

Public Comment Analysis¹

Date: October 11, 2013
Topic: The Proposed Co-location of American Dream Charter School (84XTBD) with P.S. 30 Wilton (07X030) in Building X030, Beginning in the 2014-2015 School Year
Date of Panel Vote: October 15, 2013

Summary of Proposal

On August 29, 2013, the New York City Department of Education (“DOE”) issued an Educational Impact Statement (“EIS”) and Building Utilization Plan (“BUP”) describing a proposal to co-locate grades six through eight of American Dream Charter School (84XTBD, “American Dream”) in building X030 (“X030”), located at 510 East 141st Street, Bronx, NY 10454 in Community School District 7 (“District 7”). If this proposal is approved, American Dream will be co-located with P.S. 30 Wilton (07X030, “P.S. 30”), an existing elementary school currently serving students in kindergarten through fifth grades and offering a pre-kindergarten program. 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.

American Dream has submitted a preliminary application for charter authorization from the New York State Education Department (“SED”) to serve students in grades six through ten, though the proposal to co-locate the school in X030 only applies to grades six through eight of American Dream. Any future proposal to co-locate additional grades of American Dream would be subject to a separate EIS and BUP. The proposal to co-locate American Dream in building X030 as described in the EIS is contingent upon SED’s approval of American Dream’s application for charter authorization. For the purposes of this proposal, it is assumed that SED will approve American Dream’s application.

American Dream will enroll students in grades six through eight through a lottery process, giving preference to returning students, siblings of students currently enrolled at American Dream, and students identified as English Language Learner (“ELL”) students or recent immigrants. The school’s educational program will include a dual language component designed to help students achieve academic success in both English and Spanish. Enrollment and admission information for American Dream are described in greater detail in Section III.A of the EIS.

If this proposal is approved, American Dream will begin serving approximately 90-115 sixth-grade students in the X030 building at the start of the 2014-2015 school year. The school will then add one grade each year until it serves approximately 260-335 students in grades six through eight in 2016-2017. As indicated in the BUP, there is sufficient space in the X030 building to meet the instructional space needs of both P.S. 30 and American Dream during and after the phase-in period of American Dream.

The DOE supports American Dream’s placement in X030 and anticipates that the school will provide additional educational opportunities for families in District 7. This proposal is intended to increase the number of programs geared toward ELL students in District 7 and to increase the number of middle school seats in the district.

X030 has a target capacity to serve 638 students. (The concept of “target capacity” is explained in the EIS.) During the 2013-2014 school year, the building is projected to serve approximately 525 students, yielding a building

¹ This Analysis of Public Comments reflects those public comments received to date. The DOE will continue to accept public comments until Monday, October 14 at 6:00 p.m. If any additional comments are received, they will be addressed in an amended analysis.

utilization rate of approximately 82%. This means that the X030 building is under-utilized and that there is space available to serve additional students.

If this proposal is approved, American Dream will begin to serve sixth-grade students in X030 during the 2014-2015 school year. The school will then add one grade each subsequent year until it serves approximately 260-335 students in grades six through eight in the 2016-2017 school year. At that time, the X030 building is projected to serve a total of approximately 726-861 students from American Dream and P.S. 30 collectively, yielding an estimated building utilization rate of 114%-135%.

As discussed in Section III.B of the EIS and in the BUP, building X030 has sufficient space to accommodate both schools, despite having a utilization rate over 100%. Although a utilization rate in excess of 100% may suggest that a building will be over-utilized or over-crowded in a given year, this rate does not account for the fact that rooms may be programmed for more efficient or different uses than the standard assumptions in the utilization calculation. In addition, charter school enrollment plans are frequently based on larger class sizes than target capacity, contributing to building utilizations above 100% while not impacting the utilization of the space allocated to the traditional district school. Therefore, as discussed in greater detail in Section III.B of the EIS and in the BUP, building X030 has sufficient space to accommodate the proposed co-location of American Dream with P.S. 30.

The EIS and BUP describing the proposed co-location of American Dream in building X030 can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2013-2014/Oct15SchoolProposals>.

Copies of the EIS and BUP are also available in P.S. 30's main office.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at building X030 on October 7, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 45 members of the public attended the hearing and 8 people spoke. Present at the meeting were: District 7 Superintendent Yolanda Torres; P.S. 30 School Leadership Team ("SLT") representatives, Carlos Diaz and Dr. Jacqueline Smith; District 7 Community Education Council ("CEC 7") representatives, Almeta Trammel, Noemi Lizardi, John Fielder, Love Andujar, and Paulette Williams; P.S. 30's network leader, Roxan Marks; and Pier Duncan, Mark David, Annabelle Eliashiv and Yael Kalban from the New York City Department of Education. Because the joint public hearing also served as the facilities hearing for New York State Department of Education ("SED") to gather community feedback on the proposed co-location, a representative from the SED, Jamal Young, was also in attendance.

The following comments and remarks were made at the joint public hearing on October 7, 2013:

1. Carlos Lopez, a member of the P.S. 30 SLT, asserted that:
 - a. During the previous co-location, P.S. 30 had to give up a number of specialty classrooms such as the computer lab, occupational therapy rooms, counseling rooms and English Second Language service rooms, which negatively impacted their students. He argued that these rooms are not considered in calculating each school's Footprint.
 - b. P.S. 30 is growing and will need more space in the future. He referenced that P.S. 30's current enrollment is already above the projections for the 2013-2014 school year.
 - c. The EIS projects a building utilization rate above 100%. There is not enough space in the building.
 - d. There are middle and high schools across the street. American Dream should be sited with another middle school, not an elementary school.
 - e. There are contradictions throughout the EIS about what grades American Dream will serve.
2. Dr. Jacqueline Smith, a member of P.S. 30's SLT, argued that this co-location would create overcrowding in the building.
3. Almeta Trammel, a CEC 7 member, who spoke on behalf of the CEC 7 President, declared that:
 - a. CEC 7 is in full support of the P.S. 30 parent body, which does not want a charter school in the building.

- b. She stated that P.S. 30's enrollment in current grades should be allowed to grow.
4. Violeta Guevara, a CEC 7 member, asserted that:
 - a. She is strongly against a charter being introduced into the X030 building because she believes it would negatively affect the students and parents of P.S. 30.
 - b. She believes the students of P.S. 30 would not have enough space.
 - c. The current students are used to a system and this will disrupt that system.
5. Love Andujar, a CEC 7 member, voiced that:
 - a. She supports the parents in opposition to a charter being introduced to the building.
 - b. She questions the DOE's statement that there is no anticipated impact on P.S. 30.
 - c. She is frustrated that the parents do not have a say about what happens in the building.
 - d. P.S. 30 is growing and that there is no room for a charter in the building.
6. Several commenters opposed the co-location on the grounds that elementary school aged children should not go to school with middle school aged children.
7. One commenter, a member of P.S. 30's staff, opposed the co-location on the grounds that:
 - a. She needs rooms for workshops and parent meetings.
 - b. Additionally, she argued that the school is growing.
8. One commenter, a parent of three children at P.S. 30, expressed concern that American Dream students would bully P.S. 30 students.

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

No written comments were received at the joint public hearing or via email.

No oral comments were received via voicemail.

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

Comments 1a, 1b, 1c, 2, 4-, 5b, 5d, and 7a express concern that the reduction in available space resulting from the co-location will adversely impact students at existing schools in the X030 building, and that there is insufficient room in the building to accommodate a co-location.

The Citywide Instructional Footprint (the "Footprint") is the guide used to allocate space to all schools based on the number of class sections they program and the grade levels of the school. The number of class sections at each school is determined by the Principal based on enrollment, budget, and student needs; there is a standard guideline of target class size (i.e., number of students in a class section) for each grade level. At the middle school and high school levels, the Footprint assumes every classroom is programmed during every period of the school day except one lunch period. The full text of the Instructional Footprint is available at http://schools.nyc.gov/NR/ronlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf.

While the co-location will reduce the amount of excess space which is currently available to P.S. 30, as stated in the EIS and BUP, the co-location is not expected to impact instructional programming, extra-curricular offerings or partnerships at either of these schools. P.S. 30 will continue to receive its baseline (or adjusted baseline, as applicable) Footprint allocation of rooms throughout the course of the phase-in of American Dream.

Several commenters asserted that the building is already full and that the co-location proposal will result in overcrowding at X030. However, the EIS indicates that X030 is currently only operating with a building utilization rate of 82%, and the BUP reflects that there are currently 15 full-size classrooms and three half-size classrooms in excess of P.S. 30's baseline allocation of space. This information suggests that there is space to serve additional students in the building and for both schools to meet the needs of their respective students.

With respect to concerns that the building utilization is projected to exceed 100% once American Dream serves grades six through eight in X030, it should be noted that the utilization rate does not account for the fact that rooms may be programmed for more efficient or different uses than the standard assumptions in the utilization calculation.

In addition, charter school enrollment plans are frequently based on larger class sizes than target capacity, contributing to building utilizations above 100% while not impacting the utilization of the space allocated to the traditional public school. Moreover, the BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location once American Dream serves grades six through eight.

P.S. 30 currently offers Integrated Co-Teaching (“ICT”) classes, Self-Contained (“SC”) special education classes, and Special Education Teacher Support Services (“SETSS”) along with English as a Second Language (“ESL”) services. With respect to concerns that the co-location will impact P.S. 30’s ability to provide individualized instruction and other types of special education services, it is worth noting that the Instructional Footprint takes into account the number of self-contained and bridged sections offered by a given school to ensure that the school is allocated appropriate space. As indicated in the BUP associated with this proposal, if this proposal is approved, all schools in the X030 building will be allocated enough space to meet their instructional needs as identified by the Instructional Footprint. Furthermore, the EIS provides that the existing ICT, SC, and SETSS classes will not be affected by this proposal, and students with disabilities will continue to receive mandated services in accordance with their Individualized Education Programs (“IEPs”).

Comments 1b, 3b, 5d, and 7b express concern that the enrollment projections are not accurate, and contend that P.S. 30 is actually growing.

The EIS projects P.S. 30’s enrollment based on 2013-2014 budget register projections. The projected figures in the EIS are consistent with historical enrollment trends at each school. It has come to our attention that actual enrollment at P.S. 30 as of October 9, 2013 slightly exceeds the projections listed in the EIS. The DOE projected that P.S. 30 would serve 525² students in 2013-2014, but the school is actually serving 534³ students. However, even with the addition of 9 students, the space the DOE has allocated to P.S. 30 in the BUP will suffice because of the following reasons: the DOE allocates space based on the higher range of its projections, and the excess space allocated to P.S. 30 in the BUP will be sufficient to allow for an increase in enrollment of this size. Significant changes in enrollment may result in an amendment to the space allocation plan.

Comments 3a and 5a generally oppose the proposal to site a charter school in the building.

Given that building space is scarce in New York City neighborhoods, and the growing enrollment needs of our 1.1 million students, the DOE must use its existing public buildings in the most efficient manner possible. Sharing space is central to New York City’s strategy for school improvement. DOE has over 900 schools and programs co-located with at least one other district or charter school in multi-school campus buildings. Co-locating new charter schools with district schools is necessary to ensure that students and families in every community have access to high-performing educational options.

There are several structures to facilitate a smooth co-location between the two schools. Co-located schools on campuses must actively participate in a Building Council, which is a campus structure for administrative decision-making for issues impacting all schools in the building. Additionally, a Shared Space Committee shall review the implementation of the BUP once it has been approved by the PEP. To the extent that principals and charter leaders are unable to reach agreement upon the use of shared spaces, they may avail themselves of a mediation process outlined in the Campus Policy Memo, which is available at <http://schools.nyc.gov/community/campusgov>.

Comment 5c pertains to the role of community feedback in the development and approval of proposals.

² 2013-2014 Budget Register Projections

³ Unaudited enrollment from October 9, 2013

The DOE appreciates all feedback from the community regarding a proposal. When the Educational Impact Statement and Building Utilization Plan were issued on August 29, 2013, they were made available to the staff, faculty and parents of P.S. 30, placed in P.S. 30's main office, and posted on the DOE Web site. In addition, the DOE dedicates a proposal-specific website and voicemail to collect feedback on this proposal. Furthermore, all schools' staff, faculty and parent communities are invited to the Joint Public Hearing to provide further feedback. In the case of this proposal, the DOE has solicited feedback from community members at the hearing, as well as through voicemail and email since the proposal was posted on August 29, 2013. Each school distributed parent letters and notices provided by the DOE in English and Spanish to all students informing parents of the proposal and the various ways in which they could provide feedback. All feedback received from the community via email, phone, or at the hearing is included in this document, which has been provided to the PEP for its consideration and which is publicly available on the DOE Web site.

While the DOE supports the co-location of grades six through eight of American Dream in X030 beginning in the 2014-2015 school year, the DOE notes that no decision has yet been made on this proposal. Any such proposed change to school utilization must be approved by the PEP before it can take effect. The PEP will vote on this proposal at its October 15, 2013 meeting. Interested stakeholders are welcome to provide additional comments at that PEP meeting.

Comments 1d and 6 oppose the placement of middle school aged children in the same building as elementary school aged children.

Due to space limitations, it is not unusual for varying grade levels to be co-located in a building together. There are successful examples of mixed grade co-located school building or campuses in New York City.

These examples include:

- Building 166 in District 9 which currently houses three schools: Grant Avenue Elementary School (09X449) which serves students in grade K-5; Science and Technology Academy: A Mott Hall School (09X454) which serves students in grades 6-8; and Bronx Early College Academy for Teaching & Learning (09X324) which serves students in grades 6-12.
- Building X193 in District 12 which currently houses three schools: P.S. 211 (12X211) which serves students in grades K-8, I.S. 318 Math, Science and Technology Through the Arts (12X318) which serves students in grades 6-8, and Children's Aid College Prep Charter School (84X124) which currently serves students in grade K-2.
- Building X026 in District 10 which currently houses two schools and a D75 program: MS. 390 (10X390) which currently serves students in grades 6-8, P.S. 396 (10X396) which serves students in grades K-5, and P.S. X010, a D75 program which serves students in grades K-5.

Comment 8 expresses concern that the proposed co-location will lead to bullying in the building.

Pursuant to Chancellor's Regulation A-414, every school/campus is mandated to form a School Safety Committee, which is responsible for developing a comprehensive School Safety Plan that defines the normal operations of the site and what procedures are in place in the event of an emergency. The School Safety Plan is updated annually by the Committee to meet changing security needs, changes in organization and building conditions, and any other factors. Updates can also be made at any other time if it is necessary to address security concerns. The Committee will also address safety matters on an ongoing basis and make appropriate recommendations to the principal(s) when it identifies the need for additional security measures.

Comment 1e expresses confusion over what grades American Dream will serve.



As explained in the EIS, American Dream has submitted a preliminary application for charter authorization from the SED to serve students in grades six through ten. However, this proposal only concerns the co-location of grades six through eight of American Dream in X030. Any future proposal to co-locate additional grades of American Dream would be subject to a separate EIS and BUP.

Changes Made to the Proposal

No changes were made to the proposal.