

## **Public Comment Analysis**

Date: May 17, 2011

Topic: The Proposed Extension of the Co-location of VOICE Charter School of New York (84Q304) with Existing School P.S. 111 Jacob Blackwell (30Q111) in Building Q111

Date of Panel Vote: May 18, 2011

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## **Summary of Proposal**

VOICE Charter School of New York (84Q304, “VOICE”) is an existing public charter school that currently serves 214 students in kindergarten through third grade in Building Q111, at 37-15 13th Street, Long Island City, NY 11101 in Community School District 30, where it is co-located with an existing zoned elementary school, P.S. 111 Jacob Blackwell (30Q111, “P.S. 111”), which serves 423 students in grades kindergarten through eight and offers two sections of a full-day pre-kindergarten program. A “co-location” means that two or more school organizations are located in the same building and may share common spaces like auditoriums, gymnasiums, and cafeterias.

VOICE has been co-located with P.S. 111 on a temporary basis since September 2008. On February 28, 2011, the New York City Department of Education (“DOE”) published an Educational Impact Statement (“EIS”) and Building Utilization Plan (“BUP”) describing a proposal to permanently site grades K-4 of VOICE in Q111 beginning in the 2011-2012 school year. On April 15, 2011, the DOE issued a revised proposal to permanently site only grades K-2 of VOICE in Q111, with grades 3, 4 and eventually 5 to be sited one block away in private space at 36-14 to 36-28 12th Street, Long Island City, NY 11101 (owned by the St. Rita School), also in Community School District 30. The DOE also proposed to increase the number of sections of grades K-2 that VOICE will serve, though overall there will still be a decrease in the number of VOICE sections in the Q111 building under the revised plan. As a result of this overall decrease in enrollment at Q111, construction to increase the building’s capacity is no longer necessary.

Consistent with its charter, VOICE will continue to expand in 2011-2012 to serve approximately 50 students in fourth grade for a total of 311 VOICE students. VOICE will expand to serve another 50 students in fifth grade in 2012-2013, the final year of its expansion. In addition, VOICE will expand enrollment in grades K-2 to serve 75 students per grade instead of the current 50, in accordance with a charter revision which was authorized in 2009. At “full-scale,” it will serve approximately 425 students in kindergarten through fifth grade. In 2011-2012, 200 of

these students, representing grades kindergarten through two, will attend school in Q111. In 2012-2013 and beyond, 225 of these students, representing grades kindergarten through two, will attend school in Q111. VOICE enrolls kindergarten students through a charter lottery application process which gives preference to students residing in District 30.

Q111 has the capacity to serve 796 students. In 2009-2010, the building served only 589 students, including pre-kindergarten, yielding a utilization rate of just 74%. Current enrollment in building Q111 is 674 students, which is 85% of target capacity. This figure includes the enrollment of both P.S. 111, including its pre-kindergarten program, and VOICE. Grades K-2 of VOICE would continue to be co-located with P.S. 111, while the older grades will attend school in the private facility. In 2011-2012, there will be approximately 690-695 students served in the building by both P.S. 111 and VOICE, yielding a projected building utilization rate of 87%.

The details of this proposal have been released in a revised EIS and a revised BUP which can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/May182011Proposals>. Copies of the revised EIS and revised BUP are also available in the main offices of VOICE and P.S. 111.

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

A joint public hearing regarding the original proposal was held at Voice Charter School of New York / P.S. 111 on March 31, 2011. At the hearing, interested parties had an opportunity to provide input on the proposal. Approximately 200 members of the public attended the hearing and 19 people spoke. Present at the meeting were: District 30 Community Superintendent Phil Composto; Community Education Council 30 members Isaac Carmignani, Jeffrey Guyton, Mavis Hall, Marius Titus, and Valarie Lamour; P.S. 111 Principal Randy Seabrook and SLT members Nannette Blaize and Liam Cleary; VOICE Principal Franklin Headley and Board President Richard Bayles; and Citywide Council on Special Education member Maria Uruchima. In addition, Claudia Chan from Assemblywoman Cathy Nolan's office and Asher Jacobs from Councilmember Jimmy Von Bremer were also present.

A joint public hearing regarding the revised proposal was held at VOICE Charter School of New York / P.S. 111 on May 12, 2011. Approximately 50 members of the public attended the hearing and two people spoke. Present at the hearing were: District 30 Community Superintendent Phil Composto; Community Education Council 30 members Jeffrey Guyton, Ernest Brooks, Mavis Hall, and Valarie Lamour; P.S. 111 Principal Randy Seabrook; VOICE Principal Franklin Headley and SLT member Matt Velez and Yolanda Idarraga; and VOICE Board President Richard Bayles.

The following comments and remarks were made at the joint public hearing on March 31, 2011 concerning the original proposal:

1. Jeffrey Guyton of CEC 30 stated the following:

- a. Students and parents from P.S. 111 feel that the expansion of VOICE is unfair. VOICE can use more rooms, temporarily, without destabilizing P.S. 111 if parent concerns about unfairness are addressed.
  - b. P.S. 111 needs “extraordinary” support from the DOE to address challenges at P.S. 111.
  - c. It would not be acceptable to close P.S. 111 to allow VOICE to expand K-8.
2. Valarie Lamour read a statement on behalf of CEC 30 opposing the co-location. Ms. Lamour stated the following concerns:
  - a. While the CEC understands that current VOICE third graders need classrooms for September 2011, the DOE’s own proposal admits that both schools will not fit unless a major renovation is completed in a timely manner.
  - b. It does not make sense to establish the co-location of grades K-4 without a guarantee that there is space available for both schools.
  - c. The EIS should state that if modifications are not made, the DOE “will limit” the scope of VOICE’s co-location, instead of “may limit,” which is currently written.
  - d. Using the enrollment numbers provided by the DOE, P.S. 111 will reach capacity next year and over-capacity each year following. This is due to the fact that the magnet grant is bringing more students into P.S. 111.
  - e. The DOE expects an increase of 100 students to P.S. 111’s enrollment, but this number is conservative, given residential housing that is being constructed.
  - f. The proposal could impact the availability of pre-kindergarten classes in Q111. These pre-kindergarten programs are vital to the surrounding community and should not be removed if there is a need for space in the building.
  - g. CEC 30 wants all District students to succeed, but it does not want one group to succeed at the expense of another.
3. Representatives for Councilman Braman and Councilwoman Nolan read a statement signed by the Council members as well as other elected officials. The representatives expressed opposition to the proposal and stated that P.S. 111 needs more space to grow as a result of the federal magnet grant it has received. The representatives suggested siting VOICE’s fourth and fifth grade classes at the St. Rita’s school. The representatives requested a meeting on behalf of their Council members, Congresswoman Maloney, Councilman van Bramer, and Queens Borough President Marshall with former Schools Chancellor Cathie Black to discuss the issue.
4. Wayne Cleary, a member of P.S. 111’s school leadership team, stated his opposition to the proposal. He detailed his concerns about P.S. 111’s lack of space and questioned how the DOE could justify putting students in the building’s basement. He stated that while the EIS notes P.S. 111’s need for more space as it adds additional sections in the seventh and eighth grades, the proposal would take away space from P.S. 111. He referred to VOICE as a parasite and said that the only way to eliminate a parasite is to completely remove it from the host. If that is not possible in the case of VOICE, he does not want VOICE to grow in P.S. 111.
5. P.S. 111’s PTA president spoke in opposition to the proposal. She stated that the PTA’s opposition to the proposal is not directed at VOICE’s students or families, but that the proposal is unfair to both schools. She expressed frustration at the way she feels the DOE pits parents and communities against one another.

6. Richard Bayles, the president of VOICE's board, gave a statement in support of the proposal. He said that VOICE has no interest in taking over or replacing P.S. 111 and has no plans to site fifth grade classes in the building. He described the role of charter schools in New York City's public school system, including the accountability measures to which VOICE is subject. He provided an overview of VOICE's history and described the school's instructional model. He described how much VOICE had enjoyed its partnership with P.S. 111 in Building Q111.
7. One speaker read a statement on behalf of Isabel Zoauka, VOICE's parent leader coordinator, in support of the proposal. She emphasized that charter schools are public schools and described her daughter's success at VOICE.
8. Isaac Carmignani, co-president of the District 30 Community Education Council, expressed his agreement with the statement read by Valarie Lamour. He went on to state the importance of listening to the comments of both opponents and proponents of the proposal.
9. Yolanda Idarraga, the co-chair of VOICE's parents' association, stated her support for the proposal. She emphasized that VOICE's students come from the surrounding community just like P.S. 111's students. She described how VOICE's partnership with P.S. 111 has grown and become very positive and she encouraged the P.S. 111 community to look at the facts and disregard the rumors around the proposal.
10. Frank Headley, the principal at VOICE, thanked everyone in the audience for coming to the hearing and for their generous work in the creation of VOICE. He said that P.S. 111 has been a wonderful host and that VOICE has had a wonderful relationship with P.S. 111.
11. One commenter spoke of the positive experience his children have had at VOICE and expressed support for the proposal. He stated his confidence in VOICE's intent to maintain a positive and respectful working relationship with P.S. 111.
12. One commenter saluted the teaching professionals in P.S. 111 and VOICE and stated that, as a teacher of children with disabilities, her argument is with the priorities in District 30. She questioned why VOICE doesn't have a self-contained class and stated that children with learning disabilities should be able to attend any public school of their choice.
13. One commenter stated her opposition to the proposal based on the fact that P.S. 111, after struggling for many years, is on the upswing and cannot afford to have its space trimmed. She cited P.S. 111's recently awarded magnet grant as evidence of the school's progress and stated that, since the school is already overcrowded, it can't afford to lose any space. She said that the children of P.S. 111 are suffering as a result of the school's co-location with VOICE. She said that she has nothing against VOICE but that the school was intended to be co-located with P.S. 111 temporarily and it's time for VOICE to find its own space. She made a request for former Schools Chancellor Cathie Black to visit the school before the Panel votes on the proposal.
14. One commenter, a former president of the District 30 CEC, stated that Principal Headley and Mr. Bayles had invited her to visit VOICE and she had been very impressed with the school. She said she was happy to learn that VOICE did not have smaller class sizes like some other charter schools and she wrote an e-mail to former Schools Chancellor Klein to praise VOICE as a model school. She said the problem is not with VOICE, but rather with the DOE's policy of co-locating charter schools with district schools. She stated

that this policy has made parents very resentful. She expressed opposition to the proposal and recommended taking a little more time to review the proposals and find a better solution.

15. One commenter said her daughter had attended P.S. 111 for pre-k and is now a student at VOICE. She said it was unfair for VOICE to be likened to a parasite and she said she fully supports P.S. 111. She stated that it was wrong of the DOE to pit parents against each other and that the conversation should be around providing adequate space for both schools. She voiced her support for all public schools, whether they are charter schools or district schools.
16. One speaker who has taught at both VOICE and P.S. 111 stated her support for VOICE but said that the school should not be allowed to flourish at the expense of other children. She detailed some of the challenges of working with limited space and stated that giving up more rooms would be detrimental to the children of P.S. 111. The speaker voiced opposition to the proposal stating that both schools deserve space, but one should not have it at the expense of the other.
17. One speaker emphasized that VOICE and P.S. 111 are part of the same school community in Building Q111.
18. One speaker stated that parents should be demanding that the DOE meet their needs and he described the quality of the education his children are receiving at VOICE.
19. One speaker described the positive aspects of VOICE's co-location with P.S. 111, citing an upcoming carnival in which students from both schools will join together to celebrate diversity.
20. One speaker described her initial anxiety at sending her daughter to a co-located school. She said that her concerns were quickly ameliorated by assurances provided by both principals that her daughter would be safe in Building Q111. She also said that her family's experience with the schools had been great.

The following comments and remarks were made at the joint public hearing on May 12, 2011 concerning the revised proposal:

21. During the May 12<sup>th</sup> hearing, Mr. Guyton voiced his support for the revised proposal as a positive outcome for both P.S. 111 and VOICE.
22. During the May 12<sup>th</sup> hearing, Ms. Lamour voiced her support for the revised proposal and encouraged parents to continue to hold the DOE accountable.
23. During the May 12<sup>th</sup> hearing, Mr. Bayles voiced his support for the revised proposal and described VOICE's instructional model and core aims. He also reiterated the importance of VOICE's relationship with P.S. 111 and described how the school values the benefits of being co-located with a district school.
24. At the May 12<sup>th</sup> hearing, Ms. Idarraga voiced her support for the revised proposal and stated that VOICE and P.S. 111 serve as a model for how co-locations can be positive and effective. She also stated that the DOE should be responsible for identifying space for charter schools.
25. At the May 12<sup>th</sup> hearing, Mr. Headley voiced his support for the revised proposal and thanked Principal Seabrook for her positive collaboration with VOICE.
26. Matt Velez, a VOICE parent and SLT member, voiced his support for the revised proposal.

**The DOE received a comment at the joint public hearing held on March 31, 2011 that did not directly relate to the proposal and therefore will not be addressed:**

27. One commenter expressed concerns about asbestos in Building Q111.

**The CEC offered the following significant alternative proposal:**

On April 1, 2011, Valarie Lamour submitted a statement on behalf of CEC 30 offering the following alternative to the original proposal:

28. CEC 30 offered an alternative proposal for the permanent co-location of VOICE for grades K-3 and the temporary co-location for the 4<sup>th</sup>-grade students of VOICE for the year 2011-2012. CEC 30 stated that this alternative proposal would allow for the annual review of enrollment trends and utilization, should VOICE not find permanent space for is 4<sup>th</sup>-through-8<sup>th</sup> grades for 2012 and beyond.

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

The DOE received the following written and/or oral comments prior to issuing the revised proposal on April 15, 2011. No additional written or oral comments were received after the revised proposal was issued.

29. Valarie Lamour, CEC 30 member, submitted the written statement that was read aloud at the hearing (the comments are reflected in comment number 2 above).
30. Multiple commenters voiced support for the proposal, citing the success of their students at VOICE, the positive relationship between the two schools, the excellence of the faculty at VOICE, and the music program at the school.
31. Valarie Lamour submitted two additional written comments that stated the following:
  - a. Although the joint public hearing is for the community to provide feedback, the Office of Portfolio Planning has already made plans. The VOICE charter school application for 2011-2012 states that they are a K-4 school, which assumes that the proposal has already been approved. In addition, the proposed co-location will not work because both schools will not fit in the Q111 building.
  - b. No construction would have to be done at Q111 if VOICE found a space that could accommodate 4th-8th grades of VOICE. The comment also inquired about the costs of the proposed construction at Q111.
32. One commenter stated that VOICE should be allowed to stay in Building Q111 and grow to serve students in kindergarten through eighth grade.

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

With respect to comment 1(b), the DOE is committed to P.S. 111's continued success and will work with the school's network to ensure that P.S. 111 receives the support necessary to thrive.

With respect to comment 1(c), the DOE has no plans to close P.S. 111. If the DOE were to propose to phase-out P.S. 111, it would be based on the school's performance and not to provide VOICE, or any other school, with additional space.

With respect to the portions of comments 2(d), 3, 4, 13 and regarding P.S. 111's federal magnet grant and its expansion of enrollment in seventh and eighth grade, the DOE remains fully committed to supporting P.S. 111 as it increases its enrollment to meet the requirements of the magnet grant. To that end, the DOE has accounted for P.S. 111's middle school expansion in its allocation of space in the EIS and BUP in accordance with the citywide instructional footprint ("Footprint").

With respect to comment 2(e), the DOE's estimate of P.S. 111's growth accounts for its expansion in accordance with its federal magnet grant. The DOE calculates enrollment projections in an EIS by taking current enrollment, as captured in the 2010-2011 audited register, and projecting class size going forward based on those numbers. Historical enrollment, as captured by the 2009-2010 audited register, is also considered in cases where there appears to be a sharp decline or increase in enrollment for a particular grade. In those cases, a historical average is used to project future enrollment. The DOE coordinates with the School Construction Authority (SCA) to plan for additional needed capacity that results from demographic shifts and long-term population growth. Ultimately, enrollment growth in District 30 will need to be addressed through the addition of new seats. According to the SCA's December 14, 2010 report, there are currently 1,001 new seats under development in District 30 for occupancy in September 2013. Under the revised proposal, Building Q111's utilization will be maximized to serve as many District 30 students as possible.

With respect to comment 2(f), this proposal will not impact space for pre-kindergarten classes in Building Q111.

With respect to comment 12, state law dictates the charter schools must serve all students who are admitted through their lotteries, regardless of whether they have an individualized education plan (IEP) or the services that IEP dictates. VOICE currently enrolls students with IEPs and serves four students in a collaborative team teaching setting. VOICE does not currently enroll any student whose IEP mandate that they should be served in a self-contained setting. If VOICE enrolls students whose IEP's mandate a self-contained placement, VOICE will need to create an appropriate placement for those students.

With respect to the portion of comment 13 regarding the temporary nature of VOICE's co-location with P.S. 111, it is true that Q111 was initially intended to be a temporary home for VOICE. However, after further assessment of available options to VOICE, the DOE determined that the most effective plan for utilizing available space in District 30 would involve making VOICE's K-2 siting in Building Q111 permanent.

With respect to the portions of comments 13, 14, 15 and 16 regarding the DOE's policy of co-locating multiple school organizations in a single building, this policy is a strategy for maximizing the efficient use of the limited space the DOE has to enroll students. There are currently hundreds of schools that are co-located successfully in buildings throughout the city; some of these are multiple DOE schools and some are DOE and public charter schools. In all cases, the Instructional Footprint is applied to both the DOE and public charter schools to ensure equitable allocation of classroom, resource and administrative space. There are several tools in place to support co-located schools to work collaboratively to use shared building resources to meet student needs, including the Building Council, made up of the Principals of each co-located school, and the Campus Policy Memo, which outlines procedures for the Building Council, including situations where Building Councils are unable to resolve disagreements, and the annual Campus Audit, which surveys all of the space in a building and details each school's allocation of space based on the Citywide Instructional Footprint. 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 EIS and BUP set forth in detail the DOE's analysis of the effects of the proposed co-location.

With respect to comment 24 concerning the DOE's role in assisting charter schools to obtain space, the DOE works with charter schools on an individual basis to identify public space suitable for housing the school. It is our desire to make available under-utilized public school space to new high performing district or charter schools. Given our limited supply of available space – especially in some neighborhoods – we welcome additional seats provided by charters that seek to serve students in private (non-DOE) facilities. However, in many cases the costs to secure private space and the timing to have it developed are prohibitive for charter schools. Where there is existing capacity in DOE school buildings, the DOE will seek to identify space for the charter school to ensure that high quality options can continue to be offered to students and families. The DOE does not assist charter schools to obtain private space.

Comments 6, 7, 9, 10, 11, 17, 18, 19, 20, 21, 22, 23, 25, 26, 30 and 32 are in support of the proposal and do not require a response.

Comments 1(a), 2(a)(b)(c), 3, 28 and 31 contain concerns that are addressed by the revisions to the original proposal.

Comment 2(g), 5 and 8 expressed general opposition to the proposal without raising questions or comments requiring a response.

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

A revised proposal was issued on April 15, 2011 to make VOICE's siting in Q111 permanent for grades kindergarten through two only. Under the revised proposal, VOICE's kindergarten through second grade sections would be permanently sited in Q111 while its third, fourth and fifth grade sections would be served in a nearby building, the St. Rita's School ("St. Rita's"). VOICE would also expand its enrollment in grades K-2 to serve 75 students per grade instead of

the current 50 students. This proposal is similar to the alternative proposal made by representatives for Councilman Braman and Councilwoman Nolan at the March 31, 2011 hearing. The revised proposal is also responsive to the concerns raised by CEC 30's alternative proposal submitted to the DOE on April 1, 2011, and representatives of CEC 30 have expressed support for the revised proposal.