



### **Revised Public Comment Analysis**

Date: February 24, 2010

Topic: Proposed Co-location of a New Achievement First Charter School with I.S. 302 (19K302) in School Building K302

Date of Panel Vote: February 24, 2010

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The analysis of public comment regarding the proposed co-location of a new Achievement First charter school with I.S. 302 in school building K302 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 2010-11, Achievement First Charter School ("Achievement First"), a new K-8 public school, will open in school building K302, located at 350 Linwood Street in Brooklyn's Community School District 19. Achievement First will open with students in grades K-1, and will gradually expand to serve students in grades K-4 in this location by adding a new grade level annually until 2013-14. Achievement First will be co-located with I.S. 302, an existing school serving students in grades 6-8. No I.S. 302 students will be displaced by this proposal, and both schools will have adequate space and facilities resources to support all students, including those with special needs.

I.S. 302 and P.S./I.S. 89 are currently co-located in K302. Prior to the start of the 2010-2011 school year, P.S./I.S. 89 will move to a new facility located at 265 Warwick Street also in District 19 and will no longer serve students in K302.

The co-location of Achievement First in K302 will achieve several key goals.

First, by siting the school into space that would otherwise be underutilized after the relocation of P.S./I.S. 89, the school will help alleviate crowding pressures in other District 19 elementary schools. K302 has a target capacity of 1,829 students and its 2008-09 target utilization rate was only 71 percent, including 274 students currently enrolled in P.S./I.S. 89 who will be vacating the building next fall. After P.S./I.S. relocates to its new facility, the K302 building will be operating at 55 percent target utilization. Achievement First will open with approximately 120-150 students in grades K-1, and will grow to serve approximately 300-350 grade K-4 students in the K302 building. While admission to Achievement First will be via lottery, District 19 students will receive preference in that lottery.

The creation of Achievement First will also expand access to high-quality elementary and middle school options in District 19. Achievement First is authorized by the State University of New York Board of Trustees and is operated by the Achievement First Charter School Network, which has a solid track record of serving its students well. There are currently six Achievement First Schools in New York City, all of which are located in Brooklyn. Four of these six schools have 2008-2009 State Test data. Last year, 76.5 percent of Achievement First students scored a 3 or 4 in ELA (7.68 points higher than the citywide average); 97.6 percent Achievement First students scored a 3 or 4 in Math (12.38 points higher than the citywide average). Four of the six Achievement First schools also received Progress Reports in 2008-09; all of those schools earned A grades last year. There is considerable demand for seats at existing schools in the Achievement First network, with 8,685 students on the combined waitlist for those six schools.

The New York Charter Schools Act enables the creation of charter schools, which are independently run and publicly funded. The Charter Schools Act states that charter schools shall be held to “performance-based” accountability systems and must meet measurable student achievement results. The DOE and the State University of New York (SUNY) hold schools they authorize to a minimum standard of 75% of students achieving proficiency.

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

### **Summary of Comments Received at the Joint Public Hearing**

A joint public hearing was held at K302 on February 11, 2010, and all interested parties had an opportunity to provide input on the proposal. Fifty members of the public attended the hearing, and eighteen people spoke. One of the attendees was a Rafael Espinal, representing Council Member Erik Martin Dilan. Fourteen members of the public spoke in opposition to the proposal, citing concerns about potential overcrowding when Achievement First is operating at scale. One person noted that I.S. 302 should use the space made by P.S./I.S. 89’s re-siting to expand.

Four members of the public, including two representatives from Achievement First, spoke on behalf of the proposal. The representatives from Achievement First noted their excitement for their school to work in collaboration with the Cypress Hill Community to expand educational options there.

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

A total of six written comments regarding this proposal have been received; no oral comments were received. Three comments were submitted by members of the Cypress Hill community, and they were opposed to the proposal. Those in opposition to the proposal stated their belief that I.S. 302 should receive the space made by P.S./I.S. 89's re-siting to expand its arts and music programs.

Several elected officials submitted letters to Chancellor Klein in opposition to the proposal, including Assembly Member Darryl C. Thomas, State Senator Martin Malave Dilan, and Brooklyn Borough president Marty Markowitz. The letters noted that Cypress Hills Advocates for Education (C.H.A.F.E.), and the NYC Coalition for Educational Justice are concerned that the siting of Achievement First in K302 would negatively impact I.S. 302's art program, and suggested that the combination of middle school and elementary school students in a building will be unproductive. In addition, one letter advocated that the space made available by P.S./I.S. 89's siting could be used to reduce student density in classrooms and create art, music, and dance studios to expand I.S. 302's art program.

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

By siting Achievement First in K302, the DOE seeks to expand high-quality elementary school options for students in District 19 and to reduce enrollment at elementary schools surrounding K302, which would create space for full-day pre-Kindergarten programs in those buildings. While elementary schools in the Cypress Hills community had seen declining enrollment in the recent past, this decline has stopped, and enrollment rose this year. Even if enrollment does not continue to grow, District 19 elementary schools do not currently have the capacity to accommodate any new full-day pre-Kindergarten programs.

K302 has a target capacity of 1,829 students and its 2008-09 target utilization rate was only 71 percent, including 274 students currently enrolled in P.S./I.S. 89 who will be vacating the building next fall. The 2009-2010 average class size at I.S. 302 is 25.25. After P.S./I.S. 89 relocates to its new facility, the K302 building will be operating at 55 percent target utilization. Because P.S./I.S. 89, in its new building, will expand and add a middle school sections— grades 6-8, enrollment at I.S. 302 is projected to decline in the 2010-2011 school year. I.S. 302 will continue to be allocated space according to the Department of Education's Instructional Footprint. The I.S. 302 principal will determine how the space allocated to I.S. 302 is used. No I.S. 302 students will be displaced as a result of this proposal.

Housing both elementary and middle school students in the building was cited as a concern by those in opposition to the proposal. There are many examples of successful co-locations of schools serving elementary and middle school students throughout the City, and the DOE does not anticipate that the different grade spans of the schools will be an issue in the sharing of space. With regard to concerns about the arts program at I.S. 302, the DOE does not expect that the proposal will cause disruption to the quality of the arts offerings.

Allowing I.S. 302 to use the space made available by the re-siting of P.S./I.S. 89 to reduce class size was an alternative proposed. Space allocations in school buildings are made according to the Citywide Instructional Footprint, and the DOE seeks to maximize available resources to provide high-quality options for all students. The DOE has not accepted the proposed alternative because it would not increase options available to students.

Finally, the demand for Achievement First in District 19, specifically in the Cypress Hills community, is high. Achievement First East New York Charter School (84K358, “Achievement First East NY”), an existing charter school managed by the Achievement First organization, is currently split-sited between K013 and the Little Red Schoolhouse building. Students at Achievement First East NY have demonstrated academic success. In 2008-2009, 87.5% of Achievement First East NY students received scores of 3 or 4 in New York State ELA tests, and 98% of students received scores of 3 or 4 in New York State math tests. Currently, there are 551 students on the waitlist for a Kindergarten seat at Achievement First East NY. Many of these students are from the Cypress Hills community, and they are willing to travel to K013. The DOE seeks to create an option for these families in the Cypress Hill neighborhood.

Achievement First will open with approximately 120-150 students in grades K-1, and will grow to serve approximately 300-350 grade K-4 students in the K302 building. While admission to Achievement First will be via lottery, District 19 students will receive preference in that lottery.

Because siting Achievement First in K302 will accomplish these goals, the DOE has made no changes to the proposal and will present the proposal to the Panel for Educational Policy as it is currently posted.

A copy of the educational impact statement for this proposal can be obtained at <http://schools.nyc.gov/NR/ronlyres/585A6F4E-316F-45AF-A1C4-0F38AC7260E8/75220/K302AchievementFirstEISFinal1811.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.