



Public Comment Analysis

Date: May 17, 2011

Topic: The Proposed Co-location of Grades K-3 of KIPP S.T.A.R. Elementary Charter School (84M726) with Existing School P.S. 115 Alexander Humboldt (06M115) in Building M115

Date of Panel Vote: May 18, 2011

Summary of Proposal

On March 3, 2011, the New York City Department of Education (“DOE”) proposed to open and site Kindergarten through third grades of KIPP S.T.A.R. Charter School (84M726, “KIPP S.T.A.R. Elementary”) in Building M115 (“M115”), located at 586 West 177th Street in Manhattan, in Community School District 6. KIPP S.T.A.R. Elementary would be co-located in M115 with an existing DOE zoned elementary school, P.S. 115 Alexander Humboldt (06M115, “P.S. 115”), which serves grades Kindergarten through five. 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.

On April 14, 2011, the DOE published a revised Educational Impact Statement (“EIS”) and revised Building Utilization Plan (“BUP”). The revised BUP, which is annexed to the revised EIS, makes the following changes:

- The proposed schedule for shared use of the library, indoor play area, and outdoor playground have been altered so that each school’s use of those spaces is more closely aligned with its proportion of the total enrollment in the building;
- The DOE has clarified the rationale for the amount of time that each co-located school is allocated in the shared spaces under this proposal; and
- The formatting of the room allocation chart has been altered to make them easier to understand.

The EIS has been updated to reflect the changes to the BUP.

If this proposal were approved, KIPP S.T.A.R. Elementary would open in M115 with Kindergarten classes in 2011-2012, and add one grade each year until it serves approximately 400 students in Kindergarten through third grade at full scale.

KIPP S.T.A.R., managed by KIPP NYC, and authorized by SUNY, is an existing public charter school, chartered to serve students in Kindergarten through twelfth grade. It is currently serving students in grades five through ten, and is adding one high school grade each year as current students articulate. KIPP S.T.A.R.'s grades five through eight are currently located at 425 West 123rd Street in Community School District 5 and its high school grades are located in District 7. In an Educational Impact Statement ("EIS"), the DOE proposed to temporarily relocate those grades within the geographical confines of District 5 while KIPP NYC completes the construction of a new facility to house all its high school students. That proposal was approved by the Panel for Educational Policy ("PEP") on March 23, 2011.

Although this proposal would site grades K-3 of KIPP S.T.A.R. in District 6, grades five through twelve of the school are currently or will be sited in District 5. KIPP S.T.A.R. will apply to SUNY for approval of the District 6 location of the proposed site for elementary grades and thereby provide a preference for District 6 residents who apply to enroll at KIPP S.T.A.R. Elementary.

In addition, KIPP NYC is applying for a new charter which would permit the establishment of a KIPP school serving grades Kindergarten through eight in District 6. The DOE supports this application; however, this proposal to site grades K-3 of KIPP S.T.A.R. in M115 is not contingent on approval of the application by SED.

If the new charter application is approved by SED, the DOE will propose in a separate EIS to site grades four through eight of this new school in building M090 located at 21 Jumel Place in Manhattan, in Community School District 6, beginning with fifth grade in 2012-2013. This would enable students who enroll in KIPP S.T.A.R. Elementary in District 6 to continue in a KIPP school in District 6 through eighth grade. Even if this proposal were not approved, there would be several years for the DOE to plan where the students enrolling in KIPP S.T.A.R. Elementary would articulate for fourth grade.

The details of this proposal have been released in an EIS which can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/May182011Proposals> . Copies of the revised EIS and revised BUP are also available in the main office of P.S. 115 Alexander Humboldt.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at P.S. 115 Alexander Humboldt on May 16, 2011. At the hearing, interested parties had an opportunity to provide input on the proposal. Approximately 150 members of the public attended the hearing and 27 people spoke. Present at the meeting were: Community District 6 Superintendent Martha Madera; P.S. 115 Principal Angela Rodriguez and School Leadership Team ("SLT") representative Simona

Santos; Community Education Council (“CEC”) 6 President Judith Amaro and representative Bryan Davis and; KIPP NYC Director of Advocacy and Community Engagement Steve Ajani.

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

1. CEC member Bryan Davis read a statement prepared by the District 6 CEC expressing its unanimous support for the proposed co-location. The CEC did a walk-through of M115 to verify that space was available.
2. P.S. 115 Principal Angela Rodriguez stated that together the administration, staff, and parents of P.S. 115 will continue to work together to make sure that students get the best possible education. She stated that P.S. 115 would work together with whoever they have to share space with to ensure the community gets the best services possible.
3. P.S. 115 PTA President Santos stated that P.S. 115 is doing a great job and prefers to stay as it is. They want to make sure that whoever comes to be their neighbors in the building will be good neighbors, so that P.S. 115 children feel comfortable. She also stated that she would like to keep the amount of new children proposed to 200 because of safety issues at the time of exiting the building.
4. Many commenters expressed support for the proposed expansion and for KIPP. Reasons given were:
 - a. KIPP provides the education that all children deserve. KIPP ensures that all children learn with confidence and will graduate from a college of their choice and have a career of their choice.
 - b. Parents with children at KIPP do not have to worry about their children’s education and the children wake up wanting to go to school each day.
 - c. Teachers and principals at KIPP greet each child every morning by name.
 - d. KIPP helps students with behavioral problems.
 - e. KIPP is family oriented.
 - f. KIPP teachers are always available, even after school hours, and even to help with homework.
 - g. KIPP teaches students how to persevere and how to deal with uncomfortable circumstances, because life will not always be comfortable.
5. A commenter stated:
 - a. Building M115 has undergone asbestos abatement for 22 years, and the walls and ceilings are not asbestos free. Therefore, any construction will affect both schools.
 - b. With the new special education reforms, many of students will come to their home schools in next few years. Where will P.S. 115 put those students?
 - c. For state ELA and Math tests, P.S. 115 used its extra classrooms for testing students with special needs. Without the extra space, where will testing be conducted?
 - d. In the lunchroom, 6 tables are broken. If the room is filled to capacity, the tables will have to be fixed.
6. A UFT representative stated that what the parents of KIPP students want for their children should be what all parents get. The commenter asserted that the DOE promised this building to the Castle Bridge School and then took it away and left that school homeless. The commenter also expressed the opinion that it is not clear that building

M115 will be able to fit all the children proposed. Every parent should be able to believe his or her child is going to a school that the DOE will support so that his or her kid can reach his true potential.

7. A speech pathologist at P.S. 115 stated that during her first year, she worked in a 7 feet by 7 feet space with no windows with groups of children, and that it was not easy to do. Now she has a large space and also does push-in. Having space to work with children who have special needs is paramount.
8. A commenter stated that:
 - a. He objects to the proposal because the DOE has indicated that the capacity of the building should be 900 students, but this proposal puts 1050 students in the building.
 - b. Kindergarten classes are at 25 students, 1-3rd grade are at 28-29 students, and 4th grade is at 32 students; this proposal will ensure the building will remain overcrowded and with too large class sizes. Instead, P.S. 115 should be given more classrooms to reduce class sizes.
 - c. This community has the fewest preschool programs of any community in Manhattan and they are not getting more. KIPP should find its own site rather than do what the commenter characterized as profiting off the expense of the students in M115.

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

9. Four commenters expressed excitement for the proposal, reasoning that KIPP S.T.A.R. elementary school would offer District 6 a new public school choice for the children.
10. About 67 commenters asked the DOE to site the proposed Castle Bridge School in Building M115 where KIPP Elementary school is proposed to be sited.
11. About 19 commenters asked the DOE why Castle Bridge is not opening in September of 2011 and what space the DOE has in mind for Castle Bridge in 2012.
12. A commenter expressed her opposition to the proposal noting:
 - a. That space was promised to Castle Bridge and District 6 needs more progressive schools.
 - b. KIPP under-enrolls students who require IEPs as well as English Language Learners (ELL). She noted that KIPP only serves 4% ELLs and 70% free/reduced lunch population while P.S. 115 serves 40% ELLs and 99.7% free/reduced lunch population.
 - c. KIPP students receive more funding per student than that of a traditional public school student and that there is an unequal distribution of resources.

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

Comments 1, 2, 4 and 9 are in favor of the co-location or neutral and do not require a response.

Comments 6, 10 11 and 12(a) ask the DOE to site the Castle Bridge School in Building M115.

The DOE has begun discussions with the Principal and SLT of P.S. 128 for a two-year incubation of Castle Bridge in M128 to begin during the 2012-2013 school year. The DOE will continue to evaluate both this location and other District 6 locations to identify a long-term site for Castle Bridge.

Comment 3 asks the DOE to co-locate no more than 200 additional children in M115 because of safety concerns at the time of dismissal.

Regular school hours for P.S. 115 are 8am-2:15pm. Regular school hours at KIPP S.T.A.R. Elementary (with extended day) will be 7:45am-4pm. Therefore, students from P.S. 115 and KIPP S.T.A.R. Elementary will not be dismissed at the same time and there should be no additional safety issues related to dismissal as a result of the proposed co-location.

Comment 5(a) suggests that any construction in Building M115 designed to accommodate KIPP S.T.A.R. could be a problem because of asbestos.

As of the time of publication of this document, there are no construction projects planned for Building M115 because of this proposal. As with all DOE construction projects, any construction projects undertaken in the future will follow all laws and regulations concerning asbestos abatement.

Comment 5(b) suggests that there will be no room at P.S. 115 for special education students returning to their zoned schools under the new special education reforms.

All students residing in the P.S. 115 zone will continue to be able to enroll at P.S. 115. An unexpected increase in demand by zoned students (either general education or special education students) for seats at P.S. 115 would cause the DOE to consider reducing KIPP S.T.A.R. Elementary's grade range in M115, proposing to alter P.S. 115's zone, or taking other actions in order to allow all zoned students continued access to P.S. 115.

Comment 5(c) asks where testing for students for special needs will be able to take place in Building M115.

Testing for students with special needs will need to be provided in a resource room or administrative space allocated to P.S. 115, or in classrooms used for P.S. 115's Self Contained class sections. This is the way the DOE expects schools to provide occupational therapy pursuant to the Citywide Instructional Footprint (the "Footprint").

Comment 7 states that there must be sufficient space for special education students to learn.

The Footprint assumes that cluster rooms and resource rooms will be used for pull-out services and small group instruction. Moreover, the proposal projects that P.S. 115 will serve special education students in 4 Self Contained sections next year.

Comment 5(d) states that tables in the lunchroom will need to be fixed if the room is filled to capacity.

The proposed shared space schedule in the Revised Building Utilization Plan schedules P.S. 115 in four lunch periods. KIPP S.T.A.R. Elementary would share the first lunch period with P.S. 115. Typically elementary schools schedule the youngest grades to eat first, so scheduling KIPP S.T.A.R. students to share the cafeteria in the first lunch period with P.S. 115 is based on scheduling all Kindergarten students to eat at the same time. Assuming P.S. 115 schedules its students evenly over the four lunch periods, the combined number of students served in the first lunch period would be approximately 275 students, which is well within the cafeteria capacity of 438 students. In addition, the DOE has informed the Division of School Facilities about the broken tables in the M115 lunchroom.

Comment 6 concerns space allocation Building M115.

Space in building M115 has been allocated to P.S. 115 and KIPP S.T.A.R. Academy pursuant to the Citywide Instructional Footprint. The Footprint sets forth the baseline number of rooms that should be allocated to a school based on the grade levels served by the school and number of classes per grade. The number of classes per grade is based on a school's enrollment. While the 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.

P.S. 115 currently uses 42 full size classrooms. In 2011-2012, seven full-size classrooms would be transferred from P.S. 115 to KIPP S.T.A.R. Elementary. Per the 2009-2010 Room Survey, P.S. 115 currently has multiple full-size rooms used for academic intervention services, 32 regular classrooms (while programming only 26 classes requiring full-size classrooms) and seven specialty instruction rooms (Footprint for a school of this scale is three specialty instruction rooms). Given these excess spaces available, P.S. 115 should be able to continue serving its students in spite of this reduction in space. The specific impact will depend on the decisions the principal makes for use of the space. There are many schools in District 6 and in P.S. 115's support network which can be models to help P.S. 115 adjust its scheduling to deliver its programming in fewer class spaces.

Comment 8(a) concerns the capacity of Building M115 and the proposed enrollment at the building.

M115 has the capacity to serve 900 students. In 2010, the building only served 680 students, yielding a utilization rate of just 76%. If the proposal to site KIPP S.T.A.R. Elementary in M115 were approved, in 2014-2015, when KIPP S.T.A.R. Elementary serves Kindergarten through third grade, M115 would serve approximately 1,040-1,070 students, yielding a building utilization rate of 116-119%, assuming no change in enrollment at M115. This utilization figure is driven by larger class sizes at KIPP S.T.A.R. Elementary as compared to the DOE target class size for Kindergarten through third grades. Moreover, some students zoned for P.S. 115 could choose to apply to the admissions lottery for KIPP S.T.A.R. Elementary, which has an admissions preference for students residing in District 6 who are eligible for free or reduced-

price lunch. Currently, more than 99% of P.S. 115’s students would qualify for this admissions preference. If students zoned for P.S. 115 instead enrolled in KIPP S.T.A.R. Elementary, it would reduce enrollment at M115 and result in a lower overall utilization rate at M115.

Comment 8(b) concerns class sizes at P.S. 115.

The size of a class at each school is determined by the Principal based on enrollment, budget, and student needs; there is a standard guideline of target class size (i.e., number of students per class section) for each grade level. The size of a class at each school is generally not determined by the number of classrooms available in a building. The DOE’s target class size is 20 students per class in Kindergarten through third grade and 28 students per class in fourth and fifth grades. P.S. 115 currently serves 652 students in grades Kindergarten through five in 28 class sections. P.S. 115 also serves 28 students in 2 section of pre-Kindergarten, for a total of 30 sections. This proposal projects that P.S. 115’s enrollment will decline slightly due to the articulation of three larger-than-usual existing classes. However, the proposal projects that P.S. 115 will continue to serve its students in 30 class sections. Therefore, class sizes should not increase as a result of this proposal, and could decline based on enrollment projection data.

Comment 8(c) suggests that District 6 has the fewest pre-kindergarten seats of any district in Manhattan.

The number of Pre-kindergarten students and kindergarten students in each district in Manhattan can be found in the chart below. The fourth column calculates how many pre-kindergarten students there are for each kindergarten student in the district. As can be seen from the chart, District 6 does not have the smallest number of pre-kindergarten seats either as an absolute number or as a proportion of kindergarten seats in the district.

District	PK Students	K Students	Number of PK Students for each K student in the District
1	1173	1025	1.14439
2	1385	2962	0.467589
3	924	1523	0.606697
4	919	1050	0.875238
5	1202	869	1.383199
6	1527	2131	0.716565
Grand Total	7130	9560	

Comment 12(b) concerns KIPP’s student population.

Under recent amendments to state law, public charter schools must 1) serve all students who are admitted through their lotteries, and 2) serve a percentage of students with disabilities and ELLs comparable to the district average. Charter schools that fail to meet the special education and/or ELL targets set by their authorizer risk being closed or having their renewal applications rejected.

KIPP S.T.A.R. Elementary school does not yet have enrollment. Therefore, there is no demographic data for the school. However, as explained above, KIPP S.T.A.R. Elementary will admit and serve students with disabilities and English Language Learners and will provide all mandated services that these students are entitled to receive.

Comment 12(c) suggests that KIPP receives more funding per student than a traditional public school.

All DOE schools receive public funding pursuant to a Fair Student Funding (“FSF”) formula. Each student receives a per-pupil allocation based on the grade level of the student. For 2010-2011, the base per-pupil allocation for elementary schools was \$4,059.71, and the base per-pupil allocation for middle schools was \$4,384.81. In addition, FSF awards supplemental allocations on a per-pupil basis for students who have additional needs and therefore cost more to educate; for example, extra funds are allotted for English Language Learners.

Furthermore, all schools may choose to raise additional funds to purchase various resources that they feel would benefit their students. FSF covers basic instructional expenses and may be used at the school’s discretion for purchasing supplies and materials, hiring staff or implementing instructional programs. Since the FSF is based on enrollment numbers, as the total number of students enrolled increases, the overall budget will also increase accordingly to allow the school to meet the instructional needs of its larger student population. Similarly, if the total number of enrollment falls, the budget will decrease accordingly.

The General Education Charter School per-pupil rate is determined by the New York State Education Department (“NYSED”) and is based on the formula used for all traditional public school districts. Because that formula is created and administered by the State, the DOE has no control over the statutory funding levels for charter schools.

Changes Made to the Proposal

On April 14, 2011, the DOE published a revised Educational Impact Statement (“EIS”) and revised Building Utilization Plan (“BUP”). The revised BUP, which is annexed to the revised EIS, makes the following changes:

- The proposed schedule for shared use of the library, indoor play area, and outdoor playground have been altered so that each school’s use of those spaces is more closely aligned with its proportion of the total enrollment in the building;
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