building. It was also made available on the DOE's Web site. In addition, the DOE dedicated a proposal-specific website and voicemail to collect feedback on this proposal. Furthermore, all schools' staff, faculty and parent communities were invited to the Joint Public Hearing on this proposal to collect further feedback.

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 the co-located schools will be able to create productive and collaborative partnerships.

Additionally, the DOE attempts to engage with the following parties in both public forums (e.g. CEC meeting) or in smaller group consultation as appropriate about proposals in development or recently posted:

- Meetings or discussions with impacted Principals
- Meetings or discussions with SLT
- Presentations and dialogue at CEC or Citywide Education Council meetings
- CEC President and Elected official briefings held jointly by Portfolio and Borough Presidents.

Moreover, for every proposal the DOE undertakes steps to engage impacted communities and the district or borough community at large. This includes:

- Scheduling a joint public hearing in advance of the release of a proposal;
- Publicizing the joint public hearing in print and on the DOE's website with hard and soft copies sent to
 - Impacted Principal(s) and SLT(s)
 - Impacted District and Citywide Councils
 - Impacted Community Boards
 - District or Borough Superintendent
 - PEP chair
 - Impacted families
- Providing phone and email lines for interested parties to leave feedback
- Accept commentary on a proposal up until 24 hours before the proposal will be voted on by the PEP

For this proposal, the DOE specifically engaged with the stakeholders in the following manner:

- The DOE began engagement with Principals Daughtry and Mattia in spring 2013 to discuss the proposal and under-utilized space at K113.
- Upon finalizing the proposed scenario, the DOE updated the Principals in September 2013 and also had a conference call to discuss the charter school's enrollment and space implications.
- The DOE offered to meet with both CEC 13 and M.S. 113's School Leadership Team.
- The DOE presented this proposal at the Brooklyn Portfolio briefing for Elected officials in September 2013 and the September 2013 monthly Superintendent meeting
- Principals Daughtry and Mattia distributed letters and notices to parents in September 2013.

Some commenters opposed the charter school's outreach methods, but the DOE does not dictate any Charter Management Organization's specific engagement practices and therefore cannot respond to these comments directly.

Comment 19(a) asserts that charter schools should occupy their own building.

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.

Comment 17 concerns the staff turnover rate for charter schools.

The DOE acknowledges that teacher-student relationships are crucial for student success. While several charter schools may have higher turnover rates of teachers compared to traditional public schools, the DOE believes that Compass Charter School will have the ability to drive student success.

The Center for Research on Education Outcomes (“CREDO”), in a 2010 report, concluded that, on a school-by-school comparison, 51% of New York City Charter Schools demonstrated academic growth in math that was statistically larger than students would have achieved in traditional public schools. In reading, the report found that 29% of charter schools are showing statistically significant gains. Furthermore, the report found that charter school students make substantial gains in both reading and math in their second year enrolled in a charter school, and this impact stays positive and significant through their third year of attendance. The report also found that Blacks and Hispanics enrolled in charter schools do significantly better in charter schools in both reading and math growth. In both cases, these students’ math results are stronger than reading, but both are comparatively stronger than what their scores would have been had they enrolled in regular public schools. Finally, according to the report, charter schools demonstrated strong performance across the range of starting scores, which indicates that charter schools are overall successful at improving student achievement regardless of academic background.

The DOE also points out that a 2009 report on New York City charter schools by Caroline M. Hoxby, Sonali Murarka, and Jenny Kang indicates that charter school students scored almost as well as students in the Scarsdale school district in the suburbs north of the City on New York State Math and English Language Arts assessments. The study also found students were more likely to earn a state Regents diploma, given to higher-achieving students, the longer they attended charter schools.

Finally, staffing changes are at the discretion of the schools within the limits of contractual and mandated obligation.

Comments 19(c) claims that the DOE plans to further reduce M.S. 113’s enrollment in order to accommodate a potential future need to site Compass’ middle school grades.

The DOE has no current plans to implement any further enrollment reduction in order to fulfill a specific goal to site any additional grades for Compass charter school.

Comment 1(e) states that, due to community opposition, the DOE modified the proposal to scale back M.S. 113’s enrollment reduction.

The DOE may change proposed scenarios throughout the course of the planning process. The DOE originally considered a proposal to reduce M.S 113’s enrollment by three sections per grade; but ultimately determined that a smaller enrollment reduction would be described in the proposal.

Comment 3(c) asserts that the DOE’s rationale for reducing M.S. 113’s enrollment is due to its performance. Comments 3(f), 3(g), 3(h), and 13(h) specifically assert that the Progress Report grades and

quality review metrics are unreliable due to the methodology used to generate them and do not adequately convey a school's non-academic strengths.

As stated in the EIS, the enrollment reduction of M.S. 113 is driven by M.S. 113's performance. M.S. 113 received an overall D grade on its Progress Report in 2011-2012 for the second consecutive year. Additionally, in 2011-2012, the school received C grades in both Student Performance and School Environment. M.S. 113 has a history of low performance, demonstrated by the fact that the school received a C grade on the 2009-2010 Progress Report as well. The enrollment reduction is intended to provide an opportunity for M.S. 113 narrow its focus to a smaller number of students. The DOE will monitor performance at M.S. 113 and will implement further interventions if needed.

The commenter is correct in noting that the Progress Report grade is based on a comparative measure and that schools are placed in peer groups based on a school's 4th grade performance. The peer group is also based on the percentage of student with disabilities, and for the first time in 2012-2013, the percent of overage students will also be taken into account in determining a school's peer group. The commenters suggest that it is difficult for a principal to identify any targets to meet when principals are constantly chasing a moving target because it depends on the peer group's success. While there is no set target that will guarantee a positive progress report grade since points are awarded based on relative performance to the peer schools and the city – this method this is consistent with what the Progress Report is intended to show, which is how a school's students progressed and performed relative to other schools serving similar student populations, as well as to the city as a whole.

Comment 3(e) asserts that the implementation of District 13 middle school choice has created underutilized space in the district which is then available to charter schools.

The middle school choice admissions process aims to provide students with the opportunity to choose a middle school that suits their interests and needs. The DOE received community support for the implementation of District 13 middle school choice. While students can choose to go middle schools across the district, which can shift enrollment at schools, the DOE did not implement middle school choice with the goal of creating underutilized space.

Comments 3(j) and 19(e) specifically state that M.S. 113 received a progress report grade of "A" five years ago.

The DOE acknowledges that M.S. 113 received a progress report grade of A in 2008-2009; however, as stated in the EIS, M.S. 113's performance has declined over the past four years. Thus, its Progress Report scores now reflect that decline. In any case, the DOE aims to support M.S. 113 in the future and believes that the enrollment reduction will allow the school to focus on a smaller cohort of students.

Comments 3(k), 5(a), 7(b), and 22 state that M.S. 113 has performed well as a large, comprehensive middle school with diverse programming. Comments 11(a) and 12(a) specifically assert that the co-location will have a negative impact on M.S. 113's programming and education quality.

The DOE understands that M.S. 113 students and parents and the community in general are enthusiastic about the range of performing arts and extracurricular programming offered at the school. While the co-location will reduce the amount of excess space which is currently available to M.S. 113 and P372K@K113, the DOE does not anticipate that the proposed co-location will affect the extra-curricular programs or partnerships currently offered at M.S. 113. M.S. 113 will continue offering student athletics and other extra-curricular program options. The number and range of programs offered at the school may gradually diminish due to the mild decline in student enrollment as a result of the enrollment reduction. Again, it is difficult to predict precisely how those changes might be implemented as decisions will rest

with school administrators and will be made based on student interests and available resources. That is true for any City school as all schools modify extra-curricular offerings annually based on student demand and available resources.

Comments 4(a-d) asks for clarification regarding the P372K@K113's placement in the building and the use of school safety agent in K113.

The BUP provides that if this proposal is approved, P372K@K113 will receive four additional full-size rooms to bring the school up to its adjusted baseline footprint, including 1 full size room in excess of P372K@K113's adjusted baseline footprint allocation.

The DOE understands that students have special needs that require the school to have separate contiguous space. The assignment of specific rooms and location for each school 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 Office of Space Planning will work to accommodate P372K@K113, should the school need and request to continue to be sited in the basement and first floor of K113.

All final decisions regarding space for class transitions and separate building entrances should be made by the Building Council in a collaborative manner. The Building Council is comprised of all principals of the co-located schools.

School safety agents are typically assigned to a school building, not specific schools. However, the Building Council may be asked to deploy agents to a specific post assignment or school.

Comment 5(b) asserts that the proposal provides P372K@K113 with four additional rooms. The commenter is correct that the BUP provides that if this proposal is approved, P372K@K113 will receive additional space at K113; however, four additional full-size rooms are allocated in the BUP to bring the school up to its adjusted baseline footprint and give the school four additional full size room in excess.

Comments 6(b) and 13(g) asserts that charter schools receive free rent and resources, when those resources should go to supporting district schools.

With regard to support for district schools, they support and assistance from their superintendent and Children First Network, a team that delivers operational and instructional support directly to schools. Schools receive supports as part of system-wide efforts to strengthen all schools; and they also receive individualized supports to address their particular challenges. We do everything we can to provide schools with leadership, operational, instructional, and student supports.

Additionally, In New York City, we fund schools through a per pupil allocation. That is, funding "follows" the students and is weighted based on students' grade level and need (incoming proficiency level and special education/ELL/Title I status). If a school's population declines from 2,500 to 2,100 students, the school's budget decreases proportionally—just as a school with an increase in students receives more money.

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).

Comments 6(c), 13(d), 20(b), 32(a), and 33(d) assert that District 13 does not need an additional elementary school. Comment 20(b) specifically states that District 13 is actually in need of additional middle school seats.

The DOE has noted quality concerns at the existing District 13 elementary schools and therefore providing another elementary school option is a priority for District 13. The siting of Compass Charter School in K113 will help to fulfill this need. The DOE has also noted that there are concerns with quality seats at the middle school level and that there excess middle school seats in District 13. The DOE will continue to monitor these concerns and will propose scenarios to address them if needed.

Comments 6(d), 7(e), 13(f), and 29(c) assert that the DOE is rushing to push this proposal to a PEP vote before the new mayoral administration arrives.

This proposal, and the others that will be voted on by the PEP at its meeting on October 30th represent 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 these 2014-2015 proposals reflects our extensive strategic planning to advance our proven strategy of bringing high quality district and charter schools online, as well as our 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
- OSP 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 6(f), 26, 28(b), and 32(b) claim that charter schools do not take students with IEPs, push students out, and cherry pick the best 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, lives in the charter school's community school district, and/or is eligible for free or reduced price lunches. Charter may also include additional preferences for students that may be considered at-risk of academic failure (as defined by the school).

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 websites.

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.

The DOE’s 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.

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 7(b), 12(b), 19(d), 19(f), and 28(a) assert that the DOE is attempting to punish M.S. 113 through the enrollment reduction and by not providing enough resources to the school.

As stated previously, the DOE provides support and resources to all NYC public schools. This proposal is not an attempt to ‘punish’ M.S. 113, but rather to provide an opportunity for M.S. 113 narrow its focus to a smaller number of students. M.S. 113 will continue to remain as a large middle school, as it will be serving eight sections of students per grade in the future years.

Comments 7(c), 13(b), 16(c), 20(e), and 33(c) assert that the M.S. 113 will have inequitable access to space and classrooms because charter schools take over spaces in co-located buildings. Comment 16(c) specifically asserts that M.S. 113 will lose its specialty rooms.

The BUP provides M.S. 113 with its baseline allocation of rooms pursuant to the Citywide Instructional Footprint. Charter schools may not push DOE schools out of space because that space is assigned to each school based on the sections and grade levels served by each school. Moreover, in this case, the BUP also specifies that M.S. 113’s baseline footprint allocation of rooms includes: 1 full-size band room, 2 full-size dance rooms and 1 full-size black box theater because M.S. 113 is a performing arts school. Therefore M.S. 113 will be able to program exclusively in these rooms and will not share these rooms with the other schools in the building.

In 2018-2019, Compass Charter School will receive its baseline allocation of instructional rooms and administrative space, including 20 full-size and 1 half-size and 1 quarter-size room. Because M.S. 113, P372@K113, and Compass Charter School will receive their full allocation of instructional and administrative space in the final year of this proposal, the DOE believes there is enough space to accommodate both schools.

The BUP also puts forth a proposed shared space schedule for the co-located schools which demonstrates that all three schools will have enough time in all the shared spaces in the building to meet programming

requirements. The final shared space schedule will be decided upon by the Building Council if this proposed co-location is approved by the PEP.

Comments 13(e), 16(b), 20(a), and 23 assert that placing elementary and middle school students in the same building is not wise and is unsafe.

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 currently houses three schools: M.S. 267, an existing middle school serving students in grades sixth through eighth, 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.
- The Julia Richman Educational Complex, which houses four small high schools, a K-8 school, and a District 75 program;
- Building M092 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 grades.

There are successful examples of K-8 buildings or campuses across the City, such as The Shirley Tanyhill School and The Magnet School for Math and Science Inquiry. 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 where elementary and high school students are co-located. Furthermore, the DOE has no reason to believe that mixed grade level co-locations result in an increased of instructional or administrative demands on school administrators or staff.

The DOE believes that this proposal will not cause any safety concerns and the DOE is proposing to co-locate Compass Charter School in District 13 in order to provide additional educational options for families. Pursuant to Chancellor's Regulation A-414, every school or 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. The School Safety Plan is updated annually by the Committee to meet the 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 passed, the School Safety Plan would be revised to ensure the safety of all students on the K13campus.

Changes Made to the Proposal

No changes have been made to this proposal.