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Chancellor

Public Comment Analysis

Date: March 19, 2013

Topic: The Proposed Opening and Co-location of New District High School (05M157) with Choir Academy of Harlem (05M469), Harlem Children's Zone Promise Academy II (84M341), and Grades Kindergarten through Four of Democracy Prep Harlem Charter School (84M481) in Building M501 Beginning in 2013-2014

Date of Panel Vote: March 20, 2013

Summary of Proposal

On January 18, 2013, the New York City Department of Education ("DOE") issued an Educational Impact Statement ("EIS") proposing to open and co-locate a new Career and Technical Education ("CTE") high school, 05M157 ("05M157"), in building M501 ("M501") beginning in the 2013-2014 school year. Building M501 is located at 2005 Madison Avenue, New York, NY 10035, within the geographical confines of Community School District 5 ("District 5"). The proposed new high school, 05M157, will offer rigorous CTE programming, described in more detail below, which will prepare students for post-secondary education and work.

On January 18, 2013, the DOE issued a related EIS proposing to co-locate the high school grades of Democracy Prep Harlem Charter School (84M481, "Democracy Prep Harlem"), in building M501 beginning in 2013-2014. On February 20, 2013, the DOE issued a revised EIS and Building Utilization Plan ("BUP") proposing to co-locate grades kindergarten through four of Democracy Prep Harlem in building M501 beginning in 2013-2014, instead of the high school grades of Democracy Prep Harlem as originally proposed.

The revised EIS and BUP for the proposed co-location of grades kindergarten through four of Democracy Prep Harlem in M501 beginning in 2013-2014 can be found at:
<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar202013Proposals.htm>.

If this proposal is approved by the Panel for Educational Policy ("PEP"), 05M157 will be co-

located with Choir Academy of Harlem (05M469, “Choir”), an existing secondary school serving students in grades six through twelve, Harlem Children’s Zone Promise Academy II (84M341, “Promise Academy II”), an existing public charter school serving students in grades kindergarten through eight, and grades kindergarten through four of Democracy Prep Harlem. Promise Academy II’s seventh and eighth grades are temporarily co-located in M501 for one year. The temporary expansion of the co-location of Promise Academy II’s seventh and eighth grades in M501 was proposed and approved by the PEP on March 23, 2011. Beginning in the 2013-2014 school year, Promise Academy II will only serve students in kindergarten through sixth grade in M501, as the seventh and eighth grades of Promise Academy II will move to private, non-DOE space. In addition, building M501 houses a high school level Alternative Learning Center (88M993, “ALC”).

In a separate EIS, posted on January 18, 2013 and amended on February 20, 2013, the DOE proposed to phase out and eventually close Choir after an extensive review of data and community feedback indicating that the school is unable to turn around despite numerous efforts to improve instruction and school organization. The DOE amended that EIS to reflect the proposed change in the grades to be served by Democracy Prep Harlem in M501 from grades nine through twelve to grades kindergarten through four. That amended EIS can be accessed on the DOE’s Web site at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013PEP.htm>.

On March 11, 2013, the PEP approved the proposal to phase out Choir.

As such, Choir will concurrently phase out its middle and high school grades such that in 2013-2014, the first year of phase out, Choir will no longer serve students in sixth and ninth grades; in 2014-2015 Choir will no longer serve students in seventh and tenth grades; in 2015-2016 Choir will no longer serve students in eighth and eleventh grades; and after the conclusion of the 2015-2016 school year, Choir will close. However, current middle school students will be supported as they progress towards middle school graduation, and current high school students will be supported as they progress towards high school graduation.

If this proposal is approved, 05M157 will open in M501 as a new district CTE high school. In the 2013-2014 school year, 05M157 will serve students in ninth grade. 05M157 will then expand to serve one additional grade level each year until it reaches full scale in 2016-2017 and serves students in grades nine through twelve.

The proposed opening and co-location of 05M157 in M501 is part of the DOE’s central goal to create new school options that will better serve future students and the community at large. 05M157 will offer a rigorous academic program with a career and technical education component that will be open to students through the Citywide High School Admissions Process and will have a limited unscreened selection method giving priority to students residing in Manhattan. (Detailed information about the High School Admissions Process, over-the-counter admissions, and the proposed school’s admissions criteria can be found in Section III.A of this proposal.)

If this proposal is approved, 05M157 will open during the 2013-2014 school year, when it will

serve approximately 75-85 students in the ninth grade. 05M157 will gradually phase in by adding one grade per year. The school is expected to reach full scale in 2016-2017 and will serve approximately 300 – 340 students in grades nine through twelve.

If the proposals to co-locate grades kindergarten through four of Democracy Prep Harlem, and to open 05M157 are approved, in 2017-2018, once Choir has completed its phase-out, 05M157 has reached full scale, and grades kindergarten through four of Democracy Prep Harlem have fully phased in, it is projected that there will be approximately 1,193-1,490 students served in M501, thereby yielding a utilization rate of approximately 91%-113%.

As described in greater detail in the revised EIS and BUP, the DOE believes the building has sufficient space to accommodate all 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 M501 building has the capacity to accommodate the existing and proposed organizations at full scale.

If this proposal is approved, 05M157 will replace the high school seats that will be lost as a result of the phase-out and eventual closure of Choir and will provide a new educational option for families in District 5.

Summary of Comments Received at the Joint Public Hearing

A Joint Public Hearing regarding this proposal was held at school building M501 on March 18, 2013. At that hearing, interested parties had the opportunity to provide input on the proposal. Approximately 85 members of the public attended the hearing, and 22 people spoke. Also present at the meeting were: Choir School Leadership Team (“SLT”) representatives Reenie Salter and Elizabeth Porter; Promise Academy II SLT representative Kwame Owusu-Kesse; District 5 Superintendent Gale Reeves; and Meera Jain representing the Office of Portfolio Management.

Members of the Community Education Council (“CEC”) 5 were invited to participate and confirmed their availability, but did not attend the hearing.

Additionally, a Joint Public Hearing regarding the amended proposal to phase-out Choir was held at building M501 on February 21, 2013. Comments from that hearing pertaining to the proposed phase-out of Choir are contained within a separate document of Public Comment Analysis, available at:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>

**The following comments and remarks were made at the Joint Public Hearing on
February 21, 2013**

1. New York State Senator Bill Perkins opposed the proposal and commented that he is very concerned about the charter replacement plan.

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March 18, 2013**

2. Elizabeth Porter, Choir SLT member, opposed the proposal and commented as follows:
 - a. The DOE did not provide Choir with proper resources.
 - b. The DOE did not give Choir enough time to improve.
 - c. Our kids' dreams will be crushed because of Choir's phase-out.
 - d. The phase-out resulted from bad leadership, not because of the children.
 - e. Choir went a whole year without an ELA teacher and our school was still expected to succeed.
 - f. Choir intends to do everything to keep this building for our own students.
 - g. Choir is a performing arts school and a historic landmark that needs to be preserved.
 - h. This proposal will put elementary school students from Democracy Prep with high school students from Choir and 05M157, which is unsafe.
 - i. How does the DOE expect four schools to share the building and common spaces?
 - j. The gym is already crowded and children of all ages are sharing it.
 - k. How did the DOE change the proposal from siting Democracy Prep high school students to Democracy Prep elementary school students in this building?
 - l. There will be overcrowding issues when you put more students in the M501 building.
3. Renee Salter, Choir SLT member, opposed the proposal and asserted that the building is unsafe for elementary school students.
4. Emmanuel George, Democracy Prep Principal, supported the proposal and commented as follows:
 - a. Democracy Prep children are engaged and working hard to meet their goals.
 - b. There is no perfect co-location plan, but we will work with the other schools in M501 to make it work.
 - c. Supports the expansion because of Democracy Prep's proven results.
 - d. Democracy Prep wants to give kids an earlier start so that they can have a better middle and high school education and go to college.
 - e. We must expand to ensure all children are getting the best education.
5. Several commenters stated that students at Democracy Prep have a desire to learn.
6. Several commenters stated that the students, parents, and teachers have not been disappointed by Democracy Prep.
7. Several commenters stated that Democracy Prep has a lot to offer, such as a theater arts and music program, international trips, volunteer opportunities, SAT tutoring, college visits, and internship opportunities.
8. Several commenters stated that they support the expansion of Democracy Prep Harlem.

9. Several commenters stated that Democracy Prep has pushed its students and families to put education first and strive for overachievement.
10. Several commenters stated that Democracy Prep has helped them receive admission to multiple colleges.
11. Several commenters stated that Democracy Prep has taught them lifelong values, such as respect, discipline, and perseverance.
12. Several commenters stated that Democracy Prep has made a positive difference in their lives.
13. Several commenters stated that they left their private and public schools for Democracy Prep because of its focus on academics, leadership skills and college acceptance.
14. Several commenters stated that more students should be given the opportunity to enroll in Democracy Prep at a young age.
15. Several commenters stated that they want more school options in Harlem, and support the expansion of Democracy Prep in Harlem.
16. Several commenters stated that Democracy Prep is unlike any other school they've attended and want more students to have the opportunity to enroll.
17. Several commenters stated that Democracy Prep will be a great neighbor and collaborate with the schools in M501.
18. Several commenters stated that Democracy Prep will provide future elementary school students with a great education to ensure that they go to college and change the world.

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

The DOE did not receive any written comments at the joint public hearing.

The DOE has not received any written comments via email.

The DOE has not received any oral comments via voicemail.

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

- Comments 1, 2(k), and 4-18, pertains to the proposed co-location of grades kindergarten through four of Democracy Prep Harlem Charter School and are addressed in the corresponding public comment analysis available at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar202013Proposals.htm>
- Comments 2(a-g) pertain to the proposed phase-out of Choir. On March 11, 2013, the PEP approved the proposal to phase-out Choir beginning in the 2013-2014 school year. Thus, the comments related to the phase-out of Choir do not need to be addressed.
- Comments 2(h) and 3 relate to school safety issues. Building M501 currently has two schools (Choir and Harlem Children's Zone Promise Academy II) and an Alternative Learning Center. If this proposal is approved, Democracy Prep and 05M157 will phase-in as Choir phases-out. Pursuant to Chancellor's Regulation A-414, every school/campus is mandated to form a School Safety Committee, which is responsible for developing a

comprehensive School Safety Plan that defines the normal operations of the site and what procedures are in place in the event of an emergency. The School Safety Plan is updated annually by the Committee to meet changing security needs, changes in organization and building conditions and any other factors; these updates could also be made at any other time when it is necessary to address security concerns. The Committee will also address safety matters on an ongoing basis and make appropriate recommendations to the principal(s) when it identifies the need for additional security measures. The DOE believes that the proposed co-location of grades kindergarten through four of Democracy Prep Harlem and 05M157 with Harlem Children's Zone Promise Academy II, Choir and the Alternative Learning Center will not create additional security issues in M501, as there are multiple entrances for each school to utilize and scanners. It is current NYPD policy that students enrolled in grades kindergarten through five, whether in a DOE school or a public charter school, do not go through scanning. Although Democracy Prep's kindergarten through fourth grade students will not be using the scanners, just like students in grades kindergarten through five at Harlem Children's Zone currently do not use the scanners, 05M157 students in grades nine through twelve will use the scanners alongside the Alternative Learning Center students and Choir as it phases out.

- Comment 2(i-j) relates to scheduling time in share spaces, such as the gym, auditorium, cafeteria, etc. for multiple schools and overcrowding in the shared spaces. Building M501 currently has two schools, Choir and Harlem Children's Zone Promise Academy II and an Alternative Learning Center. If this proposal is approved, there will be four schools in M501, and the Building Utilization Plan puts forth a proposed shared space schedule for the co-located schools that is feasible and demonstrates that the co-located schools may be treated equitably and comparably in the use of shared spaces. The final shared space schedule will be collaboratively determined by the Building Council if the proposed co-location is approved by the Panel for Education Policy. If conflicts emerge and progress is impaired, the Building Council will follow the dispute resolution procedures outlined in the Campus Policy Memo available at the following link: <http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo>.

In addition, due to space limitations, it is not unusual for multiple schools of varying grade levels to be co-located in a building together. There are successful examples of co-located school buildings or campuses in New York City, two of which have five or more schools co-located in one building.

These examples include:

1. The Louis D. Brandeis Educational Campus, which houses five schools: Innovation Diploma Plus, a transfer high school; The Urban Assembly School for Green Careers, a career and technical education high school; The Global Learning Collaborative, a high school; Frank McCourt High School; and Success Academy – Upper West, a public charter elementary school;
2. The Julia Richman Educational Complex, which houses six schools: Urban Academy High School, Talent Unlimited High School, Vanguard High School, Manhattan International High School; The Ella Baker School, a kindergarten

through eighth grade school, and a District 75 program serving students with autism;

3. Building M113 currently houses three schools: STEM Institute of Manhattan, a district elementary school, Harlem Success Academy 4, a charter elementary school, and Opportunity Charter School, which serves sixth through twelfth grade in District 3;
 4. Building M092 currently houses three schools: St. Hope Leadership Academy Charter School, a charter middle school serving students in grades five through eight, P.S. 92, a district elementary school which serves students in grades kindergarten through five, and Democracy Prep Charter School, a charter middle school serving students in sixth through eighth grade.
 5. Building K324 currently houses three schools: M.S. 267, an existing middle school serving students in grades sixth through eight, La Cima Charter school, a charter elementary school serving students in grades K-5, and Bedford Stuyvesant Collegiate, an existing charter secondary school, which is currently in the process of growing to serve students in grades 5-12. Members of the building council worked together to secure financing from KaBOOM to resurface the schoolyard and playground for all of the children at K324.
- Comment 2(l) asserts that this proposal will cause further overcrowding in the M501 building. M501 has the capacity to serve 1,316 students. In 2012-2013, the building is serving 1,024 students, yielding a utilization rate of 78%. This means that the building is underutilized and has extra space to accommodate additional students. As outlined in the chart below, excess space will remain in M501 during and after the phase-in of Democracy Prep Harlem and 05M157 and phase-out of Choir.

	<u>2012-2013</u>	<u>2013-2014</u>	<u>2014-2015</u>	<u>2015-2016</u>	<u>2016-2017</u>	<u>2017-2018</u>
Choir	13	11	7	2	N/A	N/A
UA-Global Commerce	N/A	4	8	11	12	12
Democracy Prep Harlem	N/A	6	8	13	17	18
Harlem Children's Zone Promise Academy II	34	29	26	26	26	26
TOTAL	63	63	62	62	63	63
EXCESS	16	13	13	10	8	7

Changes Made to this Proposal

- No further changes have been made to this proposal.