



Date: March 22, 2010

Topic: Proposed Co-location of Democracy Prep Charter School 2 with Existing Schools in M092

Date of Panel Vote: March 23, 2010

Summary of Proposal

In the 2010-2011 school year, Democracy Prep Charter School 2 (“Democracy Prep 2”), a new charter school that will serve grades 6-8, will open in school building M092, located at 222 West 134 Street, Manhattan in District 5. Democracy Prep 2 will be co-located with P.S. 92 Mary McLeod Bethune (“P.S. 92”), Academy of Collaborative Education (“ACE”), and St. HOPE Leadership Academy Charter School (“St. HOPE Leadership”) in M092.

Pursuant to a plan to phase out and eventually close ACE, which was approved by the Panel for Educational Policy on January 26, 2010, ACE will begin phasing out one grade level per year starting next September. The sixth-grade class at ACE will be eliminated in 2010-2011, grade 7 will be eliminated in 2011-2012, and ACE will close in June 2013.

Simultaneously, Democracy Prep 2 will open grade 6 at M092 in 2010-11 and will phase in one grade level per year until reaches its full 6-8 grade scale in 2012-13. At scale, Democracy Prep 2 will serve approximately 305-325 students. After the 2012-2013 school year, Democracy Prep 2 will be co-located with P.S. 92 and St. HOPE Leadership.

The co-location of Democracy Prep 2 in M092 with P.S. 92 and St. HOPE Leadership will expand the availability of high-quality middle school options for students and their families in District 5.¹ One other school in the Democracy Prep Network operates in New York City: Democracy Prep 1 located in District 5, which currently serves grades 6-9.

Democracy Prep 1 opened in the 2006-2007 school year, and has a solid track record of serving its students well. Last year, 69.8 percent of students at Democracy Prep 1 scored a level 3 or 4 in ELA (10.0 points higher than the District 5 average) and 89.4 percent of students at Democracy Prep 1 scored a level 3 or 4 in Math (21.5 points higher than the District 5 average). Democracy Prep 1 received a score of A on its 2007-2008 Progress Report and a score of A on

¹ Democracy Prep 2 is chartered by the New York State Board of Regents and its charter was approved at the February 2010 Regents meeting.

its 2008-2009 Progress Report. The school achieves these results while serving high-need students. Currently, 80.5 percent of students attending Democracy Prep 1 are eligible for free or reduced-price lunch and 92.0 percent of Democracy Prep 1 students are black or Latino². Additionally, 5.1 percent of students attending Democracy Prep 1 students have IEPs (compared with 13.5 percent citywide).³ Democracy Prep 1 has a waitlist of eight applicants for each available seat.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing was held at M092 on March 9, 2010, and all interested parties had an opportunity to provide input on the proposal. One hundred members of the public attended the hearing, and sixteen people spoke. One member of the public opposed the proposal, stating that P.S. 92 should be given a chance to expand to serve grades K-8. Fifteen members of the public spoke in favor of the proposal, noting that Democracy Prep 1 has provided great instructional and social support to its students and that Democracy Prep 2 would provide similar quality support to its students.

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

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.

One oral comment was received from a parent of a student at Academy of Collaborative Education. She stated that she did not believe that there was sufficient parent representation from ACE at the joint public hearing.

No significant alternatives were proposed.

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

The DOE has rejected the proposed alternative to expand P.S. 92's grade span from K-5 to K-8. P.S. 92 did not submit an expansion application for the 2010-2011 school year. Should P.S. 92 be interested in applying for a grade expansion, the school is welcome to submit a grade reconfiguration proposal to be considered for the 2011-2012 school year. Any grade reconfiguration application submitted by the school would be assessed based on the following factors: school quality, physical space, demographic need, impact on enrollment, and community input.

As stated above, one comment submitted to the DOE expressed concern that there was not sufficient representation from ACE at the joint public hearing on March 9, 2010. The ACE

² ATS as of 2.1.2010

³ ATS as of 3.3.2010

community, however, was notified of the proposal and the hearing date and time on February 2, 2010, more than one month in advance of the joint public hearing.

A copy of the educational impact statement for this proposal can be obtained at http://schools.nyc.gov/NR/ronlyres/676176D9-06BC-42A9-9C45-C5D3C5110CD3/76851/M092_DemocracyPrep2EIS_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.