



Date: March 22, 2010

Topic: Proposed Co-location of an Existing School Carl C. Icahn Charter School IV (84X496) with Existing Schools in School Building X423

Date of Panel Vote: March 23, 2010

Summary of Proposal

In the 2010-2011 school year, Carl C. Icahn Charter School IV (84X496, “Icahn IV”), an existing school that serves students in grades K-2, will continue its temporary siting in the James Monroe High School Campus Annex, school building X423 (“X423”), which is located at 1551 East 172 Street, in Community School District 12 (“District 12”). X423 is a recently constructed facility, opened in 2009, with a capacity of 1,144 that currently houses Icahn IV, Mott Hall V (12X242, “Mott Hall V”), The Cinema School (12X478, “Cinema School”), and a District 75 site for X721.

Icahn IV opened in September 2009 and has since been located in X423. Icahn IV currently serves students in grades K-2. The school was scheduled to move to a private facility prior to the 2010-2011 school year, but because the original plans for a private facility did not come to fruition in time, Icahn IV will continue to be housed temporarily at X423 for an additional school year.

Building X423 has a target capacity of 1,144 students. The combined current enrollment in the building is approximately 500 students, including 110 students currently enrolled in Icahn. This yields a target utilization rate for the building of just 44 percent. Next year, Icahn will add a third grade class, expanding enrollment by roughly 35-40 students. The building has more than adequate capacity to accommodate that modest growth in total building enrollment. The continued co-location will ensure that Icahn IV is able to continue providing its students—including those from District 12—with a high-quality education while they await completion of the school’s private facility.

X423 was built to accommodate both a 6-12 school and a 9-12 school, as well as a District 75 program. Mott Hall V will serve grades 6-9 next year and The Cinema School will serve grades 9-10. Therefore, X423 has sufficient space for Icahn IV to remain for an additional school year and phase-in another grade. X423 has sufficient space for Icahn IV, The Cinema

School, Mott Hall V, and the District 75 program to operate at full organizational capacity in the 2010-2011 school year.

An educational impact statement on this proposal was posted on the Department of Education's Web site on February 2, 2010.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing was held at X423 on March 15, 2010, and all interested parties had an opportunity to provide input on the proposal. Approximately 40 members of the public attended the hearing, and 10 people spoke. Three members of the public spoke in opposition to the proposal, citing concerns about the potential impact of Icahn IV's continued siting on the Cinema School's instructional programmatic offerings.

Seven members of the public spoke in favor of the proposal, stating that Icahn IV's history of student academic success and student support make it a high quality option for students in District 12. It was also stated that the permanent facility for Icahn III, IV, and V is expected to be finished by September 2011.

In addition to comments made at the joint public hearing, the CEC and some parents noted their concern to the superintendent that the siting of Icahn IV will not be temporary and will instead turn into a permanent siting. They note that if the siting becomes permanently, there will be insufficient space for Icahn IV.

Summary of Issues Raised in Written and Oral Comments and Significant Alternatives Suggested

No written or oral comments regarding this proposal have been received.

One advocacy organization submitted general comments objecting to all proposed co-locations of schools being considered by the Panel on March 23, 2010. A summary and analysis of these comments is included in the attached appendix. In addition to making general comments about co-locations of schools, this submission included a specific comment about the Icahn IV proposal. It stated that the class size at Mott Hall V was 29.67 students per class, which is above the city average class size. The commenter suggested that class size at Mott Hall V could be lowered if the DOE did not use existing space in the building to co-locate another school.

No significant alternatives were proposed.

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

The CEC and some parents have expressed concern to their superintendent that the temporary siting of Icahn IV will turn into a permanent siting, and they feel there is not sufficient space for Icahn IV to remain in the building long-term. These individuals have been informed

that it is not the intention of the DOE, or of Icahn, that Monroe Annex be the long-term location of Icahn IV. The school plans to relocate to a private facility in District 9, but Icahn IV's long-term facility will not be ready by September 2010 as initially expected. The site identified originally was not viable so they have identified another site and are in the process of finalizing architectural plans and negotiating a purchase agreement. Icahn officials expect the facility, which is intended to permanently house Icahn South (X422), Icahn IV (X496) and Icahn V (not yet open), to be ready by September 2011. More time is simply needed for Icahn's private facility to be ready, and the Monroe Annex has space to accommodate Icahn IV for an additional year. The continued temporary co-location will ensure that Icahn IV remains able to provide a high-quality education for its students—many of whom are from District 12—while the school awaits completion of the school's private facility.

One commenter suggested that class size at X423 could be lowered if the DOE did not use existing space in the building to co-locate another school. X423 is a newly constructed building that opened in September 2009. The capacity is 1,144 and it was built to house a 6-12 school and a 9-12 school. Because the building opened in September 2009, no Building Condition Assessment Survey has been completed yet. Given the capacity of X423 of 1,144, the total combined enrollment of Icahn IV, Mott Hall V, and The Cinema School of 464, and the fact that there is also a District 75 program located in the building, the approximate utilization of X423 is just under 50%. The co-location of an additional school would not prevent the lowering of average class size.

Regarding concerns about the impact of the continued co-location on The Cinema School's instructional programmatic offerings, there will not be any impact. Monroe Annex has sufficient space for The Cinema School to operate at full organizational capacity once it is serving grades 9-12 at scale. Since The Cinema School is phasing in and will only be serving students in grades 9-10 in the 2010-2011 school year, it does not yet require its full allocation of space in the building and there is therefore sufficient space for Icahn IV to remain without impacting The Cinema School.

A copy of the educational impact statement for this proposal can be obtained at http://schools.nyc.gov/NR/rdonlyres/676176D9-06BC-42A9-9C45-C5D3C5110CD3/76859/X423_CarlIcahn_EIS_Final1.pdf.

Appendix: Response to General Comments Regarding Proposed Co-locations of Schools

Summary of Issues Raised and Significant Alternatives Suggested

One advocacy organization submitted general comments objecting to all proposed co-locations of schools. In opposing the DOE's proposed co-locations, the comments cited the following reasons: (1) the DOE did not use accurate data in analyzing the utilization and capacity of school buildings; (2) the utilization formula used by the DOE is inadequate and assumes inappropriate target class sizes; (3) charter schools and the DOE's new small schools enroll fewer high needs students than district and citywide averages, leading to higher concentrations of high needs students in district schools; and (4) the expansion of charters and new small schools has eliminated critical space from existing district schools.

The comments suggest a moratorium on any new co-locations until an independent review is conducted to assess the capacity in existing public school buildings and make determinations about the amount of space required to reduce class size to mandated levels.

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

The comments assert that the DOE did not use accurate data in analyzing utilization and capacity of school buildings. The data used in analyzing the utilization and capacity of school buildings comes from "The Enrollment, Capacity and Utilization Report" (also known as the "Blue Book"), which is the standard by which the DOE measures the maximum capacity of a school building compared to the enrollment. These calculations are based on information provided by principals in the Annual Facilities Survey conducted by the School Construction Authority. In addition to considering the Blue Book information, the DOE conducts a physical survey of school buildings and takes into consideration current programming prior to proposing a change in utilization.

With regard to the comment regarding the use of inappropriate target class sizes, the DOE does use aspirational targets for school buildings but feels that these goals are appropriate for ensuring a quality education for all students. The DOE understands that building usage varies by schools and leaves programming decisions to school leaders. However, it is important to have a standard means of assessing the use of our limited physical plant resources consistently across the city. The class size targets used for the 2008-2009 Blue Book calculations of target capacity and utilization are lower than those used for determining historical capacity and utilization.

Specific reference was made to targets in the City's Contracts for Excellence (CFE) class size reduction plan. DOE proposals for the co-locations of schools are based on current class sizes and the available space in each applicable building according to the citywide instructional footprint which prescribes the number of classrooms needed for each school. Proposals are not based on the space needed for a school to achieve class size reduction targets. The CFE targets are aspirational, are predicated upon levels of State CFE funding that may not occur due to the

national recession, and do not reflect current class sizes. The DOE does not believe that the proposed co-locations will increase class size.

The comments assert that charter schools and the DOE's new small schools enroll fewer high needs students than the citywide and district averages, thereby leading to higher concentrations of high needs students in district schools. It is important to note that charter school admissions are done by lottery as required by State Education Law. Charter schools do in fact serve the full range of public school students as do the DOE's new small schools. The new small schools that have been created over the last six years are serving English language learners and special education students at a higher rate than schools citywide, with better outcomes. On average the new schools have a graduation rate of 75%. During the 2008-2009 school year, ninth-grade enrollment at new schools included 14.2 percent special education students and 13.6 percent English language learners, compared to 12.8 percent special education students and 10.3 percent English language learners citywide. When looking across a school's entire population, they also serve more special education students and ELL students than the citywide average. In 2008-2009, new schools served an average of 12.3 percent special education students and 12.6 percent English language learners compared with 11.6 percent and 10.8 percent, respectively, citywide.