

Public Comment Analysis

Date: June 9, 2015

Topic: The Proposed Expansion of Success Academy Charter School – Cobble Hill (84K129) in Building K293 with Brooklyn School for Global Studies (15K429), School for International Studies (15K497), and a District 75 Program (75K368) Beginning in the 2016-2017 School Year

Date of Panel Vote: June 10, 2015

Summary of Proposal

On April 23, 2015, the New York City Department of Education (“DOE”) issued an Educational Impact Statement (“EIS”) describing a proposal to expand the grades served by Success Academy Charter School – Cobble Hill (84K129, “SA-Cobble Hill”) in building K293 (“K293”) to include grade five beginning in the 2016-2017 school year. SA-Cobble Hill is a charter school currently serving students in kindergarten through grade three in K293, located at 284 Baltic Street, Brooklyn, NY 11201, in Community School District 15 (“District 15”), where it is currently co-located with Brooklyn School for Global Studies (15K429, “Global Studies”), a secondary school serving students in grades six through twelve; School for International Studies (15K497, “International Studies”), a secondary school serving students in grades six through twelve; and P368K@H429 (75K368, “P368K@H429”), one site of an existing multi-sited District 75 program, serving students in grades nine through twelve. In 2015-2016, SA-Cobble Hill will phase in to serve students in kindergarten through fourth grade. SA-Cobble Hill will also serve one section of full-day pre-kindergarten (“Pre-K”) beginning in the 2015-2016 school year.

The grade expansion of SA-Cobble Hill in K293 is intended to support the educational continuity of students currently enrolled in SA-Cobble Hill. If this proposal is approved, SA-Cobble Hill’s fourth-grade students who are eligible for promotion will have the opportunity to remain in SA-Cobble Hill at K293 for fifth grade beginning in 2016-2017.

In an amended EIS posted on November 21, 2011, the DOE proposed the siting and co-location of SA-Cobble Hill’s kindergarten through fourth grades at K293. On December 14, 2011, the Panel for Educational Policy (“PEP”) approved the siting and co-location of SA-Cobble Hill’s kindergarten through fourth grades at K293.

Pursuant to recent amendments to the Education Law which provide certain new and expanding charter schools with access to facilities, SA-Cobble Hill made a co-location request to the DOE for space for its fifth through eighth grades. Although SA-Cobble Hill requested space for its fifth through eighth grades, at this time the DOE is proposing to site SA-Cobble Hill’s fifth grade only at K293.

Success Academy Charter Schools is a charter management organization (“CMO”) that currently operates elementary, middle, and high schools, including SA-Cobble Hill, in New York City. SA-Cobble Hill is a charter school that opened in the 2012-2013 school year, is currently serving students in kindergarten through grade three, and plans to expand to serve students in kindergarten through grade twelve. The school’s charter was authorized in June 2011 by The State University of New York Trustees (“SUNY”).

The DOE evaluates public school buildings throughout the City that are “under-utilized,” meaning they have space to accommodate additional students. Building K293 has a target capacity of 1,483 students. Currently, the building is serving approximately 1,062 students, yielding a utilization rate of approximately 72%. Therefore, K293 is “under-utilized.” In 2015-2016, when SA-Cobble Hill begins serving Pre-K and phases in to serve fourth grade students at K293, there will be approximately 1,083-1,328 students served in the building by all three schools and P368K@H429, yielding a projected utilization rate of 73%-90%. If this proposal is approved, in 2016-2017, when

SA-Cobble Hill expands to serve fifth grade students at K293, there will be approximately 1,218-1,483 students in the building served by all three schools and P368K@H429, yielding a projected utilization rate of 82% -100%.

In addition, though SA-Cobble Hill will be fully phased in and serving its at-scale grade levels during the 2016-2017 school year, the EIS for this proposal is extended through the 2017-2018 school year to account for projected enrollment growth at International Studies. If this proposal is approved, in 2017-2018, when International Studies' enrollment is fully at scale, there will be approximately 1,268-1,533 students in the building served by all three schools and P368K@H429, yielding a projected utilization rate of 86%-103%. While the anticipated utilization rate of K293 could potentially be above 100%, Global Studies, International Studies, SA-Cobble Hill, and P368K@H429 will each receive space that meets all of their instructional needs. Thus, the DOE believes that K293 can serve all students that attend Global Studies, International Studies, SA-Cobble Hill, and P368K@H429. SA-Cobble Hill will continue to use shared spaces with Global Studies, International Studies, and P368K@H429. As set forth in the Building Utilization Plan ("BUP") that accompanies this proposal, there is sufficient space in the building to accommodate this expansion.

The details of this proposal have been released in an EIS and BUP, which can be accessed here:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2014-2015/June2015SchoolProposals>

Copies of the EIS and BUP are also available in the main offices of Global Studies, International Studies, P368K@H429, and SA-Cobble Hill.

Summary of Comments Received

Public engagement was conducted by the DOE in the course of creating this proposal which included:

- Convening a Community Needs Assessment Forum on November 13, 2014 which included representatives from elected officials, Brooklyn CECs and District President Councils and at which District Planning needs and priorities in Brooklyn were discussed.
- Conducting a walkthrough of building K293 with a Deputy Chancellor from the DOE on April 17, 2015. On that day, the Deputy Chancellor and other DOE leadership members met with the leaders and School Leadership Team members of SA-Cobble Hill, Global Studies, International Studies, and P368K@H429, and leadership from the Citywide and Community Education Council for District 15 ("CEC 15") to further discuss the proposal, listen to questions and concerns from the school communities, and determine whether significant logistical or other concerns would prevent the implementation of this proposal if approved by the PEP.

The DOE also held a joint public hearing regarding this proposal at K293 on June 1, 2015. At that meeting, interested parties had an opportunity to provide input on the proposal. Approximately 430 members of the public attended the hearing. There were forty-nine (49) speakers. Individuals present at the meeting included: Brooklyn High Schools Superintendent and Chancellor's Designee, Karen Watts; CEC 15 President, Naila Rosario; Global Studies Principal, Dawn Meconi; Global Studies SLT representative, Valerie Wright; International Studies Principal, Jillian Juman; International Studies SLT representative, Susan Moesker; P368K@H429 Principal, Joycelyn Nedd; Citywide District 75 Council 1st Vice President and P368K@H429 SLT representative, Celia Green; SA-Cobble Hill principal, Kerri Tabarcea; SA-Cobble Hill network representative, Lindsey Luebchow; and Dean Guzman, Jonathan Geis, Brandon Bloomfield, and Greg Whitten from the DOE.

The following comments and remarks were made at the joint public hearing on June 1, 2015:

1. CEC 15 president, Naila Rosario, commented as follows:
 - a. CEC 15 is opposed to the expansion of SA-Cobble Hill. Any expansion would force the district schools to be restrained in size.
 - b. She feels that SA-Cobble Hill is bad for district schools because it takes up space in the district and draws students away from district schools.
 - c. She claims that Mayor DeBlasio promised that he would be more collaborative and inclusive of community members in the school proposal process, and particularly stated that the CEC would have a

- greater role in advising on proposals. Further, she stated that the mayor promised that the PEP would be required to issue a response to any proposals that the CEC opposes. She claimed that the mayor has not fulfilled this promise.
2. Citywide District 75 Council 1st Vice President and P368K@H429 SLT Representative, Celia Green, commented as follows:
 - a. She supports the proposal to provide space for SA-Cobble Hill's expansion to 5th grade.
 - b. However, she disagrees that the pre-kindergarten placement is appropriate for this school site.
 3. Global Studies SLT representative, Valerie Wright, commented as follows:
 - a. She is concerned that adding SA-Cobble Hill's 5th grade will take away needed space in the district schools.
 - b. She is also concerned with middle school students sharing the same floor as high school students.
 - c. Last, she also has concerns about potential overcrowding in the district schools as a result of this proposal.
 4. International Studies SLT representative, Susan Moesker, commented as follows:
 - a. She supports the proposal and the space allocations for all schools, and appreciates the civil and respectful tone of the hearing.
 5. International Studies principal, Jillian Juman, commented as follows:
 - a. She supports the proposal and all of the communities impacted by the proposal.
 - b. International Studies is a community school, and as principal, she feels that it is important to show that International Studies supports the entire PK – 12 community that is present in K293.
 6. Global Studies principal, Dawn Meconi, commented as follows:
 - a. She understands the concerns of families, but ultimately is in support of the proposal.
 - b. Global Studies pledges its commitment to all communities present in K293.
 7. P368K@H429 principal, Joycelyn Nedd, commented as follows:
 - a. She supports the community and supports the proposal.
 8. SA-Cobble Hill principal, Kerri Tabarcea, commented as follows:
 - a. She started the school in 2012 with a vision for a joyous and supportive learning environment. It has been great to see that dream become a reality.
 - b. She is in support of the proposal and the BUP describing the space for the proposal. It is important for students to be able to remain in this school for 5th grade.
 9. Success Academy network representative, Lindsey Luebchow, commented as follows:
 - a. SA-Cobble Hill has had fantastic success with its academic and extra-curricular programs.
 - b. The experience with co-location in K293 has been predominantly positive and productive.
 - c. She is in support of this proposal and is excited to continue working with the co-located schools in the building.
 10. Multiple commenters expressed support for the proposed expansion of SA-Cobble Hill to 5th grade in K293.
 11. Multiple commenters expressed a belief that K-5 is a more natural progression for students in one building than is K-4; thus, supporting the DOE's proposed expansion of SA-Cobble Hill to 5th grade in K293.
 12. Multiple commenters expressed support for the academic programs at SA-Cobble Hill.
 13. Multiple commenters expressed appreciation for the civil tone of the hearing, and for the amicable relationship between leaders in each of the co-located schools.
 14. Multiple commenters expressed concern that the expansion of SA-Cobble Hill to 5th grade will limit the space available for other schools in the building, and may reduce the ability of other schools in the building to grow.
 15. One commenter expressed concern that this proposal will force the schools in the building to argue over time allotted in shared spaces in K293.
 16. Multiple commenters expressed concern that elementary school students should not be in the same building as middle school or high school students.
 17. One commenter expressed general opposition to the proliferation of charter schools, in particular, the growth and expansion of Success Academy Charter Schools.
 18. One commenter expressed a belief that the DOE has purposefully planned to reduce enrollment in district schools as a mechanism to fuel charter school growth, and also suggested that charter school success has come at the expense of students in district schools.

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

The DOE received zero (0) voicemails through the dedicated phone number for this proposal.

The DOE received one (1) email through the dedicated email address for this proposal. The email expressed comment for all proposals being voted upon at the June 10 PEP meeting, and was sent to the dedicated email addresses for District 8, District 14, District 15, and District 22, respectively.

The following comment was submitted directly to members of the PEP for consideration and was also submitted to the DOE for response.

19. Leonie Haimson, Executive Director of Class Size Matters, submitted comments to the DOE in response to all proposals being voted upon at the June 10 PEP meeting. These proposals include: a proposed grade expansion to Success Academy Williamsburg (84K182) in District 14, a proposed grade expansion to Success Academy Cobble Hill (84K129) in District 15, a proposed expansion of Icahn 7 (84X362) in District 8, and a proposed new school co-location of a Success Academy (84KTBD) in District 22. The written comments raised the following points:
- a. She expresses concern that New York City schools are already over-crowded, and that co-locations exacerbate the problem of over-crowding by requiring duplicate administrative offices and cluster/specialty spaces.
 - b. She expresses concern that any expansion restricts the ability of existing schools in the building to reduce class size below current levels, which she claims are already too high.
 - c. She expresses concern with EIS's for proposals that project utilization rates of near or over 100 percent in future years, claiming that the current methodology for determining utilization rates is already flawed.
 - d. She expresses concern that a Blue Book Working Group appointed by the New York City Schools Chancellor ("the Chancellor") made recommendations to improve utilization formulas, and that such recommendations have not yet been released.
 - e. She expresses opinion that Success Academy can afford rent in its own space, since Success Academy has millions of dollars in reserves raised through fundraising efforts.
 - f. She expresses belief that Success Academy enrolls fewer English Language Learners and special needs students than district schools.
 - g. She expresses belief that Success Academy suspends students at greater rates than district schools.
 - h. Further, the comment included comparative enrollment and suspension rates for all existing district schools and charter schools impacted through these proposals, alleging that the charter law prohibits charter schools from expanding or replicating if it does not enroll or retain equal numbers of high needs students.
 - i. She questioned why Success Academy schools have been able to add pre-kindergarten programs in 2015-2016 without having put those programs through the A-190 process.
 - j. She also attached a letter sent to Mayor Bill DeBlasio and Chancellor Carmen Farina in Fall 2014 that requested a moratorium on all new co-locations and expansions until it is confirmed that the constitutional rights of the students in the existing schools have been remedied.

Analysis of Issues Raised, Significant Alternatives, Significant Alternatives Proposed

Comments 2(a), and 4-11 are in favor of the proposal and do not require a response.

Comment 12 expresses support for the academic programs implemented in SA-Cobble Hill, while comment 13 expresses appreciation for the positive nature of the meeting and for the collegiality displayed between organizations in K293. These comments were uttered in support of the proposal and do not require a response.

Comment 2(b) expresses particular concern about the presence of Success Academy's pre-kindergarten section in K293.

Though this proposal is not directly related to the decision to offer a pre-kindergarten program in K293, this proposal does mention the presence of the planned program because this program will require use of one full-size instructional classroom. The Department of Education is committed to providing high quality pre-kindergarten seats for all interested and eligible students around New York City. SA-Cobble Hill submitted a proposal to the Charter School Universal Pre-Kindergarten Request for Proposals to serve a pre-kindergarten program in building K293 for

the 2015-2016 school year. Through review of space available in K293, it was determined that adequate space exists to serve one section of pre-kindergarten in K293 in the 2015-2016 school year. Further, given the presence of SA-Cobble Hill's kindergarten that is already established in K293, the DOE is confident that K293 offers an adequate site in which a pre-kindergarten program may be served.

Comment 19(i) questions the process through which Success Academy Charter Schools received sites for pre-kindergarten programs for the 2015-2016 school year with regards to A-190 requirements.

For charter schools that are already in DOE buildings and co-located with district schools, because these schools were previously co-located together, the addition of a pre-K program to an existing school generally does not significantly impact co-located district schools and thus does not, in and of itself trigger the need for an EIS. In this particular case, the DOE determined that SA-Cobble Hill's addition of a pre-K program, which will require the use of one full-size instructional classroom, did not significantly impact the co-located district schools. As a result, an EIS was not required.

Comments 1(a), 1(b), 3(a), and 14 express concern that the expansion of SA-Cobble Hill will limit the space available for other schools in the building, and may remove space from these schools that they need to serve their needs. Further, comments 3(c) and 19(a) expresses concern that co-locations in general, and this proposal specifically, may lead to overcrowding in K293. Last, comment 1(a) also suggests concern that this proposal may force the district schools to reduce their enrollment as a result of this proposal.

There are currently hundreds of schools in buildings across the city that are co-located, which includes district schools with other district schools, and district schools with charter schools, and schools. In all cases, the Citywide Instructional Footprint (the "Footprint") is applied to schools to ensure equitable allocation of classroom, resource, and administrative space. 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 the number of classes per grade. For existing schools, the Footprint is applied to the current number of sections per grade, assuming class size will remain constant. A representative from the Office of Space Planning then confirms both the baseline and current space allocation totals during a walk-through of the building, where he/she is accompanied by a school representative. The Footprint is available online at: http://schools.nyc.gov/NR/rdonlyres/961D691C-641D-4918-9798-8BA2C0A761FF/0/DOEFootprint_91114newlogo.pdf.

If approved, Global Studies, International Studies, SA-Cobble Hill, and P368K@H429 will all receive their equitable allocation of space per the Footprint. The proposal currently under consideration provides all schools with their Footprint allocation based on each school's projected enrollment. Even after the schools receive their baseline or adjusted baseline allocation of space under the Footprint, there will still be excess rooms available in the building. The ultimate allocation of space and the location of classrooms for all schools will be determined by the Office of Space Planning in conjunction with the principals of Global Studies, International Studies, SA-Cobble Hill, and P368K@H429.

With regards to concerns related to overcrowding or the need for any school to purposefully reduce its enrollment, as stated in the EIS, this proposal is not expected to impact enrollment at any school in the building. Should any school's enrollment increase, all schools will continue to have sufficient space in their current sections to accommodate additional students.

Comment 19(b) expresses concern that any expansion restricts the ability of existing schools in the building to reduce class size below current levels.

As described in more detail in the Blue Book, which is available at http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Enrollment/2013-2014_Bookone_Target.pdf, a building's target utilization rate is calculated by dividing the aggregated enrollment of all the 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 goals 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 target capacity assumes that the components underlying that target capacity (scheduled use of classrooms, goal maximum classroom capacity, etc.) remain constant. Per the United Federation of Teachers (“UFT”) contract, class size maximums for district schools are as follows:

- Pre-Kindergarten: 18 students
- Kindergarten: 25 students
- Grades 1-6 in elementary schools: 32 students
- JHS/MS (all grades 4 – 8 or 5 – 9, if are located in a middle school, then middle school class size applies): 33 students in non-Title I schools; 30 in Title I schools.

Based on current enrollment, Global Studies, International Studies, SA-Cobble Hill, and P368K@H429 operate with average class sizes below UFT maximums. As mentioned, the General Education Charter School per-pupil rate is determined by the SED and is based on a formula used for all traditional public school districts.

Comment 15 expresses concern that the organizations in building K293 must fight for use of shared spaces as a result of this proposal.

The BUP that accompanies this proposal puts forth a 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. If this proposal is approved, all three schools and P368K@H429 will have access to the shared spaces in K293. That said, while the BUP outlines a shared space schedule for the implementation of this proposal, the final shared space schedule will be collaboratively drafted by the Building Council, a campus structure consisting of the Principal of each school that meets regularly to address issues related to space allocations and shared space usage. In addition to the Building Council, a Shared Space Committee will review implementation of the BUP once it has been approved by the Panel for Educational Policy. Combined, the Building Council and Shared Space Committee aim to ensure that shared spaces are equitably distributed and allocated to ensure that each school can accommodate its respective needs.

If the Principals are unable to agree upon a schedule for shared spaces through the Building Council, there is a mediation process outlined in the Campus Policy Memo, which is available at <http://schools.nyc.gov/community/campusgov>. In any building where more than one school is co-located, the Building Council – consisting of the Principal of each school – meets regularly to address issues related to space allocations and shared space usage.

Comments 3(b) and 16 express concern that elementary school students should not be in the same building as middle school or high 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 the following in Brooklyn:

- Building K324 in District 16 which 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.
- Building K113 in District 13 which currently houses two schools and a District 75 program: Compass Charter School, a charter elementary school serving students in kindergarten through first grade and phasing-in to serve students in kindergarten through fifth grade; M.S. 113 Ronald Edmunds Learning Center, a district middle school which serves students in grades six through eighth; and P372K@K113, a District 75 program which serves students in grades K-5.
- Building K237 in District 20 which currently houses two schools and a District 75 program: The Academy of Talented Scholars, a district elementary school serving students in kindergarten through fifth grade; the Brooklyn School of Inquiry, a district school which currently serves students in kindergarten through sixth

grade and is phasing in to serve students in kindergarten through eighth grades; and P.S. 370, a District 75 program which serves students in kindergarten through fifth grade.

Further, given the fact that K293 already has mixed grade levels in the building, the DOE does not expect that this proposal will impact the already successful and amicable relationship that exists between the school staffs and students in K293.

Comment 17 expresses opposition to the growth of charter schools, in particular Success Academy Charter Schools.

The DOE understands that members of the public have a wide range of opinions with regards to the use of charter schools as alternative learning environments offered in conjunction with traditional district public schools. Charter schools became a component of New York State's public education offerings with the enactment of the New York State Charter Schools Act of 1998. Charter schools in New York City are authorized by three entities, the Chancellor of the NYC DOE, the New York State Department of Education, and the SUNY Board of Trustees. The New York Charter Schools Act guides the accountability for charter schools.

That said, there are times when the DOE and certain members of the community differ in their opinions about specific projects. This proposal is driven by the DOE's desire to use building capacity to serve students, to respond to SA-Cobble Hill's space request pursuant to recent amendments to the New York State Education Law, and to enable SA-Cobble Hill students to continue their education through fifth grade in their current building.

Comment 19(c) expresses concern with EIS's for proposals that project utilization rates of near or over 100 percent in future years, claiming that the current methodology for determining utilization rates is already flawed.

Although a utilization rate in excess of 100% may suggest that a building will be over-utilized or overcrowded in a given year, this rate does not account for the fact that rooms may be programmed for more efficient or different uses than the standard assumptions in the utilization calculation. In addition, charter school enrollment plans are frequently based on larger class sizes than target capacity, contributing to building utilizations above 100% while not impacting the utilization of the space allocated to the traditional district school. The EIS provides that each school will receive space that meets all of their instructional needs. Thus, the DOE believes that building K293 can serve all students that attend Global Studies, International Studies, SA-Cobble Hill, and P368K@H429.

Comment 19(d) expresses concern that a Blue Book Working Group appointed by the New York City Schools Chancellor made recommendations to improve utilization formulas, and that such recommendations have not yet been released.

The Blue Book is an annual document that provides information on school organization and school building utilization. The utilization data is derived by using information from the Principal Annual Space Survey where principals report on how spaces are being used during a given school year. This Report is designed to provide a standardized assessment of capacity for each school and school building and assist decision-making relative to space utilization. The Blue Book is revisited and updated on a yearly basis; additionally, the School Construction Authority ("SCA") does random site visits each year to verify the information provided. In most instances, SCA finds the self-reported data on room usage to be accurate.

The current Blue Book has been simplified to adopt a new more user-friendly version under the advisement of the Blue Book Working Group. The Blue Book Working Group consists of representatives of parents, principals, Community Education Councils, the United Federation of Teachers, community groups, and elected officials. As the Blue Book Working Group continues to make progress, additional changes to any subsequent publications will likely be implemented. The purpose of the changes applied to the 2013-2014 Report is to make the document easier for the general public to navigate. The changes can be summarized into two types: 1. Organization of the Report and 2. Transportable Classroom Unit (TCU) capacity. The Blue Book is available online at: http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Enrollment/2013-2014_Bookone_Target.pdf.

Comment 19(e) expresses opinion that Success Academy can afford rent in its own space, since Success Academy has millions of dollars in reserves raised through fundraising efforts.

Recent amendments to the New York State Education Law provide certain new and expanding charter schools with access to facilities or facilities assistance. SA-Cobble Hill made a co-location request to the DOE for space for its fifth through eighth grade. Pursuant to the education law, the DOE explored siting options in response to SA-Cobble Hill's request, which resulted in the proposal to site SA-Cobble Hill's fifth grade only at K293. As previously mentioned, although SA-Cobble Hill requested space for its fifth through eighth grades, at this time the DOE is proposing to site SA-Cobble Hill's fifth grade only at K293.

Comments 19(f) expresses belief that Success Academy enrolls fewer English Language Learners and special needs students than district schools, and comment 19(h) alluded to comparative enrollment and suspension rates for schools in K293, alleging that the charter law prohibits expanding SA-Cobble Hill based on the reported data.

Success Academy Charter Schools in Brooklyn serve predominately black and Hispanic students and students eligible for free and reduced price lunch, as well as ELL students and students with disabilities. Any child eligible for admission to a district 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. Charter schools must admit all students according to their lottery preferences and may not turn away a student because of language ability or services required by an IEP. The New York Charter Schools Act requires that charter schools demonstrate good faith efforts to attract and retain students with disabilities, English Language Learners, and students who are eligible applicants for the free and reduced price lunch at rates comparable to those of the Community School District in which the charter school is located, pursuant to enrollment and retention targets established by the Board of Regents or SUNY, as applicable.

Comments 1(c), 18, 19(g), and 19(j) are not directly related to this proposal, and thus do not require a response.

Pursuant to recent amendments to the Education Law which provide certain new and expanding charter schools with access to facilities, SA-Cobble Hill made a co-location request to the DOE for space for its fifth through eighth grades. Although SA-Cobble Hill requested space for its fifth through eighth grades, at this time the DOE is proposing to site SA-Cobble Hill's fifth grade only at K293.