

Public Comment Analysis

Date: October 29, 2013

Topic: The Proposed Opening and Co-location of New District Elementary School 28Q312 with Existing School P.S. 40 Samuel Huntington (28Q040) Beginning in the 2014-2015 School Year

Date of Panel Vote: October 30, 2013

Summary of Proposal

On August 26, 2013, the New York City Department of Education (“DOE”) issued an Educational Impact Statement (“EIS”) describing a proposal to co-locate a new district elementary school, 28Q312, that will serve students in grades kindergarten through five, in building Q040 (“Q040”) and temporary classroom unit (“TCU”) Q998 located at 109-20 Union Hall Street, Queens, NY 11433, in Community School District 28 (“District 28”), beginning in the 2014-2015 school year. 28Q312 will be co-located in Q040 with P.S. 40 Samuel Huntington (28Q040, “P.S. 40”), an existing elementary school serving students in grades kindergarten through five, which also offers a pre-kindergarten program. In addition, Goodwill, Studio in a School, and Manhattan New Music Project (“MNMP”), three community based organizations (“CBOs”), are located in Q040.

P.S. 40 is a zoned elementary school that is serving approximately 546 students in kindergarten through fifth grade and a pre-kindergarten program in Q040 during the 2013-2014 school year. A student’s zoned school is determined by his or her home address.

28Q312 is a new elementary school that, if this proposal is approved, will open in September 2014 in Q040, where it will be co-located with P.S. 40. 28Q312 will be a zoned elementary school that will give priority to students residing in the Q040 zone and will grow to serve students in kindergarten through fifth grade. 28Q312 and P.S. 40 will share a zone, and future students in that shared residential zone will have admissions priority to both of the schools in the zone, in accordance with Chancellor’s Regulation A-101.

In the year 2014-2015 school year, 28Q312 will enroll approximately 45-55 students in kindergarten. In 2019-2020, 28Q312 will complete its phase-in, reaching full scale, and serving approximately 270-330 students in grades kindergarten through five.

According to the 2011-2012 Enrollment, Capacity, Utilization Report (the “Blue Book”), Q040 has the capacity to serve 886 students. In the 2013-2014 school year, the building is projected to serve approximately 546 students, yielding an estimated utilization rate of 62%. This means that the building is “underutilized” and has space to accommodate additional students. If this proposal is approved, there will be sufficient space to accommodate P.S. 40 and 28Q312. Once 28Q312 reaches full scale in 2019-2020, the Q040 building will serve approximately 786-906 students, yielding an estimated building utilization rate of 89%-102%.

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 proposed opening and co-location of 28Q312 in building Q040 is part of the DOE’s central goal to create new school options that will better serve future students and the community at large. The proposed co-location of new school 28Q312 will provide students residing in the Q040 zone and in the District 28 community with an additional elementary school option.

The details of this proposal have been released in the 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 office of P.S. 40.

Summary of Comments Received

A joint public hearing regarding the proposal was held at Q040 on October 9, 2013. At this hearing, interested parties had an opportunity to provide input on the proposal. Approximately 150 members of the public attended the hearing, and 31 people signed up to speak. Present at the meeting were District 28 Superintendent Beverly Ffolkes-Bryant; District 28 Community Education Council (“CEC 28”) President Deborah Dillingham; P.S. 40 School Leadership Team (“SLT”) representatives Principal Alison Branker, Nicole Martinez, and Rose Quinones; City Councilman Ruben Wills; City Councilman Leroy Comrie; Assemblymember Vivian Cook; Nathaniel Hezekiah, III representative from Representative Gregory Meeks’ office; State Senator James Saunders; Community Board 12 Chairperson Adrienne Adams; and Emily Ades and Dean Guzman from the DOE’s Division of Portfolio Planning.

The following comments and remarks were made at the joint public hearing on October 9, 2013 on the proposal:

- 1) CEC 28 president Deborah Dillingham expressed opposition to all District 27 proposals and made the following statements based on CEC 28 Resolution 005:
 - a) She believes there was no public involvement in this decision.
 - b) She believes there was no request from the school community for additional elementary seats other than for Pre-Kindergarten seats.
 - c) She believes the majority of students in P.S. 40 would not be able to attend the new school.
 - d) She believes equal opportunity for all elementary students in the zone would be compromised by this proposal.
 - e) She believes the new school has no clear educational direction.
 - f) She believes sharing common spaces is challenging.
 - g) She believes future enrollment of P.S. 40 may be impacted given the proposed shared zone with the new school.
 - h) She believes utilization of rooms for extracurricular activities and partnerships will be affected by the co-location.
 - i) She believes new small schools have not proven to perform significantly better than larger, existing NYC public schools.
 - j) She expresses concerns that the Office of New Schools is unavailable to meet with CEC 28 until after the PEP vote.
 - k) She requests that the DOE postpone any further actions on Q040 until the official Progress Report is available.
- 2) P.S. 40 principal Alison Branker expressed opposition to the proposal.
- 3) SLT Representative Nicole Martinez expressed opposition to the proposal and made the following statements:
 - a) She believes the co-location will raise shared space issues.
 - b) She believes sanitation will be an issue because the DOE did not plan to hire additional custodial staff for the new school.
- 4) SLT Representative Rose Quinones expressed opposition to the proposal and made the following statements:
 - a) She believes the co-location will take space away from P.S. 40 in the gym, library, and cafeteria.
 - b) She believes the co-location will overcrowd the school and hold students back from being college and career-ready.
- 5) Councilman Leroy Comrie made the following comments:
 - a) He urges everyone in opposition of this proposal to write letters to City Council and to the mayor.
 - b) He believes all co-location proposals are wrong.
 - c) He believes the DOE is acting beyond its purview and does not have the right to propose co-locations beyond this year.
 - d) He stated that the DOE just phased out a co-located school in building Q040.
 - e) He believes all students zoned to P.S. 40 should attend one school.
 - f) He believes P.S. 40 and the administration can handle 800 students.
 - g) He believes this proposal is unfair to the P.S. 40 teachers.
- 6) Councilman Ruben Wills made the following comments:
 - a) He believes the building having over 100% utilization is a problem.
 - b) He believes having no funding in the capital plan to build new classrooms is a problem.

- c) He believes the EIS did not take into account the two dance studios and communication studio.
 - d) He believes the EIS is trying to decrease the enrollment by 120 students at P.S. 40.
 - e) He states that 120 students in the zone will not be able to go to P.S. 40.
 - f) He questioned the need for more school options in the community.
 - g) He states that he will sue DOE in a federal lawsuit.
- 7) Assembly woman Vivian Cook made the following comments:
- a) She believes this proposal is not just a state issue, but a federal issue.
 - b) She believes students should go back to basics of education, such as reading, writing, and arithmetic.
 - c) She states that this is her home, and she will do anything to stop the proposal from passing.
- 8) Nathaniel Hezekiah, III, representative from the office Councilman Gregory Meeks made the following comments:
- a) He believes the building should continue to house just one school, not two.
 - b) He expresses opposition to all co-location proposals in the city.
 - c) He states that the DOE decision making process is a rushed process.
 - d) He believes the engagement period for these proposals is not enough time.
 - e) He urges the DOE to suspend all proposals
- 9) Community Board 12 Chairperson Adrienne Adams made the following comments:
- a) She states that the DOE uses “under-utilized” incorrectly.
 - b) She states that the term “high quality” is highly offensive to existing schools.
 - c) She expresses opposition to sharing common spaces within a building, many of which are designed for a specific grade.
 - d) She expresses opposition to the Success Charter Network.
 - e) She believes the proposal is irresponsible and will potentially create a detrimental learning environment for all students involved.
- 10) State Senator James Saunders made the following comments:
- a) He expresses interest in knowing how this proposal will improve the academic performance of all of the proposed schools.
 - b) He states that he wants to make sure there is no negative impact on P.S. 40.
- 11) Multiple commenters stated that P.S. 40 has done wonderful things for current students.
- 12) Multiple commenters expressed their support for the current principal of P.S. 40.
- 13) Multiple commenters expressed their support for the current programs offered at P.S. 40.
- 14) Multiple commenters expressed their opposition to another elementary school in the building.
- 15) Multiple commenters expressed opposition to the proposal because they do not want to lose access to special programming in the building.
- 16) Multiple commenters expressed their support for the safety that P.S. 40 provides to the community.
- 17) Multiple commenters expressed opposition to the current administration’s educational plans.
- 18) Multiple commenters asked the DOE to give P.S. 40 more financial resources.
- 19) Multiple commenters expressed the belief that the proposal is already a done deal and will automatically be passed by the PEP.
- 20) Multiple commenters expressed concern about how two schools will share common spaces such as the auditorium, cafeteria, library and bathrooms.
- 21) Multiple commenters referenced highlights of P.S. 40’s programs and progress.
- 22) Two commenters stated the school needs more space to grow.
- 23) Two commenters expressed concern over the competition for resources that occurs due to co-locations.
- 24) Two commenters suggested that the DOE increase enrollment at P.S. 40 instead of opening and co-locating a new elementary school.
- 25) One commenter expressed concern over the DOE’s methods of handling schools and space utilization.
- 26) One commenter expressed concern over the DOE’s method of projecting enrollment.
- 27) One commenter expressed concern over the DOE’s ability to support the school’s ability to control students in the building.
- 28) One commenter expressed concern about the P.S. 40’s loss of funding per student if enrollment decreases.
- 29) One commenter suggested that zone sharing was illogical.
- 30) One commenter questioned what type of school would be placed in the building.

- 31) One commenter expressed that the DOE was intentionally targeting P.S. 40 for this co-location proposal.
- 32) One commenter suggested the co-location will affect the students' access to programs at P.S. 40.
- 33) One commenter suggested the DOE is setting up P.S. 40 for failure.
- 34) One commenter stated that they feel their voice has not been heard throughout the A-190 process.
- 35) One commenter expressed gratitude regarding P.S. 40 welcoming families and children impacted by Hurricane Sandy.

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

There were 44 written comments and 60 voicemail comments submitted to the DOE regarding this proposal.

- 36) Multiple commenters expressed opposition to the proposal.
- 37) Multiple commenters expressed concern as to how two schools will share common spaces such as the auditorium, cafeteria, library and bathrooms.
- 38) Multiple commenters expressed opposition to the proposal because they do not want to lose access to special programming in the building.
- 39) Multiple commenters suggested funds allocated towards the co-location should instead be allocated to the existing school, P.S. 40.
- 40) Multiple commenters suggested that the co-location will cause overcrowding in the building.
- 41) One commenter stated that it was unfair that co-locations proposals tend to be in very low-income communities like that of P.S. 40.
- 42) One commenter stated that the DOE treats families like they don't matter.
- 43) One commenter suggested that P.S. 40 will lose students and therefore, lose funding.
- 44) One commenter states that the co-location will pit parents and students against one another.
- 45) One commenter suggested the proposal is a deliberate phase-out of P.S. 40.
- 46) One commenter suggested the enrollment projections were not accurate.
- 47) One commenter stated that parents were not consulted in regards to this proposal.
- 48) One commenter stated that the P.S. 40 teachers and staff are highly qualified and dedicated individuals that contribute to the community.
- 49) One commenter suggested that the co-location would raise safety concerns regarding arrival and dismissal of students from two schools.
- 50) One commenter suggested the proposal will cause teachers and probationary teachers to lose their jobs.

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

Comments 5(d), 6(b), 6(g), 7(a), 7(b), 9(b), 9(d), and 35 are unrelated to the proposal and thus do not require a response.

Comments 1(k), 5(c), 8(c), 8(e), and 17 suggest that all proposals that will be voted on at the October 30th PEP be postponed.

The proposals that will come before the October 30th PEP, 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 5(f), 11, 12, 13, 16, 21, and 48 discuss the positive aspects of P.S. 40, including the school's administration, safety procedures, and programmatic offerings.

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.

Comments 10(a), 10(b), 15, 32, and 38 express concerns about the impact of the proposed co-location on P.S. 40's ability to continue offering current programs and providing adequate instruction to enable students to be college and career-ready.

As stated in the Educational Impact Statement, the proposed co-location is not expected to impact future or instructional programming at P.S. 40.

The DOE does not anticipate that this proposal will impact the current extra-curricular activities or partnerships at P.S. 40. P.S. 40 will continue to offer special programs and initiatives, and extra-curricular programs based on student interests and available resources. However, the co-location may change the way those programs are configured. For example, some activities may need to share classroom space or the scheduling of these activities may change as a result of greater demands on the available space during or after school hours. Students will continue to have the opportunity to participate in a variety of extra-curricular programs though the specific programs offered at a given school are always subject to change. That is true for any City student as all schools modify extra-curricular offerings annually based on student demand and available resources.

Comment 40 asserts that the building will be overcrowded. Comment 4(b) expresses concern about the co-location causing the building to become overcrowded and therefore affect instructional learning. Comment 22 expresses that P.S. 40 needs more space to grow.

As stated in the EIS, Q040 has been identified as an under-utilized building and the building has capacity to accommodate P.S. 40 and 28Q312. Q040 has the capacity to serve 886 students. In the 2013-2014 school year, the building is serving approximately 546 students, yielding a utilization rate of 62%. If this proposal is approved, there will be approximately 786-906 total students served in Q040 in 2019-2020. In 2019-2020, when 28Q312 will complete its expansion and reach full scale, the projected utilization for Q040 as a result of the co-location will be approximately 89%-102%. Therefore, the building has adequate capacity to accommodate the co-location of P.S. 40 and 28Q312. Projected enrollment figures and anticipated utilization rates for Q040 are based on target capacity data from the 2011-2012 Blue Book and enrollment data from the 2013-2014 budget register projections. This methodology is consistent with the manner in which the DOE conducts planning and calculates space allocations and funding for all schools.

Further, if this proposal is approved, there will be sufficient space to accommodate P.S. 40 and 28Q312 pursuant to the Citywide Instructional Footprint (the "Footprint"), throughout the period in which 28Q312 phases in. Please visit the DOE's Web site to access the Footprint, which guides space allocation and use in City schools:

http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf.

The Footprint sets forth the baseline number of rooms that should be allocated to a school based on the grade levels served by the school and number of classes per grade. For existing schools, the Footprint is applied to the current number of classes and class size a school has programmed and is confirmed by a walk-through of the building by the Borough Director of Space Planning and the school's principal.

For elementary schools serving grades kindergarten through five (and for all pre-kindergarten programs), the Footprint assumes that classes are self contained. Therefore, the Footprint allocates one full-size room for each general education or ICT section and a full-size or half-size room to accommodate each SC special education section served by the school. In addition to these rooms, schools serving grades kindergarten through five receive an allocation of cluster or specialty rooms proportionate to the number of students enrolled. These spaces can be used at the principal's discretion for purposes such as art and/or music instruction, among other things.

If this proposal is approved, the Office of Space Planning will work with the Building Council to ensure an equitable allocation of the excess space in Q040. In determining an equitable allocation, the Office of Space Planning may consider factors such as the relative enrollments of the co-located schools, the instructional and programmatic needs of the co-located schools, and the physical location of the excess space within the building. In addition, the Office of Space Planning will work with the schools in building Q040 to ensure a smooth transition, if necessary, of any rooms currently being used above schools' footprint allocations.

As stated above, and in the Educational Impact Statement, the proposed co-location is not expected to impact future instructional programming at P.S. 40.

Comments 2, 5(a), 5(b), 6(f), 7(c), 8(a), 8(b), 9(e), 14, and 36 express general opposition to this proposal and co-locations.

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. Less than one quarter of our buildings have a charter school in them.

Co-locations allow us 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.

Comment 1(e) suggests that the proposed new school in Q040 has no clear educational purpose.

If this proposal is approved, the Office of New Schools ("ONS") will begin the process of selecting and training effective leaders to open 28Q312. The DOE believes in giving principals autonomy to program and direct their schools as they see fit. In addition to vetting and preparing the new school principal candidates, ONS provides post-opening support in concert with Networks and district superintendents.

Additional information about the new district schools process is available at:
<http://schools.nyc.gov/community/newschools/default.htm>

Comment 49 relates to safety concerns in Q040 relating to arrival and dismissal times on campus.

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. 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.

As stated in the EIS, this proposal is not expected to impact the transportation schedules of P.S. 40.

Transportation will be provided according to Chancellor's Regulation A-801:
<http://schools.nyc.gov/NR/rdonlyres/21A1B11A-886B-4F74-9546-E875EE82A14C/40303/A801.pdf>.

The Office of Safety and Youth Development (“OSYD”) will regularly monitor the campus schools’ DOE incident data and the NYPD building crime data for spiking trends. When there is evidence of spikes in incidents and crime, OSYD will schedule a review of the data with representatives from all the co-located schools and follow up with a safety walk or a full comprehensive safety assessment to identify areas of concern and re-establish safety and security systems for the campus, as appropriate. The DOE makes available the following supports to schools relating to safety and security:

- Providing “Best Practices Standards for Creating and Sustaining a Safe and Supportive School,” as a resource guide;
- Reviewing and monitoring school occurrence data and crime data (in conjunction with the Criminal Justice Coordinator and the New York City Police Department);
- Providing technical assistance via the Borough Safety Directors when incidents occur;
- Providing professional development and support to Children’s First Network (“CFN”) Safety Liaisons;
- Providing professional development and kits for Building Response Teams; and
- Monitoring and certifying School Safety Plans annually.

Comment 9(a) and 25 question the DOE’s methodology for calculating building utilization rates.

As described in more detail in the Blue Book, which is available at http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Enrollment/2011-2012_Classic.pdf, a building’s target utilization rate is calculated by dividing the aggregated enrollment of all school organizations in the building by the aggregated “target capacities” of those organizations. Each school organization’s “target capacity” is calculated based upon the scheduled use of individual rooms as reported by principals during an annual facilities survey, the DOE’s standards for maximum classroom capacities (which are lower than the United Federation of Teachers (“UFT”) contractual class sizes and differ depending on grade level), and the efficiency with which classrooms are programmed (i.e., the frequency with which classes are scheduled in a given classroom).

The most recent year for which target capacity has been calculated for buildings is 2011-2012. As described earlier in this EIS, the DOE’s utilization rates for the 2013-2014 school year and beyond are based on the 2011-2012 target capacity, which assumes that the components underlying that target capacity (scheduled use of classrooms, maximum classroom capacity, etc.) remain constant. Thus, projected utilization rates for 2013-2014 and beyond provide only an approximation of a building’s usage because each of the factors underlying target capacity may be adjusted by principals from year to year to better accommodate students’ needs. For example, changing the use of a room from an administrative room to a homeroom at the high school level will increase a building’s overall target capacity because high schools administrative rooms are not assigned a capacity. Holding enrollment constant, this change would result in a lower utilization rate. Similarly, if a room previously used as a kindergarten classroom is subsequently used as a fifth grade classroom, the building’s target capacity would increase because we expect that a fifth grade class will have more students than a kindergarten class. This is reflected in the fact that the DOE’s goal for maximum classroom capacity is higher for fifth grade classrooms than for kindergarten classrooms. In this example, as well, assuming enrollment is constant, the utilization rate would decrease.

The building capacity assigned to Q040 in the 2011-2012 Blue Book is based on elementary school use of the space. If this proposal is approved, P.S. 40 and 28Q312 will receive their baseline allocations pursuant to the Citywide Instructional Footprint.

Comments 1(a), 1(b), 8(c), 8(d), 34, 42, and 47 concern engagement with the District 28 community about this proposal. Comment 1(j) expresses concerns that the Office of New Schools was unavailable to meet with CEC 28 until after the PEP vote.

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, including co-locations. The DOE appreciates all feedback from the community regarding a proposal.

Engagement with the District 28 community began in June 2013. Representatives from the DOE communicated with the District 28 Superintendent, P.S. 40 principal, network leaders, and cluster points. The DOE attempted to present at the August CEC meeting; however, the CEC declined that offer and requested we attend the September meeting instead. On September 19, 2013, representatives from the Office of Portfolio Management attended a CEC meeting to present and discuss the proposal for a new elementary school in Q040 with the CEC and community members who were in attendance. When the EIS for this proposal was issued on August 29, 2013, they were made available to the staff, faculty and parents at P.S. 40 and CEC 28, on the DOE's Web site and in P.S. 40's main office. In addition, the DOE dedicated a proposal-specific website, 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.

Although the DOE recognizes that some members in the community oppose this proposal, the DOE believes that, if this proposal is approved, the schools' communities in Q040 will be able to create productive and collaborative partnerships.

In regards to comment 1(j), the Office of New Schools will attend a CEC meeting to provide information about the process of selecting effective leaders to open 28Q312 and solicit feedback from the community on the proposed new school.

Comment 19 suggests that a decision has already been made regarding this proposal.

While the DOE supports the proposed opening and co-location of 28Q312 in Q040, the DOE notes that no decision has been made on this proposal and the DOE will continue to collect public feedback on this proposal before the PEP votes. Any proposed change to school utilization must go through the process outlined by Chancellor's Regulation A-190 and be approved by the PEP before it can take effect.

Comment 45 suggests that this proposal will lead to the phase-out of P.S. 40.

The DOE is proposing to open and co-locate a new district middle school in building Q040; at this time, the DOE does not have any other plans for the use of building Q040.

Comments 31 and 41 suggest that the DOE has intentionally targeted P.S. 40 for co-location and also that minority communities are unfairly targeted for co-locations.

The DOE evaluates space across all buildings and believes that the co-location of 28Q312 in Q040 is the best use of its underutilized space.

In 2013-2014, Q040 has a projected utilization rate of 62% and is thus underutilized and has the capacity to accommodate additional students. If this proposal is approved, 28Q312 will provide an additional elementary school option for students residing in the Q040 zone and students in the District 28 community. The proposed opening and co-location of 28Q312 in building Q040 is part of the DOE's central goal to create new school options that will better serve future students and the community at large.

Comments 18, 28, 39, and 43 pertain to funding at P.S. 40. Comment 3(b) specifically expresses concern about additional custodial staff if the new school is co-located in Q040.

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.

New schools receive Fair Student Funding in the same manner as other schools. Funding follows the students and is based on pupil academic needs (i.e., special education, ELL, poverty, and/or proficiency status).

New district schools are provided with additional funds to cover start-up costs such as supplies and textbooks that may be required. This Other than Personal Services (OTPS) for new schools funding allocation is based on a fixed per-school amount, and a per-pupil allocation. A new school in year one of implementation at a newly constructed site will receive \$22,000 and a new school in a newly leased or existing site will receive \$51,000 in OTPS per school. Thereafter, the school will receive \$100 per-student in OTPS based on projected registers for the newly added grade. In the case where there is no new grade phasing-in, the school will not receive an allocation in that year.

Principals have discretion over their budget and make choices about how to prioritize their resources. New schools may choose to hire fewer administrative staff (e.g. only a single assistant principal) freeing up dollars to be directed toward other priorities.

In regards to comment 3(b), custodial staffing is funded based on the size of the building. Staffing is determined based on the DOE contracts with the in-house Local 891 Custodian Engineers or contracts between the DOE and two outsourced Facilities Management Services (“FMS”) providers.

Comments 1(c), 1(d), 1(g), 5(e), 6(e), 24, and 29 pertain to the admissions method and future enrollment of P.S. 40, and zone sharing. Comments 26 and 46 suggest the enrollment projections for P.S. 40 in the EIS are inaccurate. Comment 6(d) suggests that the DOE is trying to decrease the enrollment at P.S. 40.

As stated in the EIS, P.S. 40 is a zoned elementary school serving students in grades kindergarten through five and offering a pre-kindergarten program. A student’s zoned school is determined by his or her home address. For more information about school zoning and admissions processes to enroll in a zoned elementary school, please visit the DOE Web site: <http://schools.nyc.gov/choicesenrollment/elementary>.

If this proposal is approved, beginning in 2014-2015, incoming kindergarten students who reside in P.S. 40’s zone will have a new zoned option for elementary school, 28Q312, which will open in September 2014 in the building Q040.

In regards to comment 1(c) and 1(d), any student residing in the P.S. 40 zone will have equal access to either school. 28Q312 and P.S. 40 will share a zone. Future students in that shared residential zone will have admissions priority to both of the schools in the zone: the new zoned elementary school, 28Q312, and the existing shared-zoned elementary school, P.S. 40, in accordance with Chancellor’s Regulation A-101. The full details of A-101 can be found at: <http://schools.nyc.gov/RulesPolicies/ChancellorsRegulations/default.htm>.

In regards to comment 29, based on historical enrollment patterns at P.S. 40, the DOE anticipates that together, 28Q312 and P.S. 40 will be able to accommodate all zoned students who wish to attend the two schools. If zoned demand fluctuates, the DOE will address the issue as needed. There are numerous shared zone schools across the city to allow additional options for a particular school zone.

The enrollment projections in the EIS are based on 2013-2014 Budget Register Projections. Future student enrollment at P.S. 40 may be impacted given that 28Q312 will share the Q040 zone, and that the two schools together will utilize all excess space in Q040.

Comments 1(f), 1(h), 3(a), 4(a), 9(c), 20, and 37 concern the shared space scheduling in the building with particular concern for the auditorium, gymnasium, cafeteria, and library. Specifically, comment 6(c) relates to the specialty rooms in building Q040.

As in other situations where schools are co-located, the schools will need to share large common and specialty rooms in the building, such as the cafeteria, the gymnasium, the auditorium, and the library. Specific decisions regarding the allocation of the shared spaces will be made by the Building Council, consisting of principals from all co-located schools, in conjunction with the DOE's Office of Space Planning.

Principals from each school organization co-located in a building serve on a Building Council to make decisions about overall use of the shared space and shared space schedules including the use of the cafeteria and scheduling of lunch periods for students in each co-located school organization. If the principals are unable to agree upon a schedule for shared spaces, there is a mediation process outlined in the Campus Policy Memo, which is available at <http://schools.nyc.gov/community/campusgov>.

If this proposal is approved, the Office of Space Planning will work with the Building Council to ensure an equitable allocation of the excess space. In determining an equitable allocation, the Office of Space Planning may consider factors such as the relative enrollments of the co-located schools, the instructional and programmatic needs of the co-located schools, and the physical location of the excess space within the building. In addition, the Office of Space Planning will work with the schools in building Q040 to ensure a smooth transition, if necessary, of any rooms currently being used above P.S. 40's footprint allocation. During the course of 28Q312's phase-in, the number of excess rooms will decrease as 28Q312's baseline footprint allocation increases to reflect its larger population.

The DOE believes that both P.S. 40 and 28Q312 will have adequate access to the shared spaces in Q040, which will enable both schools to meet the needs of all their students.

Comment 1(i) states that new, small schools have not been proven to perform significantly better than existing, larger NYC public schools.

The central goal of the Children First reforms is simple: to create a system of great schools. Every child in New York City deserves the best possible education. This starts with a great school – led by a dedicated leader with a vision for student success.

To ensure that as many students as possible have access to the best possible education, under this Administration, New York City has replaced 140 of our lowest-performing schools with better options and opened 654 new schools: 478 districts schools, 3 District 75 schools, and 173 public charter schools. As a result, we've created more high-quality choices for families.

Further, a recently published report by MDRC found that our new, small schools, "which serve mostly disadvantaged students of color, continue to produce sustained positive effects, raising graduation rates by 9.5 percentage points. This increase translates to nearly 10 more graduates for every 100 entering ninth-grade student."

There is more work to do, but the recently released MDRC report shows our policies are effective and serving those who matter most: our students.

Comment 50 relates to the current teachers and staff at the school. Comment 27 relates specifically to the support P.S. 40 will receive if the proposal is approved. Comment 5(g) suggests the proposal is unfair to teachers at P.S. 40. Comment 33 suggests the DOE is setting up P.S. 40 for failure.

During this co-location, P.S. 40, like all DOE schools, will receive support and assistance from its superintendent and [Children First Network](#), a team that delivers operational and instructional support directly to schools.

The proposed co-location is not expected to change the number of personnel positions assigned to P.S. 40, nor is it expected to significantly alter the duties of current staff at P.S. 40. No change in school supervisory or administrator positions at P.S. 40 are expected as a result of this proposal.

Comment 6(a) concerns the building utilization rate in excess of 100%.

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.

Comment 23 and 44 suggest that co-locations pit schools against one another.

Co-locations allow us 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. There are examples of schools buildings in which district and charter school principals have collaborated together to meet the needs of all students served in the building. For example, in District 6, P.S. 128 Audubon and Castle Bridge School, two district elementary schools co-located in M128, have collaborated on a new gardening project in High bridge Park and both schools enjoyed a performance by a visiting band.

The DOE is optimistic that P.S. 40 and 28Q312 can replicate this type of successful collaboration in the Q040 building.

Comment 30 questioned if the new co-located school would be a charter or district school.

As stated in the EIS, the DOE is proposing to co-locate a new district elementary school, 28Q312, that will serve students in grades kindergarten through five, in building Q040.

Changes Made to the Proposal

No changes have been made to the proposal.