



## **Public Comment Analysis**

Date: May 17, 2011

Topic: The Revised Proposed Re-siting and Co-location of Brooklyn East Collegiate Charter School (84K780) with Existing Schools P.S. 9 (13K009) and M.S. 571 (13K571) in Building K009

Date of Panel Vote: May 18, 2011

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## **Summary of Proposal**

On December 20, 2010, the New York City Department of Education (“DOE”) issued an Educational Impact Statement (“EIS”) describing a proposal to re-site Brooklyn East Collegiate Charter School (84K780, “Brooklyn East Collegiate”), an existing public charter school that serves 80 students in fifth grade and is temporarily housed in Building K434, located at 1485 Pacific Street, Brooklyn, NY 11216 in Community School District 17, to Building K009 (“K009”), located at 80 Underhill Avenue, Brooklyn, NY, 11238, in Community School District 13. Brooklyn East Collegiate would be co-located in K009 with an existing DOE zoned elementary school serving grades kindergarten through five, P.S. 9 Teunis Bergen (“P.S. 9”), that also offers 3 sections of pre-kindergarten, and an existing DOE middle school that serves grades six through eight, M.S. 571 The Bergen Upper School (13K571, “M.S. 571”). 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.

The EIS was amended on January 21, 2011 to correct typographical errors and formatting, delete redundant language, and adjust projected enrollment ranges to better reflect the DOE’s enrollment projections for the schools that would be served in K009. The Panel for Education Policy (“PEP”) approved the amended EIS on February 3, 2011.

In a separate EIS published on December 20, 2010 the DOE proposed to gradually phase out and eventually close M.S. 571 because of its low performance and inability to turn around quickly to better support student needs. On January 21, 2011, that EIS was amended to correct typographical errors and formatting, delete redundant language, and adjust projected enrollment ranges to better reflect the DOE’s enrollment projections for the schools that would be served in K009. That proposal was approved by the PEP on February 3, 2011. As a result, M.S. 571 will no longer accept incoming students, and one grade will be phased out per year. M.S. 571 will close at the end of the 2012-2013 school year.

On March 31, 2011, the New York State Commissioner of Education sustained in part a petition filed by P.S. 9 community members, thus annulling the PEP's vote that approved the co-location of Brooklyn East Collegiate in K009 and prohibiting the DOE from proceeding with the co-location until the DOE complies with the Commissioner's order and Education Law Section 2853(3)(a-3)(2)(C) by preparing a Building Utilization Plan ("BUP") that is consistent with the Commissioner's decision and the statute.

On April 8, 2011, the DOE published a revised EIS and revised Building Utilization Plan ("BUP"). The revised EIS corrected typographical errors that incorrectly referenced building K332 in the original posting instead of building K009, deleted an incorrect statement in the EIS that stated there were two gymnasiums in K009, corrected the year in which K009 was built, referenced the planned repair work at K009 to address flooding and playground construction, added a footnote related to P.S. 9's out-of-zone enrollment, added additional text related to zoned enrollment and over-the-counter admissions at P.S. 9 in the future, clarified the impact of this proposal on extracurricular activities at the existing schools, deleted the specific cost related to building a library and adding lockers at the building (two projects that have already been completed), included additional information related to the use of shared spaces and the proposed shared space plan described in the revised BUP and referenced the Citywide Gifted and Talented program that is currently offered at P.S. 9. Additionally, the revised BUP that is annexed to the EIS was revised in the following manner:

- the room allocations for all organizations were adjusted in order to more accurately reflect the total full-size, half-size, and quarter-size rooms in the K009 building;
- the application of the DOE Instructional Footprint was corrected for the 2010-2011 school year;
- the number of sections that each co-located school will serve in 2012-13 and 2013-14 was adjusted and the Baseline Footprint allocation was adjusted accordingly;
- an additional table was inserted in the BUP on page 4 for the 2010-2011 school year to clarify the total number of rooms that are unallocated amongst the schools this year;
- the proposed shared space schedule on page 13 was adjusted and the DOE clarified the rationale for the amount of time that each co-located school is allocated in the shared spaces under this proposal; and
- additional information regarding the planned construction at the K009 building was included.

M.S. 571 admits students in the sixth grade through the District 13 Middle School Choice application process and is a district choice middle school. M.S. 571 will no longer admit sixth grade students after the conclusion of the 2010-2011 school year. One grade will be phased out per year. During the 2011-2012 school year, M.S. 571 will serve students in grades seven and eight. In 2012-2013, M.S. 571 will serve students in eighth grade only. The school will close after June 2013.

P.S. 9 is a zoned district elementary school and serves 544 students in kindergarten through fifth grade and also offers three sections of a pre-kindergarten program.

Brooklyn East Collegiate is an existing public charter school that currently serves students in the fifth grade at its temporary location. Brooklyn East Collegiate was not intended to remain in its current location as a permanent siting, and the current location does not have adequate space to allow for Brooklyn East Collegiate to grow to scale. If this proposal is approved, Brooklyn East Collegiate's current fifth grade will be re-sited to K009 and, beginning in the 2011-2012 school year, Brooklyn

East Collegiate will expand to serve approximately 77 students in sixth grade in K009. In 2012-13, Brooklyn East Collegiate would expand to serve approximately 73 students in seventh grade. In 2013-14, the final year of the phase-in, Brooklyn East Collegiate would expand to serve approximately 69 students in eighth grade. In 2013-14, when Brooklyn East Collegiate completes its expansion and achieves full scale, it will serve approximately 300 fifth- through eighth-grade students in K009.

Brooklyn East Collegiate would be co-located with P.S. 9 and M.S. 571 as M.S. 571 phases out and as Brooklyn East Collegiate phases in. Once Brooklyn East Collegiate has completed its expansion and M.S. 571 has completed its phase-out, there will be approximately 969-1,029 students served in the building by both P.S. 9 and Brooklyn East Collegiate, yielding a target building utilization rate of 86%.

The details of this revised proposal have been released in an Educational Impact Statement which can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/May182011Proposals.htm>.. Copies of the revised EIS and revised BUP are also available in the main offices of M.S. 571, P.S. 9, and Brooklyn East Collegiate.

### **Summary of Comments Received at the Joint Public Hearing**

Two joint public hearings were held regarding this proposal. One was held on January 24, 2011, and another was held May 13, 2011, both at Building K009. At the hearings, all interested parties had an opportunity to provide input on the proposal.

At the hearing held on January 24, 2011, approximately 250 members of the public attended the hearing, and approximately 80 people spoke. Present at the meeting were Deputy Chancellor Laura Rodriguez; District 13 Superintendent James Machen; M.S. 571 Principal Santosha Troutman; P.S. 9 Principal Sandra D'Avilar; Brooklyn East Collegiate Principal Eric Green; P.S. 9 School Leadership Team ("SLT") representative Karen Shaw-Taylor; M.S. 571 Parent Teacher Association President Maria Salichs; Community Education Council ("CEC") 13 representative Khem Irby; CEC 13 representative Renee Holmes; United Federation of Teachers Vice President Richard Farkas; Democratic District Leader for the 52<sup>nd</sup> Assembly District Chris Owens; and Democratic District Leader for the 52<sup>nd</sup> Assembly District JoAnne Simon.

At the hearing held on May 13, 2011, approximately 425 members of the public attended the hearing, and approximately 75 people spoke. Present at the meeting were M.S. 571 Principal Santosha Troutman; P.S. 9 Principal Sandra D'Avilar; Brooklyn East Collegiate Principal Eric Green; P.S. 9 SLT representative Ivana Espinet; CEC 13 representatives Renee Holmes and Khem Irby; Office of Portfolio Management Executive Director Paymon Rouhanifard; New York State Assembly Member Hakeem Jeffries; and New York City Council Member Letitia James.

The following comments and remarks were made at the joint public hearings:

1. CEC 13 representatives made several points:
  - a. The CEC supports all District 13 schools and does not oppose schools that offer a high quality education.
  - b. The CEC encourages the P.S. 9 and M.S. 571 communities to work together.

- c. Other arrangements or siting options should be considered for Brooklyn East Collegiate given space constraints.
  - d. The DOE's process for placing and co-locating schools is flawed. The process needs to be fair and equitable.
  - e. The timeline for P.S. 9 to propose its own expansion was not fair. The decision to close M.S. 571 was made too quickly, and P.S. 9 was not given an opportunity to propose its expansion before Brooklyn East Collegiate's co-location was proposed.
  - f. If the DOE has funds to lease space for P.S. 133, then why is it unable to fund a lease for Brooklyn East Collegiate?
  - g. District 13 has enough charter schools.
  - h. The CEC has passed a resolution that no other school sitings should be made in District 13.
  - i. On the basis that other schools in District 13 have been allowed to expand, P.S. 9 should be allowed to expand as well.
  - j. District 13 parents will not support charter schools, including Brooklyn East Collegiate, and the parents will choose not to enroll their students in charter schools.
  - k. Charter schools do not pay for their access to public school buildings. Charter schools should locate themselves in their own private space, so they do not impose on the shared space of public schools.
  - l. P.S. 9's library cost more than \$1 million to finance and support.
2. The Principal of Brooklyn East Collegiate provided some background information on his school and explained his belief that the school would be a great partner in the building, and noted that he hopes that this would be a model co-location for the City. He described Brooklyn East Collegiate's lottery process and his eagerness to work with the other school organizations in the building, citing the other successful co-locations of Uncommon Schools. He stated that just because some parents choose not to enroll their students in charter schools does not mean that those parents who do make that choice should be denied access to that option. He further stated that the Brooklyn East Collegiate would provide P.S. 9 with more time in the library beyond the times allocated to P.S. 9 in the proposed shared space plan because Brooklyn East Collegiate has classroom libraries and does not intend to use the building's library.
  3. The PTA President of M.S. 571 commented that most of the students who attend M.S. 571 are not from District 13 and that M.S. 571 was the only school to accept her son. She questioned what would happen to the students who are not selected by lottery to attend Brooklyn East Collegiate and asked whether the M.S. 571 community wanted a public school in the building that admits students through a lottery.
  4. The Vice President of the United Federation of Teachers ("UFT"), spoke on behalf of the UFT in support of P.S. 9. The representative stated that M.S. 571 is being phased out to create space for charter schools. He then commented that the DOE has not provided M.S. 571 with enough support.

5. Multiple commenters spoke of the positive experiences their children have had at Brooklyn East Collegiate and voiced support for the school's relocation to Building K009.
6. Multiple commenters, including a representative for New York City Council member Letitia James, a member of the P.S. 9 School Leadership Team, multiple students and community members, and Chris Owens, State Committee member for the New York State Democratic Party, spoke of their positive experiences at P.S. 9, referred to P.S. 9's track record of success, expressed concerns about the impact of Brooklyn East Collegiate's co-location in K009, and requested that P.S. 9 should be granted time and space to expand its grades and enrollment.
  - a. A commenter asserted that Brooklyn East Collegiate would likely serve fewer special needs and English Language Learner ("ELL") students than M.S 571 did.
  - b. Multiple commenters expressed concerns about sharing resources, specifically the cafeteria, gymnasium, library, and auditorium, during the period when all three schools would be co-located in K009. She also emphasized that P.S. 9 parents are very involved in the school.
  - c. Multiple commenters voiced concerns that there might be safety issues during the time three schools are co-located in the building and spoke about the positive experiences her children have had in the school.
  - d. Multiple commenters voiced skepticism around the DOE's plan for space allocation as described in the EIS for this proposal and expressed opposition to the co-location.
  - e. Multiple commenters expressed concern about the impact on the learning environment in the building once Brooklyn East Collegiate is co-located in K009.
  - f. Multiple commenters expressed concern that there might be issues with the three schools having to work collaboratively during the co-location, and specifically expressed concerns about funding for and enrollment at after-school programs.
  - g. Multiple commenters asserted that the proposal would not allow P.S. 9 to expand to serve middle school grades.
  - h. A commenter asserted that the special education population at P.S. 9 is growing, and the building is a barrier free building, but the students lack sufficient space to properly receive their mandated services. P.S. 9 needs more space for these students.
  - i. Multiple commenters asserted that District 13's need for high quality middle school seats would be best met by an expansion of P.S. 9, rather than the re-siting of Brooklyn East Collegiate in K009. Other buildings in District 13 should be considered for Brooklyn East Collegiate, which would maximize the growth of quality middle school seats. P.S. 9's expansion would lead to more options and choices for District 13 families.
  - j. A commenter asserted that P.S. 9 is an open access community school that does not enroll students through a lottery system, which makes it more worthy of expansion than Brooklyn East Collegiate.
  - k. Multiple commenters expressed support for the principal of P.S. 9, crediting her for the success of the school and asserting that she would be capable of leading an expansion of the school. P.S. 9 offers innovative and holistic instruction that makes it deserving of expansion.

- l. Multiple commenters asserted that the DOE's proposal process is divisive.
  - m. A commenter asserted that Brooklyn East Collegiate is not an option for students attending P.S. 9.
  - n. Multiple commenters asserted that the increase in demand for kindergarten seats, including among zoned families, proves that P.S. 9 should be expanded.
  - o. Multiple commenters asserted that Brooklyn East Collegiate would not address the need for high quality middle school seats in District 13. Since Brooklyn East Collegiate already exists and admits students at the beginning of fifth grade rather than sixth grade, its expansion does not give rise to more widespread choice. Moreover, limiting the space available at P.S. 9 to in-zone students would decrease the choices available to out-of-zone students.
  - p. Multiple commenters asserted that charter schools do not deserve public space because they are not public schools.
  - q. A commenter asserted that Brooklyn East Collegiate would not serve the community surrounding Building K009 well because charter schools are designed for and beneficial to underserved communities.
  - r. A commenter asserted that sibling priority policy would divert the space to the families of District 15 students already at Brooklyn East Collegiate.
  - s. A commenter asserted that a student petition with 200 signatures expresses community opposition to the proposal.
  - t. A commenter asserted that the choice to expand P.S. 9 should be made by the community rather than the DOE.
  - u. A commenter asked why the DOE has not pursued a location in District 23 for Brooklyn East Collegiate, since the school was initially approved for that district.
  - v. A commenter asked about the status of a petition in opposition to the proposal handed in at the first hearing.
  - w. A commenter asserted that co-locations do not work in District 13, citing Community Roots as an example.
  - x. A commenter asked whether it was legally permissible for SUNY Charter School Institute to hold a hearing with a DOE hearing.
  - y. A commenter stated that Brooklyn Community Board 8 supports the expansion of P.S. 9 over the proposal because the expansion of P.S. 9 would create middle school seats in District 13, while the co-location of Brooklyn East Collegiate would not increase the number of middle school seats in the district.
7. New York State Assembly member Hakeem Jeffries stated that he opposes the proposal and the DOE's co-location process is divisive, pitting parents against each other. P.S. 9 is a diverse school that serves its students well and is academically successful. P.S. 9 should expand.
  8. Multiple commenters supported the proposal and noted that Brooklyn East Collegiate was successful and encouraged the school to advocate for more space.
    - a. Even though these commenters expressed that Brooklyn East Collegiate has been successful, they opposed the proposal to relocate Brooklyn East Collegiate to Building K009.
    - b. Multiple commenters expressed support for the proposal.
    - c. Multiple commenters asserted that there is a high demand for Brooklyn East

Collegiate in District 13.

- d. Multiple commenters expressed belief that Brooklyn East Collegiate will be a good neighbor in the building and will work well with P.S. 9. Commenters cited the currently existing co-location of several Uncommon schools.
  - e. Multiple commenters asserted that Brooklyn East Collegiate's future depends on acquiring space.
  - f. Multiple commenters expressed support for the proposal, asserting that New York State Assembly member Jeffries told Brooklyn East Collegiate parents that he supports the proposal.
  - g. Multiple commenters expressed support for the proposal on the basis that its students are public school students deserving public space.
  - h. Multiple commenters asserted that Brooklyn East Collegiate does not hand-pick its students.
  - i. Multiple commenters suggested that hearing attendees focus on how to make the co-location successful rather than argue about space.
  - j. Multiple commenters asserted that Brooklyn East Collegiate offers an excellent education without "teaching to the test," or teaching its students with the sole intention of producing high test scores.
  - k. Multiple commenters asserted that Brooklyn East Collegiate already serves many families from the area near K009.
  - l. A commenter asserted that other commenters in opposition to the proposal were being inconsistent by claiming that there is no space for another school in K009, while also claiming that P.S. 9 should be allowed to expand in the building.
  - m. A commenter asserted that no room currently allocated to P.S. 9 would be allocated to Brooklyn East Collegiate instead next year.
  - n. A commenter expressed support for the proposal on the basis that 20% of its students are special education students, which means that the school is vital in serving a high-needs population.
  - o. A commenter asserted that Brooklyn East Collegiate students would not have gym class during the P.S. 9 school day and they would not require access to the library. Brooklyn East Collegiate also does not have access to facilities funding. The school offers access to all District 13 students regardless of address.
  - p. A commenter asserted that Brooklyn East Collegiate is not seeking to take over P.S. 9.
  - q. A commenter asked whether P.S. 9 has been approved for expansion or not.
  - r. A commenter asked what P.S. 9's progress report score is.
  - s. A commenter asked how many middle school students live in District 13 and whether there is a demand for middle school seats.
  - t. A commenter asked what the average progress report score is for Uncommon Schools.
  - u. A commenter asked whether there is a demand for Brooklyn East Collegiate among District 13 families.
  - v. A commenter asked whether Uncommon Schools has an effective history of co-location.
9. Multiple commenters expressed dissatisfaction with the level of support the DOE has provided M.S. 571 and P.S. 9, asserting that P.S. 9 could become a model school with

- more support from the DOE.
10. One commenter voiced opposition to all charter schools, questioning their efficacy and citing attrition statistics.
  11. Several commenters voiced their opposition to the proposal and claimed that this was a rushed process that didn't adequately include community opinions. In particular, one commenter referred to "11<sup>th</sup> hour changes," arguing that the Department of Education had not considered the situation thoughtfully or carefully. She questioned the accuracy of the EIS for this proposal.
    - a. Multiple commenters also asserted that the proposal process is flawed in that it does not include parents in the decision-making process.
  12. A commenter asked what it means that Brooklyn East Collegiate was approved for District 23, but may be housed in District 13 and whether approval is district related.
  13. A commenter questioned whether Brooklyn East Collegiate is the best option for the District.
  14. Multiple commenters questioned the changes made to the EIS, as noted in the amended EIS.
    - a. A commenter asked why the "revised" EIS lacked a previous footnote about restrictions on P.S. 9's ability to accept out-of-zone students.
    - b. A commenter asked why, in the "revision", the section explaining the impact on P.S. 9 was folded into a larger section evaluating impact, making it more difficult to find.
    - c. A commenter asked why the EIS and BUP were amended with so little time before the hearing. The commenter also asked what kind of analysis went into compiling and revising the data.
    - d. A commenter asked whether the hearing should be postponed in light of the revisions to the EIS, asserting that significant changes to data and policy were made in the "revision", which was released just three days before the hearing.
  15. Multiple commenters asked for clarification on the EIS for this proposal. Commenters asked:
    - a. A commenter asked why the EIS states Brooklyn East Collegiate will have 80 students per grade.
    - b. A commenter asked how a full-size classroom is defined and whether some rooms designated full size are too small to hold 30 students.
    - c. A commenter asked whether there are concerns about problems caused by grouping P.S. 9 and M.S. 571 students together for lunch periods, especially given all the effort to keep them separate.
    - d. A commenter asked why there is not sufficient time between lunch periods scheduled for clearing the cafeteria.
    - e. A commenter asked why the DOE projects only 36 classrooms for P.S. 9, even though the school has six kindergarten classes, which means it will need to accommodate six classes per grade, which means that it will need 44 classrooms minimum.
    - f. A commenter asked why only 35 classrooms will be given to P.S. 9 next year, fewer than it occupies in the current year, despite projected enrollment growth.
    - g. A commenter asks if the EIS accounts for the additional growth at P.S. 9 of 35

- students through 2015.
- h. A commenter asked who the DOE plans to kick out of P.S. 9, considering that the EIS projects declining enrollment for P.S. 9 in the EIS.
  - i. A commenter asked why the DOE plans to cap P.S. 9 fifth grade enrollment at 85 students and what would happen when fifth grade enrollment reaches 120 students in 2015.
  - j. A commenter asked if the DOE accounts for a projected decrease in enrollment between fourth and fifth grade at P.S. 9 with the assumption that P.S. 9 students would move on to Brooklyn East Collegiate.
  - k. A commenter asked why the EIS projects that Brooklyn East Collegiate will lose 11 students over the projected years that it phases in. The commenters asks whether the school will counsel unsuccessful students out and how newly opened seats would be filled.
  - l. A commenter asked how students with special needs were considered in the proposal.
  - m. A commenter asked what alternatives have been indicated to Brooklyn East Collegiate parents if the proposal is not approved.
16. Multiple commenters asked whether Brooklyn East Collegiate may remain where it is currently located, especially given the fact since the school's average class size is low.
  17. A commenter asked whether the DOE has conducted analysis on whether there are significantly more 1, 2, and 3 year olds in Prospect Heights than current school-aged children, and, therefore, P.S. 9 may see an increase in demand.
  18. A commenter notes the hard work and significant improvements P.S. 9 families have contributed to the physical infrastructure to the school, particularly to the library and playground and asked whether the DOE intends to discourage parents from making such contributions considering that so little time has been allotted for P.S. 9 students to access these improved features.
  19. A commenter asked how after-school programming for P.S. 9 students would be impacted by the co-location, especially in regards to access to the gym, cafeteria, auditorium, and other shared spaces.
  20. A commenter asked how many hours a day young P.S. 9 children would be prevented from using the bathroom near their classrooms in the basement, given that they are not able to use them while middle school students are eating lunch.
  21. A commenter asked why the principal of P.S. 9 was not offered a chance to voice her opinions in regards to this proposal.
  22. A commenter asked if the DOE anticipated continued growing demand for P.S. 9 given the fact that there are 120 zoned families, and what the DOE's plan is for P.S.9 if all 120 zoned families choose to send their kindergarten students to P.S. 9 next year, especially given that 104 applications have already been submitted for the kindergarten at P.S. 9.
  23. A commenter asked how the overlap between fifth grade applicants to Brooklyn East Collegiate and P.S. 9 would be handled.
  24. A commenter asked how the comments at the hearing would impact the Panel for Educational Policy's ("PEP") final decision.
  25. A commenter asked whether the proposal to phase-out M.S. 571 would be considered separately from the proposal to co-locate Brooklyn East Collegiate.

The DOE received comments at the Joint Public Hearings which did not directly relate to the proposal, and, therefore, will not be addressed.

- A commenter voiced dissatisfaction with Mayor Bloomberg and called for an investigation into the mayor's personal finances. He issued a call to lower the voting age from 18 to 16 and declared a new political movement.

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

26. New York City Council member Letitia James wrote that Brooklyn East Collegiate should serve students in District 23, where there is a need, and thereby allow P.S. 9 to expand its programming. She said that a two-year moratorium should be put on the proposal to monitor the growth of P.S. 9. Additionally, Brooklyn East Collegiate has enough space in its current location to continue being sited there. She also wrote to express concern that the joint public hearing on this proposal was scheduled to be held on Friday, May 13, 2011, which, due to the religious observances of many of the members in the community, would prevent those community members from attending the hearing. She requested that the hearing date be changed as a result.
27. Approximately 341 commenters expressed opposition to the proposal. In addition, two petitions against the proposal were received by the DOE. One petition contained 195 signatures and an electronic list of 623 individuals' names. Another petition contained 623 signatures. Additionally, 203 signed copies of a form letter opposing the proposal were submitted. The reasons and opinions put forth in opposition of the proposal were:
  - a. Rather than co-locating Brooklyn East Collegiate in K009, the space made available by M.S. 571's phase-out should be allocated to P.S. 9 to allow P.S. 9 to expand, based on growing demand and improved educational quality in recent years.
  - b. The proposed shared space usage plan, specifically the hours allocated to P.S. 9 for the library and gymnasium are detrimental to P.S. 9 students.
  - c. There are concerns about elementary school age students sharing facilities with middle school age students.
  - d. P.S. 9 should host an Italian dual-language program for District 13 students.
  - e. Co-locating Brooklyn East Collegiate in K009 would hamper P.S. 9's ability to enroll out of zone students.
  - f. District 13 is saturated with charter schools already.
  - g. Community Roots Charter School, which is already located in District 13, should be re-sited to K009 instead of Brooklyn East Collegiate, which will be re-sited from District 17. With three schools in the building, students will have to eat lunch at inconvenient times, like 10:30 a.m., which would interfere with instruction and cause health problems.
  - h. Expanding P.S. 9 to eighth grade students would better fill the community's desire for high-quality middle school seats.
  - i. The building is already cramped.
  - j. The local community should be served by P.S. 9, instead of co-locating a charter school that would be open through a borough wide lottery.
  - k. Pre-existing problems from sharing space with a middle school will only be made

worse by this proposal.

- l. Several hundred parents who showed up at the hearing are opposed to the proposal.
- m. Brooklyn East Collegiate's move is wasteful and risky. After all, the school is already in a building with plenty of space, co-located with a school run by the same charter operator.
- n. The DOE would not actually move Brooklyn East Collegiate again in two years. It would be left in the building.
- o. Putting multiple schools in one building creates excessive costs to expand shared spaces and create more specialized cluster rooms.
- p. The DOE is implementing this plan without input from impacted community members.
- q. If P.S. 9 grew to 900 students, which it could do, middle and elementary school students would eventually have to share the same floors, which would be bad for the elementary students.
- r. Allowing P.S. 9 to grow instead of siting Brooklyn East Collegiate would prevent middle school students from a separate organization (Brooklyn East Collegiate) feeling second-class to the larger school in the building (P.S. 9), because in that case, the students would belong to the same school.
- s. The charter school's fifth grade would compete with P.S. 9's fifth grade.
- t. The City should support low-risk, middle class families by doing things like expanding P.S. 9, which would keep those students in the system.
- u. P.S. 9 should be allowed to expand because the current growth of enrollment is bringing new diversity to the school.
- v. The uncertainty caused by this plan will drive parents away from P.S. 9.
- w. P.S. 9 did not receive a fair opportunity to propose expansion of their school because the school's proposal deadline took place before the DOE announced the proposal to phase-out M.S. 571.
- x. Allowing P.S. 9 to expand would prevent the early transfer of P.S. 9 students to intermediate schools outside their neighborhood, which is not as beneficial as going to the same school from kindergarten to eighth grade.
- y. Opening new schools and closing old ones does not change or fix anything because the DOE does not nurture existing schools.
- z. With a separate school in the building, planning use of shared spaces will be nightmarish.
- aa. The proposal would constrain a good school with Soviet style decisions and trample on a growing community.
- bb. The plan is the result of short-sightedness and is a least-effort solution to make a problem go away without regard for the consequences.
- cc. The plan would require P.S. 9 to turn away non-zone students, which violates the spirit of the "Children First," which celebrates parental choice.
- dd. Brooklyn East Collegiate's style of teaching to the test, giving merits and demerits, not allowing a PTA or PTO, and discouraging parental involvement are not appealing to families in the community.
- ee. P.S. 9 should be allowed to expand so it can be a leading example for surrounding communities like Fort Greene and Park Slope.

- ff. P.S. 9 should be allowed to expand because it has a coveted Gifted and Talented program.
- gg. If P.S. 9 can't expand and continue to thrive, the young families that have been moving into Prospect Heights will begin to move out.
- hh. Charter schools, which admit students through lotteries and are funded by corporate monies, are not the solution to the City's education problems.
- ii. P.S. 9 offers the progressive education programming and respect for students and teachers that District 13 families want for their children. Brooklyn East Collegiate's discipline-based programming does not appeal to District 13 families.
- jj. If P.S. 9 expands, it would continue to offer excellent education to its students with progressive instructional programming and other innovative initiatives.
- kk. Expanding P.S. 9 instead of approving this proposal would send a message that the DOE cares about local communities.
- ll. Space is available in nearby locations for the placement of Brooklyn East Collegiate.
- mm. The contrast between education styles of Brooklyn East Collegiate and P.S. 9 would destabilize the building and harm the students.
- nn. The co-location process has been offensively mismanaged by the DOE, and its implementation has been marked by back room dealings.

28. Multiple commenters stated that there are numerous flaws in the DOE's proposal, including:

- a. The EIS erroneously states there are two gymnasiums in K009.
- b. Not enough classroom space is allocated to P.S. 9.
- c. The EIS does not account for increasing demand for seats in P.S. 9.
- d. Time needed to clean the cafeteria between lunch groups is not accounted for.
- e. No plan for repurposing rooms currently in use is offered.
- f. The classroom allocations for P.S. 9 are based on the unrealistic expectation to fit 24 children into every classroom.
- g. Brooklyn East Collegiate students are given far more access to the gymnasium and library and the most desirable time slot for use of the cafeteria.
- h. The "revisions" in the EIS underscore the issues with the proposal.
- i. The proposal allots very little time for P.S. 9 students to use the library, even though P.S. 9 families funded its creation, not the DOE.
- j. There has been no discussion of a Gifted and Talented program at P.S. 9.
- k. The EIS does not provide a realistic analysis of the proposal's impact on P.S. 9 students.
- l. The EIS does not account for the changing demographic in Prospect Heights, which would not be served by a charter school.
- m. The proposal does not clarify how much the DOE will allow P.S. 9 to expand.
- n. The EIS does not project P.S. 9 enrollment growth past three years into the future, which is when the greatest population growth is certain to occur.
- o. That the DOE has failed to explain the flaws in the EIS indicates that they have reverse-engineered the facts to fit the DOE's own purposes.
- p. The EIS unfairly apportions more square-footage to Brooklyn East Collegiate students than is apportioned to P.S. 9 students.

- q. The DOE has stated it does not currently have access to figures for enrollment applications for next year's kindergarten, which would confirm the trend of the greatly increasing demand for those seats; however, the DOE could easily get those figures if it wanted to. After all, certain parents were able to procure the figures in just two phone calls, and after sharing them with the DOE, the DOE never even asked for the source.
  - r. The DOE's plans reflect a philosophy of using data they currently have, whether or not it displays the whole picture or is based on assumptions, and letting the Building Council figure everything out later.
  - s. Responses to concerns about the shared space plan that state it is just a suggestion and should be worked out by the Building Council do not address whether a feasible shared space plan could actually be arranged; rather, they seem to suggest there is no way to create a feasible shared space plan.
29. A commenter stated that the proposal indicates the City's desire to open more charter schools and move to a corporate model, even though this is not what every parents want.
  30. A commenter stated that the expansion of P.S. 9 should have been considered before this proposal was put forth.
  31. A commenter stated the proposal occurred because of political pressure to open more charter schools and because the DOE is trying to find extra space during a time of budget shortages.
  32. A commenter asked whether Brooklyn East Collegiate could be kept where it is for another year to allow for a more careful and collegial planning process, especially since the school's average class size is very low at its current location.
  33. A commenter noted P.S. 9 should be given a fair hearing for its proposal to expand. Implementing this proposal would prevent P.S. 9 from implementing its own proposal.
  34. A commenter expressed support for allowing Brooklyn East Collegiate to grow, but stated that the charter should be located somewhere else in order to allow P.S. 9 to expand.
  35. New York State Assembly Member Hakeem Jeffries wrote that P.S. 9 should be allowed to expand in the building in order to meet the growing needs of the community.
  36. A commenter noted that the proposal is invalid according to State Education Law (Section 2590-G(8)(b)) because the "revised" EIS was released only one working day ahead of the hearing, and less than 15 days before the PEP vote. Given so little time, opponents of the proposal are not able to properly analyze the revised data or reach out to public officials.
  37. A commenter submitted P.S. 9's activities and lunch calendars to underscore the request to expand P.S. 9.
  38. A commenter noted that the DOE has not sufficiently responded to the community's concerns about the EIS and "revised" EIS since it was published.

### **Summary of Additional Comments Received at the Joint Public Hearing**

39. A commenter asserted that contrary to claims by the DOE that over half of P.S. 9 students come from out of zone, 60% of P.S. 9 students reside within the school's zone. In the lower grades, the proportion is even higher.
40. A commenter asserted that contrary to claims by the DOE there is not enough space to

accommodate all families zoned to P.S. 9 should all those families choose to send their children to the school.

41. A commenter asserted that contrary to claims by the DOE, the building Brooklyn East Collegiate currently occupies is also occupied by other schools within the same charter network, and the DOE is listed in the building records as one of the owners of this building. Moreover, keeping Brooklyn East Collegiate in that same building would afford that school more square footage of space per child than K009 would.
42. A commenter suggested that the DOE should reverse its decision following the original PEP vote approving this proposal.
43. A commenter suggested the DOE's misstatements during the PEP meeting on February 3, 2011 and in published documents invalidate the vote on that day to approve the proposal.
44. Representatives of P.S. 9's SLT made several points about the proposal:
  - a. The P.S. 9 community opposes the proposal. District 13 needs a community school, not a charter school.
  - b. P.S. 9 submitted a letter of intent regarding expansion, but the DOE stated it had not received it.
  - c. Building K009 is a functionally accessible building, and access to schools in a functionally accessible building would be limited by the co-location of a school with a lottery-based admissions policy.
  - d. The DOE should work with P.S. 9 on the school community's proposal to expand.
  - e. P.S. 9 is an excellent school that should be allowed to expand. The school brings together families of diverse backgrounds and implements its programming and instruction based on rigorous research and review of innovative methods.
  - f. P.S. 9 has grown and improved steadily over time to become an excellent school.
45. New York City Council member Letitia James made several points about the proposal:
  - a. P.S. 9 should expand.
  - b. The DOE pits parents against each other through a divisive co-location process. The process is not democratic and does not lead to positive discussion, and to the benefit of children.
  - c. The library in Building K009 was constructed because of the P.S. 9 community's request.
  - d. Children's education should not be subject to a lottery.
  - e. P.S. 9 is active in the community and should be supported by the DOE.
  - f. The hearing on May 13, 2011 should not have been held on a Friday because families should not have to choose between their Friday evening religious observances and the hearing.
  - g. The hearing violates education and charter law in that the charter authorizer should not be holding its own hearing in conjunction to the DOE's hearing. This implies that the co-location has already been determined, and the charter authorizer is already in the process of amending Brooklyn East Collegiate charter to allow it to serve District 13 students.
  - h. Building K009 is a barrier free building.
46. A representative of New York State Assembly member Hakeem Jeffries voiced opposition to the phase-out of M.S. 571 and the re-location of Brooklyn East Collegiate.

- He also clarified a statement made previously by Assembly Member Jeffries' representative to clarify that the Assembly Member unequivocally opposes both proposals, but he does support parents of all children, no matter what school they attend.
47. Multiple commenters asserted that the joint public hearing on this proposal should not have been held on Friday, May 13, 2011, due to the religious observances of many of the members in the community which would prevent those community members from attending the hearing.
  48. Multiple commenters asserted that the DOE revised its proposal following the New York State Education Department Commissioner David Steiner's decision which annulled the PEP's previous vote approving the co-location of the proposal without consulting the P.S. 9 community. The proposal in its revised form contains critical inaccuracies and would continue to do harm to the P.S. 9 community.
  49. Multiple commenters expressed support for the proposal:
    - a. There is space available in K009 for Brooklyn East Collegiate to be co-located in the building without negatively impacting the other schools.
    - b. Without approval of the proposal, 150 families might not have a place to send their children next year.
    - c. Uncommon Schools has a positive track record for effectively sharing space with co-located schools.
    - d. There is a demand for the school among District 13 parents.
    - e. The Brooklyn East Collegiate community has remained polite and patient despite the legal proceedings, uncertainty, and adversity towards the proposal.
  50. One commenter advocated for after school sports teams and clubs.
  51. One commenter asked whether the building would receive a new library and librarian, stating that the proposals had overshadowed these other considerations in Building K009

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

- Comments 1(i), 6(b, e, and f), 18, 19, 20, 27(b), 27(i), 27(k), 27(o), 27(v), 28(b), 28(e), 28(g), 28(i), 28(k), 28 (p), 44, and 45 note that P.S. 9 has a positive environment and a successful track record, but also note that if this proposal is approved there may be concerns with sharing the shared spaces in the building and overcrowding in general. Comments 6(c), 15(c), 27(c), 27(q), and 27(z) question the impact of this proposal on the safety of students in the building. Comments 15(d) and 28(d) question how the proposed shared space plan in the BUP accounted for time to clean the cafeteria between the schools' respective lunch periods. Comments 28(r) and 28(s) relate to the DOE's reliance on the Building Council to resolve concerns about the shared space plan.

The DOE acknowledges that P.S. 9 students and families are satisfied with their experiences at the school and that P.S. 9 offers a positive environment for all students. The DOE recognizes that the P.S. 9 parent community has worked hard to improve P.S. 9. This proposal would not affect P.S. 9's instructional programs, extracurricular activities, or enrollment policies, although certain programs or extracurricular activities may have to be configured differently if this proposal is approved. Therefore, the DOE

anticipates that P.S. 9 would continue to offer a positive educational environment for all students and families in the zone.

Building space is scarce in many New York City neighborhoods. Given this reality, the DOE must use its existing buildings in the most efficient manner possible. There are currently approximately 700 schools (both charter and district) across the city that are co-located and successfully share space, including P.S. 9 and M.S. 571. Specifically, 9 Uncommon schools are currently co-located with other district schools, and have demonstrated an ability to work collaboratively with their co-located schools and Building Councils. The DOE anticipates that P.S. 9, M.S. 571, and Brooklyn East Collegiate will be able to share building K009 as M.S. 571 phases out and as Brooklyn East Collegiate phases in.

As described in the BUP, the proposed Shared Space Plan is based upon the population size and other relevant factors further described below for each co-located school. Although the DOE has proposed how the shared spaces in the building may be utilized, Building Councils are free to deviate from the proposed Shared Space Plan to accommodate specific programmatic needs of all special populations or groups within each school as is feasible and equitable, provided that the Building Council comes to an agreement of the final Shared Space Plan collaboratively. (NOTE: The Building Council will revisit the shared space plan and its schedules on an annual basis to account for any changes in enrollment or programmatic needs. If conflicts emerge and progress is impaired, the Building Council shall follow the dispute resolution procedures outlined in the Campus Policy Memo available at the following link: <http://schools.nyc.gov/community/campusgov>).

The proposed schedule is based on projected enrollments for each co-located school, current space allocation plans, current lunch schedules for the existing schools in the building as described on the DOE School Food website, the total capacity of each shared space, the grades served by each of the co-located schools, the start of the school day based on the Office of Pupil Transportation's bus schedule for a regular school day.<sup>1</sup> Where possible, the proposed schedule maintains schools' current allocation of time for each shared space and re-distributes remaining time for additional organizations. To the extent feasible, shared spaces are allocated in a manner that allows schools that have already been using the space this year to continue using it on a similar schedule next year, based on the 2010-2011 Campus Audit Template submitted by the Building Council.<sup>2</sup> The DOE notes that a 2010-2011 Campus Audit Template has not been received from the current organizations in the K009 building. Because Brooklyn East Collegiate would be co-located in the building for the first time if this proposal is approved, it may be necessary to shorten or change some of the current times that have been allocated to each of the co-located schools in the shared spaces this year so that all students in the building can be accommodated in the following school year. The DOE notes that M.S. 571 will

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<sup>1</sup> See DOE's School Food Website at <http://www.opt-osfns.org/osfns/>

<sup>2</sup> Campus Audits are submitted by each Building Council on an annual basis to the Senior Supervising Superintendents Office. The Campus Audit documents the collective planning and implementation of Building Council decisions such as shared space scheduling.

close after June 2013 and beginning in 2013-2014, the total number of schools that will utilize the shared spaces will revert to 2 schools.

In planning how Brooklyn East Collegiate, P.S. 9 and M.S. 571 may use shared space, the DOE has applied some or all of the factors described above to develop a proposed plan that allocates time in each space equitably.

The Building Councils, which consists of principals from all of the co-located schools, in conjunction with the DOE Office of Space Planning, are free to deviate from the allotment of time in the BUP to accommodate the specific programmatic needs of all special populations or groups within each school as is feasible and equitable, provided that the Building Council comes to an agreement of the final Shared Space Plan collaboratively. If such accommodation results in an alteration to the proportional distribution of space, the Building Council shall explain the basis for such alteration. The DOE notes that the Principals in other buildings have been successful at negotiating time and space for all of the co-located schools.

In the revised BUP, the DOE has included its justification and rationale for the proposed shared space schedule and believes that the proposed shared space schedule is justified and feasible. Contrary to comments claiming that the amount of time allocated to P.S. 9 in shared spaces is not equitable, because P.S. 9 has the largest enrollment and serves more grade levels than either M.S. 571 or Brooklyn East Collegiate, it has been allocated the largest amount of time in the cafeteria, auditorium, library, gymnasium, and playground to accommodate all of its students.

Since the cafeteria has the capacity to accommodate 400 students, P.S. 9 will need to schedule lunch periods in shifts, in order to accommodate its projected enrollment of 600-665 students in 2011-2012. The proposed schedule assumes that in 2011-2012 P.S. 9 would serve two 45-minute lunch periods of approximately 332 students, or three 30-minute periods with approximately 221 students in each section. Contrary to a commenter's suggestion that the charter school has been given the better time for lunch, according to the DOE's school food website, P.S. 9 currently serves lunch from 10:25am to 1:25 am (3 hours daily), with an average daily lunch participation of approximately 408 students.<sup>3</sup> Thus, the schedule proposed by the DOE maintains the same hours for lunch as P.S. 9 currently has. While the total amount of designated lunch time for P.S. 9 may decrease to 1.5 hours daily under the proposed schedule, all students will be able to be accommodated at lunchtime.

Similarly, P.S. 9 is allocated the largest amount of time on the outdoor playground (20 hours weekly) whereas both Brooklyn East Collegiate and M.S. 571 are allocated 7.5 hours weekly. P.S. 9 will have the largest total projected enrollment and will be serving more grade levels, whereas both Brooklyn East Collegiate and M.S. 571 will both only serve 2 grade levels in 2011-2012.

P.S. 9 is also allocated the largest amount of time in the gymnasium (15.75 hours weekly), while Brooklyn East Collegiate is allocated 8.50 hours weekly and M.S. 571 is

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<sup>3</sup> [http://www.opt-osfns.org/osfns/resources/sch\\_search/schfood.aspx?cfoodsched=13009](http://www.opt-osfns.org/osfns/resources/sch_search/schfood.aspx?cfoodsched=13009)

allocated 7 hours weekly in the gymnasium. Under the proposed Shared Space Plan, all three schools would offer physical education to students every week in the gymnasium.

P.S. 9 is allocated the largest amount of time in the library based on its projected enrollment (27.75 hours weekly) and the fact it will be serving more grade levels than the two schools in the building. Brooklyn East Collegiate is allocated 4.5 hours weekly and M.S. 571 is allocated 5 hours weekly. Additionally, the DOE notes that the proposed shared space plan currently allocates the library solely to P.S. 9 during 3 days of the week. And, since the school currently serves breakfast from 7:45 am to 8:15 am, P.S. 9 is allocated time in the library starting at 7:45 am to provide students or staff with access to the library in the event that students wish to move from the cafeteria to the library before school starts (at 8:40 am), as they complete breakfast.

All efforts will be made to assure the safety of students in the building at all times. Thus, any concerns about the lack of time between lunch times for all the schools may be addressed in a collaborative fashion by the Building Council and the Shared Space Committee, which may alter the shared use of space based on those concerns. Additionally, in regard to comment 27 (c) and 27 (q), the DOE will ensure that the school organizations will be as self-contained as possible in the space planning in K009. Additionally, it should be noted that the current co-location in building K009 involves an elementary and middle school organization so the proposed collocation of another middle school would not be a change from current practice.

In addition, as discussed in the EIS, if this proposal is approved, P.S. 9 and Brooklyn East Collegiate would serve approximately 969-1,029 students in K009 for a utilization rate of only 86%. Therefore, there is room in the future to accommodate an increase in demand from students in the zone for P.S. 9. Moreover, if there is an increase in P.S. 9's enrollment resulting from an increase in demand for the zoned elementary school or an increase in the number of families residing in the zoned area, the Chancellor also reserves the right to relocate Brooklyn East Collegiate to an alternate location geographically proximate to K009.

- Comments 28 (i), 45(c) and 1(l) note that the new library that was built in K009 was partially financed and supported through community support, as well as reference the amount of time P.S. 9 has been allocated in the library in the proposed shared space schedule. Comment 51 inquires whether the K009 building would receive a new library and librarian.

The DOE acknowledges the support P.S. 9 as demonstrated by the community's contributions (whether time or money or pro-bono work) to the school infrastructure and environment. In particular, information related to the library was included in the EIS which stated that the library renovation was completed and that the library would continue to be available for the P.S. 9 community. Since the K009 building has a newly renovated library, there are no current plans for an additional library to be housed in the K009 building, other than the classroom libraries that the Principal of Brooklyn East Collegiate referenced in his statement. Decisions related to hiring a librarian at the K009

building would be left to the Principals of the co-located schools and would be dependent upon how they wish to utilize the library according to the Building Council's decisions.

- Comments 2 and 5 note that parents and students have had positive experiences at Brooklyn East Collegiate. The DOE believes the co-location of Brooklyn East Collegiate will add to the diverse options available to the District 13 community.
- Comments 3 and 6 (i), 6 (m), 6(o), 6(q), 6(y), 13, and 27(mm) relate to the options for future middle school students in District 13 as it related to the proposed phase out of M.S. 571 which was subsequently approved by the PEP, and the desirability of Brooklyn East Collegiate in District 13, and whether Brooklyn East Collegiate will be an option for students attending P.S. 9 and claim that that Brooklyn East Collegiate would not provide additional middle school seats in the district. As detailed in the EIS, students would continue to have access to a broad range of middle school options through the District 13 Middle School Choice process. The co-location of Brooklyn East Collegiate will introduce another option for students. Brooklyn East Collegiate would enroll students through a lottery with a preference for students who reside in District 13. Despite the fact that Brooklyn East Collegiate enrolls students through a lottery, the lottery process is open to all students from all different backgrounds, including students with disabilities and English language learners students.
- Contrary to the commenter's suggestion that most students who attend M.S. 571 are from outside the district, according to the audited register dated November 1, 2010, approximately 70% of students enrolled in M.S. 571 reside in District 13. In general, excluding the seats currently available at M.S. 571, there are 1,529 sixth-grade seats in District 13. In 2010-2011, there were only 1,211 sixth-grade students enrolled in District 13 schools, including those at M.S. 571. This means that there is sufficient additional space in existing District 13 schools in the middle school entry grade to replace the seats lost by this proposal. At scale, Brooklyn East Collegiate would provide 300 middle school seats in District 13. Given that the 3 other Uncommon Schools in the Collegiate network all received an A on their most recent Progress Report scores, the DOE believes that Brooklyn East Collegiate and Uncommon would provide a high quality middle school option for all District 13 families (including P.S. 9 families). The DOE also notes that Williamsburg Collegiate and Kings Collegiate are the #1 and #10 highest scoring schools in New York City on the NYCDOE Progress Reports, based on their average overall scores since the DOE began issuing Progress Reports in 2006-2007. And, Williamsburg Collegiate has been ranked as one of the top 10 middle schools in the city each year since the DOE Progress Report scores were first issued in 2006-2007, and has been ranked in the top 5 middle schools for 3 of the 4 years.

As for the different instructional methods or instructional philosophies between the schools, the DOE notes that there may be differences since one school is an elementary school and the other is a middle school, which would naturally require different instructional methods, approaches, or philosophies.

Given Uncommon's record of success both academically and in other co-locations, the DOE believes that Brooklyn East Collegiate will be able to work collaboratively with P.S. 9 to ensure that all students are supported in a positive and safe educational

environment during the phase in and throughout the co-location. Additionally, the DOE notes that both schools will be located on different floors (except when in shared spaces or common areas) and that this physical space allocation will ensure that both organizations are as self-contained as much as possible, minimizing any disruption.

- Comments 4, 9, and 27(y) relate to level of support provided to M.S. 571 and P.S. 9. A detailed list of the support offered to M.S. 571 is addressed in the EIS for the proposal to phase out M.S. 571 and in the analysis of public comments received in regards to the phase out proposal. In general, all schools receive support and assistance from their superintendent and Children First Network team, a group of educators who work directly with schools. This team helps schools identify best practices, target strategies for specific students in need of extra help, and prioritize competing demands on resources and time. Each school community chooses the network whose support best meets its needs, and each network works to improve student achievement in all of its schools. P.S. 9 receives support through the network and currently offers a wide variety of instructional programming and extracurricular activities including dance programs through the Solomon R. Guggenheim Museum, Studio in a school, and AileyDance Kids Program and partnerships with the Prospect Park Zoo, the Brooklyn Historical Society, the Prospect Park Alliance, Lava Acrobatics and the Community Food Resource Center's CookShop program, and offers district-wide Gifted and Talented programming.
- Comment 6(a), 6(h) and 15(l) ask how students with disabilities and English Language Learner ("ELL") students will be served at the charter school and claim that P.S. 9 students would not have sufficient space to receive their mandated services and that those students require more space. Despite the commenter's suggestion that Brooklyn East Collegiate would be less likely than M.S. 571 to serve students with disabilities and ELL students, Brooklyn East Collegiate will serve all students, regardless of whether they are an ELL student or a student with special needs. Charter schools are required to serve student populations that reflect the district in which they are located. As discussed in the EIS for the proposal to phase out M.S. 571 and in this proposal, both M.S. 571 and P.S. 9 will continue to provide all mandated services for students with disabilities and ELLs. Additionally, the space allocations in the BUP take into account the space required to serve students with disabilities and ensures that all students will continue to receive mandated services. For example, as noted in the BUP for this proposal, self-contained special education classes are typically accommodated in half-size classroom. However none of the 10 half-size rooms in the K009 building can accommodate self-contained classes. Therefore, the baseline footprint allocations for P.S. 9 in 2011-2012 have been adjusted to include additional full-size classrooms in lieu of half-size classrooms to serve P.S. 9's special education classes.
- Comments 1(g), 1(j), 7, 8(a), 10, 13, 27(f), 27(dd), 27(hh), 29, 31, 44, 45 and 46 note their opposition to the proposal to co-locate Brooklyn East Collegiate in the building, as well as their general opposition to charter schools. The commenters also mention that Brooklyn East Collegiate would not be an option for students attending P.S. 9. As discussed in the EIS for this proposal, Brooklyn East Collegiate's charter management organization has a successful track record and will introduce another high quality option

for families and students in District 13. If the proposal is approved, the school would enroll students through a lottery with a preference for students who reside in District 13. As discussed in the EIS for this proposal, building K009 does have space to accommodate Brooklyn East Collegiate and P.S. 9 when at full scale because the target building utilization rate would only be 86% at that point. Furthermore a walkthrough of the building confirms that there are more than sufficient numbers of full-size, half-size, quarter-size rooms, and designed administrative spaces that will allow both school organizations to meet their baseline footprints, with excess rooms available beyond the baseline footprint allocation.

There are currently 125 charter schools in New York City. Charter schools are held accountable, through the terms of five-year performance contracts called “charters,” for high student achievement. Charter schools must meet the same Regents’ performance standards established for all public schools as well as the goals established in their charter. If a charter school fails to meet those terms, it can be closed. There are currently 4 charter schools in District 13: Community Roots Charter School, Community Partnership Charter School, and Leadership Preparatory Bedford Stuyvesant Charter School, and Achievement First Endeavor Charter School.

Contrary to comment 1(j), demand exists for Brooklyn East Collegiate and other charter schools in District 13. In fact, Brooklyn East Collegiate’s lottery application deadline was April 1, 2011 and approximately 900 total students submitted an application for the 81 fifth grade seats available. Of those applicants, 100 were from District 13 families. Additionally, all existing charter schools in the district enroll students from within the District. Approximately 12% of District 13 middle school students are enrolled in a charter school. Of those students, 20% are enrolled in a charter school within the Uncommon Charter School Management Network, the same network as Brooklyn East Collegiate.

In regard to the attrition apparent in the enrollment projections cited in the EIS, Brooklyn East Collegiate’s projected enrollment accounts for an attrition assumption based on the projected number of students who will discharge throughout the school year, for any variety of reason (i.e. moving, transferring to another school, leaving the public school system, etc). It is common for all schools to experience attrition as students and families move and make decisions about school enrollment. The average year-to-year attrition rate for Brooklyn East Collegiate is approximately 5%, whereas the district-wide average at District 13 middle schools is almost triple that with a 13% discharge rate.

- In regards to comment 6 (r) that expresses concern that the sibling priority for students from District 15 would deplete the number of lottery seats available for District 13 residents. The DOE notes that Brooklyn East Collegiate does not currently enrolls any students who reside in District 15 so the expectation is that there would not be any students who would receive first preference as a sibling of a current student.

Comments 6 (s) and 6 (v) , reference written petitions and letters of support submitted by members of the public that support an expansion for P.S. 9 opposing the co-location of

Brooklyn East Collegiate in K009. The DOE notes that all petitions submitted by commenters at the Joint Public Hearings, have been received and noted in this analysis of public comment and will be considered by the PEP members prior to the vote. But, as discussed in the EIS, the DOE believes that all parents and students should have options and Brooklyn East Collegiate would offer an additional option to parents in the district.

- Comments 8 and 34 note that Brooklyn East Collegiate should be allowed to grow, but the commenters opposed the proposal to co-locate Brooklyn East Collegiate in K009. Comments 16, 26, 27(m) and 32 question whether Brooklyn East Collegiate could remain in its current location for 2011-2012. Comment 27(n) contended that Brooklyn East Collegiate would not be re-sited regardless of changes in enrollment at P.S. 9. Comment 1 (c), 1(f), 1 (k), 6(p) and 27(l) also object to siting Brooklyn East Collegiate in K009, noting that there are other DOE buildings that have space and Brooklyn East Collegiate should find its own private lease space, charters don't pay for public school buildings, and that the DOE should secure leased space for Brooklyn East Collegiate similar to PS 133.

In 2010-2011, Brooklyn East Collegiate was temporarily sited in building K434, which is located in District 17. It cannot remain in building K434 because Brooklyn East Collegiate's current location does not have adequate space to allow for it to grow to scale. Brooklyn East Collegiate requires a permanent siting in order to better serve its students. Alternate sites were considered, but building K009 was considered the best option given the fact that the building is currently under-utilized and because the DOE's walkthrough demonstrated that there are sufficient numbers of full-size, half-size, and administrative spaces to accommodate both organizations at full scale. Building K009 has the capacity to serve 1,192 students. In 2009-2010, the building only served 751 students, yielding a target utilization rate of approximately 63%. In 2010-2011, the building only served 767 students, yielding a utilization rate of approximately 64%. However, as stated previously, the Chancellor reserves the right to relocate Brooklyn East Collegiate to an alternate location geographically proximate to K009 if P.S. 9's enrollment increases beyond current projections or if the number of families residing in the zoned area increases.

Further, the DOE notes that while K434 has space to accommodate Brooklyn East Collegiate for one additional school year, the DOE is proposing a permanent site for Brooklyn East Collegiate in order to provide the school with the ability to secure a stable enrollment of students and to provide a permanent home for its students earlier than later.

Charter schools pay a smaller fee for DOE space than securing their own private lease. If costs are prohibitive for charter schools to secure a private lease, and there is existing capacity in DOE school buildings, the DOE will often agree to identify space in DOE buildings to ensure that high quality options may continue to be offered to students and families.

In regards to the comment regarding P.S. 133 (13K133), the DOE notes that P.S. 133 has a short-term lease while it waits for its new expanded building to finish being constructed. The cost of renovating St. Thomas Aquinas in order to temporarily

accommodate P.S. 133 as well as the cost of the new K133 building is supported by District 15 capital funds because the increase in seats at the new K133 building will accommodate children from District 15. DOE also can only afford to pay the tax fund required by the lease because of the demand for seats in District 15. Other than the project to build a middle school at the Dock Street site in the DUMBO neighborhood, there are no new capacity funds available in the FY2010-FY2014 capital plan for District 13. Thus, there are no funds to allocate to Brooklyn East Collegiate in terms of securing a lease as suggested by comment 1(f).

- Comments 1(d), 1 (h), 6(l), 6(t), 11, 21, 24, 25, 27(bb), 27(l) ,27(p), 27 (nn), 45 and 48 relate to the community engagement and overall school siting process, opposing the proposal. The DOE appreciates all feedback from the community regarding this proposal. When the EIS was issued, it was made available to the staff, faculty, and parent communities at both M.S. 571 and P.S. 9 on the DOE's Web site and in the main offices of both schools. In addition, the DOE set up a dedicated website and voicemail to collect feedback on this proposal. P.S. 9's staff, faculty, and parent community were invited to the joint public hearing to solicit further feedback.

The first joint public hearing regarding this proposal was held on January 24, 2011, and all comments made at the joint public hearing were included in this analysis of public comment. The joint public hearing for both the proposal to phase out M.S. 571 and to co-locate Brooklyn East Collegiate were held at the same time because both proposals are part of the overall plan for building K009.

The proposal to co-locate Brooklyn East Collegiate in K009 was subsequently revised on April 8, 2011 based on the State Education Commissioner's decision and public input. An additional joint public hearing was held on May 13, 2011 (5 days before the PEP vote) and there will be additional opportunity for public comment to be heard at the May 18 PEP meeting.

- In regard to comment 1 (h), while the DOE acknowledges that the CEC passed a resolution stating that no additional school sitings should be made in District 13, but the DOE remains committed to providing all District 13 families with high quality options.
- Comment 45(f) and 47 criticized the DOE for holding the Joint Public Hearing on a Friday given that Friday evening is a religious observance for some members of the community.

As required under education law, the required parties were contacted regarding the scheduling of a joint public hearing on the revised proposal and were offered 10 dates on which the joint public hearing could be held during the required hearing window. In scheduling this hearing with the required parties, all required parties agreed in writing that May 13th was the best possible date. Parties indicated that due to test preparation and a desire to accommodate school scheduling preferences, Friday May 13th was preferred.

We understand that holding the hearing on a Friday may have not accommodated certain members of the community, however because all the relevant parties agreed to the date in the past and because it is difficult to find a date on which all parties can be accommodated, the DOE declined to reschedule the hearing.

We encourage all families who are unable to attend the May 13th hearing to use one of several accessible outlets to submit commentary including: submitting comment via the established phone line at 212-374-0208 and via email at [D13Proposals@schools.nyc.gov](mailto:D13Proposals@schools.nyc.gov); or by attending the May 18th PEP meeting and offering public comment in person. Additionally, the DOE notes that the estimated number of attendees to the May 13 hearing was over 400 attendees and over 100 speakers signed up to speak, indicating that a number of members in the community were able to make the hearing and have their voices heard.

- Comments 6 (h), 6(j), 44(c), and 45(h) note that the K009 building is functionally accessible and claim that the co-location of Brooklyn East Collegiate in K009 will limit access to the building for future middle school students due to the lottery-based admission policy of the charter school. The DOE notes that there are other buildings in District 13 that are accessible and currently house middle schools, such as K258 where JHS 258 (13K258) and MS 336 (13K336) are co-located, and building K113 which houses JHS 13 (13K113). The K113 building is currently under-utilized with approximately 300 available seats to enroll additional students. Additionally, at P.S. 9, there are currently 4 students whose IEP require an accessible building (of which only 2 students are zoned). All current and future students will continue to receive all mandated services as outlined in their IEP and there will continue to be seats for students with disabilities since they are included in the total projected enrollment for P.S. 9. At M.S. 571, there is currently only 1 student whose IEP requires an accessible building. At other Uncommon middle schools in the “Collegiate” network, like Williamsburg Collegiate, 16% of students have an IEP. This is an indicator of the percentage of IEP students Brooklyn East Collegiate may serve, which may also include students who require an accessible building. Lastly, the DOE notes that all District 13 middle schools admit students through the district-wide middle school choice application process where students are offered placement to schools through a randomized, computer matching process which is in essence the same as a lottery application process and ensures equity in admissions. Thus, Brooklyn East Collegiate’s lottery process is no different from the middle school choice application process and would not reduce the number of seats available to students who are handicapped or reduce their access to the building.
- Comment 6 (u), and 12 questioned whether Brooklyn East Collegiate can be sited in District 13 if it was approved to open in District 23. Uncommon Schools, the Charter Management Organization that manages Brooklyn East Collegiate, is currently requesting a revision to its charter so that it may be sited in District 13 instead of District 23. All

revisions to Brooklyn East Collegiate's charter must be voted upon by the authorizer, the State University of New York, before the preference may be enacted.

- Comment 6 (x) and 45 (g) stated that the Joint Public Hearing on May 13, 2011 violated education and charter law because SUNY held its hearing at the same time as the DOE, which thereby implies that the charter authorizer is already in the process of “amending” Brooklyn East Collegiate's charter prior to the PEP vote. SUNY's hearing on May 13, 2011 was conducted alongside the DOE's Joint Public Hearing to gather public comments on the proposal to place Brooklyn East Collegiate in K009. By combining hearings, SUNY eliminated the need for a duplicative second public hearing on the proposal and therefore made it more convenient for parents and families to voice their opinions on the matter. SUNY's hearing was not conducted in regards to the charter school's request for a revision to its charter and therefore did not imply that the charter authorizer is already in the process of amending the charter.
- Comment 14(a-d), 15(a-l), 28(h), 28(o), 36 and 38 relate to the DOE's decision to amend and publish the amended EIS on January 21, 2011. Since the proposal has subsequently been revised and a new hearing has been held, these comments are no longer applicable and in any case the DOE responded to them in the analysis of public comments it published prior to the PEP's initial vote on February 3, 2011.
- Comments 6(o), 14(a), 27(e), and 27(cc) question P.S. 9's ability to accept out of zone students. Currently, approximately only 52% of students (K through 5) zoned to P.S. 9 attend the school. As discussed in the revised EIS, P.S. 9 will need to monitor its out-of-zone enrollment and may not be able to accommodate all out-of-zone students.

In the future, if demand for P.S. 9 increases, the number of out of zone families enrolled in P.S. 9's non-Gifted & Talented classes may need to be reduced to accommodate the number of students in the zone seeking admission. Parental choice is important to the DOE, however since P.S. 9 is a zoned school, serving students within the zone must be its first priority. Any student wishing to seek admission to schools other than their zoned school in District 13 or across the borough will continue to be able to do so. The DOE also notes that Urban Assembly of Arts and Letters (13K492) was approved by the PEP to expand to serve Kindergarten through eighth grade, and is an un-zoned school which is open to all students in the district. Comment 15(a) questioned whether Brooklyn East Collegiate will serve 80 students per grade. Indeed, Brooklyn East Collegiate is only projected to serve 80 students per grade as is outlined in its charter with its authorizer, the State University of New York.

- Comment 15(b) questioned the definition of a full-size classroom. The DOE considers full-size classrooms to have an area of 500 square feet or more. While the DOE's Instructional Footprint sets forth a baseline space allocation, school leaders are empowered to make decisions about how to utilize the space allocated to the school. Each principal, therefore, must make decisions about how and where students will be served within the space allocated to the school. The DOE, however, will provide support to the schools to ensure that the schools use the space efficiently in order to maximize capacity

to support student needs and maintain appropriate delivery of special education and related services to students.

- Comments 6(d), 15(e), 15(f), 28(f), and 28(p) relate to the methodology by which the DOE allocates classrooms. According to the Instructional Footprint, as outlined in the BUP, an elementary school with six sections per grade is allocated one full-size classroom for each general education or Collaborative Team Teaching section and a full-size or half-size classroom to accommodate each self-contained special education served by the school. In addition, schools serving kindergarten through fifth grade receive an allocation of cluster or specialty classrooms proportionate to the number of students enrolled that can be used at the principal's discretion. Thus, the BUP allocated a total of 41 full-size classrooms, 4 half-size classrooms, 4 quarter-size classrooms, and half of the designed administrative space in the building to P.S. 9 to meet the needs of its projected number of students.

This year P.S. 9 is currently utilizing excess space above its baseline allocation of rooms as demonstrated in the BUP. P.S. 9 should only be allocated 32 full-size classrooms under the adjusted baseline allocation in the BUP; however P.S. 9 is currently operating out of 38 full-size classrooms, 1 full-size room for administrative space. In the following year, P.S. 9 will receive 35 full-size classrooms, 1 full-size classroom for administrative space, and an additional 2 full-size rooms for a total of 38 full-size classrooms. Therefore, P.S. 9 will not lose space in 2011-2012 as a result of this proposal and will occupy the majority of classroom space in the building, and is allocated the majority of the excess space after both organizations receive their baseline footprint allocation.

- Finally, class size is a continuing concern for all New York City schools. As stated in the DOE's and School Construction Authority's annual Enrollment-Capacity-Utilization Organization Report, the target classroom capacity and utilization rate reflects aspirational goals for school buildings based on different assumptions about how classrooms are used. The target capacity for full day pre-kindergarten classrooms is 18 students, for kindergarten through third grade classrooms is 20 students, and for fourth and fifth grade classrooms is 28.
- Comments 15(g-i), 17, 22, 28(c), 28(l), 28(n), and 28(q) and 28 (m) question whether the EIS accounts for increased demand for P.S. 9. The EIS indeed does take into account that demand for P.S. 9 may increase over the years. Currently, however, there would be room in the building to accommodate this increased demand because after M.S. 571 is phased out and after Brooklyn East Collegiate is phased in, the target building utilization rate would only be 86%. If demand for seats at P.S. 9 increases beyond projected enrollments, the Chancellor also reserves the right to relocate Brooklyn East Collegiate to an alternate location geographically proximate to K009.
- Comment 15(i) questions whether the DOE plans to cap P.S. 9's fifth grade enrollment to 85 students. The projected enrollment listed in the EIS is not intended to represent a cap on any school's future enrollment. Rather, it represents the DOE's enrollment projections

based on current enrollment. As discussed above and on the following page , the DOE would accommodate an increase in demand from in-zone students and families for P.S. 9.

- Comments 15(j), 23, and 27(s) question whether the DOE projects that Brooklyn East Collegiate will significantly affect the number of P.S. 9 fourth grade students who matriculate to fifth grade at P.S. 9. Historically, the DOE has seen a slight decrease in enrollment between fourth and fifth at P.S. 9. In calculating the projections for P.S. 9 going forward the DOE maintained that trend. If the proposal to re-site Brooklyn East Collegiate is approved, P.S. 9 fourth grade students may choose to remain at P.S. 9 or apply to enroll at Brooklyn East Collegiate through the charter lottery application process.
- Comment 15(k) questions Brooklyn East Collegiate’s enrollment projections and how open seats would be filled. In forming its enrollment projection, Brooklyn East Collegiate took into account possible student attrition, which can occur due to a variety of reasons. Brooklyn East Collegiate is only expected to accept new students to fill any vacancies in its entry grade, which is fifth grade. Therefore, regardless of the seats available in other grades, Brooklyn East Collegiate is not required to accept new students to fill vacant seats in higher level grades.
- Comments 6(g), 6(i) ,6 (k), 6(n), 6 (o), 26, 27(a), 27(d), 27(h), 27(j), 27(r), 27(t), 27(u), 27(w), 27(x), 27(aa), 27(ee), 27(ff), 27(gg), 27 (ii), 27 (jj), 27 (kk), 28(m), 30, 33, 35, 37, 39, 44, and 45 suggest that P.S. 9 should be allowed to expand; comment 1(e) asserts that the timeline for P.S. 9 to request an expansion was not fair.

The DOE recognizes that some parents and students prefer the continuity of education that K-8 schools could provide. Principals were notified about the deadline to apply for grade expansion for the 2011-2012 school year. P.S. 9’s Principal did not submit a letter for intent for the 2011-2012 school year. The DOE acknowledges that after the first joint public hearing on January 24, the DOE was made aware of a letter that P.S. 9 parents submitted to the Principal indicating that they would like the school to expand. Since that time, a new filing period has opened for schools to submit a letter of intent to apply for a grade expansion for the 2012-2013 school year. The DOE has received a letter of intent from the P.S. 9 community expressing its desire to expand beginning in the 2012-2013 school year.

At this time, no decisions have been made related to the P.S. 9’s expansion request. The DOE will explore the possibility of a grade expansion within P.S. 9’s proposed space allocation in the revised BUP. The DOE recognizes the community support and the positive aspects of the school such as the rich and diverse extracurricular activities and partnerships at the school, the popular Gifted and Talented program, and the positive accomplishments of the school. For more information related to the timeline of the grade reconfiguration application process please see the following website:  
<http://schools.nyc.gov/community/planning/reconfiguration/default.htm>

Similarly, comment 6 (n) argues that an increase in demand for kindergarten seats and in zoned enrollment at P.S. 9 is the reason that P.S. 9 should be approved for an expansion. Again, the DOE recognizes the community support for the school, but notes that several factors are taken into consideration in making the decision to propose the expansion of a school to the PEP, which would vote on the proposal. In fact, according to the following data, P.S. 9 may accommodate additional zoned families without having to open additional classes. Currently, only 55% of the students enrolled at P.S. 9 (not including students enrolled in the pre-kindergarten program, the gifted and talented program, or students who receive full-time self contained or collaborative team teaching services) reside in the zone of P.S. 9:

<b>2010-2011 Audited Register Data</b>	<b>K</b>	<b>Gr 1</b>	<b>Gr 2</b>	<b>Gr 3</b>	<b>Gr 4</b>	<b>Gr 5</b>	<b>Grades K-5</b>
Number of students residing in the P.S. 9 Zone	53	44	26	21	22	19	<b>185</b>
Number of students not residing in the P.S. 9 Zone	30	29	29	21	23	17	<b>149</b>
Grand Total	<b>83</b>	<b>73</b>	<b>55</b>	<b>42</b>	<b>45</b>	<b>36</b>	<b>334</b>

<b>2010-2011 Audited Register Data</b>	<b>K</b>	<b>Gr 1</b>	<b>Gr 2</b>	<b>Gr 3</b>	<b>Gr 4</b>	<b>Gr 5</b>	<b>Grades K-5</b>
Percentage of students residing in the P.S. 9 Zone	64%	60%	47%	50%	49%	53%	<b>55%</b>
Percentage of students not residing in the P.S. 9 Zone	36%	40%	53%	50%	51%	47%	<b>45%</b>

Lastly, in regard to comments indicating that Brooklyn East Collegiate’s lottery based admission process is not equitable, the DOE notes that all District 13 middle schools admit students through the district-wide middle school choice application process where students are offered placement to schools through a randomized, computer matching process which is in essence the same as a lottery application process and ensures equity in admissions. Adding one more choice middle school into the district would not limit access to the school.

- Comment 39 and 40 references an erroneous statement made by the DOE that there is enough space to accommodate all families zoned to PS 9 should all those families choose to send their children to PS 9. Indeed, the DOE has since corrected that statement and also notes that there are no schools where 100% of students residing in a zone attend that zone school. Specifically for P.S. 9, there are 130 Kindergarten students who reside in the P.S. 9 zone. Of that number, approximately 65% (or 85 students) are attending P.S. 9, some of which are enrolled in the Gifted and Talented program, indicating that the remaining 35% of zoned students are opting to attend school elsewhere. In the EIS, the total projected number of Kindergarten students is estimated between 110-120 students, and there are sufficient seats within this register projection for an increase in zoned enrollment..

- Comment 27(g) relates to the possibility of re-siting another existing charter school in K009. Because Brooklyn East Collegiate cannot remain in its current location after the 2010-2011 school year, the DOE seeks to re-site Brooklyn East Collegiate to K009 where it can grow to full scale and provide another high quality middle school option to the community. There are no other proposals to re-site any other charter school into K009.
- Comments 27(ff) and 28(j) relates to how the Gifted & Talented program at P.S. 9. was taken into account in the EIS and the BUP. The space allocation outlined in the BUP allows for P.S. 9 to maintain its Pre-Kindergarten program (dependent upon funding) and its Gifted & Talented program, while still providing for an increase in the number of zoned families in kindergarten. As discussed in the revised EIS, the Gifted and Talented program that currently exists at P.S. 9 would not be impacted by this proposal. The DOE notes that P.S. 9 offers 1 section of Gifted and Talented programming in Kindergarten through third grades, which will continue to phase in to the fifth grade.
- Comment 28(a) highlights an additional typographical error in EIS regarding the issue of two gymnasiums in K009. The commenter is correct, there is only one gym in the building. This typographical error is not material in substance and does not change the proposal. Additionally, this error was corrected in the revised EIS.
- Comment 42 recommends that the DOE withdraw its proposal, and comments 41 and 43 concern the current building that Brooklyn East Collegiate occupies. The K434 building was developed by the Robin Hood Foundation under the Charter Facilities Matching Grant Program and as a result the DOE does not control or own the building. As discussed previously, there is not sufficient space for Brooklyn East Collegiate to grow to scale in the building. The DOE acknowledges that there is space for Brooklyn East Collegiate to remain in its current location for 1 additional year. However, it remains true that there is not sufficient space in K434 for Brooklyn East Collegiate to grow to scale. In order to provide students with a permanent school building to attend, and to allow Brooklyn East Collegiate to establish a presence in the District 13 community, the DOE supports the re-siting of Brooklyn East Collegiate for the 2011-2012 school year.
- Comment 1b encourages the P.S. 9 and M.S. 571 communities to work together. The DOE agrees with this statement. Despite the fact that M.S. 571 was approved to phase out and eventually close, given that the schools will continue to be co-located during the phase out, these schools should continue to work together and ensure that all the students in the K009 building are provided with a positive and supportive educational setting.
- Comments 8 (a) through 8 (v), and 49 (a) through 49 (e) expressed support for the proposal.
- Comment 9 expresses dissatisfaction with the level of support the DOE has provided M.S. 571 and P.S. 9, asserting that P.S. 9 could become a model school with more support from the DOE. The DOE recognizes the community support for P.S. 9 and its positive accomplishments, and is committed to supporting all schools including P.S 9 and M.S. 571 as it phases out.

- Comment 6 (w) argues that co-locations do not work. The DOE recognizes that co-locations can be challenging, and require collaboration and extensive planning. The DOE is committed to supporting all school during the transition to be co-located and throughout the duration of a co-location. Uncommon Schools have a successful track record of co-existing with both district and charter schools and the DOE is confident in the abilities of the Principals to develop strong working relationships and functional Building Councils and Share Space Committees in ensuring that the co-location is successful.
- Comment 50 advocated generally for after school sports teams and clubs. Regardless of whether the commenter was referencing P.S. 9 or M.S. 571, or Brooklyn East Collegiate, The DOE acknowledges the positive benefits for students to engage in extracurricular activities, and supports all schools in providing these types of activities and services to their students.
- Comment 15(m) asks what alternatives have been discussed with the Brooklyn East Collegiate community in the event that the proposal is not approved by the PEP. Given that the PEP has not voted on the proposal at this time, the DOE has not discussed alternatives at this time.
- Comment 1 (a) supports District 13 schools and supports high quality education. The DOE agrees with this statement.

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

As discussed in the summary above, the DOE has revised the EIS and the BUP for this proposal in response to public comments received.