



Revised Public Comment Analysis

Date: February 24, 2010

Topic: Proposed Co-location of Community Partnership Charter School (84K702) with Existing School P.S. 256 Benjamin Banneker (13K256) in School Building K256

Date of Panel Vote: February 24, 2010

The analysis of public comment regarding the proposed co-location of Community Partnership Charter School (“Community Partnership”) was revised on February 24, 2010, to reflect additional comments that had not been captured in the analysis that was posted on the New York City Department of Education’s (“DOE”) Web site on February 23, 2010.

One advocacy organization submitted general comments objecting to all proposed co-locations of charter schools with existing district schools. Although the comments did not address any one co-location proposal in particular, the DOE has appended these comments to the public comment analysis for each of the proposed charter co-locations.

Summary of Proposal

In the 2010-2011 school year, Community Partnership Charter School (“Community Partnership”), an existing public school serving grades K-5, will implement a grade reconfiguration plan to serve students in Kindergarten through eighth grade. The school’s authorizer, the State University of New York Board of Trustees voted to approve the proposed grade expansion at their January 15, 2010 meeting.

Community Partnership is currently housed in school building K270 located at 241 Emerson Place, Brooklyn in Community School District 13. In September 2010, Community Partnership will move its grade 5 to school building K256 located at 114 Kosciusko Street. Grade 6 will be added in 2010-2011 and will also be served in K256. Community Partnership will continue to add one grade per year at K256 until it reaches its full K-8 grade scale in the 2012-2013 school year. Grades K-4 will continue to be served in K270, while grades 5-8 will be served in K256.

This proposal will achieve several key goals.

First, it will alleviate crowding in the K270 building by moving Community Partnership's fifth-grade class to another nearby building. K270 currently houses P.S. 270 and Community Partnership Charter school grades K-5. Combined enrollment for those two schools is 539 students in a building with a capacity of 547 students. As a result, the building is operating very close to capacity, with 99 percent utilization. Approximately 50 students are projected to be enrolled in Community Partnership's fifth-grade class next year. This proposal would move those students out of K270, reducing target utilization in K270 to an estimated 92 percent.

Second, it will add 150 additional middle school seats to District 13 by relocating Community Partnership's rising fifth-grade class into underutilized space in K256 and gradually expanding the school to serve additional students in grades 6-8. While admission to Community Partnership will be via lottery, District 13 students will continue to receive preference in that lottery. K256 currently houses P.S. 256 Benjamin Banneker, which enrolls 381¹ students in Pre-Kindergarten through fifth grade. The building has capacity to serve 734 students, and its 2008-09 target utilization was just 53 percent. After completing its grade expansion, Community Partnership will utilize approximately 200 seats in grades 5-8, combined, still leaving total enrollment well under target capacity levels.

Enabling Community Partnership to complete its K-8 grade reconfiguration will also expand the availability of higher-quality middle school options for students and their families in District 13. Community Partnership has a solid track record of serving its students well and currently has 662 students on its admissions waitlist. Last year, 78.2 percent of Community Partnership students scored a Level 3 or Level 4 on State English Language Arts exams; 95.2 percent of students scored a Level 3 or Level 4 on State Math exams. These outcomes are well above both district-wide and city-wide student achievement levels. Moreover, Community Partnership achieves these results while serving a high-need student population. 72 percent of Community Partnership students are eligible for free or reduced-price lunch and 99 percent of students are African-American or Hispanic. Community Partnership enrolls a higher proportion of special education students than District 13, with 8.9 percent of students having IEPs compared to 6.1 percent throughout District 13. Community Partnership does not currently have any students who require English Language Learner (ELL) services, compared to 4.1% throughout District 13. Expanding the grades served by Community Partnership will build on the school's existing success, allowing more students to benefit from a school that fully prepares them for success in college and careers.

An Educational Impact Statement on this proposal was posted on the Department of Education's Web site on January 8, 2010.

¹ 10.31.2009 Audited Register

Summary of Comments Received at the Joint Public Hearing

A joint public hearing was held at K256 on February 9, 2010, and all interested parties had an opportunity to provide input on the proposal. Approximately one hundred and fifteen people attended the hearing, and thirty-one people spoke. Seventeen members of the public spoke in opposition to the proposal, citing concerns regarding the potential for enrollment at P.S. 256 to increase. Members of the public also expressed the belief that charter schools have discriminatory admission criteria, accept only high achieving students, and do not accept special education students and English language learners. There were also concerns regarding the impact the co-location would have on shared space, such as the gymnasium and lunchroom and where P.S. 256 would find space to offer the tutoring services it currently provides for its fourth and fifth graders.

Fourteen members of the public spoke in favor of the proposal, noting that Community Partnership currently provides a high quality elementary school option for families in District 13 who do not have “A” schools to which they can send their children. Parents of children who currently attend Community Partnership expressed support for the grade expansion proposal and cited a lack of high quality middle school options in District 13 to which they can send their children. The principal of P.S. 270, the school currently co-located with Community Partnership in the K270 building, spoke in favor of the proposal, stating that while sharing space is sometimes very challenging, P.S. 270 and Community Partnership have been able to develop a strong relationship and have created a collaborative and positive environment for seven years. He noted that if the community remembers that it is acting in the best interest of children, the schools can make the co-location work.

Summary of Issues Raised in Written and Oral Comments and Significant Alternatives Suggested

In the original version of this analysis, two written comments and one oral comment were submitted. One written comment was in favor of the proposal, the other in opposition; the oral comment was also against the proposal. The comment in favor is from the founders of the Beginning with Children Foundation, Inc. The authors of the letter note that they have partnered with the Community Partnership Charter School. The school provides an excellent educational option for District 13 families. The letter states that they are delighted to have the Community Partnership middle grades locate at P.S. 256. The location at P.S. 256 is close to the Community Partnership elementary program at P.S. 270 to be convenient for staff and families. The authors are confident that Community Partnership will be a good neighbor with P.S. 256. The written comment in opposition to the proposal was a petition from the PTA at P.S. 256. They argued that they did not want to lose 10 classrooms to the new charter school. The oral comment noted that moving the charter school into K256 would be a bad idea because the school serves students from other districts.

Originally, the only proposed significant alternative was asserted at the joint public hearing. The commenter suggested that rather than site Community Partnership in K256, the

DOE should use the available space to expand P.S. 256 to serve grades pre-Kindergarten through 8.

In this revision, an additional written comment opposed to the proposal was submitted. Thus, a total of four comments were submitted. The comment reiterated the petition's concerns about sharing spaces in K256. The additional comment did not propose any significant alternatives.

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

The DOE chose not to accept the significant alternative proposed. The P.S. 256 principal and School Leadership Team did not submit an application for a grade expansion for the 2010-2011 school year. If the school does submit a grade expansion application in the future, the Office of Portfolio Planning will make a recommendation on the proposal based on the school's performance, the district's demographic need, the impact an expansion would have on the enrollment of other schools, and community input.

Regarding concerns about the potential for enrollment at P.S. 256 to increase, the co-location of Community Partnership with P.S. 256 in school building K256 will not result in overcrowding. K256 currently houses only P.S. 256 Benjamin Banneker. K256 has a capacity of 734. P.S. 256 currently serves 381 students and the projected enrollment of Community Partnership's grades 5-8 is 200 students. After the full phase-in of Community Partnership, utilization at K256 would be about 80 percent. Furthermore, enrollment at P.S. 256 has consistently declined over the past five years; by 170 students since 2004. The School Construction Authority has projected that District 13 "Zone 3," the region that includes P.S. 256, will have a surplus of 1,800 elementary school seats through 2012. This projection takes into account new housing starts in the region.

Regarding the expressed belief that charter schools have discriminatory admission criteria, accept only high achieving students, and do not accept Special Education students and English Language Learners, this assertion is absolutely untrue. Pursuant to New York State Education Law, Community Partnership admits students via lottery and does not discriminate based on student achievement, race, gender, or whether a student has an Individualized Education Plan or requires English Language Learner services. Currently, 72 percent of Community Partnership students are eligible for free or reduced-price lunch and 99 percent of students are African-American or Hispanic. Community Partnership enrolls a higher proportion of special education students than District 13, with 8.9 percent of students having IEPs compared to 6.1 percent throughout District 13.

Concerns were also raised regarding the impact the co-location would have on shared space, such as the gymnasium and lunchroom and where P.S. 256 would find space to offer the tutoring services it currently provides for its fourth and fifth graders. As noted above, once Community Partnership has fully phased in at K256, utilization of the building would be about 80 percent. After implementation of the proposal, P.S. 256 and Community Partnership (grades

5-8) will have sufficient space to operate at full organizational capacity. A space plan for all schools in the building will be developed based on the standard instructional footprint which includes an allocation of resource rooms for tutoring and other related services. Decisions regarding the programming of shared spaces in K256 will be made by school leaders.

A copy of the educational impact statement for this proposal can be obtained at:
<http://schools.nyc.gov/NR/ronlyres/585A6F4E-316F-45AF-A1C4-0F38AC7260E8/75215/K256CommPartnershipEISFinal1812.pdf>

Summary of Issues Raised and Significant Alternatives Suggested

One advocacy organization submitted general comments objecting to all proposed co-locations of charter schools with existing district schools. In opposing the DOE's proposed co-locations, the comments cited the following reasons: (1) the DOE did not use accurate data in analyzing the utilization and capacity of school buildings; (2) the utilization formula used by the DOE is inadequate and assumes inappropriate target class sizes; (3) charter schools enroll fewer high needs students than district and citywide averages, leading to higher concentrations of high needs students in district schools; and (4) the expansion of charter schools has eliminated critical space from district schools.

The comments suggest a moratorium on any new charter co-locations, or expansions of existing charter schools within shared public school space, until an independent review is conducted to assess the capacity in existing public school buildings and make determinations about the amount of space required to reduce class size to mandated levels.

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

The comments assert that the DOE did not use accurate data in analyzing utilization and capacity of school buildings. The data used in analyzing the utilization and capacity of school buildings comes from "The Enrollment, Capacity and Utilization Report" (also known as the "Blue Book"), which is the standard by which the DOE measures the maximum capacity of a school building compared to the enrollment. These calculations are based on information provided by principals in the Annual Facilities Survey conducted by the School Construction Authority. In addition to considering the Blue Book information, the DOE conducts a physical survey of school buildings and takes into consideration current programming prior to proposing a change in utilization.

With regard to the comment regarding the use of inappropriate target class sizes, the DOE does use aspirational targets for school buildings but feels that these goals are appropriate for ensuring a quality education for all students. The DOE understands that building usage varies by schools and leaves programming decisions to school leaders. However, it is important to have a standard means of assessing the use of our limited physical plant resources consistently across the city. The class size targets used for the 2008-2009 Blue Book calculations of target capacity and utilization are lower than those used for determining historical capacity and utilization.

The comments assert that charter schools enroll fewer high needs students than the citywide and district averages, thereby leading to higher concentrations of high needs students in district schools. It is important to note that charter school admissions are done by lottery as required by State Education Law. Charter schools do in fact serve the full range of public school students.

**Prepared by
Department of Education**