



Revised Public Comment Analysis

Date: February 24, 2010

Topic: Proposed Co-location of a New School, Hyde Charter School II, with P.S. 328 in School Building K328

Date of Panel Vote: February 24, 2010

The analysis of public comment regarding the proposed siting of Hyde Charter School II (“Hyde II”) with P.S. 328 in school building K328 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 Hyde II, a new charter school, will open and begin serving students in kindergarten and first grade in school building 19K328, located at 330 Alabama Ave, Brooklyn. K328 currently houses P.S. 328, which serves students in Pre-Kindergarten through eighth grade. Hyde II will gradually expand its grade configuration, adding a new class of students each year. Pending reauthorization of its charter in 2015 and 2020, Hyde Charter School II will eventually grow to serve students in grades K-12.

The creation of Hyde II will achieve several key goals.

First, upon full phase-in, Hyde II will create approximately 264 additional elementary, 132 middle school, and 176 high school seats in District 19. While admission to Hyde II will be via lottery, District 19 students will be given preference in that lottery. With respect to the current proposal, Hyde II would serve approximately 88 kindergarten and first grade students next year, and then add 44 additional seats for second grade students the following year. These seats would be created using underutilized space in building K328, resulting in a net gain of 132 K-2 seats for the district at the outset of the 2011-12 school year.

No P.S. 328 students will be displaced by this proposal. K328 has a target capacity to house 1,025 students; P.S. 328 currently enrolls 568 students, yielding a current utilization rate for the building of only 58 percent. Available underutilized space should permit both schools to share the facility at least through 2011-12 while ensuring that both schools maintain adequate space and facilities resources to support all students, including those with special needs. At that point, the Department of Education will re-evaluate conditions in the building to determine whether Hyde II can remain and continue adding one grade annually. By siting Hyde II into underutilized space in K328, the new seats created will help to alleviate overcrowding elsewhere in District 19.

At the same time, the creation of Hyde II will help to expand access to high quality schools in the District 19 community.

Hyde II is part of the Hyde Leadership Charter School Network, which currently manages one other school in New York City—Hyde Leadership Charter School located in District 8 in the Bronx. Hyde Leadership Charter School opened in 2006 and now serves students in grades K-9. The school has a solid track record of serving its students well, earning an “A” grade on its 2008-09 Progress Report. Last year, 68.3 percent of Hyde Leadership students scored a Level 3 or Level 4 on State English Language Arts exams (9.8 percentage points higher than the District 8 average); 85.0 percent of Hyde Leadership students scored a Level 3 or Level 4 on State Math exams (18.2 percentage points higher than the District 8 average). Moreover, Hyde Leadership Charter School achieves these results while serving a high-need student population. 85 percent of Hyde Leadership students are eligible for free or reduced-price lunch and 98 percent of students are African-American or Hispanic. Currently 10 percent of students enrolled at Hyde Leadership have IEPs, compared to 12.1 percent throughout District 8, and 10 percent of students enrolled at Hyde Leadership require English Language Learner services, compared to 13.2 percent throughout District 8. The school’s success has generated high demand for seats, and Hyde Leadership currently has 230 students on its waitlist. Creating Hyde II will build on the Hyde Network’s success in the Bronx, allowing District 19 students to benefit from a similarly high-quality 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.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing was held at K328 on February 22, 2010, and all interested parties had an opportunity to provide input on the proposal. Three members of the public spoke in opposition to the proposal, citing concerns about district schools being pushed out of space, charter schools not serving the full range of New York City public school students, outdated statistics, and the privatization of public education.

One member of the public spoke in favor of the proposal citing personal experience with charter school services. In addition, one speaker gave comments that were not clearly for or

against the proposal; this speaker noted a lack of parent involvement in charter schools, questioned discipline policies, and stated that there are good district and charter schools.

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

No written or oral comments regarding this proposal have been received. No significant alternatives were proposed.

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

No significant alternatives to the co-location of Hyde II with P.S. 328 in school building K328 have been proposed. Accordingly, no changes to the proposal have been made. The proposal will be presented to the Panel for Educational Policy as it is currently posted.

The target capacity of the K328 building is 1,025 students. The 10.31.2009 Audited Register at P.S. 328 was 568 students. Therefore there are approximately 457 available seats in the K328 building. The projected enrollment at Hyde Charter School II in the 2011-2012 school year is 132. Therefore there is sufficient space within the K328 building to accommodate both Hyde Charter School II and P.S. 328 through the 2011-2012 school year, at which time the projected target building utilization will be 68%.

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, Hyde Charter School II will admit 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. Hyde II is part of the Hyde Leadership Charter School Network, which currently manages one other school in New York City—Hyde Leadership Charter School located in District 8 in the Bronx. Currently, 10% of the students at Hyde Charter School have Individualized Education Plans and 10% require English Language Learner Services.

Like District schools, charter schools receive Annual Progress Reports and students take the State ELA and Math exams every year. Hyde Charter School earned an “A” grade on its 2008-09 Progress Report. Last year (the most recent data we have on any New York City public school), 68.3 percent of Hyde Leadership students scored a Level 3 or Level 4 on State English Language Arts exams (9.8 percentage points higher than the District 8 average); 85.0 percent of Hyde Leadership students scored a Level 3 or Level 4 on State Math exams (18.2 percentage points higher than the District 8 average).

A copy of the educational impact statement for this proposal can be obtained at <http://schools.nyc.gov/NR/ronlyres/585A6F4E-316F-45AF-A1C4-0F38AC7260E8/75223/K328HydeCharterSchoolEISFinal1811.pdf>.

**Prepared by
Department of Education**

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**