



**Public Comment Analysis**

Date: March 22, 2011

Topic: The Proposed Co-Location of a New Public Charter School, Explore Excel Charter School, with Existing School P.S. 114 Ryder Elementary (18K114) in Building K114

Date of Panel Vote: March 23, 2011

---

**I. Summary of Proposal**

The New York City Department of Education (“DOE”) is proposing to site a new charter elementary school, Explore Excel Charter School (“Explore”) at 1077 Remsen Avenue, Brooklyn, NY, 11236, in Community School District 18, in Building K114 (“K114”). If this proposal is approved, Explore would be co-located with an existing elementary school, P.S. 114 Ryder Elementary (18K114, “P.S. 114”). P.S. 114 is an existing zoned elementary school that currently serves kindergarten through fifth grade, and it offers 1 section of full day pre-kindergarten program. Explore would be a new charter school that would serve kindergarten through fifth grade when it achieves “full-scale” in the K114 building. 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. There is also a community-based organization (“CBO”), the Kings County Mental Health Clinic, housed in the K114 building, providing mental health clinic services to the community. There will be no impact on this CBO as a result of the proposed co-location of Explore in K114.

In a separate Educational Impact Statement (“EIS”) published on December 17, 2010, the DOE proposed to gradually phase out and eventually close P.S. 114. On December 29, 2010, the DOE amended that EIS to correct typographical errors and formatting, delete a redundant table and correct two erroneous references to the District 19 Middle School Choice process instead of the District 18 process. The DOE then revised the phase-out EIS on January 12, 2011, to identify the charter school that would be co-located in K114 and to modify the proposed phase-out enrollment plan for P.S. 114. On January 14, 2011, the phase-out EIS was amended to correct one erroneous mention of the State Education Department (“SED”) as the charter’s authorizer and to clarify the charter application and lottery preferences for Explore. The phase-out proposal was initially scheduled to be voted upon by the Panel for Education Policy on February 3, 2011, but the vote was postponed until March 3, 2011. The DOE ultimately decided to withdraw its proposal to phase-out P.S. 114 and, therefore, P.S. 114 will not begin to phase-out in September 2011.

On January 14, 2011, the (“DOE”) proposed to site a new zoned elementary school, P.S. 521 (18K521, “P.S. 521”), and Explore in K114. An amended EIS was released on February 14, 2011, to correct typographical errors in this EIS, include information about the community-based organization in K114, and further clarify information related to P.S. 114.<sup>1</sup>

The amended proposal to co-locate P.S. 521 and Explore in K114 was scheduled to be voted upon by the Panel for Education Policy (“PEP”) on March 1, 2011. Because the DOE ultimately decided to withdraw its proposal to phase out P.S. 114,<sup>2</sup> the DOE also postponed the vote on the proposal to co-locate P.S. 521 and Explore in K114. The DOE revised the co-location proposal on March 4, 2011, in the following manner:

- All references throughout the document related to the phase-out of P.S. 114 were removed because P.S. 114 is no longer proposed for phase-out;
- All references throughout the document related to the phase-in of a new DOE school (P.S. 521) were removed because P.S. 521 is no longer proposed to be sited at K114;
  - Grade levels served and enrollment projections for K114 were updated;
  - The enrollment projections for P.S. 114 show a decline in total enrollment because in the future the school will limit its out-of-zone enrollment;
  - Personnel Needs and Administrative positions at P.S. 114 will change as a result of a decrease in enrollment over time at P.S. 114;
  - The pre-kindergarten program at P.S. 114 will continue to be offered;
- If this proposal is approved, Explore will be the only school that is co-located in the building with P.S. 114;
- The lottery preferences for Explore have been updated;
- The EIS now reflected the 2010 audited register, instead of the unaudited register;
- Also, a revised Building Utilization Plan (“BUP”) was issued to outline the number of rooms allocated to each school and the use of shared spaces.

On March 22, 2011, the DOE amended the revised co-location proposal to further clarify information in the EIS related to Explore’s priority preferences and to correct typographical errors. The BUP for this proposal was also amended on March 22, 2011 correct typographical errors in the shared space schedule related to the usage of gymnasium and outdoor play area. The proposed times that Explore and P.S. 114 would have access to the gymnasium were inadvertently flipped in the original posting, and the amended revised BUP reflects that P.S. 114 would have access to the outdoor play area until 2:55pm, not 1:55 pm as originally stated.

Explore was approved by its authorizer, the State University of New York Charter School Institute (“SUNY”) to open a new public charter elementary school in District 18.<sup>3</sup> If this

---

<sup>1</sup> <http://schools.nyc.gov/AboutUs/Leadership/PEP/publicnotice/2010-2011/Mar12011Proposals.htm>

<sup>2</sup> <http://schools.nyc.gov/AboutUs/Leadership/PEP/publicnotice/2010-2011/Mar12011Proposals.htm>

<sup>3</sup> Explore is currently authorized by its charter (SUNY) to serve kindergarten through sixth grade students, but the DOE anticipates that Explore will apply for a grade expansion to serve kindergarten through eighth grade in the future. In this proposal, Explore will reach full scale in the K114 building when it serves fifth grade in 2013-2014. If Explore’s application to serve middle school grades is approved, the DOE will evaluate the space available in K114 and other District 18 locations and will issue a new Educational Impact Statement (“EIS”) for siting the middle school grade levels, based on the most appropriate space available for the 2014-2015 school year and beyond. The DOE is considering all long-term options to accommodate the anticipated growth of Explore. This may include requesting Explore to revise its enrollment plan and/or leaving the elementary grade levels in K114 and placing other grades in a different location.

amended revised proposal is approved, in 2011-2012, Explore would open in K114 and would serve approximately 56 students per grade in grades kindergarten through three. These students will be admitted through the charter lottery application process with a priority preference for students at risk of academic failure, in particular those students at risk of academic failure who reside in District 18 will be given first priority. Students at risk of academic failure are defined to be:

- (1) students attending or zoned to attend a public school that that has received a “D” or an “F” on the New York City Department of Education Progress Report in the school year prior to the lottery due to poor academic performance;
- (2) Schools Under Registration Review (SURR) by the State Education Department; or
- (3) schools subject to restructuring under the federal No Child Left Behind Act.<sup>4</sup>

This year, P.S. 114 is the only school that received a “D” in the district, and no other elementary school is designated as SURR or subject to restructuring. Therefore, if this proposal is approved, students zoned to P.S. 114 would receive priority preference in the 2011-2012 charter lottery application process. However, in the future, all District 18 students who reside in a zone where a school receives a D or F grade on the Progress Report, or where a school is designated as SURR or restructuring, may receive priority preference as well.

In 2012-2013, Explore will expand to serve approximately 56 additional students in fourth grade. In 2013-2014, Explore would be at full-scale in K114 and would serve approximately 336 students in kindergarten through fifth grades.<sup>5</sup> The lottery preferences and admission process for Explore are described in more detail in the EIS.

The details of this proposal have been released in an amended revised EIS which can be obtained in the main office of P.S. 114 or accessed here:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/Mar232011Proposals.htm>.

---

<sup>4</sup> Details on the application lottery process and how to obtain an application would be forthcoming pending the outcome of this proposal.

<sup>5</sup> In this proposal, the DOE projects that Explore would enroll 280 students at full scale in 2013-2014. However, Explore is only authorized by its charter authorizer, SUNY, to serve 250 students. Thus, the DOE’s projection that Explore would serve 280 students is contingent upon Explore obtaining permission from its authorizer to increase enrollment above 250 students. If Explore’s proposal to expand its enrollment is not approved by SUNY, the DOE will re-examine this co-location proposal and may revise as appropriate.

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

A joint public hearing regarding the proposed phase-out and eventual closure of P.S. 114 was held on January 28, 2011. At that hearing, commenters also spoke in opposition to the proposal to co-locate P.S. 521 and Explore in K114. Comments made at that hearing related to the proposal to co-locate P.S. 521 and Explore in K114 are listed below and are included in the analysis of public comment.<sup>6</sup>

In addition, the DOE also held a joint public hearing regarding the proposal to co-locate P.S. 521 and Explore with P.S. 114 at K114 on February 16, 2011. An analysis of the public comments made at that hearing related to this proposal is included below. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 68 members of the public attended the hearing and 23 people spoke. Present at the meeting were: P.S. 114 School Leadership Team (“SLT”) member Crystal King; Community Education Council (“CEC”) 18 representative Eucebio Hooks; Deputy Chancellor Marc Sternberg, Melissa Harris of the Office for Family Information and Action; New York City Council Member Lewis Fidler; Lamont Carolina, a representative from New York City Council Member Charles Barron’s office; and M. Pegye Johnson, a representative from New York City Council Member Jumaane Williams’ office.

As discussed above, P.S. 521 is no longer proposed to be sited at K114. Rather, the DOE has only proposed to co-locate Explore with P.S. 114 in K114 beginning in September of 2011. The DOE held another joint public hearing at K114 regarding the revised amended proposal on March 22, 2011. 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 this joint public hearing.

The following comment about the proposal to co-locate P.S. 521 and Explore in K114 was made at the joint public hearing on January 28, 2011, to discuss the proposed phase-out and eventual closure of P.S. 114:

1. New York City Council Member Charles Barron stated that resources that would be used to open charter schools should be allocated to P.S. 114 instead.

The following comments and remarks were made at the joint public hearing on February 16, 2011, regarding the co-location proposal:

2. The representative from Council Member Charles Barron’s office expressed his opposition for the proposal to co-locate P.S. 521 and Explore with P.S. 114, and stated that a charter school should not be sited in a public school building. He expressed concern that current students at P.S. 114 will not be able to get in to the charter school, and that it is unfair that the DOE is supporting the charter school instead of offering these

---

<sup>6</sup> The full analysis of public comment related to the proposal to phase-out and eventually close P.S. 114 is available on the DOE’s website at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/Mar12011Proposals.htm>.

supports to current students. He questioned whether the new school would offer sports and noted that current students at P.S. 114 felt that the DOE had failed by not providing sports in the past.

3. Multiple commenters expressed their support for this proposal and noted that the other schools in the Explore Charter Schools Network currently offer successful special education models. A commenter stated that teachers would want their own children in a similar program. The commenters noted that parents deserve access to outstanding educational options for their children.
4. Multiple students currently enrolled at other schools in the Explore Charter Schools Network expressed their support for this proposal and noted that at Explore they have had positive experiences and enjoyed academic and personal success. They also expressed their hope that other students might enjoy these similar opportunities in the future.
5. Multiple commenters expressed their support for this proposal and noted that their children attended the other schools in the Explore Charter Schools Network. They expressed support for the Explore Charter Schools Network and noted that those schools teach students to respect one another, collaborate together, strive for academic achievement, which had resulted in their children's eagerness to learn. They expressed hope that other parents would understand that Explore would provide a good option for parents and their children to receive a better education.
6. Multiple staff members at the Explore Charter Schools Network expressed their support for this proposal and noted that although they understood the opposition to the proposal to phase out P.S. 114, Explore would provide an excellent education for future students, and would also provide extracurricular activities based on student interest. They asked parents to consider Explore as an option for their children.
7. A commenter expressed his support for this proposal and noted that charter schools are public schools that provide options for families and students; he also stated that the other schools in the Explore Charter Schools Network has outperformed many district schools on state exams.
8. A commenter expressed his support for the proposal and recognized the hard work of the staff at P.S. 114, but she also expressed support for this proposal and noted that charter schools should be able to open to provide an additional option for parents.
9. A question was submitted regarding the qualifications or requirements for teachers employed by charter schools.
10. A question was submitted inquiring how special education needs would be served in the two new schools.
11. A question was submitted about why there were two joint public hearings at the school.

### **III. Summary of Comments Received at the Joint Public Hearing That Do Not Directly Relate to the Proposal**

The DOE received several comments and a question at the joint public hearing regarding the co-location proposal on February 16, 2011, that did not directly relate to the proposal and therefore will not be addressed here. These comments are listed below:

- Councilman Lew Fidler stated that he hopes that the proposed phase-out of P.S. 114 would be reconsidered based on the feedback the DOE received at the joint public hearing. He further asked that the DOE recognize the hard work of the staff and the existing partnerships in the building. He noted that he had brought in over \$1 million in capital funding for P.S. 114 in the past, and that he would double the support for the school if it is allowed to remain open. He requested that the DOE allow the school to remain open and that the funds that would have been provided to the charter school be provided to P.S. 114. He also requested that P.S. 114 be allowed the opportunity to turn around.
- The representative from Councilman Charles Barron's office stated that their office had worked with parents on the phase-out of P.S. 114 and that parent leaders had submitted a proposal on how to better support P.S. 114. He stated that P.S. 114 is a good school and that the school's alumni had gone on to achieve great things. He stated that P.S. 114's failure was due to the lack of resources the DOE provided the school; that the meeting is not meaningful and the DOE has likely made their decision; and the DOE should work with the school instead of phasing it out.
- A commenter stated that P.S. 114 is not failing and that the DOE cannot provide the data to support the phase-out proposal. The commenter stated that the reason for the proposal is that Explore Charter School Network's chief executive officer and the Mayor are friends and that this proposal is about politics, money and the Principals Academy. The school has been around for 100 years without a problem.
- A commenter stated that P.S. 114 was never given the chance to succeed. The Chancellor acknowledged that the DOE made a lot of mistakes, but there is not enough action in response. The commenter hopes the DOE is listening, that Cathie Black and Shael Suransky are aware of the problems and that the March 1 vote is not a joke.
- A commenter stated that the phase-out proposal should be fought because of mismanagement by the previous principal.
- A commenter wondered why there is a proposal to close the school when there is a three-year lease on the building.
- Multiple commenters stated that P.S. 114's struggles in recent years were not the school's fault, and that the DOE has failed to support the school.

- A commenter stated that she has friends at P.S. 114 but that there is difficulty in feeding them all because the DOE is taking away their jobs.
- A commenter voiced opposition for the phase-out of P.S. 114. She stated that she has multiple children at P.S. 114 and she has been satisfied with their education and the hard work of the teachers; she expressed concern that her children would be split up if the school phases out.
- A commenter voiced opposition for the phase out P.S. 114. She noted that many parents work multiple jobs and do not speak English, and therefore these parents did not understand the notices provided by the DOE. She further stated that the DOE should support existing schools.
- A commenter stated that P.S. 114 doesn't have good programs because it was treated unfairly. The commenter stated that the statistics provided by the DOE are not accurate and that the children/staff at P.S. 114 are not failing.
- A commenter expressed concern for existing fourth and fifth graders who would remain at P.S. 114 during the phase-out. The commenter noted that these students that would be displaced, and stated that P.S. 114 needs the DOE's support and resources that Explore would receive.

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

The DOE received the following comments related to the proposal to site Explore in K114:

12. Comments submitted on behalf of P.S. 114's United Federation of Teachers membership stated that the decision to phase out P.S. 114 seems driven by a desire to push the public school out of prime real estate to fit in a new charter school.
13. Multiple commenters opposed the proposal because P.S. 114 would have to share the shared spaces in K114 with Explore and P.S. 114's enrollment has been projected to decrease while Explore's enrollment increases.
14. In a letter to the Chancellor, Public Advocate Bill de Blasio commented that:
  - a. The proposed shared space plan in the Building Utilization Plan ("BUP") attached to the EIS does not adequately reflect the differences in student populations between Explore and P.S. 114. Specifically, the letter stated that Explore was allocated 1 hour and 45 minutes of playground time, while P.S. 114 was only allocated 1 hour and 30 minutes of playground time. In addition, the Public Advocate noted that P.S. 114 did not receive more library time than Explore even though its enrollment is projected to be greater than Explore's.
  - b. If P.S. 114's enrollment increases beyond the DOE's projections, the building may be over-utilized.

- c. Moreover, the building may be over-utilized if Explore expands from serving kindergarten through fifth grade to serving kindergarten through eighth grade. The letter states that P.S. 114 parents are concerned that they may be unable to enroll their students at P.S. 114 if the building is over-utilized.
- d. The Public Advocate encouraged the DOE to name a permanent principal for P.S. 114 and noted that the DOE should refrain from implementing any shared space arrangements until a permanent principal is selected.

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

- Comment 2 opposed the co-location proposal and stated that current students at P.S. 114 will not be able to get in to the charter school. This statement is inaccurate. If the proposal is approved, Explore would open in the K114 building and would serve kindergarten through third grade students in 2011-2012 and kindergarten through fifth grade students when it achieves “full scale” in 2013-2014. Explore was approved by authorizer, the State University of New York State Charter School Institute, to admit first, second, and third grade students through the charter lottery application process and provide a priority preference for students at risk of academic failure, in particular those students at risk of academic failure who reside in District 18. Students at risk of academic failure are defined to be either: (1) students attending or zoned to attend a public school that that has received a “D” or an “F” on the New York City Department of Education Progress Report in the school year prior to the lottery due to poor academic performance, (2) Schools Under Registration Review (SURR) by the State Education Department, or (3) schools subject to restructuring under the federal No Child Left Behind Act.

As described above and in the revised amended EIS, P.S. 114 is the only school that received a “D” this year in District 18, and no other elementary school is designated as SURR or subject to restructuring. Therefore if this proposal is approved, students zoned to P.S. 114 would receive priority preference in the 2011-2012 charter lottery application process. However, in the future, all District 18 students who reside in a zone where a school receives a D or F grade on the Progress Report, or where a school is designated as SURR or restructuring, may receive priority preference as well.

As described above, the DOE is no longer proposing to site and co-locate P.S. 521 in K114. Therefore, the comment regarding whether the new school would offer sports will not be responded to here.

The commenter also suggested that the charter school receives support that DOE schools do not. Comment 1 also stated that resources that would be used to open Explore should be allocated to P.S. 114. 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.

To help the school's efforts to improve, the DOE has offered numerous supports to P.S. 114, including:

**Leadership Support:**

- Extensive coaching for the principal on how to supervise and evaluate assistant principals and teachers, to promote a safe school environment, and to implement discipline and intervention policies.
- Helping the principal develop P.S. 114's Comprehensive Education Plan and set school-wide goals.
- Connecting administrators with other schools to learn best practices that can be replicated at P.S. 114.

**Instructional Support:**

- Offering training to the principal and assistant principal on the new state curriculum, curriculum planning, and developing rigorous lessons.
- Working with the principal on a year-long study that looked at the rigor of instruction for English Language Learners and students with disabilities.
- Teacher training in the use of data to drive instruction and the Common Core State Standards, curriculum planning, and administering periodic assessments.
- Helping teacher teams promote collaboration and align P.S. 114's curriculum across grade levels and content areas.

**Operational Support:**

- Coaching for school staff on budgeting, human resources, recruiting and retaining talented teachers, building management, and operational compliance issues.

**Student Support:**

- Working with the school to identify strategies to improve school safety.
- Helping the school contract with Educators for Social Responsibility to improve student discipline practices.
- Holding training sessions on how to deal with student suspensions and re-entry of suspended students.

**Safety Support:** The DOE makes available the following supports to schools around safety and security:

- Best Practices Standards for Creating and Sustaining a Safe and Supportive School resource guide.
- Review and monitoring of school occurrence data and crime data in conjunction with the Criminal Justice Coordinator and the NYPD.

- Technical assistance when incidents occur via the Borough Safety Directors.
- Professional development and support to CFN Safety Liaisons.
- Professional development and kits for Building Response Teams.
- Monitoring and certification of School Safety Plans annually.

The DOE will continue to offer support to P.S. 114 in the future.

As stated in the EIS, the costs of instruction or operating budgets for P.S. 114 would not be impacted by the co-location of Explore in K114. The basic operating budgets for P.S. 114 are determined by the same Fair Student Funding formula used at all other New York City district public schools. Schools receive City tax levy funding on a per pupil basis, and each student receives a per pupil allocation based on the grade level of the student. Fair Student Funding allocations are subject to annual variation. In addition, Fair Student Funding awards supplemental allocations on a per pupil basis for students who have additional needs and, therefore, cost more to educate. Charter schools receive public funding pursuant to a formula created by the state legislature, and overseen by the New York State Education Department. The DOE does not control this formula. Thus, the funding for P.S. 114 and Explore are distinct and independent of each other.

In response to the comment regarding the sports that P.S. 114 does not offer, the DOE acknowledges that P.S. 114 does not currently offer student athletics or other extracurricular program options. P.S. 114 may in the future offer extracurricular programs based on student interests, available resources, and staff support for those programs.

- Comments 3 through 8 were in support of the Explore organization, and, therefore, the DOE does not have to respond to these comments.
- Comment 9 questioned what the qualifications or requirements for teachers employed by charter schools are. To clarify, charter schools are free public schools. According to New York State Charter Law, charters may employ up to 30% of teachers who are technically uncertified if they have at least three years of teaching experience in the elementary, middle or secondary level. Teachers may also teach at charter schools if they are tenured or on tenure track at college or university; or if they've had at least two years of teaching experience through Teach for America or if they are individuals with exceptional experience in the military, business or professional arena. At all time charters are required to employ not less than 70% certified teachers.
- Comment 10 questioned how students with special education needs would be served in the two new schools. As discussed, P.S. 521 will no longer be sited in K114, only Explore will be co-located with P.S. 114. The DOE notes that public charter schools may not select their own students, but rather they must admit students through the charter lottery application process. Through the lottery, students are selected randomly from among the applicant pool. Students with disabilities and English Language Learner students may apply through the lottery process as well and will not be treated differently in the lottery process. Explore will provide all current and future students who are

English Language Learners or who have Individual Education Plans (“IEP”) with mandated services.

The DOE also notes that Explore Charter Schools Network currently manages two charter schools in Brooklyn: Explore Charter School (84K704, 15 Snyder Avenue in District 17), which was opened in 2002 and currently serves approximately 476 kindergarten through eighth grade students<sup>7</sup>, and Empower Charter School (84K742, 801 Park Place in District 17), which was opened in 2009 and currently serves approximately 223 kindergarten through third grade students<sup>8</sup>. This year, 14% of Explore Charter School’s students have IEPs, and 2% of Explore Charter School’s students were classified to be English Language Learners. This year, 10% of Empower Charter School’s students have IEPs, and 1% of its students are English Language Learners (“ELL”). Thus, students with disabilities and ELL students are in fact served by the charter school and will to be served by Explore if this proposal is approved.

- Comment 11 questioned why there were separate joint public hearings regarding the proposal to phase out and eventually close P.S. 114 and the proposal to co-locate P.S. 521 and Explore with P.S. 114 in K114. There were separate joint public hearings because those proposals were separate, and each required an individual EIS. One of the proposals proposed the phase out of P.S. 114. The DOE ultimately withdrew that proposal. In the other proposal, the DOE proposed to co-locate P.S. 521 and Explore with P.S. 114 in K114. This proposal was revised on March 4, 2011, in the manner noted above. On March 22, 2011, the revised proposal was amended to further clarify information in the EIS related to Explore’s priority preferences and to correct typographical errors. A joint public hearing regarding this revised amended proposal took place on March 22, 2011.
- Comment 12 suggested that the DOE has prioritized serving charter schools ahead of district schools and that the decision to place Explore in K114 is driven by the desire to push P.S. 114 or public schools out of prime real estate. At the outset, the DOE notes that P.S. 114 will remain open and that it is not being “driven” out of prime real estate. Rather, the DOE supports parent choice and strives to ensure that all families have access to diverse schools that meet their children’s needs. To support parent choice, the DOE proposes to open and co-locate new charter schools in existing buildings to expand the range of options for students. The DOE has replaced 91 of the City’s lowest-performing schools and opened 474 new schools to increase the school options available to parents and students. Of the 474, 365 are traditional public schools and 109 are public charter schools. As a result, the DOE has created more choices for families.
- Comment 13 and comment 14(a) by the Public Advocate states that the proposed shared space plan outlined in the BUP does not adequately reflect the differences in student populations between Explore and P.S. 114.

As stated in the BUP, the proposed shared space plan is created by allocating time in each shared space proportional to the enrollment of each co-located school. Building Councils

---

<sup>7</sup> Source: 2010 audited register

<sup>8</sup> Source: 2010 audited register

are free to deviate from the proportional allocation of time 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. It should be noted that the proposed shared space plan in the BUP is only a proposal and is not meant to represent the final shared space schedule. The final shared space schedule will be collaboratively drafted by the Building Council, which includes both the principal of P.S. 114 and Explore, after the proposed co-location has been approved by the Panel for Educational Policy (“PEP”).

The Public Advocate correctly pointed out that the revised BUP that was issued on March 4, 2011, did not properly allocate time to P.S. 114 in the gymnasium. As described above, the BUP was amended on March 21, 2011, to correct typographical errors in the shared space schedule related to the usage of gymnasium and outdoor play area. The DOE inadvertently flipped the amount of time that Explore and P.S. 114 were allocated in the gymnasium. The correct schedule is pasted below:

Space	Monday	Tuesday	Wednesday	Thursday	Friday
Gymnasium (Capacity: 285)	<b>Explore Excel</b> 8:30-11:20am <b>P.S. 114</b> 11:25-2:55 pm				

Moreover, the revised amended BUP fixed another typographical error that stated that P.S. 114’s time on outdoor play area would end at 1:55 p.m. The correct outdoor play area times for P.S. 114 are pasted below:

Space	Monday	Tuesday	Wednesday	Thursday	Friday
Other: Outside playground with equipment	<b>Explore Excel</b> 10:30am- 12:15pm <b>P.S. 114</b> 12:20-1:05pm <b>P.S. 114</b> 1:10-2:55pm	<b>Explore Excel</b> 10:30am-12:15pm <b>P.S. 114</b> 12:20-1:05pm <b>P.S. 114</b> 1:10-2:55pm			

According to the proposed shared space in the amended revised BUP, Explore is allocated 50 minutes per day in the cafeteria for lunch, while P.S. 114 is allocated 90 total minutes. And Explore is allotted 165 total minutes per day in the library, while P.S. 114 is allotted 215 minutes. The DOE acknowledges that the time allocated in each shared space is not directly proportionate to each school’s respective projected enrollment. However, because P.S. 114’s projected enrollment is greater than Explore’s projected enrollment, P.S. 114 has been allocated more time in each shared space in the proposed shared space plan. It should be noted again that this is merely a proposal and that the final shared space schedule will be collaboratively drafted by the Building Council after the proposed co-location proposal has been approved by the PEP. At that time, if P.S. 114’s principal desires to have more time in the library or the cafeteria, that request should be

made to the Building Council that would work with both schools to achieve the best possible result for all students.

- Comment 13 questioned why P.S. 114's enrollment would decline while Explore's enrollment increases. Comment 14(b) states that if building K114 could become over-utilized if P.S. 114's enrollment increases beyond the DOE's projections. Comment 14(c) states that building K114 could also become over-utilized if Explore expands to serve kindergarten through eighth grade students.

P.S. 114 currently enrolls 733 kindergarten through fifth grade students<sup>9</sup> in 2010-2011, of which 97 students are in kindergarten. Of the 97 kindergarten students, 78 students are zoned to P.S. 114, meaning that the remaining 19 students are not zoned to the school. The DOE's enrollment projections for future kindergarten classes are based on historical zone enrollment trends and will reflect a smaller number than the current number of kindergarteners enrolled because in the future P.S. 114 will need to monitor its out of zone student enrollment. Since the incoming kindergarten classes will be restricted to students who live within the zone and will be smaller beginning in 2011-2012, the total enrollment for P.S. 114 is also projected to decrease over time.

The DOE also notes that over the past 2 years the zoned kindergarten enrollment at P.S. 114 has been on average around 74-75 students. In 2010-2011, 43% of kindergarten through fifth grade students zoned to P.S. 114 attended the school, which comprised 78% of the total enrollment at P.S. 114. Additionally, in 2009-2010, 46% of kindergarten through fifth grade students zoned to P.S. 114 attended the school, which comprised 76% of the total enrollment at P.S. 114. Thus, the DOE assures all parents in the P.S. 114 zone that all students residing in the P.S. 114 zone will continue to be entitled to a seat at their zone school.

However, the DOE also noted in the EIS that, in the future, if there is an increase in student enrollment resulting from demand greater than current projections for P.S. 114 or an increase in the number of families residing in the zoned area, the Chancellor reserves the right to relocate Explore to an alternate location geographically proximate to K114. The Chancellor shall certify in writing that in her judgment, the need of the school system requires the re-acquisition of the charter school space for DOE use. Thus, if the demand for P.S. 114 increases within the zone, the DOE could elect to re-site Explore in the future.

Finally, as stated in the EIS, Explore is authorized by its charter to serve kindergarten through sixth grades, and the DOE anticipates that Explore will apply for a grade expansion to serve kindergarten through eighth grades in the future. However, in this proposal, Explore will reach full scale in the K114 when it serves fifth grade. The DOE will evaluate the space available in K114 and other District 18 locations and will issue a new EIS for the long term siting the middle school grade levels, based on the most appropriate space available for the 2014-2015 school year and beyond.

---

<sup>9</sup> Source: 2010 audited register, excludes pre-kindergarten.

Explore would open in K114 in the 2011-2012 school year and would serve kindergarten through third-grade students with an enrollment of approximately 224 students. In 2013-2014, P.S. 114 is projected to serve approximately 530-575 students. Once Explore is at scale and serves kindergarten through fifth grade, it will serve approximately 336 students. In total, there will be approximately 884-929 total students served in the building, yielding a building utilization rate of 94%. Thus, if this proposal is approved, there would be sufficient space to serve P.S. 114 and Explore.

- Comment 14(d) is related to the selection of a principal at P.S. 114. The DOE is committed to supporting P.S. 114. Currently, P.S. 114 has an Interim Acting Principal who was assigned to P.S. 114 in August of 2009. The DOE intends to select a principal, and any decisions related to the selections, assignment and appointment of Principals are carried out in accordance to Chancellor's Regulations C-30, which can be viewed on the DOE's website at:  
<http://schools.nyc.gov/RulesPolicies/ChancellorsRegulations/default.htm>.

The Public Advocate also commented that the DOE should refrain from implementing any shared space arrangements until a principal for P.S. 114 is selected. The DOE notes that the selection of a principal does not directly relate to the proposal to co-locate Explore with P.S. 114 in K114 or the shared space plan for this proposal. The DOE further states that the shared space agreement is a preliminary proposal, and that final decisions regarding the shared space plan must be agreed upon by the Building Council, which is comprised of the principals of both co-located schools, and the Shared Space Committee.

## **VI. Changes Made to the Proposal**

As discussed above, the DOE has responded to the comments that the public raised in regards to this proposal. Specifically, the proposal to phase out P.S. 114 was withdrawn, and the proposal to co-locate two schools in K114 was significantly revised. Please refer to the description in the summary of the proposal above for the details of the revisions that were made.