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Chancellor

Public Comment Analysis

Date: March 19, 2013

Topic: The Proposed Co-location of Grades Kindergarten through Four of Democracy Prep Harlem Charter School (84M481), with Choir Academy of Harlem (05M469), Harlem Children's Zone Promise Academy II (84M341), and New District School 05M157 (05M157) 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") and Building Utilization Plane ("BUP") describing a proposal to co-locate the high school grades of Democracy Prep Harlem Charter School (84M481, "Democracy Prep Harlem") in building 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").

On February 20, 2013, the DOE issued a revised EIS and BUP 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.

Democracy Prep Harlem is an existing public charter school authorized by its charter authorizer, the DOE, to serve students in grades six through eight. Democracy Prep Harlem is currently serving students in grades six through eight in private, non-DOE space in District 5. Democracy Prep Harlem has applied to the DOE to expand its grade span from six through eight to kindergarten through twelve, reaching full scale in 2018-2019. In addition, Democracy Prep Harlem intends to serve students in grade five in private space, once the school begins serving fifth-grade students in 2018-2019. Should Democracy Prep Harlem's request to expand not be approved, this proposal will be revised accordingly.

The revised EIS and BUP change the grades to be served in M501 by Democracy Prep Harlem from nine through twelve to kindergarten through four. This means that Democracy Prep

Harlem's high school grades will not be served in M501. However, the DOE is identifying an alternate site for the high school grades of Democracy Prep Harlem in Manhattan beginning in 2013-2014. Thus, this revision does not impact future borough-wide high school seat capacity.

If this proposal is approved, grades kindergarten through four of Democracy Prep Harlem 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 new district high school 05M157 (05M157, "05M157") if approved by the Panel for Educational Policy ("PEP").

Promise Academy II's seventh and eighth grades are temporarily co-located for one year in M501. 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. Building M501 also houses an Alternative Learning Center (88M993, "ALC").

In another EIS posted on January 18, 2013 and revised on February 20, 2013, the DOE has proposed to co-locate a new district high school, 05M157, in M501. That revised proposal can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar202013Proposals.htm>.

In a separate EIS also 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. That amended EIS can be found here: <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.

The proposed opening and co-location of grades kindergarten through four of Democracy Prep Harlem in M501 is part of the DOE's central goal to create new school options that will better serve current and future students and the community at large.

If this proposal is approved, grades kindergarten through four of Democracy Prep Harlem will open in M501 during the 2013-2014 school year, when it will serve approximately 91-116

students in kindergarten. In 2014-2015, Democracy Prep Harlem will serve 154-197 students in kindergarten and first grade. In 2015-2016, Democracy Prep Harlem will serve 217-278 students in kindergarten through second grade. In 2016-2017, Democracy Prep Harlem will serve 280-359 students in kindergarten through third grade. In 2017-2018, the final year of phase-in, Democracy Prep Harlem will serve 343-440 students in grades kindergarten through four. Grades five through twelve of Democracy Prep Harlem will be sited elsewhere.

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, grades kindergarten through four of Democracy Prep Harlem will provide a new educational option for families in District 5. As described in the revised EIS regarding the proposed co-location of 05M157 in M501, 05M157 will replace the high school seats that will be lost as a result of the phase-out and eventual closure of Choir and provide another 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 Renee 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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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 4-18 are in support of the proposal and do not require a response.
- Comments 2(h-j,l) pertain in whole or in part to the proposed opening and co-location of 05M157 and are addressed in the corresponding public comment analysis available at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar202013Proposals.htm>
- Comment 1 concerns the charter replacement plan. Democracy Prep Public Schools (“DPPS”) is a charter management organization (“CMO”) that currently manages four

public charter schools in Manhattan including Democracy Prep Harlem, Democracy Prep Charter School (84M350, “Democracy Prep”), and Democracy Prep Endurance Charter School (84M065). Beginning in the 2011-2012 school year, DPPS also began managing Harlem Prep Charter School (84M708), which was previously called Harlem Day Charter School. DPPS schools have a strong track record of academic achievement. Democracy Prep Harlem received an A on its first Progress Report in 2011-2012, scoring in the 95th percentile of all middle schools Citywide. Harlem Prep Charter School also received an A on its 2011-2012 Progress Report in its first year operating under the DPPS Charter Management Organization, a significant improvement from the “D” score it received on its 2010-2011 Progress Report. In 2009-2010, Democracy Prep Charter School was the highest rated middle school in New York City on the annual Progress Report, and its Progress Report score has been in the top 13% of middle schools Citywide during all four years that it has received a Progress Report.

Because of Democracy Prep’s track record of success, the DOE believes that co-locating Democracy Prep Harlem in the building will provide future students and parents in the district with an appealing new educational option.

- 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 are no longer timely.
- Comments 2(h) and 3 relate to perceived 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.

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 high school serving students in grades nine through twelve
 5. Building K324 currently houses three schools: M.S. 267, an existing middle school serving students in grades six 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(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>.

As noted above, there are examples of successful co-locations involving schools serving different grade spans.

- Comment 2(k) relates to how the DOE revised the original proposal 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. The DOE revised the original proposal after determining that the M501 building is more suitable for elementary school age children given the current co-location of Harlem Children’s Zone Promise Academy, a public charter elementary school serving students in grades kindergarten through eight.
- 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 revised proposal.