



Public Comment Analysis

Date: March 22, 2011

Topic: The Proposed Temporary Co-location of a New Public Charter School, East Harlem Scholars Academy Charter School (84MTBD), with Existing Schools Central Park East I (04M497), Central Park East High School (04M555), and J.H.S. 013 Jackie Robinson (04M013) in Building M013

Date of Panel Vote: March 23, 2011

Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to open and temporarily site East Harlem Scholars Academy Charter School (84MTBD, “East Harlem Scholars”), a new public charter school that would serve students in kindergarten through fifth grade, in Building M013 (“M013”), located at 1573 Madison Avenue in Manhattan, in Community School District 4. East Harlem Scholars would be co-located in M013 with Central Park East I (04M497, “CPE I”), J.H.S. 013 Jackie Robinson (04M013, “J13”), and Central Park East High School (04M555, “CPEHS”). 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.

This is a proposal to incubate East Harlem Scholars in M013 for two years: the 2011-2012, and 2012-2013 school years. Incubation means the school will not serve its full grade span during the period of this proposal. The DOE will evaluate the space available in M013 and other District 4 locations and will issue a new Educational Impact Statement (“EIS”) for the long-term siting of East Harlem Scholars based on the most appropriate space available for the 2013-2014 school year and beyond.

East Harlem Scholars will be managed by the East Harlem Tutorial Program (“East Harlem Tutorial”), a Community Based Organization (“CBO”) that has provided after-school education to 15,000 East Harlem students over 52 years. East Harlem Tutorial has been approved by its charter authorizer, the State University of New York (“SUNY”), to open a new public charter school in Community School District 4 in Manhattan. The school would open with kindergarten and first-grade classes in 2011-2012, and add one grade each year until it serves 270-300 students in kindergarten through fifth grade. However, as noted above, this proposal deals only with the siting of the school’s kindergarten and first grades in 2011-12, and its kindergarten through second grades in 2012-2013. If this proposal were approved, East Harlem Scholars would serve 90-100 students in kindergarten and first grade in 2011-2012. In 2012-2013, East Harlem Scholars would serve 135-150 students in kindergarten, first and second grades. The school would admit students via the charter school lottery application process, with preference to

District 4 residents. East Harlem Tutorial is already active in the M013 building, providing after-school programming to J13, CPEHS, and CPE I students.

M013 has the capacity to serve 1,291 students. In 2010, the building only served 873 students, including pre-kindergarten, yielding a utilization rate of just 68%. If this proposal to site East Harlem Scholars in M013 were approved, East Harlem Scholars would be co-located with J13, CPE I and CPEHS. In 2012-2013, when East Harlem Scholars serves kindergarten through second grade, there would be approximately 1,015-1,135 students served in the building by all four schools, yielding a building utilization rate of 79-88%.

The details of this proposal have been released in an Educational Impact Statement which can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/Mar232011Proposals.htm>. Copies of the EIS and BUP are also available in the main offices of Central Park East I, Central Park East High School and J.H.S. 013 Jackie Robinson.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal is scheduled for March 22, 2011 at Central Park East I / Central Park East High School / J.H.S. 013 Jackie Robinson. Prior to the Panel for Educational Policy vote on this proposal, the DOE will publish an amended version of this summary containing analysis of all comments from the joint public hearing.

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

1. For the following reasons, approximately 33 commenters expressed their opposition to the proposal:
 - a. Commenters asserted that CPE I should be allowed to expand to serve students through grade eight in the building because of the unique, progressive, project-based model offered by CPE I, and because many parents want their students to continue being served by the school after they graduate elementary school. The commenters asserted that the co-location of East Harlem Scholars would make this expansion impossible, and expressed the opinion that it is unclear why the DOE would favor a competing, program CPE I.
 - b. Commenters asserted that there is already strain on shared spaces in the building, and this strain will be made worse by adding students to the building, a result of poor planning by the DOE. CPE I students already have no access to the gymnasium. Their access to outdoor spaces and the cafeteria will be similarly shortened. East Harlem Scholars students will be similarly handicapped by limited access to these shared spaces, negatively impacting all involved. Students are already eating lunch at 10:30 am, and some of the lower grade classes have to have lunch in their classrooms because of current constraints. These strains will result in less educational opportunity for students at schools currently in the building.

- c. Commenters asserted that CPE I parents wrote a grant to have the outdoor areas re-constructed, and that parents will be discouraged from working to secure grants for facility improvements, like the playground, if the DOE does not ensure the children of those parents receive unimpeded access to those facilities. The commenters further asserted that the DOE is allowing access by CPE I students to that playground space to be limited by this proposal.
- d. Commenters expressed the opinion that it seems unlikely the building being built for East Harlem Scholars will be ready in time for occupancy, especially considering they have not yet broken ground and that they have no structures yet in place as evidence it is a formal school. Moreover, the commenter noted that DOE has said it will not propose the placement of new schools without being certain it first has a plan in place for that school.
- e. Commenters asserted that East Harlem Scholars should wait until their own building is built before opening. The commenters expressed the opinion that the district has enough elementary seats available to be able to handle such a delay. There is no rush to open the school especially considering the school does not have a principal lined up yet.
- f. A commenter asserted that the mixture of middle school and high school students with elementary students already creates stress for CPE I families. The problems from this mixture include exposure to foul language and fights in the cafeteria.
- g. A commenter noted that families had initially been told that East Harlem Scholars students would eat lunch in their classrooms, but this has now been changed to say they will share cafeteria space.
- h. A commenter asserted that CPE I families are opposed to the proposal.
- i. A commenter expressed the opinion that the proposal is not in the interest of students served in building M013.
- j. A commenter expressed the opinion that the DOE is sabotaging one of its very few successful schools with this proposal, a place where parents actually want their children to attend, and asserted that the media will be interested in the issue.
- k. A commenter expressed the opinion that in addition to negatively impacting the currently existing schools, the proposal dooms East Harlem Scholars to failure because of the limited space it will receive.
- l. A commenter asserted resources should be put into the schools already operating in the building. Money and resources given to new charter schools should be used to support existing staffs. Programs at the existing schools should expand instead of starting an entirely different school. The commenter also expressed the opinion that opening a whole new school is a waste of resources. Whatever staff is needed to complete such an expansion should be hired to fund the expanded programs.
- m. Commenters expressed the opinion that the proposal is a terrible idea, without specifying why.
- n. Commenters expressed the opinion that the CPE I community can interpret the proposal only as a hostile attack on them by the DOE.

2. A commenter asked what the data is for how often school construction is completed within the estimated time schedule.
3. A commenter asserted that CPE I is a good school despite the faulty DOE grading system.
4. For the following reasons, approximately 11 commenters expressed their support for the proposal:
 - a. East Harlem Tutorial has been a part of the community for many years.
 - b. East Harlem Tutorial was the community sponsor for the remodeled playground.
 - c. There is space in building M013.
 - d. East Harlem Tutorial works with many students currently enrolled in schools in M013 through after-school programs.
 - e. There is an urgent need for new elementary seats in the neighborhood.
5. A commenter asserted that this proposal is racist, and these types of co-locations take place only in Black and Latino communities.

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

Comment 1a. - CPE I Expansion: CPE I withdrew its application for grade expansion for 2011-2012. In addition, District 4 already has excess middle school capacity, which would be a consideration in evaluating a grade expansion application. East Harlem Scholars has considerable support within the District 4 community, and will provide preference to District 4 students.

Comment 1b. – Impact on shared spaces. CPE I has a dance room and also goes on weekly ice skating excursions in the winter. These resources and choices address physical education needs for elementary students. With only 9 class sections at CPE I, and only 6 sections proposed for East Harlem Scholars, there is ample time during the week for all students to have time in the playground.

The cafeteria has capacity for 375 students. CPE I and East Harlem Scholars have a combined maximum enrollment of 365 students, and thus should be able to share the cafeteria and eat at the same time. This would result in CPE I having the same amount of time in the cafeteria as it does today. In addition, the Building Council will have the opportunity to work together to create a shared space schedule that reflects the needs of all schools in the building.

Comment 1c. – Given the small size of CPE I – 9 class sections -- it is unlikely that CPE I students are currently using the playground during all periods of the school day. There is no reason these physical plant resources should not be made available to other public school students when not in use by CPE I. Again, the Building Council will have the opportunity to work together to create a shared space schedule that reflects the needs of all schools in the building. In addition, the community partner that supported the creation of the playground was East Harlem Tutorial Program, the same organization that is creating East Harlem Scholars Charter School.

Comments 1d and 1e. – East Harlem Scholars’ new building. East Harlem Scholars is working with the New York City Economic Development Corporation to develop property in District 4 and provide additional school seats for the District 4 community. While the specific timing of this building completion is not yet certain, the DOE supports providing additional options for District 4 elementary families, particularly given the performance level at many D4 zoned schools. If the East Harlem Scholars building is not ready by the projected date, the DOE would need to issue a new proposal and get additional Panel approval before co-locating the school in any DOE building, including M013.

Comment 1e. – No rush to open new elementary school. While there are enough elementary seats in D4, the performance level of schools in the District is a concern. Of the 19 D4 schools serving elementary grades and receiving progress reports, 14 schools have fewer than 50% of students testing at or above grade level on the ELA and 9 schools have fewer than 50% of students testing at or above grade level in math.

While East Harlem Scholars has not yet announced the name of the Principal, the school has been developed by the staff and leadership of EHTP, which has 53 years of educational experience in District 4.

Comment 1f. – Adding additional elementary grade students to M013 would have no impact on the exposure to high school and middle school age students for CPE I families. CPE I and East Harlem Scholars families may choose to attend these schools with the knowledge their children would be in a building with middle and high school students. Multiple DOE campuses operate with students across grades K-12.

Comment 1g. – The proposal never contemplated that East Harlem Scholars would eat lunch in their classrooms, and does not currently contemplate that they would eat lunch in their classrooms. The DOE hopes that this clears up any misunderstanding or miscommunication to the contrary.

Comment 1h. – CPE I families are opposed. The DOE understands that some CPE I families are opposed to the proposal. However, the DOE continues to believe that the needs of all families in District 4 are best served by providing additional high-quality options. As discussed in the EIS, the DOE believes that East Harlem Scholars will provide such an option, and further believes that CPE I’s programming will not be negatively affected by the proposal.

Comment 1i. – The DOE must take into consideration not only the needs of students already in the building, but the needs of students throughout the District. The M013 building is under-utilized. The limited resources of the Capital Plan require that the DOE use all available space to serve students.

Comment 1j. – The proposal does not take space away from CPE I. In fact, the proposal anticipates that CPE I will gain space in future years as measured against its current allocation.

Comment 1k. – Many new schools open successfully with a limited amount of space. The proposal provide East Harlem Scholars with the baseline footprint allocation it requires for the grades and number of students served.

Comment 11. -- Schools are funded based on their student enrollment. To the extent student enrollment increases, schools will receive additional funds. Central Park East High School has indicated it does not wish to expand beyond the size in this proposal. J13 enrollment projections are consistent with the overall capacity and demand for middle school seats in District 4.

Comment 1n. – CPE I will be gaining space in the proposed Building Utilization Plan. The DOE intends to support CPE I in its educational mission, and does not intend for this proposal to be interpreted in any way as an attack on the school.

Comment 2. As noted above, East Harlem Scholars is building its new facility in conjunction with the New York City Economic Development Corporation, not the DOE or the School Construction Authority. As a result, the DOE does not have data responsive to this request. However, per the EIS, the DOE will evaluate potential space in District 4 for the 2013-2014 school year should East Harlem Scholars still require incubation space. Any co-location for that year or beyond would require a new EIS.

Comment 3. The proposal to site East Harlem Scholars in M013 is based on the availability of space in the building, not on the performance of CPE I.

Comments 4a-4e are in support of the proposal.

Comment 5. – The DOE seeks to provide high-quality school options close to students' homes in all neighborhoods throughout the City and seeks to utilize all available space to achieve this goal. Co-locations exist in a variety of neighborhoods throughout the city.

Changes Made to the Proposal

No changes have been made to this proposal.