

Public Comment Analysis

Date: March 19, 2013

Topic: The Proposed Extension of the Temporary Co-location of East Harlem Scholars Academy Charter School (84M518) with Existing Schools J.H.S. 13 Jackie Robinson (04M013), Central Park East I (04M497), and Central Park East High School (04M555) and East Harlem Scholars Academy Charter School II (84MTBD) in School Building M013 Beginning in 2013-2014

Date of Panel Vote: March 20, 2013

Summary of Proposal

On January 22, 2013, the New York City Department of Education (“DOE”) posted a proposal to extend the temporary co-location of East Harlem Scholars Academy Charter School in M013 through the 2015-2016 school year. East Harlem Scholars Academy Charter School (84M518, “EHS I”) is an existing public charter school that currently serves students in kindergarten through second grade in building M013 (“M013”) located at 1573 Madison Avenue, Manhattan, NY 10029 in Community School District 4 (“District 4”). It is currently phasing into building M013 (“M013”), and will serve students in kindergarten through fifth grade when it reaches full scale in 2015-2016. EHS I is co-located with J.H.S. 13 Jackie Robinson (04M013, “J.H.S. 13”), a middle school serving students in grades six through eight, Central Park East I (04M497, “CPE I”), an elementary school serving students in kindergarten through fifth grade in addition to serving one section of full-day pre-kindergarten, and Central Park East High School (04M555, “CPE HS”), a high school serving students in grades nine through twelve.

On March 1, 2013, the DOE amended this proposal to update the programs and partnerships of CPE I to include Weekly Storyteller, Per Dev, and El Taller Latino Arts After School, and to clarify the school proposed for phase-out in M013 as J.H.S. These changes did not substantially revise the proposal.

On March 7, 2013, the DOE rescheduled this proposal from the March 11, 2013 Panel for Educational Policy (“PEP”) vote to the March 20, 2013 PEP vote.

On March 23, 2011, the PEP approved a proposal, originally published on February 5, 2011 and amended on February 17, 2011, to temporarily co-locate EHS I in M013 for the 2011-2012 and 2012-2013 school years. The approved proposal stated that the DOE would evaluate the available space in M013 and other District 4 locations before the start of the 2013-2014 school year and issue a new EIS for the future siting of EHS I based on the most appropriate space available for the 2013-2014 school year and beyond. After completing the evaluation, the DOE has decided to extend EHS I’s existing temporary co-location by three years in M013, after which the school will move into a private facility.

In a separate proposal also posted on January 22, 2013 and amended on March 1, 2013, the DOE has proposed to co-locate a new charter school, East Harlem Scholars Academy Charter School II (84MTBD, “EHS II”) in the M013 building beginning in the 2013-2014 school year. If both of these proposals are approved, EHS II will also be co-located with the schools in M013 for the duration of EHS I’s extended co-location, and then would expand into the space that EHS I vacates once it moves into its private facility beginning in the 2016-2017 school year. If EHS I is unable to move into its private facility at the end of the 2015-2016 school year, EHS I will explore options to serve its students in a temporary space.

On March 11, 2013, the PEP approved a proposal to gradually phase-out and eventually close J.H.S. 13 because of its poor performance and inability to improve quickly to better support student needs. J.H.S. 13 will no longer admit sixth grade students after the conclusion of the 2012-2013 school year. One grade will then be phased out in each subsequent year. During the 2013-2014 school year, J.H.S. 13 will serve students in seventh and eighth grade and, in 2014-2015, it will serve students in eighth grade. J.H.S. 13 will close in June 2015.

EHS I is currently serving 160 students in kindergarten through second grade. The State University of New York Charter Schools Institute (“SUNY CSI”) authorized EHS I in May 2010 to open a public charter school in 2011-



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2012. During the current 2012-2013 school year EHS I serves students in kindergarten through second grade. EHS I is currently expanding to serve students in kindergarten through fifth grade. EHS I provides a preference to District 4 students in its charter school lottery application process. This proposal is for the extension of the co-location of EHS I until the conclusion of the 2015-2016 school year, at which point EHS I would be serving students in kindergarten through fifth grades. EHS I has informed DOE that it intends to apply to SUNY CSI to expand its grade span to serve students in kindergarten through eighth grade, reaching full scale in 2018-2019. Only SUNY CSI has the authority to approve or deny that request. Should SUNY CSI deny EHS I's request to expand, or if EHS I fails to make this request, EHS I will only serve its approved grade span of kindergarten through fifth grade. EHS I's expansion plans do not impact this proposal, because any expansion would occur after the school relocates to private space.

As stated above, M013 currently houses three school organizations in addition to EHS I: J.H.S. 13, CPE I, and CPE HS. CPE I is an existing DOE choice elementary school that serves students in kindergarten through fifth grade and offers a pre-kindergarten program. J.H.S. 13 is an existing District 4 choice middle school that serves students in grades six through eight and will begin phasing out in the 2013-2014 school year. CPE HS is an existing DOE high school that serves students in grades nine through twelve. M013 also houses two community-based organizations ("CBOs"), the Harlem Family Institute and Girl's Inc. This proposal is not expected to impact the siting of either CBO.

M013 has been identified as an under-utilized building. According to the 2011-2012 Enrollment Capacity Utilization Report (the "Blue Book"), M013 has the capacity to serve 1,227 students. During the current 2012-2013 school year, the building serves 1,019 students, yielding a building utilization rate of 83% and demonstrating that the building is "underutilized" and has space to accommodate additional students.

The DOE does not anticipate that this proposal will affect student enrollment, the admissions process or instructional programming at J.H.S. 13, CPE I, and CPE HS.

The DOE strives to ensure that all students in New York City have access to a high-quality school at every stage of their education. In determining the optimal way to distribute space to schools and to maintain quality educational options, the DOE is proposing to extend the co-location of EHS I in M013 until the conclusion of the 2015-2016 school year, which would allow EHS I to continue to exist as a high-quality option for students and families in District 4.

A joint public hearing regarding this proposal and the related proposal to open and co-locate East Harlem Scholars Academy II in building M013 in the 2013-2014 school year was held at building M013 on February 27, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 450 members of the public attended the hearing, and 110 people spoke. Present at the meeting were Elaine Gorman, facilitator and Senior Superintendent of the DOE; Donald Conyers, Chancellor's Designee and Senior Supervising Superintendent, Acting Superintendent of District 4; James Wesley Thomas, member of Community Education Council for District 4 ("CEC 4"); Principal Lindley Uehling, principal of CPE I and member of the school's leadership team; Principal Bennett Lieberman, principal of CPE HS and member of the school's leadership team; Principal Jacob Michelman, principal of J.H.S. 13 and member of the school's leadership team; Principal Cheyenne Batista Sao Roque, principal of East Harlem Scholars Academy and member of the school's leadership team; rebeKah Myatt-Hammonds, member of the school leadership team of CPE I; Yvonne Smith, member of the school leadership team of CPE I; Jeff Ginsberg, executive director of the East Harlem Tutorial Project; and Drew Patterson and Jennifer Peng of the DOE's Office of Portfolio Management.

Summary of the Comments Received at the Joint Public Hearing

1. James Wesley Thomas, member of the CEC 4, asserted that he was there to listen to comments. He urged parents to contact the CEC at 646-331-4301 to leave comments about the proposal.
2. rebeKah Myatt-Hammonds, a parent at CPE I, asserted the following:
 - a. As a new parent, she and her husband were concerned about middle school options for their children.

- b. She hoped that District 6 would be able to have a middle school for their students but that did not work.
 - c. She has family friends who are able to exercise their choice.
 - d. The principal of CPE II has applied last year for middle school expansion and was denied due to lack of space in the building.
 - e. Why is the CPE request for expansion ignored?
 - f. CPE I and CPE II share a need and demand for alternative middle school choices.
 - g. Instead of approving the MS expansion request, CPE I is asked to share facilities with a school that will become a high school.
 - h. CPE students are diverse and come from every borough.
 - i. CPE I has seen strong demand to continue the nurturing environment that is called progressive education.
 - j. Charters drive home college bound, intensive subjects. Those are important but so are critical thinking, project based work, nurturing, discovery and creativity, which are all at the heart of the progressive education.
 - k. Making it to college and thriving there are different things.
 - l. She is concerned that when space became available, neither the SLT at CPE I or at CPE II were notified.
 - m. There is discrimination and no transparency in the DOE .
3. Yvonne Smith, a teacher at CPE I, asserted the following:
 - a. She was teaching at CPE I when it had just recently moved into the M013 building.
 - b. It has been the dream of CPE to expand through twelfth grade so children can continue to receive the kind of education that their parents want for them.
 - c. CPE I looks at children individually.
 - d. CPE I and II are not solely District 4 schools.
 - e. CPE I and II look at curriculum and teaching broadly, styles that do not exist in public middle schools or high schools.
 - f. She is asking that space be reserved for CPE I and II in M013.
 - g. She is asking that EHS I and II use the space they are using privately so M013 can be used by CPE I and II for a middle school.
4. Jeff Ginsberg, executive director of East Harlem Tutorial Project, asserted that
 - a. This is a conversation about space and not educational philosophies, because both CPE and EHS have similar educational philosophies and community members who work at and across both organizations.
 - b. The space in M013 should be reserved for East Harlem students. East Harlem Scholars Academy directly serves East Harlem students as well as students with disabilities and English Language Learners. This is why EHS I and II deserve the space in M013.
 - c. East Harlem students need local, high-quality community schools and EHS I and EHS II in M013 will be all of those things.
 - d. East Harlem Scholars Academy has strong applicant demand from East Harlem. Students of this neighborhood deserve space in this neighborhood and in the M013 building. EHS I and II have an absolute preference for East Harlem students.
5. Principal Cheyenne Batista Sao Roque asserted the following:
 - a. There is value in highlighting that East Harlem Scholars serves this community. Keeping EHS I and putting EHS II in this space allows them both to continue serving the East Harlem community.
 - b. The key message is not of schools against one another. EHS wishes the best for CPE.
6. Principal Lindley Uehling of CPE I asserted the following:
 - a. Safety is paramount - whatever decisions we make, students must be put first.
 - b. Choice is critical - parents are able to select what is best for their children.
 - c. This hearing is because of real estate, not because it is East Harlem Scholars versus CPE.
7. Eric Rosenthal, a representative speaking on behalf of City Comptroller John Liu, asserted the following:
 - a. The dedication of the CPE community is laudable. The DOE decision process should reconsider the building utilization plan for M013 to include a CPE middle school.
 - b. Lack of space was cited for the denial of CPE middle school expansion.

- c. Underutilized lists from the Office of Portfolio list schools that have empty seats in the district.
 - d. Therefore, district 4 is underutilized by nearly 3,000 seats.
 - e. EHS I was supposed to relocate in 2013. Now they are moving to make way for permanent placement of EHS II, which might grow K-12 in the complex.
 - f. CPE I has been a fixture in East Harlem for nearly 40 years.
 - g. With CPE I, CPE II and CPE HS established, Deborah Meier went on to establish more schools.
 - h. CPE I brings depth and diversity to the East Harlem school choice portfolio.
8. Ophelia Ramos, a representative from Congressman Charles Rangel's office, asserted the following on behalf of Congressman Rangel:
 - a. Mr. Rangel supports the expansion of CPE into the middle school grades, located in M013.
 - b. Many parents seek progressive education options for their children.
 - c. Few middle schools offer what CPE offers, he urges support for CPE MS.
 9. Coredell Cearly, chief of staff for Senator Bill Perkins, asserted the following on the Senator's behalf:
 - a. The focus needs to be on education and not real estate.
 - b. Focus on what the community wants and has already.
 - c. The name of CPE is already on the building and we won't have to spend money on changing that.
 - d. Similar hearings have been happening, communities and parents trying to protect their schools.
 - e. Emergency meeting to be held later on as a coalition against school co-locations and closings.
 10. Current students at CPE I and II asserted that they love learning about how to improve the world and appreciate all of the offerings of the schools, and want the opportunity to continue attending CPE into middle school.
 11. Two commenters who are staff at EHS I and East Harlem Tutorial Project asserted that the church referred to by other commenters from other schools as the "private space option" for East Harlem Scholars is not viable as a school facility, since it currently houses East Harlem Tutorial Project's afterschool program.
 12. Multiple commenters asserted that the East Harlem Tutorial Project and East Harlem Scholars Academy are positive for students in both tutoring and direct instruction, resulting in strong performance in non-testing grades at EHS I.
 13. Multiple commenters asserted that they chose East Harlem Scholars Academy because it is at the heart of East Harlem community and offers a great education to East Harlem students.
 14. Multiple commenters asserted that there are no testing barriers to entry at CPE I and II, and that the DOE touts choice. Then what is the justification for choosing East Harlem Scholars over CPE? There is a perceived demand for CPE in the community.
 15. The director of the Harlem Family Institute ("HFI"), which currently works with CPE I, commented that HFI hopes to remain with CPE I.
 16. One commenter asserted that the class sizes are different between schools co-located in M013
 17. Multiple commenters stated that they were concerned about shared spaces.
 18. Multiple commenters asserted that since charter schools can fundraise, there are inequitable resources between district schools and charter schools.
 19. Multiple commenters shared concerns that there are no progressive middle schools in District 4.
 20. Multiple commenters shared concerns that CPE I and II's middle school grades were not included in this proposal.
 21. Multiple commenters asserted that the charter schools are businesses and their teachers are not unionized.
 22. Multiple commenters asserted that the ideal solution would be enough space for both East Harlem Scholars and CPE to expand into middle school.
 23. One commenter asserted that charter schools are being put forth as solutions to failing schools, but CPE II is not a failing school.
 24. One commenter asserted the following:
 - a. This BUP does not align with previous BUP.
 - b. CPE I has administrative rooms that are quarter-size rooms that are not fit for administrative use.
 - c. In the final year of the proposal CPE I will only have 1.5 administrative rooms since 1 of the half-size rooms is a closet.
 - d. The charter school coming in will have just under 1 million dollars.
 - e. The commenter opposes the proposal to phase out J.H.S. 13, where the population is 30% students with disabilities.

25. Multiple commenters asserted that the process that led to these proposals demonstrated a lack of transparency.
26. Multiple commenters asserted that finding space for both East Harlem Scholars and CPE to grow would solve this problem.
27. Multiple commenters asserted that the sharing of already limited resources and more students in the building will hinder health.
28. Multiple commenters asserted that this proposal will limit access to shared spaces and will result in unequal distribution of shared spaces.
29. Multiple commenters asserted the teaching staff are valued by CPE.
30. Multiple commenters asserted that the phase-out of J.H.S. 13 and the decrease of middle school seats should result in an expansion of CPE's middle school grades.
31. Multiple commenters expressed general support for EHS I's extension and for the co-location of EHS II. They also asserted that both EHS I and EHS II will serve higher percentages of English Language Learners and students with disabilities than their district peers and that both EHS I and II would serve the community.
32. Multiple commenters asserted that the quality of education in East Harlem has been improved by East Harlem Tutorial Project.
33. Multiple commenters shared concerns about overcrowding.
34. Multiple commenters asserted that East Harlem Scholars has the resources to get private space.
35. Multiple commenters asserted that both East Harlem Scholars Academy and CPE have value and different methods, and both should have non-overcrowded space.
36. One commenter asserted that even though schools are being described as district schools, that district and community are sometimes different things, and communities go across districts.
37. Multiple commenters asserted that the BUP states that CPE I is serving students in 7 sections and that this is an error. The DOE previously approved a BUP for the initial co-location of East Harlem Scholars that stated that CPE is serving its students in 9 sections, including PK.
38. Multiple commenters asked if the schools will be moved from the floors they are currently on, since CPE parents have invested in the second floor.
39. Multiple commenters asserted that the East Harlem Tutorial Project was extremely helpful to its students and expressed general support for this proposal.

The DOE received a number of comments via phone.

40. Approximately 5 voicemails were received supporting this proposal and asserting the following:
 - a. East Harlem Scholars provides a strong educational option for local East Harlem students.
 - b. M013 is a location that needs to serve local East Harlem students and that is who EHS I and EHS II serves.
41. Approximately 30 voicemails were received opposing this proposal and suggesting that the EHS I and EHS II proposals be replaced with a proposal for a CPE middle school in M013.
42. Six voicemails were received about overcrowding concerns in M013.
43. One voicemail was received describing the diversity of CPE I and its expansion in M013.
44. One voicemail was received about the need for middle school seats and not elementary seats, and asserted that those middle school seats should come from CPE middle school.
45. 13 voicemails were received asserting that East Harlem Scholars should utilize private space that they are currently leasing instead of M013 and that it is unrealistic to expect that EHS I will be able to move out of M013 at the end of 2015-2016.
46. One voicemail was received asserting:
 - a. Special needs students are served better in district schools.
 - b. Charters are unequal to district schools.
 - c. There are already charter schools but no progressive middle schools in district 4.
 - d. EHS II wants to become K-12 and there is no room in M013 for EHS II to become a K-12 school in M013.
 - e. These proposals should be replaced with CPE middle schools.
 - f. These proposals are causing friction between two communities.

- g. Little community input for these proposals.
47. Two voicemails were received commenting on the need for students to be in contiguous spaces.
 48. One voicemail expressed general opposition to both East Harlem Scholars proposals and asserted that these proposals should be replaced by a proposal to expand Central Park East's middle school grade, also asserting that the DOE has manipulated CPE I's progress report in order to reflect a D in progress so as to have grounds to reject CPE I's expansion request.

The DOE received a number of comments via mail and email.

49. Approximately 247 letters and 109 emails were received in general support of this proposal asserting the strong educational achievement of the current enrollment at EHS I, the high percentages of students at EHS I who are East Harlem residents, and the long, positive history that East Harlem Tutorial Project has had with its students. These emails and letters also assert the need of East Harlem students to continue to be able to attend East Harlem Scholars Academy as a local school, and the perceived necessity of having a local space like M013 to serve local students.
50. Letters of support for EHS I and II from CEC 4, Harlem RBI (a community-based youth development organization in East Harlem), and Union Settlement Association were forwarded to the DOE's email address. These letters were addressed to SUNY trustees in support of both the continuation of EHS I and the opening of EHS II in District 4 and asserted that both schools would work towards the goal of serving East Harlem families well in East Harlem space.
51. Approximately 8 letters and 140 emails were received opposing this proposal and asserting that this proposal should be replaced with a proposal to expand CPE into the middle school grades.
52. Letters were forwarded from the offices of Councilmember Melissa Mark-Viverito in support of CPE I and II's middle school expansion, Assemblyman Keith L.T. Wright in support of CPE I and II's middle school expansion, Councilmember Robert Jackson in support of CPE I and II's middle school expansion and against co-locations, Councilmember Letitia James in support of CPE I and II's middle school expansion, City Comptroller John C. Liu in support of CPE I and II's middle school expansion and asserting that the process for proposals was not transparent, Congressman Charles B. Rangel in support of CPE I and II's middle school expansion and asserting that the process for proposals was not transparent, and Councilmember Inez. E. Dickens in support of CPE I and II's middle school expansion.
53. One email asserted that CPE I was serving its students in 9 sections, not 7 sections, and that the elementary library and multi-purpose room mentioned as shared spaces were used solely by CPE I.
54. One email asserted that EHS I and II would not have sufficient room to serve their enrollment.
55. One email asserted that EHS I and II have intentions to expand to K-12 in the M013 building.

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

Comments 4, 5, 12, 13, 31, 32, 39, 40, 49 and 50 are in favor of the proposal and do not require a response.

Comment 24e concerns the proposed phase-out of J.H.S. 13 and was responded to in the public comment analysis for that proposal, available at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>

Comment 15 concerns the continuation of a community based organization, Harlem Family Institute, in the future years of this proposal.

This proposal is not expected to impact the siting of Harlem Family Institute in the M013 building. Furthermore, space is reserved for Harlem Family Institute in the BUP for all future years.

Comment 21 and 23 assert that charter schools are businesses and responses to failing public schools.

Charter schools are public schools available for all residents of New York City. They are publicly funded in a similar manner as district schools, but are operated by external organizations. Each school is governed by an



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independent board of directors. The DOE believes that charter schools can be an important tool in supporting the DOE's overall goal of maximizing student and parent choice.

Comments 2d, 2e, 2f, 2l, 2m, 3f, 7a-d, 8b-c, 20 and 25 ask why M013 was not an option for the expansion of a Central Park East middle school when this option was raised by the administrations of CPE I and CPE II and their communities. Comments 2g, 2i, 2l, 2m, 3b, 3g, 6a-c, 7h, 8a, 9b, 9c, 10, 14, 19, 30, 41, 44, 46e, 48, 51 and 52 contend that the available space in M013 should be utilized to site the middle school grade expansion of CPE I and/or II instead of EHS I and EHS II.

Fundamentally, the proposal to extend the co-location of East Harlem Scholars Academy is intended to maintain a school option that serves District 4's residents as well as the district's highest need populations.

East Harlem Scholars serves a high percentage of East Harlem residents and gives a specific preference for English Language Learners in its lottery preferences.

The DOE closely monitors the need to create additional elementary, middle and high school seats across the city and believes that this proposal will meet a critical need in District 4: maintaining quality elementary school seats for the District 4 community. This year, more than 80% of East Harlem Scholars Academy's kindergarten students are District 4 residents and 13% are English Language Learners.

Within any district or borough, there are other priorities – and in this case, another priority is to provide seats that align to a "progressive" model of education. The DOE does not believe this proposal will impede the Department from pursuing expansions of "progressive" models in other buildings around the city. The DOE will, as it has done, continue to work towards diversifying its portfolio of seats in Manhattan and all boroughs.

The DOE will carefully consider any expansion request by CPE I or CPE II in the 2014-2015 school year expansion request cycle.

The DOE is proud to oversee a school system where many of its schools provide choice, unzoned admissions process to parents and their children. In this case, extending the co-location of East Harlem Scholars Academy in M013 does not preclude choice for families who wish to pursue other middle school options. This proposal will not impede the Department from pursuing expansions of schools in other buildings around the city.

Somewhat separately, with respect to comments 7c and 7d, utilization calculations compare building capacities to building enrollments. They are a proxy of space. These under-utilization figures are not a direct indication of space available for the siting of a different school organization.

With respect to comments that refer to previous DOE communications that cited a lack of space, when CPE I's expansion request was denied in 2011, concerns about the lack of available space in M013 were one of several reasons cited for not moving CPE I forward in the process. With respect to CPE II's request for expansion, there was not and is not sufficient room in building M171, where CPE II is currently located, for an expansion into the middle school grades.

Comments 3g, 34, and 45 suggest that East Harlem Scholars Academy I and II should open and operate their schools in private space, while comment 11 provides EHS staff member opinions on the organization's inability to use that space.

The DOE seeks to provide space to high quality education options for all students, regardless of whether they are served in DOE or public charter schools. We welcome public charter schools to lease or provide their own space, but will offer space in DOE schools where it is feasible to do so. With respect to EHS I's extended co-location, it is noted in the EIS that if EHS I is unable to move into its private facility at the end of the 2015-2016 school year, EHS I will explore options to serve its students in a temporary space.

Comment 27 claims the proposal compromises student health. We believe this will be a safe environment for



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students. The DOE is proposing this co-location in order to provide strong educational options.

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 its own building. A co-location means that two or more school organizations are located in the same building.

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 will be able to create a collaborative and mutually respectful environment for all students, staff, and faculty members in M013.

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 principals when it identifies the need for additional security measures.

Comments 6c, 22, 26, 35 and 46f assert that this proposal creates competition among schools for space or that both CPE and EHS should receive space.

The DOE notes that this proposal does not prevent any district school from expanding in District 4 in the future. The process for 2014-2015 school year expansions is still underway at the posting date of this public comment analysis. The DOE is committed to working with schools interested in expanding for the 2014-2015 school year.

Comments 2j, 7a, 7b, 7e, 8b, 8c, 9a-e, 36, 41, 43, 46c, and 46g express general opposition to this proposal.

The DOE acknowledges that there is community and school-specific opposition to this proposal. There are times when the DOE and certain members of the community differ in their opinions about specific projects. However, it is apparent that a significant number of District 4 community members and community organizations support the extension of the co-location of East Harlem Scholars as evidenced by the high demand of East Harlem Scholars Academy's lottery, and the many comments supporting this proposal made by parents of students at East Harlem Scholars Academy. For example, comments 4, 5, 12, 13, 31, 32, 39, 40, 49 and 50 are in favor of the proposal, and many or most of these came from parents interested in their child attending East Harlem Scholars or continuing to attend the school due to the perceived quality of the education and the geographic proximity to their homes.

Comments 1 and 9e ask that hearing participants share feedback in person or by phone with district representatives. The DOE supports a variety of mechanisms for community feedback.

Comment 46a asserts that students with special needs are served better in district schools than in charter schools.

Stanford University's Center for Research on Education Outcomes (CREDO), in a 2013 report, found that the typical student in a New York City charter school gains more learning in a year than his or her district school peer, amounting to about one more month of learning in reading and five more months of learning in math. In addition to analyzing the city-wide trends, the study included a spotlight on Harlem charter schools.

The report concluded that, charter school students with disabilities or students eligible for free or reduced price lunch demonstrated stronger gains in Reading and Math than students in traditional public schools. Finally, according to the report, charter schools demonstrated strong performance in Math across the range of starting scores, which indicates that charter schools are overall successful at improving student achievement regardless of academic background.



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Comments 17, 28, 33, 37, 42 and 54 relate to shared space scheduling and the process by which space is allocated to schools .

There are currently hundreds of co-located schools in buildings across the city ; some of these co-locations consist of multiple DOE schools while others consist DOE and public charter schools sharing space. In all cases, the Citywide Instructional Footprint (the “Footprint”) is applied to both DOE and public charter schools to ensure equitable allocation of classroom, resource and administrative space.

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 DOE schools. In all cases, the DOE seeks to provide high quality education and allow parents/students to choose where to attend.

The Footprint is the guide used to allocate space to all schools based on the number of class sections they program 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/rdonlyres/8CF30F41- DE25-4C30-92DE-731949919FC3/87633/NYCDOE_Instructional_Footprint_Final9210TNT.pdf](http://schools.nyc.gov/NR/rdonlyres/8CF30F41-DE25-4C30-92DE-731949919FC3/87633/NYCDOE_Instructional_Footprint_Final9210TNT.pdf)

For detailed information regarding space allocation in M013, please consult the amended BUP for this proposal

With respect to comments 38 and 47 regarding CPE I remaining on the second floor and having contiguous space during the years of this proposal, the assignment of specific rooms and location for each 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 proposal is approved. The amended revised BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location. The schools in M013 are allotted substantially contiguous space and each school remaining in the building will maintain space on the floors that hold the majority of its instructional and/or administrative space in the current 2012-2013 school year. This BUP has also been amended to clarify that all schools, current and proposed, will have access to shared spaces being shared in the current 2012-2013 school year. The DOE believes that the space distribution is equitable.

With respect to comment 24, which expresses concerns that some spaces are not suitable for instruction or that M013 will be overcrowded, the DOE verified the amount of space available in the building through a walkthrough performed by the Manhattan Director of Space Planning, and did not rely upon the annual facilities survey to determine the number or availability of classrooms. The DOE believes that the walkthrough properly identified the available space in the building and is more reliable than the facilities survey for space planning purposes. The space allocation plan in the amended BUP demonstrates that all schools would receive their baseline footprint allocation of rooms as they continue to phase into M013, or in the case of J.H.S. 13, phase out of M013.

If the Principals are unable to agree upon a schedule for shared spaces, there is a mediation process outlined in the Campus Policy Memo, which is available at <http://schools.nyc.gov/community/campusgov>.

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 drafted by the Building Council if the proposal is approved by the PEP.

Furthermore, comments 37 and 53 assert that CPE I currently serves students in 9 sections rather than 7. The previous BUP, as does the current BUP, relies on audited register for section counts. Audited register and a walkthrough by the Manhattan director of space planning confirmed that CPE I is serving its students in 7 sections and one pre-kindergarten section. The DOE’s enrollment figures are based on projections. Significant changes in enrollment could result in amendments to the building utilization plan.

Comments 17, 27, and 28 ask how shared space concerns will be addressed. In any building where more than one school is co-located, the Building Council – consisting of the Principal of each school – meets regularly to address issues related to space allocations and shared space usage. In buildings with a charter school, there is also a Shared Space Committee, which meets at least 4 times per year, and includes a parent and teacher representative from each school. This committee monitors the implementation of the shared space schedule that has been determined by the Building Council, and identifies areas of concern that can be addressed by the Building Council. According to Chancellor’s Regulation A-190, the shared space committee shall be comprised of the principal, a teacher, and a parent from each co-located school. With respect to a non-charter school’s teacher and parent members, such shared space committee members shall be selected by the corresponding constituent member of the SLT at that school. The Building Council and the Shared Space Committee therefore make all determinations on the actual co-location scheduling for all years of the co-location.

Comments 16, 18, 24d, and 46b concern the availability of resources for DOE schools and the contention that charter schools have an inequitable access to additional space and resources.

With regard to the distribution of space, as discussed above, the DOE applies the Citywide Instructional Footprint to allocate a total room count to each organization as they phase into and out of M013. The assignment of specific rooms and location for each school in the building will be made in consultation with the Principals of each school and the Office of Space Planning if this proposal is approved.

With regard to funding and other resources, charter schools receive public funding 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 East Harlem Scholars is not affected by the approval or rejection of this proposal.

Comments 2g, 7e, 46d, and 55 contend that East Harlem Scholars Academies will grow to serve students in kindergarten through twelfth grade in M013.

This group of proposals deals only with the kindergarten through eighth grades of East Harlem Scholars Academy. These proposals do not concern high school grades for EHS I or EHS II.

Comments 2a, 2b, 2c, 2h, 2j, 2k, 3a, 3c, 3d, 3e, 7f, 7g, and 29 give history and perceived instructional highlights at both CPE I and CPE II. The DOE acknowledges the value of CPE I and CPE II. The DOE has not proposed this extension of co-location in order to punish or reject CPE. Rather, the DOE believes that extending EHS I’s co-location and siting EHS II in M013 will ensure the continuation and addition of a quality option for District 4 families and is the best use of space at M013.

Changes Made to the Proposal

The EIS was amended on March 1, 2013 to update the programs and partnerships of CPE I to include Weekly Storyteller, Per Dev, and El Taller Latino Arts After School, and to clarify that J.H.S. 13 is the school proposed for phase-out in M013. These changes did not substantially revise the proposal.

The BUP was amended on March 1, 2013 to clarify that schools are allotted substantially contiguous space and each school remaining in the building will maintain space on the floors that hold the majority of its instructional and/or administrative space in the current 2012-2013 school year, and to clarify that all schools, current and proposed, will have access to shared spaces being shared in the current 2012-2013 school year. The DOE believes that the space distribution is equitable. These changes did not substantially revise the proposal.