



## **Revised Public Comment Analysis**

Date: February 24, 2010

Topic: Proposed Re-siting of Harlem Success Academy 2 Charter School (84M384) with Existing Schools in School Building M030

Date of Panel Vote: February 24, 2010

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The analysis of public comment regarding the proposed re-siting of Harlem Success Academy 2 (“HSA 2”) 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, Harlem Success Academy 2 Charter School (84M384, hereinafter referred to as “HSA 2”), an existing charter school currently serving students in grades K-2 and phasing in to serve grades K-8 at scale, will move from its current location in Community School District 5 (“District 5”) to school building M030 (“M030”), located at 144-176 East 128 Street, Manhattan, also in District 5. Only grades K-4 at HSA 2 will be sited in M030.

HSA 2 is currently housed at school building M123 (“M123”), located at 301 West 140 Street, Manhattan and is co-located with P.S. 123 Mahalia Jackson (05M123, “P.S. 123”), an elementary/middle school currently serving grades Pre-Kindergarten-7 and phasing-in to serve grades PK-8, at M123. There is no longer enough space in M123 to accommodate both P.S. 123 and HSA 2 as the schools continue to phase in to their full grade scales. P.S. 123 will remain in M123 after the HSA 2 move, and it will use the space made available in M123 by the HSA 2 move to serve its grade 8 students.

M030 currently houses two schools, KAPPA II (05M317, “KAPPA II”) and P.S. 30 Hernandez/Hughes (05M030, “P.S. 30”), and a District 75 program, P.S. 138 (75M138, “P.S. 138”). P.S. 30 is an elementary school serving grades Pre-K-5; P.S. 138 serves students in grades K-12; and KAPPA II is a middle school currently serving grades 6-8. The Panel for

Educational Policy approved the DOE's proposal to phase-out KAPPA II at its January 26, 2010, meeting. Accordingly, beginning in 2010-2011, KAPPA II will eliminate one grade per year until its closure in June 2012. Concurrently, HSA 2 will continue to phase in at M030 where it will ultimately serve grades K-4. After KAPPA II closes, HSA 2 will co-locate only with P.S. 30 and P.S. 138 at M030.

The 2008-2009 target utilization rate of M030 was 54%, and its target capacity was 1,297. The building has sufficient space to accommodate HSA 2, KAPPA II, P.S. 30, and P.S. 138 throughout the phase-out of KAPPA II and the continued phase-in of HSA 2, and for HSA 2 grades K-4, P.S. 30 and P.S. 138 to operate at full organizational capacity.

The move of HSA 2 will make space available in M123 for P.S. 123 to reach its full grade scale and allow HSA 2 to grow to serve grades K-4. As HSA 2 continues to phase in, the school and the DOE will consider available spaces for grades 5-8.

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 M030 on February 22, 2010, and all interested parties had an opportunity to provide input on the proposal. Approximately three hundred and ninety members of the public attended the hearing. Thirty members of the public spoke in opposition to the proposal, citing concerns about sharing space and fear that the charter school will take over the building. Some commenters also asserted that P.S. 30 is a good school and should be allowed to grow and expand from K-5 to K-8, and HSA 2 should get their own building.

Eleven members of the public spoke in favor of the proposal, stating that HSA 2 is a great school that serves students in the community and provides the education our students deserve and that our parents want. HSA 2 is a public school and doesn't want to take over the building, but share the space that is available.

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

No written nor oral written comments regarding this proposal have been received. No significant alternatives were proposed in the written comments. As an alternative proposal, commenters during the joint public hearing proposed that HSA 2 secure its own private space. There was also a suggestion that instead of moving HSA 2 into the building that P.S. 30 be allowed to expand to serve grades K-8

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

Regarding concerns about the sharing of space in the building, the M030 building has a capacity of 1,297 students. According to their October 31, 2009 Audited Registers, the

enrollment at P.S. 30 was 297 students and enrollment at KAPPA II was 142<sup>1</sup>. As of October 31, 2009, the active enrollment at P.S. 138 at M030 was 100 students.<sup>2</sup> The current enrollment at HSA 2 is 362. Finally, the projected 2010-2011 enrollments for P.S. 30, KAPPA II, P.S. 138, and HSA 2 are 250-300, 50-60, 90-100, and 420-430 respectively. Thus, in 2010-2011, the projected total enrollment in M030 is 810-890, which would still be well below the capacity of the building.

The alternative to allow PS 30 to expand instead of moving HSA 2 into the building is not viable because P.S. 30 did not submit an application for grade expansion for the 2010-2011 school year, nor has not submitted an application in prior years. P.S. 30 is welcome to apply to expand its grade configuration for the 2011-2012 school year. The DOE would need to assess the space in the building to determine if an expansion would be feasible but they have the opportunity to apply. Grade reconfiguration applications are evaluated based on the following factors: school quality, physical space, demographic need, impact on enrollment, and community input.

The alternative proposal for HSA 2 to secure private space is not a better alternative. There is sufficient space in the M030 building. The DOE has provided space to over 60 charter schools in DOE buildings as they are also public schools. Given that there is space in the M030 building and HSA 2 is a high performing school that is serving its students very well, 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/rdonlyres/585A6F4E-316F-45AF-A1C4-0F38AC7260E8/75229/M030HSA2EISFinal1810.pdf>.

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<sup>1</sup> 10.31.2010 Audited Register

<sup>2</sup> 10.31.2010 Active Enrollment

### **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.