

Amended Public Comment Analysis

Date: June 9, 2015

Topic: The Proposed Opening and Co-location of Success Academy Charter School- New York 10 (84KTBD) with Existing School Andries Hudde Middle School (22K240) in Building K240 Beginning in the 2016-2017 School Year

Date of Panel Vote: June 10, 2015

Summary of Proposal

On April 1, 2015, 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 Success Academy Charter School- New York 10 (84KTBD, “SA- Midwood”) in building K240 (“K240”) which is located at 2500 Nostrand Avenue, Brooklyn, NY 11210, in Community School District 22 (“District 22”) beginning in the 2016-2017 school year. If this proposal is approved, SA- Midwood will be co-located with Andries Hudde Middle School (22K240, “Andries Hudde”) an existing district middle school serving students in grades six through eight. K240 also provides space to CAMBA, a community-based organization (“CBO”).

This proposal was originally scheduled to be voted on by the Panel for Educational Policy (“PEP”) at a meeting on May 20, 2015; however, the vote for this proposal was postponed and rescheduled to take place on June 10, 2015. Consequently, the original Public Comment Analysis that was prepared for the May 20th hearing has been amended to include additional public comment received regarding this proposal including, three additional voicemail and seventeen additional written comments received through June 9, 2015 at 6:00 p.m.

If this proposal is approved, SA- Midwood will open in Fall of 2016, serving approximately 130-180 students in kindergarten and first grade, and will add one grade level each year until it serves approximately 375-495 students in kindergarten through fourth grade in the 2019-2020 school year.

Pursuant to recent amendments to the Education Law which provide certain new and expanding charter schools with access to facilities, Success Academy Charter Schools (“SACS”) made a co-location request to the DOE for space in District 22 to open a new elementary school option.

The DOE evaluates public school buildings throughout the City that are “under-utilized,” meaning they have space to accommodate additional students. Building K240 has the capacity to serve 1,526 students. Currently, the building is serving approximately 873 students, yielding a building utilization rate of approximately 57%. Therefore, building K240 is “under-utilized.” If this proposal is approved by the Panel for Educational Policy (“PEP”), in 2019-2020, when SA- Midwood is at scale serving kindergarten through fourth grade students at K240, there will be approximately 1,155-1,305 students in the building served by both schools, yielding a projected utilization rate of approximately 76%-86%, which demonstrates that there is sufficient space for both school organizations. As set forth in the BUP that accompanies this proposal, there is sufficient space in the building to accommodate this co-location.

Copies of the EIS and BUP are also available in the main office of Andries Hudde or on the DOE’s website at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2014-2015/May2015SchoolProposals>.

Summary of Comments Received

A community meeting regarding the proposal was held on April 28, 2015. At that meeting, interested parties had an opportunity to provide input on and ask questions about the proposal.

A Joint Public Hearing regarding this proposal was held at building K240 on May 11, 2015. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 125 people attended the hearing and 36 people spoke. Present at the meeting were: Chancellor's Designee and District 22 Superintendent Julia Bove; City Councilmember Jumaane Williams; Andries Hudde Principal Gina Votinelli; Andries Hudde SLT Representatives Charlene Corbett, Golda Smith, Vanessa Summers and Hilary Hadar; Maureen Murphy from SUNY Charter Schools Institute and Timothy Castanza, Jonathan Geis, Greg Whitten and Jyoti Folch from the DOE. CEC 22 was invited and confirmed their attendance for the hearing, but did not attend.

Information on the joint public hearing and PEP meeting can be found on the DOE website at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2014-2015/May2015SchoolProposals>.

The following comments and remarks were made at the joint public hearing and the community meeting on the proposal:

1. A member of the Andries Hudde SLT asked how the DOE defines available space within a building and how much available space the DOE sees in building K240.
2. Councilman Jumaane Williams stated the following:
 - a. He wants all students, both district and charter school students, to succeed.
 - b. He feels that students get caught in the middle of a debate about charter vs. district schools.
 - c. He is not opposed to charter schools, but he is opposed to how charter schools are being used.
 - d. He feels that charter schools were originally intended to be an experiment to help develop strategies and new ideas that could be taken back and implemented in district schools and he does not feel this is happening.
 - e. He is opposed to "forced" co-locations, such as the proposed co-location of SA- Midwood at K240.
 - f. SACS and SACS CEO Eva Moskowitz are allowed to "cherry pick" the buildings and districts where they want to be co-located.
 - g. He feels that the proposed co-location of SA- Midwood will create a culture of separate and unequal at K240.
 - h. He supports whatever the community's feeling about the proposal is and will only support a co-location where the existing school wants to be co-located.
3. A member of the SLT at Andries Hudde stated the following:
 - a. The proposal will force Andries Hudde to cap the number of students it can serve.
 - b. The proposal will will cause Andries Hudde to lose programming that the school currently offers.
4. Multiple commenters expressed support for the new principal at Andries Hudde and stated that they feel that the DOE is not giving the new principal adequate time to improve the school.
5. A student from Andries Hudde stated that she attended a co-located charter school from second through fifth grade and feels that younger students will be bullied by older students.
6. A commenter asked why the DOE is proposing to site a new charter elementary school option in District 22 when there are a sufficient number of high demand and high performing elementary schools already in the district.
7. An alumnus of Hudde who is the parent of a student at an existing Success Academy school stated the following:
 - a. Mixing elementary and middle school students is irresponsible.
 - b. This proposal puts students in the middle of a movement to privatize education.
 - c. The DOE and local elected officials should work together to provide a better solution than co-locating SA- Midwood at K240.
8. A commenter stated the following:
 - a. The purpose of charter schools, though well intentioned at the onset, has taken a different turn.
 - b. She supports parents having a variety of options for their children, but opposes these options being forced on existing school communities.
 - c. Success Academy has a reputation for finding a way to get into a school building and then uses its own private resources to take over the building.
 - d. The enrollment at J.H.S. 78 Roy H. Mann was reduced to make room for a SACS school and the same thing is happening at Andries Hudde.

9. A teacher at Andries Hudde stated the following:
 - a. The proposal insults the Andries Hudde community.
 - b. Hudde is unable to thrive with the continued threat of a co-location.
 - c. The staff at Hudde is committed to growing the school and improving outcomes for students.
10. A commenter stated that he has issue that members of the local community were not notified about the proposal before the evening of the joint public hearing.
11. A commenter stated the following:
 - a. The DOE is creating a divisive culture amongst parents and teachers by co-locating charter and district schools.
 - b. There is not adequate funding for public schools.
12. A parent from Andries Hudde stated the following:
 - a. Why does the community not have a say about which schools are opened in their community?
 - b. Charter school parents are using city tax dollars to take space from district schools.
13. A student from Andries Hudde stated the following:
 - a. He opposes the proposed co-location of SA- Midwood at K240.
 - b. He knows of examples of co-locations that are not successful.
14. A student from Andries Hudde expressed concern that the proposal will result in loss of after-school programming for existing students at Andries Hudde.
15. A commenter asked how SACS selects and admit students to their schools.
16. A parent from Andries Hudde asked if Andries Hudde could apply for a grade expansion to serve students in grades K-8 in K240 rather than using space in the building for SA- Midwood.
17. A representative from the UFT stated the following:
 - a. Since the proposal only proposes to co-locate SA- Midwood's kindergarten through fourth grades, what is the plan for SA- Midwood's fifth grade?
 - b. Why is the DOE proposing to site a new charter elementary school option rather than re-zoning existing overcrowded District 22 elementary schools?
 - c. Building K240 has significant safety issues, such as dead-end hallways and fire doors that do not meet NYC Fire Codes, that will present safety risks under the conditions being considered by the proposal.
 - d. Any construction done by SACS will disturb materials with asbestos in the building.
18. A parent from Andries Hudde asked why SACS does not use private space or lease space in one of the local parochial schools that is closing instead of being co-located at K240.
19. A member of the Andries Hudde SLT expressed support for the Andries Hudde school community and asked the following:
 - a. Why is the DOE issuing a proposal now for 2016-2017 implementation?
 - b. Why is the DOE not accounting for potential enrollment growth at Andries Hudde throughout the proposal?
 - c. Why is the DOE not supporting the new leader at Andries Hudde and giving the leader time to grow the school's enrollment?
 - d. Success Academy does not fulfill mandated requirements for students with Individualized Education Plans (IEPs).
20. A member of the Andries Hudde SLT stated the following:
 - a. The DOE's enrollment projection methodology is flawed and does not accurately represent enrollment at Andries Hudde.
 - b. She is opposed to co-locations.
 - c. SUNY does not review existing co-locations to determine if they are successful.
 - d. All parents want quality education for their children.
 - e. The DOE should review all existing co-locations.
21. Multiple commenters voiced general opposition to the proposal indicating that the co-location of SA-Midwood would negatively impact Andries Hudde.
22. A parent at Andries Hudde asked why public money is be provided to fund charter schools.
23. Multiple commenters expressed concern that the proposed co-location of SA- Midwood would cause Andries Hudde to lose all of the school's available space.
24. Multiple parents of students at Andries Hudde stated that they believe that co-locating an elementary school option in a middle school building will cause bullying and other safety concerns.

25. A commenter asked why the DOE is proposing to co-locate SA- Midwood in K240 rather than allowing Andries Hudde to use the available space to program smaller classes.
26. An Andries Hudde teacher stated that no matter what the community feedback about the proposed co-location of SA- Midwood is, the proposal will still be voted on and approved by the PEP.
27. A parent from Andries Hudde stated that they believe that this proposal is part of a plan to close Andries Hudde.
28. A parent at Andries Hudde asked who from the DOE will work with the Andries Hudde community to assure that the school's needs are continuing to be met?
29. Multiple commenters spoke in favor of the co-location of SA- Midwood in building K240.

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

The DOE received 66 emails through the dedicated email address and 35 comments through the dedicated phone line for this proposal and one comment through the dedicated phone line.

The following comments were submitted through the dedicated email address and phone line:

30. Multiple commenters opposed the co-location of a charter school in building K240.
31. Multiple commenters expressed support for the proposal.
32. A commenter asked why New York State financially supports charter school funding as opposed to providing additional funding to district schools.
33. Multiple commenters expressed concern about the impact that the proposal will have on traffic and congestion in the neighborhood surrounding K240.
34. Multiple commenters expressed concern about co-locating elementary school students in a middle school.
35. Multiple commenters suggested that other sites, specifically 1340 East 29th Street, which is currently the address for a building occupied by Hebrew Language Charter School, would be a better location for SA-Midwood as opposed to building K240.
36. Multiple commenters expressed concern that the proposal would limit the ability of Andries Hudde to grow its enrollment.
37. A commenter stated that excess space in building K240 should remain with Andries Hudde as opposed to co-locating SA- Midwood in K240.

The following comments were submitted in a written statement by Andries Hudde PTA President Golda Smith:

38. Andries Hudde PTA President Golda Smith submitted a written statement addressed to Chancellor Carmen Farina, in opposition to the proposal commenting the following:
 - a. She wants Chancellor Farina to understand the level of opposition that her school community has to the proposal.
 - b. Andries Hudde is a “thriving, dynamic middle school.”
 - c. Instead of trying to build on the school's achievements, Andries Hudde is being penalized and forced to give up space to SA-Midwood.
 - d. She disagrees with co-locating elementary school students in a building with middle school students.
 - e. She was under the impression the co-locating of mixed grade levels was a practice that ended once the Chancellor and Mayor de Blasio took office.
 - f. The school community fears that middle school students zoned to Andries Hudde will be forced to enroll elsewhere because space is being awarded to SA-Midwood.
 - g. Parents of current Andries Hudde students believe that reductions to the school's art and music programs have happened to make space for SA- Midwood.
 - h. The CEO of SACS showed up at Andries Hudde, unannounced and without an appointment and required the principal of Andries Hudde to give her a tour of the building.
 - i. She asks the Chancellor to reconsider the proposal.

The following comments were submitted in a written statement by State Senator Kevin S. Parker:

39. State Senator Kevin Parker submitted a written statement addressed to Chancellor Carmen Farina, commenting the following:
 - a. There is some concern regarding the forced co-location of the schools.

- b. He requests that the concerns and needs of the parents, teachers and students presently at building K240 are considered.
 - c. He asks the DOE to explore all options at its disposal to find a suitable location for Success Academy other than K240.
 - d. He asks that the DOE consider equitable distribution of space.
 - e. He asks that the DOE consider improvements to the whole building, not solely the charter designated areas.
 - f. K240 is outside of his district but many students and faculty of Hudde live in his district.
 - g. His staff met with the Andries Hudde leadership team and community leaders on April 17, 2015,
 - h. At the meeting with Andries Hudde's leadership, concerns were raised about forced co-location and the proposed allocation of space.
 - i. His ultimate concern is that the parents and children of both Andries Hudde and SA- Midwood be fairly treated and prepared for academic success.
 - j. Despite differences for choices around instructional approach, we are mandated to do our best in providing all residents with valuable education resources.
 - k. All of the parties he has been in conversation with have expressed willingness to work toward resolving any issues that may arise.
 - l. His office will assist in whatever way it can to maintain the environment of excellence at Andries Hudde.
40. One commenter stated the following:
- a. The BUP understates the current student population in the building and has underestimated the size of the K240 population for September 2015.
 - b. The co-location of a K-4 school in a building currently housing grades 6-8 serves no logical or practical purpose.
 - c. Success Academy, has failed to respond to numerous requests from varied sources to address their policies and practices on removal of students from their facilities and failure to backfill empty seats.
 - d. There is a current and growing Success Academy Charter school in District 22.
 - e. While the law requires the DOE to give space to a charter school or pay for the alternative, does the law require the specific charter to dictate to the DOE what space it is offered?
 - f. Is DOE within its legal right to determine, in the best interests of public education, where to grant space accommodations?
 - g. Where is the comprehensive, coherent 2, 5, 10-year plan complied jointly by the charters and the DOE to address unsatisfactory test outcomes, underutilization of space throughout the public education system in NYC?
 - h. There are successful charters that are still operating, educating students and meeting very real needs within our education system and there are defunct charters.
 - i. Public Education needs is a plan that incorporates best practices of the successful charter models and addresses the needs of every child in NYC.
 - j. Any new co-locations of Success Academy should be postponed until the myriad of serious and relevant questions have been answered through an audit of the schools' records by an independent professional education group.
 - k. All charter schools receiving public funds should be audited.

The following comment was submitted to the DOE for response.

41. 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: the proposed grade expansion to Success Academy Williamsburg (84K182) in District 14, the proposed grade expansion to Success Academy Cobble Hill (84K129) in District 15, the proposed expansion of Icahn 7 (84X362) in District 8, and the 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 utilizations 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 further 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 Proposed

Comments 29 and 31 are in favor of the proposal and do not require a response.

Comments 2(a-d), 8(a), 11(b), 20(c,d), 39(f, j), 40(c,g,f,i,j-k) and 41(g, i-j) are not directly related to the proposal and thus do not require a response.

Comments 2(h), 7(c), 9(a), 20(e), 38(a, i), 39(g-i, k-l) and 40(d,h) are self-explanatory in nature and do not require a response

Comments 2(g), 7(b), 13(a), 21, and 30 express general opposition to the proposal.

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 and to respond to SACS' space request pursuant to recent amendments to the New York State Education Law.

Comments 3(b) and 14 express concern about potential changes to or loss of programming at Andries Hudde as a result of the proposal.

As stated in the EIS, the proposed co-location of SA- Midwood with Andries Hudde in K240 is not expected to impact current or future student enrollment, admissions, or instructional programming at Andries Hudde. Andries Hudde will continue to offer current after school programming based on student interests, available resources, and staff support for those programs. However, the proposed co-location of SA- Midwood at K240 may change which programs are offered or the way those programs are configured. Additionally, some activities in K240 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.

To specifically address Comment 38(g) which claims that art and music programming has been cut at Andries Hudde to make space for SA- Midwood, the DOE notes that programming is and will remain at the discretion of the principal and that there is no impact on programming expected as a result of this proposal.

Comments 2(e), 8(b), 11(a), 20(b), and 39(a) express discontent with the DOE's co-location policy.

Co-location is common in New York City schools, with 44% of all DOE buildings housing more than one school organization. This includes co-location of district schools with charter schools and district schools with other district schools. While schools share common spaces like auditoriums, gymnasiums, and cafeterias, each school is allocated particular classrooms and spaces for its own students' use. Though disagreement may exist as to whether a particular proposal is the best way to resolve community education needs, the DOE has found that after a proposal passes most school communities are able to successfully come together with amicable relationships and collaborative agreements.

Additionally, Comment 41(a) 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.

In all cases, 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 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/ronlyres/961D691C-641D-4918-9798-8BA2C0A761FF/0/DOEFootprint_91114newlogo.pdf.

If approved, both Andries Hudde and SA-Midwood will 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. Additionally, the excess space that remains in K240 after both schools have received their footprint will be divided proportionally based on enrollment. The location of classrooms for both schools will be determined by the Office of Space Planning in conjunction with the school leaders in building K240.

In response to Comment 13(b) which states that there are examples of unsuccessful co-locations, the DOE notes that there are many successful examples of mixed grade co-located school building or campuses in New York City. The DOE aims to build the capacity of school communities to support interschool collaboration, leadership development, and resource sharing. The DOE has programs that foster environments where innovation and critical thinking can thrive, enabling schools to better prepare students to be college and career-ready. More information can be found online at: <http://schools.nyc.gov/Academics/InterschoolCollaboration/default.htm>.

The principals of co-located schools are encouraged to collaborate and can use the Building Council, described below, as a forum for doing so.

Additionally, in response to the comments made in Comment 2(f) that SACS and SACS CEO Eva Moskowitz are able to "cherry pick" the buildings and districts they want to be placed in and to Comment 40(e), which asks if charters are allowed to "dictate" to the DOE, which specific space offers are made recent amendments to the New York State Education Law provide certain new and expanding charter schools with access to facilities or facilities assistance. SACS requested co-located space within a DOE facility. Pursuant to the Education Law, the DOE explored siting options in underutilized buildings in District 22 in response to SACS' request, which resulted in the proposal to co-locate SA- Midwood in K240.

Comment 26 states that regardless of community input and feedback on the proposal, it will be approved by the PEP regardless.

No decision has yet been made on this proposal. As mentioned, the PEP is scheduled to vote on this proposal, along with several others, at its May 20th meeting at the Prospect Heights Campus, located at 880 Classon Ave, Brooklyn, NY 11225.

In response to Comment 38(h) that states that the CEO of SACS visited Andries Hudde unannounced and that the principal was required to provide a tour of the building, the DOE committed to doing a walkthrough with charter partners of potential co-location sites as part of an assessment of feasibility before a proposal is finalized. Once a date was confirmed for this walkthrough at K240, the DOE provided the K240 principal with that date. Additionally, the principal was not mandated to be a part of the walkthrough but was invited to participate as someone whose knowledge of the building and of current programming of specific spaces would be a valuable contribution to the walkthrough.

Additionally, Comment 10 states the community was not properly notified about the proposal and Comment 12(a) asks why the community has no say in which schools open in their community. Additionally, Comment 39(b) asks that the DOE consider the concerns of the K240 community:

When the EIS and BUP were issued, they were made available to the staff, faculty and parents at Andries Hudde placed in the main office of Andries Hudde, and posted on the DOE's website. In addition, the DOE dedicates 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, which was attended by approximately 125 members of the public, to solicit further feedback. In the case of this proposal, the DOE solicited feedback from community members at the hearing, as well as through email and voicemail. Each school distributed parent letters and notices provided by the DOE to all students informing parents of the proposal and the various ways they could provide feedback. All feedback received from the community via email, phone or at the hearing is included in this document, which has been provided to the PEP and is publically available on the DOE website.

The DOE's public review process is governed by Chancellor's Regulation A-190 and this process was followed for this proposal.

Additionally, extensive public engagement was conducted by the DOE in the course of creating this proposal which included:

- a. Convening a Community Needs Assessment Forum on November 13, 2014, which included representatives from the offices of various Brooklyn elected officials, Brooklyn CECs and District Presidents Council at which time DOE's commitment to open new Success Academy elementary schools was discussed along with other potential District Planning needs and priorities in Brooklyn.
- b. Meeting with members of CEC 22 on January 8, 2015 to inform the CEC of the recent amendments to the Education Law.
- c. Conducting a walkthrough of building K240 with a Deputy Chancellor from the DOE on March 20, 2015 to further discuss the proposal, listen to questions and concerns from the school community.
- d. Holding a community meeting on April 28, 2015, where approximately 75 members of the public were able to ask questions and share concerns about the proposal with the DOE.
- e. Dedicated phone and email lines to accept public comment at any time following the posting of this proposal and before 6 p.m. on the day before the PEP meeting. Comments can be submitted in any language by calling 212-374-0208 or emailing to D22Proposals@schools.nyc.gov. All comments received before 6 p.m. on the day before the PEP meeting, at the above-noted hearing or through phone or email lines, will be addressed by the DOE in an analysis of public comment which is made available to the public after 6 p.m. on the day before the PEP meeting.

Comments 9(c) and 38(b) state support for the current school and Comment 28 asks who from the DOE will assure that Andries Hudde's needs are met.

The DOE recognizes the praise for Andries Hudde and commends the school community for its hard work and dedication. The Community Superintendent will continue to support Andries Hudde and District 22 families.

Comment 27, which states that the proposal to co-locate SA- Midwood in K240 is part of a larger plan to close Andries Hudde, is not true. The DOE has no plans to close Andries Hudde and this is reflected in the EIS and BUP for this proposal.

Comments 4, 9(b) and 19(c) express confidence in the vision of the school's new principal and ask the DOE for additional time to allow the school to grow and flourish before implementing the proposal.

The DOE does not anticipate that this proposal will preclude the new leader from improving the learning environment at Andries Hudde and pledges to work with the principal to support Andries Hudde, if this proposal is approved.

Comment 15 asks about SACS' admissions processes.

As stated in the EIS, SA-Midwood will admit students via lottery for kindergarten through fourth grade. Applications are available on the SACS Web site. The deadline to submit an application for SA-Midwood's lottery for the 2016-2017 school year will be no earlier than April 1, 2016. The date of SA-Midwood's lottery has not yet been announced and will be determined at a later date. SA-Midwood will provide the following lottery preferences: (1) siblings of current or accepted students, and (2) applicants who reside within District 22.

In response to Comment 19(d) which claims SACS' schools do not serve and follow mandates for students with IEPs, the state Charter Schools Act requires that charter schools demonstrate good faith efforts to attract and retain ELLs, students with disabilities, and students eligible for free or reduced lunch at rates comparable to those of the Community School District as determined by SED. Charter schools are mandated to serve all students accepted through their lottery process, including those with special needs or pre-existing IEPs. SA-Midwood will work with any family to make sure the school can serve all children.

Comments 1, 23, 37, 38(c) and 39(d) are related to space issues, including the amount of available space in K240 and allocation of space under the 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. In all cases, 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 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/ronlyres/961D691C-641D-4918-9798-8BA2C0A761FF/0/DOEFootprint_91114newlogo.pdf.

If approved, both Andries Hudde and SA-Midwood will 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. Until SA- Midwood is at full growth in 2019-2020, there will be excess rooms available in K240. The ultimate allocation of space and the location of classrooms for both schools will be determined by the Office of Space Planning in conjunction with the school leaders in building K240.

Additionally, Comment 40(a) states that the BUP understates the current student population in the building and has underestimated the size of the K240 population for September 2015.

Student enrollment is dynamic throughout a school year as students come and go for various reasons. The DOE used the 2014-2015 Audited Register as of October 31, 2014 to provide a snapshot of enrollment at Hudde, which showed 873 students on register at the school. Audited Register enrollment is used across proposals and schools to provide a consistent and equitable baseline. While Audited Register showed enrollment at 873 students, Andries Hudde's current enrollment is 903 students. Since October 31, 2014 Andries Hudde has added 26 additional students.

While the 850 students that Andries Hudde is currently budgeted for in September 2015, is slightly higher than the projected range in the EIS, this difference would not alter the planned section count that the proposal plans for the school. Therefore, there is no change or impact on the space allocations presented in the BUP.

Comment 41(c) expresses concern about proposals that project utilization rates of near or over 100 percent in future years, claiming that the current methodology for determining utilizations rates is already flawed.

As stated in the EIS, if this proposal is approved, the projected utilization rate of building K240 would be approximately 76%-86% which is well under the 100 percent utilization rate that is indicated by the comment. In general, utilization rates do 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 utilization while not impacting the utilization of the space allocated to the traditional district school. The EIS and BUP provides that each school will receive space that meets all of their instructional needs. Thus, the DOE believes that K240 can serve all students that attend Andries Hudde as well as students from SA- Midwood.

In response to Comment 25 that suggests that the DOE allow Andries Hudde to program smaller classes in the available excess space in K240 as opposed to co-locating SA- Midwood, the DOE accounted in its planning for this proposal for the way that Andries Hudde is currently programming classes. Programming will remain at the discretion of principals, who are free to plan class sizes as they see fit given the amount of space available to their specific school according to the BUP. Additionally, Comment 41(b) expresses concern that the proposal restricts the ability Andries Hudde to reduce class size below current levels, which she claims are already too high.

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 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, both Andries Hudde currently operates with average class sizes at or below UFT maximums.

Comment 41(d) 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.

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.

Comments 5, 7(a), 24, 34, 38(d-e) and 40(b) oppose the placement of elementary school aged children in the same building as middle school aged children and suggest that this is a safety concern.

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 across 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.

In response to safety concerns, 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. Updates can also be made at any other time if 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.

Comment 17(c) references safety issues that could potentially arise in the building, specifically about fire code violations.

All schools have fire safety plans which includes plans for fire drills and evacuations in case of emergencies. If this proposal is approved, Andries Hudde and SA-Midwood will work with the Office of Safety and Youth Development to modify the fire safety plan as needed based on the additional enrollment in the building.

If this proposal is approved, SA- Midwood would be a member of the K240 School Safety Committee.

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 principals when it identifies the need for additional security measures.

In addition, the Certificate of Occupancy issued by New York City Department of Buildings for K240 provides that the school has a maximum occupancy rate of over 4,200 which is sufficient to safely accommodate all students and staff of both schools, should this proposal be approved.

Finally, several buildings in the city are co-located with both district and/or charter schools. These buildings have sufficiently adopted new safety plans that take into account stairwells and other building configuration issues. The final decision on how to appropriately plan for these situations resides with the Building Council.

Additionally, Comment 17(d) states that any construction done by SA-Midwood may disrupt asbestos in the building and could potentially be a danger to students in the building.

The DOE and the Division of School Facilities has protocols and procedures in place to ensure the environmental health of every student is safe guarded. Each facilities project requested by a charter organization must be approved by the DOE prior to its start and compliance with all health and safety regulations is a requirement for that approval.

Comment 8(c) claims that SACS uses private resources to “take over a building” once they are co-located.

The DOE aims to build the capacity of school communities to support interschool collaboration, leadership development, and resource sharing. The DOE has programs that foster environments where innovation and critical thinking can thrive, enabling schools to better prepare students to be college and career-ready. More information can be found online at: <http://schools.nyc.gov/Academics/InterschoolCollaboration/default.htm>.

Principals of co-located schools are encouraged to collaborate and can use the Building Council, described below, as a forum for doing so.

In addition, to respond to Comment 39(e) which asks that the DOE consider improvements to the entire K240 building and not just charter designated areas, in accordance with the New York State Charter Schools Act of 1998 (as amended), the Chancellor or his/her designee must first authorize in writing any proposed capital improvement or facility upgrade in excess of five thousand dollars, regardless of the source of funding, made to accommodate the co-location of a charter school within a public school building. For any such improvements or upgrades that have been approved by the Chancellor, capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter school within the public school building. The DOE has been informed by SACS that it may seek permission for certain capital improvements or facilities upgrades. These capital improvements or facilities upgrades would be subject to the New York State Charter School Act of 1998 (as amended May 2010).

Comments 12(b), 22 and 32 relate to funding for charter schools.

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. 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, furniture, etc.).

Comment 19(a) questions why the DOE has issued proposals for implementation in the 2016-2017 school year. The development of proposals for the 2016-2017 school year reflects the DOE’s extensive strategic planning as well as the DOE’s desire to allow the maximum allotment of time for communities and educators to work towards their successful implementation, once a potential scenario is finalized and the assessment of feasibility has been completed.

Forward planning allots more time for:

- School/leaders to meet each other; and
- Office of Space Planning to plan school placement and implement any needed facilities upgrades; and

- Charters to submit proposals for facilities matching; and
- Division of Facilities to review and conduct work on approved proposals.

Comment 6 states the proposal is unnecessary because there are a sufficient number of high –quality elementary schools with additional capacity in District 22.

2014-2015 audited enrollment data indicates an increase in demand for District 22 elementary school seats as compared to the prior year. Additionally, the DOE notes that there is also demand for a SACS school. Success Academy-Bergen Beach (84K781), which opened in District 22 this school year and serves students in grades K-1, received approximately 1,246 applications for 74 seats for the 2015-2016 school year. Approximately 83% of Success Academy-Bergen Beach’s current students are District 22 residents. Additionally, in response to Comment 17(b), which asks why the DOE chose to open a new charter elementary school option for the district as opposed to re-zoning existing overcrowded elementary schools, the DOE notes that this proposal does not prevent the potential implementation of future actions, including rezoning, to address overcrowding.

Comments 19(b) and 20(a) question the DOE’s projections methodology and claim that the DOE did not accurately represent Andries Hudde’s current enrollment in the EIS.

EIS enrollment projections for existing district elementary and middle schools assume future entry grade enrollment is aligned with current entry grade enrollment and a stable forward promotion of cohorts as they articulate up. For new charter schools, EIS enrollment projections for new charter schools is based on planned sections per grade level and planned average class sizes and reflects the charter school’s total authorized enrollment pursuant to its charter application as well as available space in a particular building.

Comment 17(a) asks what the plan is for SA- Midwood’s fifth grade students.

When a school requests co-located space in a DOE building, the DOE assesses space in all underutilized school buildings and overall needs in the relevant district(s) and borough(s) to determine if a commitment will be made to identify appropriate space. SACS requested space for SA- Midwood through fourth grade. When and if SA- Midwood requests space for its fifth grade or when there is a need to begin planning for students that will be articulating to fifth grade at SA- Midwood, the DOE may conduct a similar assessment.

Comments 36 and 38(f) express concern that the proposal will limit enrollment growth at Andries Hudde and Comment 3(a) specifically says that the proposal will force Andries Hudde to cap its enrollment.

The proposal does not decrease the current section counts offered by Andries Hudde, nor do historical enrollment trends indicate that Andries Hudde will grow significantly in the immediate years to come. If zoned demand significantly increases at Andries Hudde, the school can offer fewer seats to out-of-zone students in order to accommodate increased numbers of students from the zone. In that circumstance, some students participating in the middle school choice application process who rank and/or apply to (as applicable), but are not matched to, one of those programs, may receive an offer for a different middle school program. This would not change the school’s overall enrollment or the ways students can apply and are admitted to Hudde; it would potentially change the proportion of students who are admitted through a zoned admissions method versus other methods. Andries Hudde’s zoned program will continue to offer priority to all zoned students who rank that program on their application. To the extent that a student does not receive an offer to one of Andries Hudde’s screened programs, it should be noted that there are other middle school options in District 22 that collectively offer several screened programs similar to those being offered currently at Andries Hudde.

Comment 8(d) suggests that, like at J.H.S. 78 Roy H. Mann, Andries Hudde’s enrollment is being reduced by the DOE in an attempt to make space for SA- Midwood. The DOE notes that the proposal to co-locate Success Academy Bergen Beach in building K078, which was approved by the PEP in October 2013, included a Targeted Enrollment Reduction to slightly reduce the enrollment at J.H.S. 78 Roy H. Mann. While the proposal does reflect a natural slight decline in enrollment that is the continuance of current trends at Andries Hudde, the DOE is not implementing a Targeted Enrollment Reduction at Andries Hudde as a part of the proposal to co-locate SA- Midwood in K240.

Comments 18 and 39(c) suggest SA– Midwood should find another location for the school and should secure its own private space. Additionally, Comment 35 suggests that a building located 1340 East 29th Street would be a more

suitable location for SA- Midwood, instead of building K240. Comment 41(e) claims 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. SACS requested co-located space within a DOE facility. Pursuant to the Education Law, the DOE explored siting options in response to SACS request, which resulted in the proposal to co-locate SA- Midwood in K240.

In response to Comment 41(f), which expresses belief that Success Academy enrolls fewer English Language Learners and special needs students than district schools and Comment 41(h) which states comparative enrollment and suspension rates for existing district schools and charter schools impacted through the posted proposals, 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 State 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.

Comment 16 asks if Andries Hudde can expand to serve kindergarten through eighth grade.

The process for reconfiguring the grade levels served by a school is managed by the Office of New School Design and Charter Partnerships. Grade reconfigurations, include either the expansion or truncation of grade levels served at a school and may be initiated by the Office of District Planning or via an application submitted by the school. All grade reconfiguration decisions are based on the following factors: school quality, physical space, demographic need, impact on enrollment, and community input.

If it is determined that a school will expand, location for the expansion may be either in the school's current building or at another building. Andries Hudde has not applied for requested a grade expansion with the DOE.

Comment 33 asserts that this co-location will lead to increased traffic and congestion in the areas surrounding K240.

If this proposal is approved, the Office of Pupil Transportation ("OPT") will work with the school organizations to identify the most appropriate plan for drop-off and pick-up. Final student busing routes will be determined based on the home addresses of students at the school organizations.

To assist with student pedestrian traffic around schools, school crossing guards are allocated by local police precincts. School administrators can contact their local precincts to request additional crossing guards.

That said, based on experience with similar co-locations in other buildings, the DOE does not anticipate issues arising as a result of increased traffic, should this proposal be approved by the PEP.

Changes Made to the Proposal

No changes have been made to this proposal.