



**Public Comment Analysis**

Date: February 2, 2011

Topic: The Proposed Re-siting and Co-location of Brooklyn East Collegiate Charter School (84K780) with Existing Schools P.S. 9 (13K009) and M.S. 571 (13K571) in Building K009

Date of Panel Vote: February 3, 2011

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**Summary of Proposal**

The New York City Department of Education (“DOE”) is proposing to re-site Brooklyn East Collegiate Charter School (84K780, “Brooklyn East Collegiate”), an existing public charter school that serves 80 students in fifth grade currently located at 1485 Pacific Street, Brooklyn, NY 11216 in Community School District 17 to Building K009 (“K009”), located at 80 Underhill Avenue, Brooklyn, NY 11238, in Community School District 13. Brooklyn East Collegiate would be co-located in K009 with an existing DOE zoned K-5 elementary school, P.S. 9 Teunis Bergen (13K009, “P.S. 9”) that also offers 3 sections of a Pre-Kindergarten program, and an existing DOE middle school that serves grades six through eight, M.S. 571 The Bergen Upper School (13K571, “M.S. 571”). 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.

In a separate Educational Impact Statement (“EIS”) published on December 20, 2010, the DOE has proposed to gradually phase out M.S. 571 because of its low performance and inability to turn around quickly to better support student needs. The EIS was amended on January 21, 2011, to correct typographical errors and formatting, delete redundant language, and reformat projected enrollment ranges to better reflect the DOE’s enrollment projections for the schools that would be served in K009.

M.S. 571 admits students in the sixth grade through the District 13 Middle School Choice application process and is a district choice middle school. If the proposal to phase out M.S. 571 is approved, M.S. 571 would no longer admit sixth grade students after the conclusion of the 2010-2011 school year. One grade would then be phased out per year. During the 2011-2012 school year, M.S. 571 would serve students in grades seven and eight. In 2012-2013, M.S. 571 would serve students in eighth grade only. The school would close after June 2013.

P.S. 9 is a zoned district elementary school and serves 544 students in grades Kindergarten through fifth grade and also offers 3 sections of a Pre-Kindergarten program.

Brooklyn East Collegiate is an existing public charter school that currently serves students in the fifth grade at its temporary location. Brooklyn East Collegiate was not intended to remain in its current location as a permanent siting, and the current location does not have adequate space to allow for Brooklyn East Collegiate to grow to scale. If this proposal is approved, Brooklyn East Collegiate's current fifth grade will be re-sited to K009 and, beginning in the 2011-2012 school year, Brooklyn East Collegiate will expand to serve approximately 80 students in sixth grade in K009. In 2012-13, Brooklyn East Collegiate would expand to serve approximately 80 students in seventh grade. In 2013-14, the final year of the phase-in, Brooklyn East Collegiate would expand to serve approximately 80 students in eighth grade. In 2013-14, when Brooklyn East Collegiate completes its expansion and achieves full scale, it will serve approximately 300-350 fifth- through eighth-grade students in K009.

Brooklyn East Collegiate would be "co-located" with P.S. 9 and M.S. 571 as M.S. 571 phases out and as Brooklyn East Collegiate phases in. Once Brooklyn East Collegiate has completed its expansion and M.S.571 has completed its phase-out, there will be approximately 950-1,000 students served in the building by both P.S. 9 and Brooklyn East Collegiate, yielding a target building utilization rate of 84%.

The details of this proposal have been released in an Educational Impact Statement which can be accessed here: <http://schools.nyc.gov/community/planning/changes/brooklyn>. Copies of the Educational Impact Statement are available in the main offices of M.S. 571, P.S. 9, and Brooklyn East Collegiate.

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

A joint public hearing regarding this proposal was held at M.S. 571 on January 24, 2011. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 250 members of the public attended the hearing, and approximately 80 people spoke. Present at the meeting were Deputy Chancellor Laura Rodriguez; District 13 Superintendent James Machen; M.S. 571 Principal Santosha Troutman; P.S. 9 Principal Sandra D'Avilar; Brooklyn East Collegiate Principal Eric Green; P.S. 9 School Leadership Team representative Karen Shaw-Taylor; M.S. 571 Parent Teacher Association President Maria Salichs; Community Education Council (CEC) 13 representative Khem Irby; CEC 13 representative Renee Holmes; United Federation of Teachers Vice President Richard Farkas; Democratic District Leader for the 52<sup>nd</sup> Assembly District Chris Owens; and Democratic District Leader for the 52<sup>nd</sup> Assembly District JoAnne Simon.

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

1. A CEC member voiced support for all District 13 schools. She further encouraged P.S. 9 and M.S. 571 communities to work together. She commented that other arrangements or siting options should be considered for Brooklyn East Collegiate given space constraints.
2. The Principal of Brooklyn East Collegiate provided some background information on his school and explained his belief that the school would be a great partner in the building. Principal Green described Brooklyn East Collegiate's lottery process and his eagerness to work with the other school organizations in the building.

3. The PTA President of M.S. 571 commented that most of the students who attend M.S. 571 are not from District 13 and that M.S. 571 was the only school to accept her son. She questioned what would happen to the students who are not selected by lottery to attend Brooklyn East Collegiate and asked whether the M.S. 571 community wanted a public school in the building that admits students through a lottery.
4. The Vice President of the United Federation of Teachers (“UFT”), spoke on behalf of the UFT in support of P.S. 9. The representative stated that M.S. 571 is being phased out to create space for charter schools. He then commented that the DOE has not provided M.S. 571 with enough support.
5. Multiple commenters spoke of the positive experiences their children have had at Brooklyn East Collegiate and voiced support for the school’s relocation to Building K009.
6. Multiple commenters, including a representative for New York City Council member Letitia James, a member of the P.S. 9 School Leadership Team, multiple students and Chris Owens, State Committee member for the New York State Democratic Party, spoke of their positive experiences at P.S. 9, referred to P.S. 9’s track record of success, expressed concerns about the impact of Brooklyn East Collegiate’s co-location in K009, and requested that P.S. 9 should be granted time and space to expand its grades and enrollment.
  - a. Mr. Owens also commented that Brooklyn East Collegiate would likely serve less special needs and English Language Learner (“ELL”) students than M.S. 571 did.
  - b. A commenter expressed concerns about sharing resources during the period when all three schools would be co-located in K009. She also emphasized that P.S. 9 parents are very involved in the school.
  - c. A commenter voiced concerns that there might be safety issues during the time three schools are co-located in the building and spoke about the positive experiences her children have had in the school.
  - d. A commenter voiced skepticism around the DOE’s plan for space allocation as described in the EIS for this proposal and expressed his opposition to the co-location.
  - e. One commenter expressed concern about the impact on the learning environment in the building once Brooklyn East Collegiate is co-located in K009.
  - f. One commenter expressed concern that there might be issues with the three schools having to work collaboratively during the co-location, and specifically expressed concerns about funding for and enrollment at after-school programs.
7. A representative of New York State Assembly member Hakeem Jeffries to voice opposition to the phase-out of M.S. 571 and the relocation of Brooklyn East Collegiate.
8. Several commenters noted that Brooklyn East Collegiate was admirable and encouraged the school to advocate for more space. However, the commenters were opposed to the proposal to relocate Brooklyn East Collegiate to Building K009.
9. One commenter expressed dissatisfaction with the level of support the DOE has provided M.S. 571 and P.S. 9.
10. One commenter voiced opposition to all charter schools, questioning their efficacy and citing attrition statistics.
11. Several commenters voiced their opposition to the proposal and claimed that this was a rushed process that didn’t adequately include community voices. In particular, one

commenter referred to “11<sup>th</sup> hour changes,” arguing that the Department of Education had not considered the situation thoughtfully or carefully. She questioned the accuracy of the EIS for this proposal.

12. A commenter asked what it means that Brooklyn East Collegiate was approved for District 23, but may be housed in District 13 and whether approval is district related.
13. A commenter questioned whether Brooklyn East Collegiate is the best option for the District.
14. Multiple commenters questioned the changes made to the EIS, as noted in the amended EIS.
  - a. A commenter asked why the “revised” EIS lacked a previous footnote about restrictions on P.S. 9’s ability to accept out-of-zone students.
  - b. A commenter asked why, in the “revision”, the section explaining the impact on P.S. 9 was folded into a larger section evaluating impact, making it more difficult to find.
  - c. A commenter asked why the EIS and BUP were amended with so little time before the hearing. The commenter also asked what kind of analysis went into compiling and revising the data.
  - d. A commenter asked whether the hearing should be postponed in light of the revisions to the EIS, asserting that significant changes to data and policy were made in the “revision”, which was released just three days before the hearing.
15. Multiple commenters asked for clarification on the EIS for this proposal. Commenters asked:
  - a. A commenter asked why the EIS states Brooklyn East Collegiate will have 80 students per grade.
  - b. A commenter asked how a full-size classroom is defined and whether some rooms designated full size are too small to hold 30 students.
  - c. A commenter asked whether there are concerns about problems caused by grouping P.S. 9 and M.S. 571 students together for lunch periods, especially given all the effort to keep them separate.
  - d. A commenter asked why there is not sufficient time between lunch periods scheduled for clearing the cafeteria.
  - e. A commenter asked why the DOE projects only 36 classrooms for P.S. 9, even though the school has six kindergarten classes, which means it will need to accommodate six classes per grade, which means that it will need 44 classrooms minimum.
  - f. A commenter asked why only 35 classrooms will be given to P.S. 9 next year, fewer than it occupies in the current year, despite projected enrollment growth.
  - g. A commenter asks if the EIS accounts for the additional growth at P.S. 9 of 35 students through 2015.

- h. A commenter asked who the DOE plans to kick out of P.S. 9, considering that the EIS projects declining enrollment for P.S. 9 in the EIS.
  - i. A commenter asked why the DOE plans to cap P.S. 9 fifth grade enrollment at 85 students and what would happen when fifth grade enrollment reaches 120 students in 2015.
  - j. A commenter asked if the DOE accounts for a projected decrease in enrollment between fourth and fifth grade at P.S. 9 with the assumption that P.S. 9 students would move on to Brooklyn East Collegiate.
  - k. A commenter asked why the EIS projects that Brooklyn East Collegiate will lose 11 students over the projected years that it phases in. The commenters asks whether the school will counsel unsuccessful students out and how newly opened seats would be filled.
  - l. A commenter asked how students with special needs were considered in the proposal.
16. A commenter asked whether Brooklyn East Collegiate may remain where it is currently located, especially given the fact since the school's average class size is low.
  17. A commenter asked whether the DOE has conducted analysis on whether there are significantly more 1, 2, and 3 year olds in Prospect Heights than current school-aged children, and, therefore, P.S. 9 may see an increase in demand.
  18. A commenter notes the hard work and significant improvements P.S. 9 families have contributed to the physical infrastructure to the school, particularly to the library and playground and asked whether the DOE intends to discourage parents from making such contributions considering that so little time has been allotted for P.S. 9 students to access these improved features.
  19. A commenter asked how after-school programming for P.S. 9 students would be impacted by the co-location, especially in regards to access to the gym, cafeteria, auditorium, and other shared spaces.
  20. A commenter asked how many hours a day young P.S. 9 children would be prevented from using the bathroom near their classrooms in the basement, given that they are not able to use them while middle school students are eating lunch.
  21. A commenter asked why the principal of P.S. 9 was not offered a chance to voice her opinions in regards to this proposal.
  22. A commenter asked if the DOE anticipated continued growing demand for P.S. 9 given the fact that there are 120 zoned families, and what the DOE's plan is for P.S.9 if all 120 zoned families choose to send their kindergarten students to P.S. 9 next year, especially given that 104 applications have already been submitted for the kindergarten at P.S. 9.
  23. A commenter asked how the overlap between fifth grade applicants to Brooklyn East Collegiate and P.S. 9 would be handled.
  24. A commenter asked how the comments at the hearing would impact the Panel for Educational Policy's ("PEP") final decision.
  25. A commenter asked whether the proposal to phase-out M.S. 571 would be considered separately from the proposal to co-locate Brooklyn East Collegiate.

**The DOE received a comment at the Joint Public Hearing which did not directly relate to the proposal, and, therefore, will not be addressed.**

- A commenter voiced dissatisfaction with Mayor Bloomberg and called for an investigation into the mayor's personal finances. He issued a call to lower the voting age from 18 to 16 and declared a new political movement.
- One commenter advocated for after school sports teams and clubs.
- One commenter asked whether the building would receive a new library and librarian, stating that the proposals had overshadowed these other considerations in Building K009.

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

26. New York City Council member Letitia James wrote that Brooklyn East Collegiate should serve students in District 23, where there is a need, and thereby allow P.S. 9 to expand its programming. She said that a two-year moratorium should be put on the proposal to monitor the growth of P.S. 9. Additionally, Brooklyn East Collegiate has enough space in its current location to continue being sited there.
27. Approximately 276 commenters expressed opposition to the proposal. In addition, a petition against the proposal with 195 signatures and an electronic list of 623 individuals' names was submitted. The reasons and opinions put forth in opposition of the proposal were:
  - a. Rather than co-locating Brooklyn East Collegiate in K009, the space made available by M.S. 571's phase-out should be allocated to P.S. 9 to allow P.S. 9 to expand, based on growing demand and improved educational quality in recent years.
  - b. The proposed shared space usage plan, specifically the hours allocated to P.S. 9 for the library and gymnasium are detrimental to P.S. 9 students.
  - c. There are concerns about elementary school age students sharing facilities with middle school age students.
  - d. P.S. 9 should host an Italian dual-language program for District 13 students.
  - e. Co-locating Brooklyn East Collegiate in K009 would hamper P.S. 9's ability to enroll out of zone students.
  - f. District 13 is saturated with charter schools already.
  - g. Community Roots Charter School, which is already located in District 13, should be re-sited to K009 instead of Brooklyn East Collegiate, which will be re-sited from District 17. With three schools in the building, students will have to eat lunch at inconvenient times, like 10:30 a.m., which would interfere with instruction and cause health problems.
  - h. Expanding P.S. 9 to eighth grade students would better fill the community's desire for high-quality middle school seats.
  - i. The building is already cramped.
  - j. The local community should be served by P.S. 9, instead of co-locating a charter school that would be open through a boroughwide lottery.
  - k. Pre-existing problems from sharing space with a middle school will only be made worse by this proposal.

- l. Several hundred parents who showed up at the hearing are opposed to the proposal.
- m. Brooklyn East Collegiate's move is wasteful and risky. After all, the school is already in a building with plenty of space, co-located with a school run by the same charter operator.
- n. The DOE would not actually move Brooklyn East Collegiate again in two years. It would be left in the building.
- o. Putting multiple schools in one building creates excessive costs to expand shared spaces and create more specialized cluster rooms.
- p. The DOE is implementing this plan without input from impacted community members.
- q. If P.S. 9 grew to 900 students, which it could do, middle and elementary school students would eventually have to share the same floors, which would be bad for the elementary students.
- r. Allowing P.S. 9 to grow instead of siting Brooklyn East Collegiate would prevent middle school students from a separate organization (Brooklyn East Collegiate) feeling second-class to the larger school in the building (P.S. 9), because in that case, the students would belong to the same school.
- s. The charter school's fifth grade would compete with P.S. 9's fifth grade.
- t. The City should support low-risk, middle class families by doing things like expanding P.S. 9, and resultingly keeping those students in the system.
- u. P.S. 9 should be allowed to expand because the current growth of enrollment is bringing new diversity to the school.
- v. The uncertainty caused by this plan will drive parents away from P.S. 9.
- w. P.S. 9 did not receive a fair opportunity to propose expansion of their school because the school's proposal deadline took place before the DOE announced the proposal to phase-out M.S. 571.
- x. Allowing P.S. 9 to expand would prevent the early transfer of P.S. 9 students to intermediate schools outside their neighborhood, which is not as beneficial as going to the same school from Kindergarten to eighth grade.
- y. Opening new schools and closing old ones does not change or fix anything because the DOE does not nurture existing school.
- z. With a separate school in the building, planning use of shared spaces will be nightmarish.
- aa. The proposal would constrain a good school with Soviet style decisions and trample on a growing community.
- bb. The plan is the result of short-sightedness and is a least-effort solution to make a problem go away without regard for the consequences.
- cc. The Plan would require P.S. 9 to turn away non-zone students, which violates the spirit of the "Children First," which celebrates parental choice.
- dd. Brooklyn East Collegiate's style of teaching to the test, giving merits and demerits, not allowing a PTA or PTO, and discouraging parental involvement are not appealing to families in the community.
- ee. P.S. 9 should be allowed to expand so it can be a leading example for surrounding communities like Fort Greene and Park Slope.

- ff. P.S. 9 should be allowed to expand because it has a coveted Gifted and Talented program.
  - gg. If P.S. 9 can't expand and continue to thrive, the young families that have been moving into Prospect Heights will begin to move out.
  - hh. Charter schools, which admit students through lotteries and are funded by corporate monies, are not the solution to the City's education problems.
28. Multiple commenters stated that there are numerous flaws in the DOE's proposal, including:
- a. The EIS erroneously states there are two gymnasiums in K009.
  - b. Not enough classroom space is allocated to P.S. 9.
  - c. The EIS does not account for increasing demand for seats in P.S. 9.
  - d. Time needed to clean the cafeteria between lunch groups is not accounted for.
  - e. No plan for repurposing rooms currently in use is offered.
  - f. The classroom allocations for P.S. 9 are based on the unrealistic expectation to fit 24 children into every classroom.
  - g. Brooklyn East Collegiate students are given far more access to the gymnasium and library and the most desirable time slot for use of the cafeteria.
  - h. The "revisions" in the EIS underscore the issues with the proposal.
  - i. The proposal allots very little time for P.S. 9 students to use the library, even though P.S. 9 families funded its creation, not the DOE.
  - j. There has been no discussion of a Gifted and Talented program at P.S. 9.
  - k. The EIS does not provide a realistic analysis of the proposal's impact on P.S. 9 students.
  - l. The EIS does not account for the changing demographic in Prospect Heights, which would not be served by a charter school.
  - m. The proposal does not clarify how much the DOE will allow P.S. 9 to expand.
  - n. The EIS does not project P.S. 9 enrollment growth past three years into the future, which is when the greatest population growth is certain to grow.
  - o. That the DOE has failed to explain the flaws in the EIS indicates that they have reverse-engineered the facts to fit the DOE's own purposes.
  - p. The EIS unfairly apportions more square-footage to Brooklyn East Collegiate students than is apportioned to P.S. 9 students.
  - q. The DOE has stated it does not currently have access to figures for enrollment applications for next year's kindergarten, which would confirm the trend of the greatly increasing demand for those seats; however, the DOE could easily get those figures if it wanted to. After all, certain parents were able to procure the figures in just two phone calls, and after sharing them with the DOE, the DOE never even asked for the source.
  - r. The DOE's plans reflect a philosophy of using data they currently have, whether or not it displays the whole picture or is based on assumptions, and letting the Building Council figure everything out later.
  - s. Responses to concerns about the shared space plan that state it is just a suggestion and should be worked out by the Building Council do not address whether a feasible shared space plan could actually be arranged; rather, they seem to suggest there is no way to create a feasible shared space plan.

29. A commenter stated that the proposal indicates the City’s desire to open more charter schools and move to a corporate model, even though this is not what every parents want.
30. A commenter stated that the expansion of P.S. 9 should have been considered before this proposal was put forth.
31. A commenter stated the proposal occurred because of political pressure to open more charter schools and because the DOE is trying to find extra space during a time of budget shortages.
32. A commenter asked whether Brooklyn East Collegiate could be kept where it is for another year to allow for a more careful and collegial planning process, especially since the school’s average class size is very low at its current location.
33. A commenter noted P.S. 9 should be given a fair hearing for its proposal to expand. Implementing this proposal would prevent P.S. 9 from implementing its own proposal.
34. A commenter expressed support for allowing Brooklyn East Collegiate to grow, but stated that the charter should be located somewhere else in order to allow P.S. 9 to expand.
35. New York State Assembly Member Hakeem Jeffries wrote that P.S. 9 should be allowed to expand in the building in order to meet the growing needs of the community.
36. A commenter noted that the proposal is invalid according to State Education Law (Section 2590-G(8)(b)) because the revised EIS was released only one working day ahead of the hearing, and less than 15 days before the PEP vote. Given so little time, opponents of the proposal are not able to properly analyze the revised data or reach out to public officials.
37. A commenter submitted P.S. 9’s activities and lunch calendars to underscore the request to expand P.S. 9.
38. A commenter noted that the DOE has not sufficiently responded to the community’s concerns about the EIS and “revised” EIS since it was published.

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

- Comments 1, 6(b, e, f), 18, 19, 20, 27(b), 27(i), 27(k), 27(o), 27(v), 28(b), 28(e), 28(g), 28(i), and 28(k) note that P.S. 9 has a positive environment and a successful track record. Comments 6(c), 15(c), 27(c), 27(q), and 27(z) question the impact of this proposal on the safety of students in the building. Comments 15(d) and 28(d) question how the proposed shared space plan in the Building Utilization Plan (“BUP”) accounted for time to clean the cafeteria between the schools’ respective lunch periods. Comments 28(r) and 28(s) relate to the DOE’s reliance on the Building Council to resolve concerns about the shared space plan.

The DOE acknowledges that P.S. 9 students and families are satisfied with their experiences at the school and that P.S. 9 offers a positive environment for all students. The DOE recognizes that the P.S. 9 parent community has worked hard to improve P.S. 9. This proposal would not affect P.S. 9’s instructional programs, extracurricular activities, or enrollment policies. Therefore, the DOE anticipates that P.S. 9 would continue to offer a positive educational environment for all students and families in the zone.

Building space is scarce in many New York City neighborhoods. Given this reality, the DOE must use its existing buildings in the most efficient manner possible. Schools throughout the City, including P.S. 9 and M.S. 571, have successfully shared space, and the DOE anticipates that P.S. 9, M.S. 571, and Brooklyn East Collegiate will be able to share building K009 as M.S. 571 phases out and as Brooklyn East Collegiate phases in.

The proposed space plan in the BUP is not a final proposal for the shared use of space; rather, it is based on the estimated duration of time each of the co-located schools will have in shared spaces such as the cafeteria. The Building Councils, which consists of principals from all of the co-located schools, in conjunction with the DOE Office of Space Planning, are free to deviate from the proportional allotment of time in the BUP 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. If such accommodation results in an alteration to the proportional distribution of space, the Building Council shall explain the basis for such alteration.

A Shared Space Committee will also meet a minimum of 4 times a year and report back to the Building Council regarding shared space questions.

All efforts will be made to assure the safety of students in the building at all times. Thus, any concerns about the lack of time between lunch times may be addressed in a collaborative fashion by the Building Council and the Shared Space Committee, which may alter the shared use of space based on those concerns.

In addition, as discussed in the EIS, if the proposal to phase out M.S. 571 is approved, and if this proposal is approved, P.S. 9 and Brooklyn East Collegiate would serve approximately 950-1000 students for a utilization rate of only 84%. Therefore, there is room in the future to accommodate an increase in demand for P.S. 9. Also, in the future, if there is an increase in P.S. 9's enrollment resulting from an increase in demand for the zoned elementary school or an increase in the number of families residing in the zoned area, the Chancellor also reserves the right to relocate Brooklyn East Collegiate to an alternate location geographically proximate to K009.

- Comments 2 and 5 note that parents and students have had positive experiences at Brooklyn East Collegiate. The DOE believes the co-location of Brooklyn East Collegiate will add to the diverse options available to the District 13 community.
- Comment 3 relates to the options for future middle school students in District 13 and desirability of Brooklyn East Collegiate in District 13: As detailed in the EIS, students would continue to have access to a broad range of middle school options through the District 13 Middle School Choice process. These choices are outlined in the tables on pages 12-13 of the EIS. The co-location of Brooklyn East Collegiate will introduce another option for students. Brooklyn East Collegiate would enroll students through a lottery with a preference for students who reside in District 13.

Contrary to the commenter's suggestion that most students who attend M.S. 571 are from outside the district, according to the audited register dated November 1, 2010, approximately 70% of students enrolled in M.S. 571 reside in District 13. In general, excluding the seats currently available at M.S. 571, there are 1,529 sixth-grade seats in District 13. In 2010-2011, there were only 1,211 sixth-grade students enrolled in District 13 schools, including those at M.S. 571. This means that there is sufficient additional space in existing District 13 schools in the middle school entry grade to replace the seats lost by this proposal.

- Comments 4, 9, and 27(y) relate to level of support provided to M.S. 571 and P.S. 9. A detailed list of the support offered to M.S. 571 is addressed in the EIS for the proposal to phase out M.S. 571 and in the analysis of public comments received in regards to the phase out proposal. 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. P.S. 9 receives support through the network and currently offers a wide variety of instructional programming and extracurricular activities including dance programs through the Solomon R. Guggenheim Museum, Studio in a school, and AileyDance Kids Program and partnerships with the Prospect Park Zoo, the Brooklyn Historical Society, the Prospect Park Alliance, Lava Acrobatics and the Community Food Resource Center's CookShop program.
- Comment 6(a) and 15(l) ask how students with disabilities and English Language Learner ("ELL") students will be served at the charter school. Despite the commenter's suggestion that Brooklyn East Collegiate would be less likely than M.S. 571 to serve students with disabilities and ELL students, Brooklyn East Collegiate will serve all students, regardless of whether they are an ELL student or a student with special needs. Charter schools are expected to serve student populations that reflect the district in which they are located. As discussed in the EIS for the proposal to phase out M.S. 571 and in this proposal, both M.S. 571 and P.S. 9 will continue to provide all mandated services for students with disabilities and ELLs.
- Comments 7, 8, 10, 13, 27(f), 27(dd), 27(hh), 29, and 31 note their opposition to this proposal to co-locate Brooklyn East Collegiate in the building, as well as their general opposition to charter schools. As discussed in the EIS for this proposal, Brooklyn East Collegiate's charter management organization has a successful track record and will introduce another high quality option for families and students in District 13. If the proposal is approved, the school would enroll students through a lottery with a preference for students who reside in District 13. As discussed in the EIS for this proposal, building K009 does have space to accommodate Brooklyn East Collegiate and P.S. 9 when at full scale because the target building utilization rate will only be 84% at that point.

There are currently 125 charter schools in New York City. Charter schools are held accountable, through the terms of five-year performance contracts called “charters,” for high student achievement. Charter schools must meet the same Regents’ performance standards established for all public schools as well as the goals established in their charter. If a charter school fails to meet those terms, it can be closed. There are currently 3 charter schools in District 13: Community Roots Charter School, Community Partnership Charter School, and Leadership Preparatory Bedford Stuyvesant Charter School.

- Comments 8 and 34 note that Brooklyn East Collegiate should be allowed to grow, but the commenters opposed the proposal to co-locate Brooklyn East Collegiate in K009. Comments 16, 26, 27(m), 27(bb), and 32 asked if Brooklyn East Collegiate could remain in its current location for 2011-2012. Comment 27(n) contended that Brooklyn East Collegiate would not be re-sited regardless of changes in enrollment at P.S. 9.

In 2010-2011, Brooklyn East Collegiate was temporarily sited in building K343, which is located in District 17. It cannot remain in building K343 because Brooklyn East Collegiate’s current location does not have adequate space to allow for it to grow to scale. Brooklyn East Collegiate requires a permanent siting in order to better serve its students. Alternate sites were considered, but building K009 was considered the best option given the currently existing under-utilized space in the building. Building K009 has the capacity to serve 1,192 students. In 2009-2010, the building only served 751 students, yielding a target utilization rate of approximately 63%. In 2010-2011, the building only served 767 students, yielding a utilization rate of approximately 64%. However, as stated previously, the Chancellor reserves the right to relocate Brooklyn East Collegiate to an alternate location geographically proximate to K009 if P.S. 9’s enrollment increases beyond current projections or if the number of families residing in the zoned area increases.

- Comments 11, 21, 24, 25, 27(l) and 27(p) relate to the engagement process. The DOE appreciates all feedback from the community regarding this proposal. When the EIS was issued, it was made available to the staff, faculty, and parent communities at both M.S. 571 and P.S. 9 on the DOE’s Web site and in the main offices of both schools. In addition, the DOE set up a dedicated website and voicemail to collect feedback on this proposal. P.S. 9’s staff, faculty, and parent community were invited to the joint public hearing to solicit further feedback.

The joint public hearing regarding this proposal was held on January 24, 2011, and all comments made at the joint public hearing were included in this analysis of public comment. The joint public hearing for both the proposal to phase out M.S. 571 and to co-locate Brooklyn East Collegiate were held at the same time because both proposals are part of the overall plan for building K009. Although the joint public hearing for the phase out proposal and the proposal to co-locate Brooklyn East Collegiate were held at the same time, the proposal to phase out M.S. 571 and the proposal to re-site and co-locate Brooklyn East Collegiate in building K009 will be considered separately by the PEP. The PEP will vote on various proposals, including these two proposals, on February 3, 2011,

and there will a period designated for public comment at that hearing when the vote is scheduled.

- Comment 12 asked whether Brooklyn East Collegiate can be sited in District 13 if it was approved to open in District 23. Uncommon Schools, the Charter Management Organization that manages Brooklyn East Collegiate, is currently amending Brooklyn East Collegiate's charter to reflect that it will now be sited in District 13 instead of District 23, as originally stated in its charter, or in District 17, where it is currently located. Brooklyn East Collegiate would begin to provide a preference to District 13 students in its charter lottery process for 2011-2012 if this proposal is approved. All revisions to Brooklyn East Collegiate's charter must be voted upon by the authorizer, the State University of New York, before the preference may be enacted.
- Comment 14(a-d), 15(a-l), 28(h), 28(o), and 38 relate to the DOE's decision to amend the initial EIS regarding this proposal and publish the amended EIS on January 21, 2011. Comment 36 questions whether the DOE was in compliance with State Education Law (Section 2590-G(8)(b)) because the DOE amended the initial EIS less than 15 days before the PEP met to vote on the proposal. First, the commenters suggest that the amended EIS was a "revised" EIS. Contrary to those suggestions, the amended EIS did not materially or substantially change the initial proposal for this co-location and therefore is considered an "amendment" not a "revision" under Chancellor's Regulation A-190. The amended EIS merely corrected typographical errors and formatting, deleted redundant language, and reformatted projected enrollment ranges to better reflect the DOE's enrollment projections for the schools that would be served in K009. Therefore, the DOE posted the amended EIS in accordance with Chancellor's Regulation A-190 and State Education Law.
- Comments 14(a), 27(e), and 27(cc) question why a footnote regarding P.S. 9's ability to accept out-of-zone students was removed and generally question P.S. 9's ability to accept out of zone students. The footnote was removed in the amended EIS to more accurately explain that the Chancellor reserves the right to relocate Brooklyn East Collegiate to an alternate location geographically proximate to K009 if P.S. 9's enrollment increases beyond current projections or if the number of families residing in the zoned area increases. Currently, approximately only 52% of students zoned to P.S. 9 attend the school. In the future, however, if demand for P.S. 9 increases, the number of out of zone families enrolled in P.S. 9's non-Gifted & Talented classes may need to be reduced to accommodate the number of students in the zone seeking admission.
- Comment 14(b) asked why the section explaining the co-location's impact on P.S. 9 was combined with other text. The formatting was changed to align it to the DOE's format for all EISes involving elementary and middle schools. No language about the impact on P.S. 9 was actually deleted however.
- Comment 15(a) questioned whether Brooklyn East Collegiate will serve 80 students per grade. Indeed, Brooklyn East Collegiate is only projected to serve 80 students per grade as is outlined in its charter with its authorizer, the State University of New York.

- Comment 15(b) questioned the definition of a full-size classroom. The DOE considers full-size classrooms to have an area of 500 square feet or more. While the DOE's Instructional 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. The DOE, however, will provide support to the schools to ensure that the schools use the space efficiently in order to maximize capacity to support student needs and maintain appropriate delivery of special education and related services to students.
- Comments 6(d), 15(e), 15(f), 28(f), and 28(p) relate to the methodology by which the DOE allocates classrooms. According to the Instructional Footprint, as outlined in the BUP, an elementary school with six sections per grade is allocated one full-size classroom for each general education or Collaborative Team Teaching section and a full-size or half-size classroom to accommodate each self-contained special education served by the school. In addition, schools serving kindergarten through fifth grade receive an allocation of cluster or specialty classrooms proportionate to the number of students enrolled that can be used at the principal's discretion. Thus, the BUP allocated a total of 41 full-size classrooms, 4 half-size classrooms, 4 quarter-size classrooms, and half of the designed administrative space in the building to P.S. 9 to meet the needs of its projected number of students.

This year P.S. 9 is currently utilizing excess space above its baseline allocation of rooms as demonstrated in the BUP. P.S. 9 should only be allocated 34 full-size classrooms under the adjusted baseline allocation in the BUP; however P.S. 9 is currently operating out of 35 full-size classrooms. In the following year, P.S. 9 will receive 33 full-size classrooms, 2 full-size classrooms for administrative space, and an additional 2 full-size rooms for a total of 37 full-size classrooms. Therefore, P.S. 9 will not lose space in 2011-2012 as a result of this proposal; in fact, it will be given more space to accommodate for an increase in enrollment.

Finally, class size is a continuing concern for all New York City schools. As stated in the DOE's and School Construction Authority's annual Enrollment-Capacity-Utilization Organization Report, the target classroom capacity and utilization rate reflects aspirational goals for school buildings based on different assumptions about how classrooms are used. The target capacity for full day pre-kindergarten classrooms is 18 students, for kindergarten through third grade classrooms is 20 students, and for fourth and fifth grade classrooms is 28.

- Comments 15(g-i), 17, 22, 28(c), 28(l), 28(n), and 28(q) question whether the EIS accounts for increased demand for P.S. 9. The EIS indeed does take into account that demand for P.S. 9 may increase over the years. Currently, however, there would be room in the building to accommodate this increased demand because after M.S. 571 is phased out and after Brooklyn East Collegiate is phased in, the target building utilization rate would only be 84%. If demand for seats at P.S. 9 increases beyond projected

enrollments, the Chancellor also reserves the right to relocate Brooklyn East Collegiate to an alternate location geographically proximate to K009.

- Comment 15(i) questions whether the DOE plans to cap P.S. 9’s fifth grade enrollment to 85 students. The projected enrollment listed in the EIS is not intended to represent a cap on any school’s future enrollment. Rather, it represents the DOE’s enrollment projections based on current enrollment. As discussed above, the DOE would accommodate an increase in demand from in-zone students and families for P.S. 9.
- Comments 15(j), 23, and 27(s) question whether the DOE projects that Brooklyn East Collegiate will significantly affect the number of P.S. 9 fourth grade students who matriculate to fifth grade at P.S. 9. Historically, the DOE has seen a slight decrease in enrollment between fourth and fifth at P.S. 9. In calculating the projection the DOE maintained that trend. If the proposal to re-site Brooklyn East Collegiate is approved, P.S. 9 fourth grade students may choose to remain at P.S. 9 or apply to enroll at Brooklyn East Collegiate through the charter lottery application process.
- Comment 15(k) questions Brooklyn East Collegiate’s enrollment projections and how open seats would be filled. In forming its enrollment projection, Brooklyn East Collegiate took into account possible student attrition, which can occur due to a variety of reasons. Brooklyn East Collegiate is only expected to accept new students to fill any vacancies in its entry grade, which is fifth grade. Therefore, regardless of the seats available in those grades, Brooklyn East Collegiate is not expected to accept new students to fill vacant seats.
- Comments 26, 27(a), 27(d), 27(h), 27(j), 27(r), 27(t), 27(u), 27(w), 27(x), 27(aa), 27(ee), 27(ff), 27(gg), 28(m), 30, 33, 35, and 37 suggest that P.S. 9 should be allowed to expand, whether by increasing the number of sections per grade, by expanding to serve students in sixth through eighth grades, or by adding an Italian dual-language program for District 13 students. The proposed co-location of Brooklyn East Collegiate is not expected to impact current or future student enrollment or instructional programming at P.S. 9. As stated earlier if there is an increase in P.S. 9’s enrollment resulting from an increase in demand for the zoned elementary school or an increase in the number of families residing in the zoned area, the Chancellor reserves the right to relocate Brooklyn East Collegiate to an alternate location geographically proximate to K009.

The following data indicates that P.S. 9 is able to accommodate additional zoned families without having to open additional classes. Currently, only 55% of the students enrolled at P.S. 9 (not including students enrolled in the pre-kindergarten program, the gifted and talented program, or students who receive full-time self contained or collaborative team teaching services) reside in the zone of P.S. 9:

<b>2010-2011 Audited Register Data</b>	<b>K</b>	<b>Gr 1</b>	<b>Gr 2</b>	<b>Gr 3</b>	<b>Gr 4</b>	<b>Gr 5</b>	<b>Grades K-5</b>
Number of students residing in the P.S. 9 Zone	53	44	26	21	22	19	<b>185</b>

Number of students not residing in the P.S. 9 Zone	30	29	29	21	23	17	<b>149</b>
Grand Total	<b>83</b>	<b>73</b>	<b>55</b>	<b>42</b>	<b>45</b>	<b>36</b>	<b>334</b>

<b>2010-2011 Audited Register Data</b>	<b>K</b>	<b>Gr 1</b>	<b>Gr 2</b>	<b>Gr 3</b>	<b>Gr 4</b>	<b>Gr 5</b>	<b>Grades K-5</b>
Percentage of students residing in the P.S. 9 Zone	64%	60%	47%	50%	49%	53%	<b>55%</b>
Percentage of students not residing in the P.S. 9 Zone	36%	40%	53%	50%	51%	47%	<b>45%</b>

The DOE acknowledges that this may mean that families residing outside of the zone may no longer be able to register their children at P.S. 9. This would not affect families seeking to enroll their children into the pre-kindergarten program or the gifted and talented program.

Further, the DOE recognizes that some parents and students prefer the continuity of education that K-8 schools could provide. If P.S. 9's principal, SLT, and parents believe that P.S. 9 would benefit from expanding to serve students in sixth through eighth grades or by hosting an Italian dual-language program, the DOE encourages the P.S. 9 principal to contact the school's Network Leader to discuss such changes that could be implemented at the school. Principals had been notified about the previous deadline to apply for grade expansion. At this time, the DOE is unaware that any formal proposal to expand the grades served or programs offered at P.S. 9 was made.

- Comment 27(g) relates to the possibility of re-siting another existing charter school in K009. Because Brooklyn East Collegiate cannot remain in its current location after the 2010-2011 school year, the DOE seeks to re-site Brooklyn East Collegiate to a location where it can grow to full scale and provide another high quality middle school option to the community. The DOE is evaluating locations to possibly re-site Community Roots Charter School.
- Comments 27(ff) and 28(j) relates to how the Gifted & Talented program at P.S. 9. was taken into account in the EIS and the BUP. The space allocation outlined in the BUP allows for P.S. 9 to maintain its pre-kindergarten program (dependent upon funding) and its Gifted & Talented program, while still providing for an increase in the number of zoned families in kindergarten.
- Comment 28(a) highlights an additional typographical error in EIS regarding the issue of two gymnasiums in K009. The commenter is correct, there is only one gym in the building. This typographical error is not material in substance and does not change the proposal.

### **Changes Made to the Proposal**

No changes were made to this proposal as a result of public comment.