

Public Comment Analysis

Date: March 19, 2013

Topic: The Proposed Co-Location of Grades Five through Eight of Success Academy Charter School – Harlem 2 (84M384) with Academy for Social Action: A College Board School (05M367), I.S. M286 Renaissance Leadership Academy (05M286), The Urban Assembly Institute for New Technologies (05M410), and Urban Assembly School for Performing Arts (05M369) in Building M043 Beginning in 2014-2015

Date of Panel Vote: March 20, 2013

Summary of Proposal

On January 18, 2013, the New York City Department of Education (“DOE”) issued a proposal to co-locate grades five through eight of Success Academy Charter School – Harlem 2 (84M384, “SA – Harlem 2”) in building M043 (“M043”) located at 509 West 129th Street, New York, NY 10027 in Community School District 5 (“District 5”) beginning in 2014-2015. SA – Harlem 2 is an existing public elementary charter school currently serving students in grades kindergarten through four in building M030 (“M030”) located at 144 – 176 East 128th Street, New York, NY 10035 in Community School District 5 (“District 5”), and students in grade five in tandem buildings M185 and M208 (“M185/M208”) located respectively at 20 West 112th Street, New York, NY 10026 and 21 West 111th Street, New York, NY 10026 in Community School District 3 (“District 3”). Tandem buildings are two separate buildings with separate entrances, which are joined by a central core containing a shared gymnasium, auditorium and cafeterias.

On March 21, 2012 the Panel for Educational Policy (“PEP”) approved the co-location of the fifth grade of SA – Harlem 2 and the fifth grade of SA – Harlem 3 in M185/M208 for the 2012-2013 school year. In 2013-2014, these students will be served in building M101 (“M101”) located at 141 East 111th Street, New York, NY 10029 in Community School District 4 (“District 4”) and building M175 (“M175”) located at 175 West 134th Street, New York, NY 10030 in District 5. These proposals were approved by the PEP on June 26, 2012 and November 8, 2012 respectively.

If this proposal is approved, grades five through eight of SA – Harlem 2 will be co-located with Academy for Social Action: A College Board School (05M367, “ASA”), an existing secondary school that serves students in grades six through twelve; I.S. M286 Renaissance Leadership Academy (05M286, “Renaissance”), an existing middle school that serves students in grades six through eight; The Urban Assembly Institute for New Technologies (05M410, “New Technologies”), an existing middle school that serves students in grades six through eight; and Urban Assembly School for the Performing Arts (05M369, “Performing Arts”), an existing high school that serves students in grades nine through twelve in M043.

In a separate Educational Impact Statement (“EIS”) posted on January 18, 2013, and amended on January 31, 2013, the DOE proposed to truncate the middle school grades of ASA based on its poor performance and the DOE’s assessment that the school lacks the capacity to improve quickly to better support student needs. That proposal can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar202013Proposals.htm>

If the PEP approves the proposal to truncate ASA’s middle school grades, ASA will no longer enroll sixth-grade students after the conclusion of the 2012-2013 school year; ASA will no longer serve sixth- and seventh-grade students after the 2013-2014 school year; and ASA will no longer serve sixth- through eighth-grade students following the 2014-2015 school year. In 2013-2014 and beyond, ASA will continue serving students in grades nine through twelve. Current students in grades six through eight will be served and supported by the DOE as they progress towards the completion of middle school while remaining enrolled at ASA. Current and future eighth-grade students who meet promotional requirements will be given priority to enroll in ASA for high school or will apply to another high school through the Citywide High School Admissions Process.

In the event that the truncation of ASA is not approved, the DOE will re-examine the availability of space in the building, and may, as appropriate, revise its proposal to co-locate grades five through eight of SA – Harlem 2 in M043. Such a revised proposal would be described in a revised EIS and/or Building Utilization Plan (“BUP”).

Success Academy Charter Schools (“SACS”) is a charter management organization (“CMO”) that currently operates 12 public elementary charter schools in New York City. SACS has been authorized by the State University of New York (“SUNY”) to operate six new public elementary charter schools starting in 2013-2014. The four SACS elementary schools that received a Progress Report for the 2010-2011 school year and 2011-2012 school year received an overall grade of A. SUNY has authorized SA – Harlem 2 to serve students in kindergarten through fifth grades. The current charter is up for renewal in 2013 (the current charter expires on March 10, 2013) and SACS has applied to SUNY to renew SA – Harlem 2’s charter and to expand SA – Harlem 2’s grade span to serve grades kindergarten through eight. SUNY has the authority to approve or deny this request. Should SUNY deny SA – Harlem 2’s request to expand to serve kindergarten through eighth grades, the DOE would consider alternate options for the space in M043 and, if necessary, propose an alternative option in a new or revised EIS and BUP.

If this co-location proposal is approved and the school receives permission from SUNY, SA – Harlem 2 will serve grades five through eight in M043. Beginning in the 2014-2015 school year, SA – Harlem 2 will serve students in fifth and sixth grades and will add one grade level per year until it completes its phase in during the 2016-2017 school year. SA – Harlem 2 is expected to reach full scale in M043 in 2016-2017 and will serve approximately 480-550 students in grades five through eight.

The DOE supports SA – Harlem 2’s placement in District 5 and anticipates that it will provide a high-quality educational opportunity for students. This proposal to co-locate SA – Harlem 2 in M043, where it will serve students in grades five through eight, is intended to increase the number of high-quality middle school seats and allow SA – Harlem 2 to continue providing high-quality educational opportunities for its students and families.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal and the proposal to truncate grades six through eight of ASA was held at building M043 on February 26, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 118 members of the public attended the hearing, and 38 people spoke. Present at the meeting were: ASA Principal Rhoekisha Ford; ASA School Leadership Team (“SLT”) Representatives Carol Wilder and Elizabeth Patrick; Performing Arts Principal Fia Davis; Performing Arts SLT Representatives Benjamin Schott, Diane Johnson, Megan McMahon; New Tech Principal Jeffrey Chetirko; New Tech SLT Representatives Daphne Leda and Creighton Riggs; Renaissance Principal Qadir Dixon; Deputy Chancellor Marc Sternberg; Deputy Chief Operating Officer Melissa Harris; Manhattan High School Superintendent Anthony Lodico; United Federation of Teachers District 5 Representative Dwayne Clark; Council of School Supervisors & Administrators Representative Juanita Bass; Sara Morgridge representing New York City Council Member Robert Jackson; Cordell Cleare representing New York State Senator Bill Perkins; Tom Franta representing SUNY; and Yael Kalban and Meera Jain from the DOE’s Division of Portfolio Planning.

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

The following comments and remarks were made at the Joint Public Hearing

1. Elizabeth Patrick, ASA SLT representative, opposed the proposal and commented as follows:
 - a. Adding a new school to the building will pose safety issues because there is only one entrance.
 - b. There will be logistical challenges in scheduling five schools to use one cafeteria.
 - c. It is impossible to add another school to the building when there are already four schools.
 - d. ASA does not have enough resources to offer students an adequate learning environment.
 - e. ASA cannot fulfill the gym requirements for the high school students because of overcrowding.
2. Carol Wilder, President of the Parent Teacher Association and ASA SLT representative, opposed the proposal and commented as follows:
 - a. District 5 has the highest concentration of charter schools.
 - b. There will be security issues if the DOE puts a charter school in this building.
 - c. Why not increase the enrollment at the under-enrolled schools in the building, rather than bringing in a new charter school?

- d. The purpose of charter schools is to better their own political agenda.
 - e. Charter schools are selective and expel students who do not conform to their standards.
 - f. The DOE should not truncate the middle school grades of ASA.
 - g. ASA has taught her children civic responsibility, obligatory living, compassion and sense of community.
 - h. ASA does not have the necessary supplies, books and resources it needs.
3. Fia Davis, Principal of Performing Arts, opposed the proposal and asserted the following:
 - a. As a performing arts school, Performing Arts needs to be over the Footprint to meet the academic and artistic needs of its students.
 - b. The BUP shows that Performing Arts will lose instructional and administrative space, which will impact students' educational experience.
 - c. How does the DOE plan to fit 550 more students from SA – Harlem 2 in this building?
 - d. Students should feel safe, but will not feel safe if SA – Harlem 2 moves into the building.
 - e. Find another location for SA – Harlem 2 so Performing Arts can continue to develop relationships with the existing schools in this building.
 4. Megan McMahon, Assistant Principal of Performing Arts, opposed the proposal and expressed the following concerns:
 - a. Performing Arts serves a very different population of students because the school does not audition prospective students.
 - b. Performing Arts will not be able to sustain its mission and program while losing space.
 - c. The DOE should site SA – Harlem 2 elsewhere.
 5. Benjamin Schott, Performing Arts SLT representative, opposed the proposal and expressed the following concerns:
 - a. Performing Arts graduates 60% of its students with disabilities compared to the Citywide average of 39%.
 - b. Performing Arts uses flexible programming and tailors instruction to meet the needs of its students.
 - c. The DOE should not take away the administrative spaces because it will compromise special education instruction.
 - d. The DOE should site SA – Harlem 2 in another building.
 6. Diane Johnson, Performing Arts SLT representative, opposed the proposal and expressed the following concerns:
 - a. The arts program helps students that are struggling and have behavioral problems.
 - b. Performing Arts needs space to continue its arts programming.
 - c. Students currently feel safe at Performing Arts, but if the DOE brings another school in the building, they will not feel safe.
 - d. Students might feel that charter school students receive more resources.
 - e. The DOE should site SA – Harlem 2 in another building.
 7. Daphne Leda, New Tech SLT representative, opposed the proposal and expressed the following concerns:

- a. New Tech is working tirelessly to inspire students to be critical thinkers and excellent communicators.
 - b. New Tech uses innovative curricula to meet the specific needs of every child so that they can meet their full potential.
 - c. She fears co-location because New Tech is losing 50% of their space.
8. Creighton Riggs, New Tech SLT representative, opposed the proposal and asserted that:
 - a. New Tech has given him the courage to stand up here and he respects the school.
 - b. SA – Harlem 2 will disrupt New Tech’s environment by taking its space.
9. Qadir Dixon, Principal of Renaissance, opposed the proposal and expressed the following concerns:
 - a. Five schools in one building is not feasible.
 - b. Renaissance students will all have to use the gym at the same time because it will be shared with four other schools.
 - c. Co-locating fifth-grade students with twelfth-grade students will pose safety concerns.
 - d. He is proud to have New Tech co-located in the building.
 - e. The DOE should ask how it can help ASA support their students.
 - f. Renaissance accepts students that left charter schools and builds them to up to do great things.
 - g. This building used to be violent but the schools have worked together to make it safe.
10. Sara Morgridge, representing New York City Council Member Robert Jackson, opposed the proposal and asserted the following:
 - a. The middle and high school grades of ASA have functioned as distinct entities, and therefore the truncation of the middle school grades should not be highly disruptive.
 - b. How is it that SA – Harlem 2 requires more space than the school it is replacing?
 - c. Performing Arts is one of the few unscreened performing arts schools that do not audition students to receive an arts curriculum.
 - d. The Instructional Footprint is inadequate because it does not offer more space for special education or arts curriculum.
 - e. Why doesn’t the BUP ask the other schools in M043 to make equal sacrifices to accommodate SA – Harlem 2?
 - f. Council Member Robert Jackson is formally opposed to the “theft” by SA – Harlem 2 of rooms used by Performing Arts for their specialized arts curriculum.
11. Cordell Cleare, representing New York State Senator Bill Perkins, opposed the proposal and asserted the following:
 - a. This is not about education, but about a real estate grab by SA – Harlem 2.
 - b. It is not possible to fit five schools in this building.
 - c. The Performing Arts choir performed beautifully for the Harlem community this past Christmas.
12. Dwayne Clark, UFT District 5 representative, opposed the proposal and expressed the following concerns:

- a. Why isn't the DOE offering ASA middle school additional support, staffing, resources and funds, rather than truncating it?
 - b. Truncating the middle school grades will leave ASA unstable without adequate support.
 - c. SA – Harlem 2 will bring their history of rudeness, intrusiveness, and problematic issues that are going to constantly occur in this building.
 - d. This is a proposal for grades five through eight of SA – Harlem 2, but they will grow to grades five through twelve, and then perhaps kindergarten through twelve in this building.
 - e. The children in District 5 are always stepped upon when it comes down to siting a charter school over a district school.
 - f. Eva Moskowitz wants this space because of its location and will try to break up this community.
13. Juanita Bass, a Council of School Supervisors and Administrators representative, opposed the proposal and expressed the following concerns:
- a. I hope the DOE takes into serious consideration the placement of ASA's middle school students at their top choice schools.
 - b. I want to make sure that the high school students that are left behind are fully supported, academically and socially.
14. Multiple commenters stated that Performing Arts will lose their performing arts spaces if the DOE co-locates SA – Harlem 2 in the building.
15. Multiple commenters asserted that this building was not designed to accommodate five schools.
16. One commenter asserted that the co-location of SA – Harlem 2 will place a burden on the students and teachers.
17. One commenter asserted that by reducing the space of Performing Arts, the DOE is telling those students that their artistry, passion and interest in arts are not important.
18. Multiple commenters expressed that the building is already overcrowded and will become even more so if the DOE sites SA – Harlem 2 in the building.
19. Multiple commenters expressed that there won't be enough space for all the schools to serve their students.
20. Multiple commenters asserted that SA – Harlem 2 should be sited in another building, not M043.
21. One commenter asserted that Eva Moskowitz should "bully" another school out of its space, rather than taking resources from the DOE.
22. Multiple commenters stated that charter schools unfairly get more resources than public schools.
23. One commenter suggested that her child was asked to leave a Success Academy Charter School because it wasn't the right environment and that the school could not accommodate his needs.
24. Multiple commenters stated that Performing Arts is a wonderful school, has dedicated teachers and is doing amazing things.
25. One commenter stated that Performing Arts offers many cross-curricular activities, such as integrating hip-hop and science programs.

26. One commenter stated she transferred to Performing Arts because she loves to sing and dance and really cares about her school.
27. One commenter suggested that Performing Arts offers students who aren't accepted into other performing arts schools a chance to pursue their passion for arts.
28. One commenter stated Performing Arts has great partnerships with artists, dance companies, and theaters.
29. Multiple commenters suggested that they will support the staff at Performing Arts and New Tech in fighting the co-location of SA – Harlem 2.
30. One commenter stated that the ASA softball and basketball teams are positive contributions to the school.
31. Multiple commenters stated that ASA and its staff are committed to helping their children develop.
32. Multiple commenters stated that teachers in M043 are already sharing classrooms and cannot give up space to another school.
33. Several commenters asserted that ASA does not have enough space to teach and students have class in the auditorium.
34. One commenter asserted that ASA serves a high percentage of students with special needs and needs space to serve these students.
35. Multiple commenters stated that the DOE should be offering more support to ASA.
36. One commenter stated that they were given an opportunity to learn at ASA and the school should not be truncated.
37. One commenter expressed that 46% of students at New Tech have IEPs and the school needs adequate space to serve these students.
38. Multiple commenters expressed that the co-location of SA – Harlem 2 will cause New Tech to lose 50% of their space.
39. Multiple commenters expressed that New Tech has helped their children improve academically and socially.
40. One commenter expressed that New Tech should be allowed to grow because the students love this school.
41. Multiple commenters stated that it is not fair that their students have fewer resources and space than charter school students have.

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

No written comments were received at the joint public hearing.

No oral comments were received via voicemail.

The DOE received four comments via email.

42. Yesenia Crespo, Director of Corporate and Community Partnerships at Performing Arts, opposed the proposal and asserted the following:
 - a. The proposed loss of instructional and administrative rooms would destroy the school's arts program.

- b. The DOE funded and built a performing arts wing in the basement, but it will be taken over by a charter school.
 - c. Performing Arts enrolls students from four of the five boroughs, but without dedicated performing arts spaces, it will lose students and teachers.
 - d. The BUP and Instructional Footprint do not consider the school's special arts programming.
 - e. The loss of classroom space would affect Performing Arts' affiliations with community partners who have invested time, resources, and funding to support its arts programming and specialized space.
43. Robert Jackson, New York City Council Member, opposed the proposal and asserted the following:
- a. New Tech and Renaissance should increase their respective enrollments and backfill the space vacated by grades six through eight of ASA.
 - b. Siting a fifth school in M043 does not make sense.
 - c. The M043 building is small and there are already difficulties sharing it.
44. Anabel Palma, New York City Council Member, opposed the proposal and asserted the following:
- a. The co-location of SA – Harlem 2 in M043 will take away classrooms and offices dedicated to supporting students with disabilities.
 - b. This proposal will lead to further overcrowding in M043.
 - c. This proposal will restrict Performing Arts' ability to improve its students' educational experience.
45. Fia Davis, Principal of Performing Arts, opposed the proposal and asserted the following:
- a. Performing Arts' current space allocation based on academic, special education and performing arts requirements should be maintained.
 - b. The DOE should create a building space plan that records the current needs and requirements of Performing Arts.
 - c. The DOE should permanently designate Performing Arts to receive rooms in excess of its baseline allocation based on academic and performing arts requirements.
 - d. The DOE should remove Performing Arts from the list of possible co-location sites.

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

- Comments 1(d,e), 2(f-h), 9(e), 10(a), 12(a,b), 13(a,b), 30, 31, 33-36, pertain to the proposal for the truncation of grades six through eight of ASA and are addressed in the corresponding public comment analysis available at:
<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar202013Proposals.htm>
- Comments 5(a,b), 6(a), 11(c), 24-28, and 44(c) discuss the positive aspects of Performing Arts, and comments 7(a,b), 8(a), 9(d), 39 and 40 discuss the positive aspects of New Tech, including school leadership, partnerships and standing in the community. The DOE commends Performing Arts and New Tech for their commitment to students and families. The DOE is committed to providing a portfolio of high-quality school options to students and families. The DOE strives to ensure that all students in New York City have access to a high-quality school in an appropriate environment at every stage of their education. This proposal would provide SA – Harlem 2’s fifth through eighth grades with a new permanent co-location, which will allow the school to serve students through their middle school education. As stated in the EIS, the proposed co-location of SA – Harlem 2 is not expected to impact future student enrollment, instructional programming, or the admissions process of Performing Arts or New Tech.
- Comments 1(a), 2(b), 3(d), 6(c) and 9(g) relate to school safety issues. Building M043 currently has four schools (ASA, Performing Arts, New Tech and Renaissance) that use one entrance, which is equipped with a scanner. If this proposal is approved, SA – Harlem 2 will use the same entrance. However, 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. Thus, SA – Harlem 2’s fifth grade students will not be using the scanners, but their students in grades six through eight will use the scanners, just like students in grades six through eight at ASA, Renaissance, and New Tech currently do. 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.
- Comment 37 concerns the allocation of space for students that have IEPs or are receiving self-contained services at New Tech. According to the Footprint, self-contained special education classes will receive size-appropriate space allocations varying from 240 to 499 feet, which is the equivalent of 1 half-size room, or can be served in full-size rooms. The BUP for the proposed co-location of SA – Harlem 2 allocates the following rooms for special education instruction:

School Name	2014-2015		2015-2016		2016-2017	
New Tech	2 half-size rooms	2 self-contained sections	2 half-size rooms	3 self-contained sections	2 half-size rooms	2 self-contained sections

In 2015-2016, New Tech is allocated 2 half-size rooms for 3 self-contained sections; this mirrors their current special education programming and room configuration, which is 2 half-size rooms for 3 self-contained sections in 2012-2013.

- Comment 2(a) states that District 5 has the highest concentration of charter schools. The DOE agrees that District 5 has the highest concentration of charter schools. Of the 43 district and charter schools across all grade spans in District 5, 28% are charter schools compared to the Citywide average of 8%. As shown in the chart below, in 2009-2010, of the 1,451 sixth-grade students that enrolled in district and charter schools in District 5, 35% enrolled in charters, which increased to 40% in 2010-2011, 41% in 2011-2012, and 48% in 2012-2013. Thus, the DOE believes that SA – Harlem 2 will be a valuable addition to the District 5 community and will meet the needs of families that are seeking public charter middle schools.

Sixth-grade Enrollment in District 5 Charter and DOE Schools				
	School Year			
School Type	2009-2010	2010-2011	2011-2012	2012-2013
Charter	503	645	662	846
District	948	951	952	911
Total Sixth-Grade Enrollment	1,451	1,596	1,614	1,757
% of 6th grade students enrolled in Charter schools in District 5	35%	40%	41%	48%

- Comments 1(b) and 9(b) relate to scheduling time in share spaces, such as the gym, auditorium, cafeteria, etc. for multiple schools. Building M043 currently has four schools: ASA, Performing Arts, New Tech, and Renaissance. If this proposal is approved, there will be five schools, 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 PEP. 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>.

- Comments 1(c), 9(a,c), 11(b), 15, 16, 43(b), and 45(d), relate to co-location in the M043 building. Given the finite number of buildings available in New York City, the DOE attempts to use all of its school buildings as efficiently as possible. Co-location is therefore very common in New York City schools – with 33% of all DOE buildings housing more than one school organization - as there are not sufficient school buildings to allow each school organization to operate in its own building. A co-location means that two or more school organizations are located in the same building, as is currently the case in M043. While they share common spaces like auditoriums, gymnasiums, and cafeterias, each school is allocated particular classrooms and spaces for its own students' use. The DOE is confident that the principals in M043 will be able to continue to foster a collaborative and mutually respectful environment for all students, staff, and faculty members in the building.

Although the DOE recognizes that people in the community may have strong feelings against this proposal, the DOE believes that, if this proposal is approved, the school communities at M043 will be able to continue their productive and collaborative partnerships.

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 fifth through eighth, P.S. 92, a district elementary school which serves students in grades K-5, and Democracy Prep Charter School, a charter middle school serving students in sixth through eighth grade; and
 5. Building K324 currently houses three schools: M.S. 267, an existing middle school serving students in grades sixth through eighth, 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.
- Comments 2(d), 3(e), 4(c), 5(d), 6(e), 11(a), 12(c, f), 20 and 29 suggest that SA – Harlem 2 should open in another DOE building or private space. The DOE seeks to provide space for additional education options for all students, regardless of whether students are served in DOE or public charter schools. We welcome public charter schools to lease or provide their own space, but we will offer space in DOE buildings where it is feasible to do so. The DOE does not lease space directly for charter schools; a charter school interested in parochial school or other space would have to acquire or lease that space with private funds. As mentioned in the EIS, building M043 is currently underutilized and has extra space to accommodate students, which can be used for public district schools or public charter schools.
 - Comments 2(e), 9(f), and 23 assert that SA – Harlem 2 selects its own students and expels students it no longer wants to serve. Any child eligible for admission to a district public school is eligible for admission to a public charter school. If the number of applicants exceeds the number of available seats at a charter school, a random selection process, such as a lottery, must be used. Lotteries select students randomly from among the applicant pool. In contrast, screened schools are able to select their students based on factors including academic achievement, attendance, teacher recommendation, and admissions tests. Zoned schools admit students based on home address, which is frequently correlated with income and parental education levels. Charter schools give preferences to students based on various factors, including, but not limited to, whether the applicant has a sibling already enrolled in the charter school, lives in the charter school's community school district, is an English Language Learner, and/or is eligible for free or reduced price lunches. Application rules, procedures, and deadlines for charter schools vary, but most charter schools accept applications for the following school year until April 1 and conduct admissions lotteries during the second week of April. Interested parents should contact each charter school individually to obtain an application. Many schools also post applications on their websites.

The charter law requires charter schools to submit a variety of information, including attrition rates, to their authorizer and to the State on August 1st, for the preceding year.

This information should be available that Winter/Spring. It can be found at the State's website here: <https://reportcards.nysed.gov/>. 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 English Language Learner ("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 IEP.

- Comments 3(c), 18, 19, 33, and 44(b), assert that the M043 building is and will continue to be overcrowded. M043 has the capacity to serve 1,440 students. In 2012-2013, the building is serving 1,101 students, yielding a utilization rate of 76%. This means that the building is underutilized and has extra space to accommodate additional students. In 2016-2017, after ASA has completed its truncation and SA – Harlem 2 has reached full scale in M043, the DOE projects the building will serve approximately 1,435-1,625 students, yielding a utilization rate of 100%-113%. 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.

As mentioned in the response to comments 1(b) and 9(b), if this proposal is approved, the BUP 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, such as the gymnasium.

- Comments 4(a) and 10(c) relate to Performing Arts' admissions process and student interest in the performing arts component. According to the Manhattan High School Directory, Performing Arts admits students as part of the Citywide High School Admissions Process. Performing Arts admits high school students through a limited unscreened admissions method. A limited unscreened program gives priority to students who demonstrate interest in the school by attending a school's Information Session or Open House event or visiting the school's exhibit at any one of the High School Fairs. Students must sign in at these events in order to receive priority for admission to the school's program(s). The DOE does not anticipate that this proposal will affect Performing Arts' high school admissions process or enrollment of students interested in the performing arts component.

- Comments 6(d), 21, 22, and 41 concern the availability of resources for DOE schools and the contention that charter schools have preferential access to resources. With regard to funding and other resources, charter schools receive public funding for general education students pursuant to a formula created by the state legislature, and overseen by the New York State Education Department. The DOE does not control this formula, and the funding formula for charter schools is not affected by the approval or rejection of this proposal. Charter school organizations, just like any other school Citywide, may also choose to raise additional funds to purchase various resources they feel would benefit their students (e.g., Smartboards, fieldtrips, etc). With respect to concerns that charter schools take resources away from DOE schools, it should be noted that charter schools receive public funding based on their student enrollment, as do DOE schools. To the extent that a student opts to attend a charter school rather than a particular DOE school, that DOE's school enrollment may decline, resulting in less per student funding. In this regard, the impact of a parent selecting a charter school is no different than the impact of a parent selecting an alternative DOE school. The DOE believes the ability for parents to choose where they wish their child to attend school is of paramount importance, and is committed to increasing these options available to families.
- Comments 3(a,b), 4(b), 5(c), 6(b), 8(b), 10(b,d,f), 12(e), 14, 17, 32, 42(a-e), 43(c), 44(a), and 45(a,c) relate to the process by which space is allocated to schools and the resulting impact on instructional and specialized programming. There are currently hundreds of schools in buildings across the City that are co-located; some of these co-locations are multiple DOE schools while others are DOE and public charter schools sharing space.

In all cases, allocation of classroom, resource, and administrative space is guided by the Citywide Instructional Footprint (the "Footprint") which is applied to all schools in the building. The DOE seeks to fully utilize all its building capacity to serve students. The DOE does not distinguish between students attending public charter schools and students attending district schools. In all cases, the DOE seeks to provide high quality education and allow parents/students to choose where to attend school. The Footprint is the guide used to allocate space to all schools based on the number of class sections the school programs and the grade levels of the school. The number of class sections at each school is determined by the principal based on enrollment, budget, and student needs; there is a standard guideline of target class size (i.e., number of students in a class section) for each grade level. At the middle school and high school levels, the Footprint assumes every classroom is programmed during every period of the school day except one lunch period. The full text of the Instructional Footprint is available at http://schools.nyc.gov/NR/ronlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf.

For buildings with charter schools, like M043, there is a Building Utilization Plan ("BUP"), which details the number of class sections each school is expected to program each year and allocates the number of classrooms accordingly. The assignment of specific rooms and locations for each school in the building, including those for use in

serving students with IEPs or special education needs, will be made in consultation with the Principals of each school and the Office of Space Planning if this co-location proposal is approved. The BUP for M043 demonstrates that there is sufficient space in the building to accommodate the proposed co-location of SA – Harlem 2.

The DOE does not anticipate that any of Performing Arts’ specialized arts programming will be affected by this co-location because the DOE will not allocate any of the performing arts spaces in the basement of M043 to SA – Harlem 2 or other schools in the building; they will remain with Performing Arts throughout the phase-in of SA – Harlem 2. Because Performing Arts will retain their specialized arts spaces in the basement, this proposal is not expected to impact their performing arts instruction or enrollment, staffing, or community partnerships.

Furthermore, the DOE does not anticipate that Performing Arts’ special education instruction and administration will be affected by this co-location because Performing Arts will continue to have rooms in excess of its adjusted baseline footprint in which it can continue offering special education instruction and administrative services.

SA – Harlem 2 is allocated more space than ASA middle school because it intends to enroll more students in grades five through eight than ASA middle school currently enrolls in grades six through eight. As a result of enrolling more students in more grades, SA – Harlem 2 requires more space.

- In response to comment 10(e), the DOE has allocated space according to the Footprint and allocated the excess space in M043 so as not to disturb the current configuration of the co-located schools. This configuration allows each school to have its own dedicated floor and/or contiguous space on a floor in M043. Although some schools are losing more space than others, it is related to their location in the building and to the Footprint.
- Comments 7(c) and 38 states that New Tech will lose 50% of its space because of the co-location of SA – Harlem 2. The table below shows the year-over-year (“YOY”) change in the allocation of full-size equivalent (“FSE”) spaces at New Tech, which shows that New Tech does not lose 50% of FSE rooms in M043. Throughout the truncation of ASA and the phase-in of SA – Harlem 2, New Tech will continue to receive at least its baseline allocation of rooms. In 2016-2017, the last year of the proposal, New Tech will receive 7 full-size, 2 half-size, 3 quarter-size rooms and 1.5 FSE of designed administrative space. This is 1 full-size and 3 quarter-size rooms in excess of New Tech’s baseline footprint. The DOE has allocated the excess space in M043 so as not to disturb the current configuration of the co-located schools and this configuration allows each school to have its own dedicated floor and/or contiguous space on a floor in M043.

New Tech	Full-Size Rooms	Half Size Rooms	Quarter Size Rooms	Designed Admin (FSE)	FSE	% Change YOY
2012-2013	14	2	1	1.5	16.75	N/A

2013-2014	14	2	1	1.5	16.75	0%
2014-2015	8	2	3	1.5	11.25	-33%
2015-2016	7	2	3	1.5	10.25	-9%
2016-2017	7	2	3	1.5	10.25	0%

- In response to comment 12(d), grades kindergarten through four of SA – Harlem 2 are currently sited in building M030 and will continue to be sited there. Any proposal to site grades other than five through eight of SA – Harlem 2 in M043 would be described in a revised EIS and BUP, and will be subject to approval by the PEP before implementation.
- Comments 2(c) and 43(a) state that the DOE should enroll more students at the existing schools in M043 rather than bring in a new school. The DOE proposed the co-location of SA – Harlem 2 in M043 in order to allow existing SA – Harlem 2 students the opportunity to begin and finish their middle school education at SA – Harlem 2. Furthermore, if the DOE determines that the other schools in M043 continue to serve their students well, and have the instructional capacity and space to accommodate more students, the DOE will revisit their enrollment projections and space allocations.

Changes Made to the Proposal

No changes have been made to the proposal in response to public feedback.