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Chancellor

### **Public Comment Analysis**

Date: March 19, 2013

Topic: The Proposed Co-location of South Bronx Classical Charter School II (84XTBD) in Building X154 with Existing School P.S. 154 Jonathan D. Hyatt (07X154) Beginning in 2013-2014

Date of Panel Vote: March 20, 2013

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### **Summary of Proposal**

On January 31, 2013, the New York City Department of Education (“DOE”) issued an Educational Impact Statement (“EIS”) and a Building Utilization Plan (“BUP”) describing a proposal to co-locate a new public charter school, South Bronx Classical Charter School II (84XTBD, “SBCCS II”), which will serve students in kindergarten through fifth grades, in building X154 (“X154”), located at 333 East 135<sup>th</sup> Street, Bronx, NY 10454, in Community School District 7 (“District 7”), beginning in the 2013-2014 school year. Building X154 also houses P.S. 154 Jonathan D. Hyatt (07X154, “P.S. 154”), an existing elementary school currently serving students in kindergarten through fifth grades and offering a pre-kindergarten program. If this proposal is approved, in 2013-2014, SBCCS II will be co-located with P.S. 154 in building X154, opening with kindergarten and first grade, and adding one grade each year to serve students in kindergarten through fifth grades.

On February 1, 2013, the DOE issued an amended BUP, which eliminated erroneous references to another proposal and corrected various typographical errors, but which did not significantly revise the proposal itself.

If this proposal is approved, SBCCS II will begin serving 110-130 kindergarten and first-grade students in 2013-2014 in building X154. In 2014-2015, SBCCS II will add second grade and serve 165-195 students in kindergarten through second grades. In 2015-2016, SBCCS II will add third grade and serve 220-260 students in kindergarten through third grades. In 2016-2017, SBCCS II will add fourth grade and serve 275-325 students in kindergarten through fourth grades. In 2017-2018, its final year of phase-in, SBCCS II will serve 330-390 students in kindergarten through fifth grades. The school will admit students via its charter lottery application process, with preference given to District 7 residents.

Concurrently, the DOE is planning an enrollment reduction at P.S. 154. Beginning in September 2013, P.S. 154 will admit a smaller incoming kindergarten class of 45-55 students, as opposed to the 70-80 students it has served in recent years. The school will continue to take in 45-55 kindergarten students in future years until all grades, kindergarten through five, serve fewer sections in 2018-2019. P.S. 154 will continue to offer its pre-kindergarten program at its current size, assuming continued demand and funding. P.S. 154 is currently a zoned school, but next year will participate in the new District 7

Elementary School Choice Admissions Process; on November 26, 2012, the District 7 Community Education Council (“CEC”) independently voted to unzone the elementary schools in District 7.

According to the 2011-2012 Enrollment Capacity Utilization Report (“Blue Book”), X154 has a target capacity of 634 students. In 2012-2013, P.S. 154 is serving 495 students in kindergarten through fifth grades and 34 students in its pre-kindergarten program, yielding a building utilization rate of 83%. This means that the building could be used more efficiently to serve more students. If the proposal is approved, in 2018-2019, once SBCCS II’s kindergarten through fifth grades have fully phased in and P.S. 154’s enrollment reduction is complete, SBCCS II is projected to serve 330-390 students and P.S. 154 is projected to serve 306-366 students, for a total of 636-756 students, yielding a building utilization rate of approximately 100%-119%.

As described in greater detail in the EIS and amended BUP, the DOE believes the building has sufficient space to accommodate both schools despite the possibility of a utilization rate over 100%. Although a utilization rate in excess of 100% may suggest that a building will be over-utilized or over-crowded in a given year, this rate does 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 utilizations above 100% while not impacting the utilization of the space allocated to the traditional public school. Therefore, the DOE believes that the X154 building has the capacity to accommodate P.S. 154 and SBCCS II at full scale.

The details of this proposal have been released in an EIS and amended BUP which can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar202013Proposals.htm>.

Copies of the EIS and amended BUP are also available in the main office of P.S. 154.

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

A joint public hearing regarding this proposal was held at the X154 building on March 14, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 36 members of the public attended the hearing, and 2 people spoke. Present at the meeting were District 7 Community Superintendent Yolanda Torres, P.S. 154 Principal Alison Coviello; P.S. 154’s School Leadership Team (“SLT”) Representatives: Alberto Mateo, Zuleika Maldonado, Norma Reyes, and Denise Grean; State Education Department (“SED”) Representative, Susan Megna; and Ashley Davies and Stephanie Crane from the DOE’s Division of Portfolio Planning.

Members of the District 7 Community Education Council were invited to participate and confirmed their availability but did not attend the hearing.

### **The following questions, comments, and remarks were made at the joint public hearing:**

1. Alberto Mateo, a representative from the P.S. 154 SLT:
  - a. Stated that this proposal will not significantly impact the school; nothing will change other than that a charter school will occupy some space in the building.
  - b. Acknowledged the low turnout of parents at the meeting, but thanked those in attendance and encouraged parents to continue to send their children to P.S. 154.
2. A commenter asked the following questions and stated the following concerns:
  - a. Who makes the decisions to bring in charter schools?
  - b. Why isn’t the charter school going into an underutilized building such as P.S. 31?
  - c. This is a way of phasing out the school.

- d. Charter schools do not serve students with special needs.

### **Summary of Issues Raised in Written and/or Oral Comments Submitted to the DOE**

No written or oral comments were received.

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

Comment 1(a) states that P.S. 154 will not be largely impacted by this proposal.

The DOE concurs with this comment. If this proposal is approved, all current P.S. 154 students will have the opportunity to finish their primary education at P.S.154, and P.S. 154 will remain an option for future students. The proposed co-location of SBCCS II is not expected to impact the academic or extra-curricular programs currently offered at the school.

Comment 1(b) relates to the lack of parental involvement.

The DOE supports parent involvement in all aspects of their students' education. When families are involved in education, schools and students benefit. The DOE acknowledges the efforts being made by P.S. 154 families and encourages continued parental participation in the school community.

Comments 2(a) and 2(b) concern the decision-making process for siting charter schools.

Proposals about where new schools are sited are made by the DOE's Division of Portfolio Planning ("Portfolio") in conjunction with the Office of Space Planning. The DOE proposes co-locations of district and charter schools in public school buildings to ensure that we are using our existing capital in the most efficient manner possible so that students and families in every community have access to high-performing educational options. Although individual buildings may house multiple district and/or charter school organizations, these options are available to all students.

As discussed in the Revised Under-utilized Space Memorandum (as of November 20, 2012), on a yearly basis, Portfolio conducts a transparent process to publish a list of under-utilized buildings by applying consistent criteria to all school buildings across the city. Buildings that have, or are projected to have, 300 or more seats available in the next one to two years according to the Blue Book may be eligible for a co-location, among other potential changes in school utilization. A copy of the Revised Under-utilized Space Memorandum describing in detail the process for identifying under-utilized schools is available at: [http://schools.nyc.gov/NR/rdonlyres/6D8EA76A-82FA-4740-9ED1-66BCABEE8BFB/134525/UnderutilizedSpaceMemorandum112012\\_vFINALforprint.pdf](http://schools.nyc.gov/NR/rdonlyres/6D8EA76A-82FA-4740-9ED1-66BCABEE8BFB/134525/UnderutilizedSpaceMemorandum112012_vFINALforprint.pdf).

The list of under-utilized schools is updated periodically throughout the year. As indicated in the Updated Under-utilized Space Memorandum Addendum - February 1, 2013, the X154 building has been identified as eligible for a co-location in light of P.S. 154's enrollment reduction. A copy of the Updated Under-utilized Space Memorandum Addendum is available at: <http://schools.nyc.gov/NR/rdonlyres/6D8EA76A-82FA-4740-9ED1-66BCABEE8BFB/138473/UUMemorandumAddendumlanguage2013POsTER2114.pdf>.

The DOE believes that by siting SBCCS II in this space, families in District 7 will have access to a new high-quality school option.

Please note that the building which houses P.S. 031 (formally known as P.S./M.S. 031 The William Lloyd Garrison) is not included in the Under-utilized Space Memorandum. Therefore, that building is not currently eligible for a co-location.

Comment 2(c) suggests that this proposal is a way of phasing out P.S. 154.

This is a proposal to co-locate SBCCS II in the X154 building. Although the proposal does outline the DOE's plans to implement a targeted enrollment reduction at P.S. 154, that school will remain open as an option for future elementary school students.

Comment 2(d) suggests that charter schools do not serve students with special needs.

In May 2010, the Charter Schools Act was amended to expressly require that charter schools demonstrate good faith efforts to attract and retain English Language Learners ("ELLs"), students with disabilities, and students eligible for free or reduced lunch at rates comparable to those of the Community School District.

Pursuant to state law, public charter schools must 1) serve all students who are admitted through their lotteries, and 2) serve a percentage of special education and ELL students comparable to the district average. Charter schools which fail to meet the special education and/or ELL targets set by their authorizer risk being closed or having their renewal applications rejected. Charter schools must admit all students according to their lottery preferences, and may not turn away a student because of language ability, behavioral problems, or services required by an Individualized Education Plan.

### **Changes Made to the Proposal**

No changes have been made to this proposal.