

Public Comment Analysis¹

Date: October 9, 2013

Topic: The Proposed Co-location of a New Public Elementary Charter School, Success Academy Charter School – New York 1 (84MTBD), with Existing Schools The Urban Assembly School for Emergency Management (02M135) and Murry Bergtraum High School for Business Careers (02M520) in Building M520 Beginning in the 2014-2015 School Year²

Date of Panel Vote: October 15, 2013

Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to co-locate the kindergarten through fourth grades of Success Academy Charter School – New York 1 (84MTBD, “SA – New York 1”), a new public elementary charter school, in building M520 (“M520”) with district high schools The Urban Assembly School for Emergency Management (02M135, “UA-EM”) and Murry Bergtraum High School for Business Careers (02M520, “Bergtraum”) beginning in the 2014-2015 school year.

On March 11, 2013, the Panel for Educational Policy (“PEP”) approved a proposal to site Stephen T. Mather Building Arts & Craftsmanship High School (02M139, “Mather”) at M520 beginning in the 2013-2014 school year. On March 11, 2013, the PEP also approved a proposal to site UA-EM in building M625 (“M625”) beginning in the 2013-2014 school year. As a result of facilities assessments that occurred after the PEP approved Mather’s siting in M520, the United States National Park Service (“NPS”), Mather’s industry partner, and the DOE determined that M520 is an inappropriate site for Mather because the building cannot accommodate the lab space that Mather’s specialized curriculum requires. Building M625, on the other hand, is able to offer Mather the required lab space. This determination came too late in the year to propose the re-siting of Mather for the 2013-2014 school year. The DOE is therefore proposing to re-site Mather to M625 and UA-EM to M520 beginning with the 2014-2015 school year. UA – EM will receive its required standard lab space in M520. Re-siting UA-EM to M520 and re-siting Mather to M625 will ensure that both schools are located in facilities that can

¹ The DOE will continue to accept comments concerning this proposal up to 24 hours prior to the Panel for Educational Policy’s (“PEP”) vote on October 15, 2013. Any additional comments will be addressed in an amended Public Comment Analysis which will be made available to the PEP before it votes on this proposal.

² In addition to the proposal to co-locate SA – New York 1, attendees at the October 9th hearing also had an opportunity to provide comments on related proposals to re-site the Urban Assembly School for Emergency Management to building M520 and to re-site the Stephen T. Mather Building Arts and Craftsmanship High School to M625. Responses to those comments may be found here:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2013-2014/Oct15PublicComment.htm>.

support their respective instructional needs.

For the purposes of this proposal, it is assumed that these re-siting proposals will be approved. If they are not approved, the DOE will amend this co-location proposal as appropriate.

M520 is located at 411 Pearl Street, New York, NY 10038, within the geographical confines of Community School District 2 (“District 2”). If this proposal is approved, SA – New York 1 will open in the 2014-2015 school year serving 150-210 students in kindergarten and first grade and will add one grade each year until it reaches full scale in M520, serving students in kindergarten through fourth grade in the 2017-2018 school year. SA – New York 1 is projected to serve 450-600 students in kindergarten through fourth grade when it reaches stable enrollment in the 2018-2019 school year.

Bergtraum is an existing district high school serving students in grades nine through twelve that admits students through the Citywide High School Admissions Process. The DOE is planning to reduce the enrollment at Bergtraum by approximately 400 - 450 students over a period of four years beginning in September 2014. By 2017-2018, enrollment at Bergtraum will decrease by approximately 400-450 students so that it will serve 1,055 - 1,095 students at scale in ninth through twelfth grades. Details of the year-by-year reduction are included in Section III.B below. This enrollment reduction will take place regardless of whether the proposals to re-site Mather to M625, to re-site UA-EM into M520, and to co-locate SA – New York 1 in M520 are approved.

If this proposal is approved, SA – New York 1 will be co-located in M520 with UA-EM and Bergtraum. UA-EM is an existing district high school that will, in the 2013-2014 school year, operate in M625, located at 439 West 49th Street, Manhattan, NY 10019. It will offer a rigorous academic program with a career and technical education component that prepares students for post-secondary education and work. UA-EM will move from M625 prior to the beginning of its second year of operation, the 2014-2015 school year, into M520 and will continue to add one grade per year until it reaches full scale in M520 and serves students in grades nine through twelve in the 2016-2017 school year.

SA – New York 1 has submitted a preliminary application for charter authorization from the State University of New York Trustees (“SUNY”) to serve students in kindergarten through fifth grades. This proposal deals only with the kindergarten through fourth grades of SA – New York 1. Any future proposal to co-locate any other grade levels of SA – New York 1 would be addressed in a separate Education Impact Statement (“EIS”) subject to another vote by the PEP. The proposal to co-locate SA – New York 1 in M520 described in this EIS is contingent upon SUNY’s approval of SA – New York 1’s application for charter authorization. Only SUNY has the authority to approve or deny SA – New York 1’s application for charter authorization. If SUNY does not approve SA – New York 1’s charter application, this proposal will not be implemented. Should SUNY deny SA – New York 1’s application, the DOE may propose an alternate use of space in M520 that involves a significant change in school utilization, which would be the subject of a future EIS in accordance with Chancellor’s Regulation A-190. For the purposes of this proposal, it is assumed that SUNY will approve SA – New York 1’s application.

If this proposal is approved, SA – New York 1 will open in August 2014 and will serve approximately 150-210 students in kindergarten and first grade, and the school will add one grade each year until it reaches full scale in 2018-2019. At that time, SA – New York 1 will serve approximately 450-600 students in kindergarten through fourth grade. The school would admit students via the charter lottery application process as described below in more detail.

According to the 2011-2012 Enrollment, Capacity, Utilization Report (“Blue Book”), M520 has a target capacity to serve 2,134 students. However the building is expected to serve approximately 1,614 students in the 2013-2014 school year, yielding a building utilization rate of 76%. This means that the building is “under-utilized” and has space to accommodate additional students.

In addition to the schools, M520 houses four community-based organizations (“CBOs”): Young Women's Christian Association (“YWCA NYC”), APEX Inc., SPARK Drug Prevention and Baruch/BMCC College, as well as offices of the United Federation of Teachers (“UFT”). This proposal is not expected to impact the continued siting of the CBOs or the UFT offices. M520 also houses hearing education services, which is a self-contained program offered in consultation with District 75, serving students who are deaf or hard of hearing. This proposal is not expected to impact the hearing education services currently offered in the M520 building.

Beginning in the 2013-2014 school year, the DOE and School Construction Authority (“SCA”) are creating a school-based health clinic (“SBHC”) in M520. This proposal is not expected to impact the construction, creation or continued siting of the SBHC in M520. The ultimate construction, creation and siting of the SBHC are dependent on the SCA’s assessment of facilities and funding only.

If this proposal is approved, the building will serve approximately 1,925 - 2,155 students and have a utilization rate of 90% - 101% in the 2018-2019 school year, when all schools, including SA - New York 1, have reached full scale and stable enrollment in M520. As discussed in Section III.B and in the attached Building Utilization Plan (“BUP”), while the utilization rate may be in excess of 100 percent, all schools will receive space that meets their instructional needs and the building has space to accommodate Bergtraum, UA-EM, and SA – New York 1.

Summary of Comments Received

A joint public hearing regarding this proposal was held at building M520 on October 9, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal.

Approximately 75 members of the public attended the hearing, and 28 people spoke. Present at the meeting were Rudy Elizondo, principal of the Urban Assembly High School for Emergency Management and member of the school’s SLT; Larry Gabbard, principal of the Stephen T. Mather Building Arts & Craftsmanship High School and member of the school’s SLT; Lottie Almonte, principal of Murry Bergtraum High School for Business Careers and member of the school’s SLT; Valerie Roman, member of Bergtraum’s SLT; Marisol Bradbury, Community

District 2 High School Superintendent; Shino Tanikawa, president of CEC 2; Sonni Mun, member of CEC 2; Jennifer Peng and Drew Patterson of the Office of Portfolio Management.

Below is a summary of the comments received:

1. Shino Tanikawa, CEC 2 president, asserted the following on behalf of CCHS president Paola DeKock that she is concerned that allowing Success Academy to start in M520 will result in the loss of high school seats. High school seats should not be turned into elementary seats. Elementary seats should not be turned into high school seats.
2. Shino Tanikawa submitted into the record CEC 2 resolution #72, passed at its September meeting, summarized below:
 - a. CEC 2 calls for the withdrawal of the Success proposal.
 - b. Despite three new zoned schools in last 4 years, Lower Manhattan (“LM”) continues to experience waitlists and Speaker Silver continues to hold the Overcrowding Task Force.⁷
 - c. The community makes the case to build another elementary school south of Canal Street and the DOE continues to reevaluate need in LM.
 - d. LM parents have expressed desire for a new zoned neighborhood district school and have not asked for more choices, particularly in form of a charter school.
 - e. CEC 2 has passed 2 resolutions opposing charter school co-locations and asking for a moratorium on proposals for charter co-locations, as per resolutions #30, #54, and #58.
 - f. The CEC questions the merit of co-locating elementary school and high school students, since the facility needs of the two groups of students are different.
 - g. She is concerned about the impact on the high schools. They will have to relocate rooms and share spaces.
 - h. She is concerned about the safety of elementary school students sharing with high school students.
 - i. She has heard anecdotal evidence of difficulties at the Graphics campus co-location of Success Academy Charter School – Hell’s Kitchen.
 - j. The DOE is in a rush to propose co-locations.
 - k. Siting new schools requires careful planning. That careful planning is not demonstrated consistently by the DOE and she asks for a thorough review of all co-location proposals.
3. CEC 2 member Sonni Mun asserted the following:
 - a. She lives in the community and nobody in community has asked for a charter school.
 - b. There is a problem with placing middle school students.
 - c. She doesn’t want to deny anyone an education but does not want it in this way.
 - d. It is unacceptable that the proposal could result in utilization over 100%. The only statement made to address that utilization rate is that everyone will get their own space.
 - e. The DOE is not thinking about the students.

- f. Bergtraum has issues and way to address those issues is not to shove a school that the community does not want into the building.
4. Valerie Roman, SLT of Bergtraum and PTA president asserted the following:
 - a. She is a parent of a student at Bergtraum. She sent her son here based on the variety of programs.
 - b. The decision-makers made this decision without thinking about the children involved.
 - c. Bergtraum may not be an A school but work with us to help us become what we once were. Not every child who walks through these doors comes because they want to chill out. A majority of them want a chance to get a diploma. Bergtraum is best for my child. I met students who already have scholarships lined up, students who are talking about college. Students encouraging peer mentoring. I've also witnessed the fights. To every good, there is a bad. She has seen students during their lunch hour volunteering to make Bergtraum a better place and to alert families about the proposal. Help the current community of schools and students. Our students are disenchanted because our adults do not think things through. These decisions should be for students.
 - d. Bergtraum students are being pushed out. Where are these kids going to go? You mean to tell me that bringing in little children to share space with big children is logical? Please explain to me that logic. Where are they going to have the space to learn the way they need to learn? Young children mean security must be tripled. There will be lots of problems with little ones.
 - e. Cannot favor one because all of the students are young and under-age.
 - f. The decision to decrease enrollment at Bergtraum is a bad one.
 - g. Need to displace 1700 Bergtraum parents, now displace the larger students: entry, transition, facilities, floors, programs available.
 5. Council Member Chin asserted the following:
 - a. She is opposed to the proposed co-location. She heard from school leaders opposed to this co-location for a number of reasons. Everyone expresses concern that DOE is seeking to co-locate elementary school students in a high school building.
 - b. High school seats are needed.
 - c. The DOE's EIS never says there's negative impact. There is not enough space with just Bergtraum, the CTE high school. There is no more room for another school.
 - d. The DOE does not have a good history of doing thorough investigation of suitability of space.
 - e. The DOE needs to figure out how the co-location between Bergtraum and the CTE high school will work before bringing in the charter school.
 - f. The DOE has never asked us what we wanted. We want a local elementary school that will serve the neighborhood kids. A charter school will not serve those students, but instead brings kids from all over the city.

- b. Bergtraum is next to a high value target.
 - c. This proposed co-location does not make sense from a security point of view.
 - d. There are entry and exit issues. Fire drills send students through all three exits. High school students can be sent on their way but what about the elementary school students?
9. The United Federation of Teachers (“UFT”) Manhattan high schools representative asserted the following:
 - a. She initially entered the Brandeis building saying it was just going to be an elementary school, but she tried to move Innovation Diploma Plus to District 6 so she could have room for her middle school.
 - b. Parents visiting Brandeis are profiled based on race for scanning.
 - c. Business of Sports School students are told that their students should stand back during a fire drill for the kindergartners.
 - d. The UFT is not against any student or teacher in NYC. The UFT is against having a co-location. There is also no need to reduce high school seats.
 - e. Where are the children going to play?
 - f. It is wrong to segregate schools and students.
 - g. Canceling school would result in investigation for a district principal.
10. A teacher at Bergtraum asserted that:
 - a. Bergtraum evokes emotion that no other school in NYC does. Bergtraum teachers feel supported.
 - b. She hopes that whoever is making decisions for the proposed changes in significant utilizations knows that those decisions make huge impacts on student bodies. There are impacts on families.
 - c. Because of the drop in enrollment at Bergtraum, many Ninth Grade Academy teachers are gone.
11. A parent coordinator at Bergtraum asserted that:
 - a. Against an elementary charter school co-location.
 - b. He is focused on preserving the legacy of Bergtraum. With the proposal, the high school would no longer be the focus and high school students would be denied the facilities in the building.
 - c. Instead of this proposal, Bergtraum should receive more support.
 - d. Teachers are already asked not to go to certain areas: will students be asked to do this?
 - e. He is worried about elementary school students in this building.
12. A former principal at Bergtraum asserted that:
 - a. She has come through this school and left it at age 55.
 - b. Bergtraum was supported by business community and neighborhood.
 - c. Bergtraum is designed for business careers and let us not forget that.
13. Multiple commenters who were parents:
 - a. They selected Bergtraum for the programs.
 - b. Adults have always tried to separate elementary school and high school students.

- c. Five year olds do not need to experience the same things as high school students and high school students should not be forced to grow up because they have set an example for younger children.

The DOE received the following comments through its feedback email address.

14. CEC 30 shared a resolution calling for a moratorium on all co-locations and suggesting that charter schools pay for space and services in public school buildings.
15. Multiple commenters who are alumni of Bergtraum asserted that they are opposed to the proposed co-location and planned enrollment reduction at Bergtraum due to the potential negative impacts that both proposals could have on Bergtraum's current and future students.

The DOE received the following comments through its feedback phone number.

16. Multiple commenters who are alumni of Bergtraum is opposed to the proposal.

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

Comments 1 and 5b contend that the available space in building M520 should be utilized to increase the number of high school seats in Manhattan / District 2.

The DOE closely monitors the need to create additional elementary, middle and high school seats across the city and believes that this proposal will meet a critical need in District 2: additional quality elementary school seats. Within any district or borough, there are other competing priorities.

Comment 3b also asserts that middle school seats are needed downtown. The DOE does not believe this proposal will impede the Department from being able to increase the number of quality high school or middle school seats in other buildings around the city. The DOE will continue to work towards improving of the quality of existing high schools and middle school and developing new, high-quality school options in Manhattan and all boroughs.

Comment 4f asserts that the targeted enrollment reduction planned to begin at Bergtraum in 2014-2015 is not a good idea. Comment 11c asserts that more resources should be given to Bergtraum in place of these proposals.

Bergtraum has a history of falling demand and enrollment and exhibits performance concerns. The enrollment reduction is intended to provide an opportunity for Bergtraum to improve by narrowing its focus on a smaller number of students. Co-locating new schools is intended to re-interest students in these campuses and provide new high quality options, and to bring the

existing school to a size where school-based improvement is more feasible. All schools receive support and assistance from their superintendent and Children First Network, a team that delivers operational and instructional support directly to schools. Struggling schools receive supports as part of system-wide efforts to strengthen all schools; and they also receive individualized supports to address their particular challenges. We do everything we can to offer struggling schools leadership, operational, instructional, and student supports that can help turn a struggling school around.

Comments 4a, 4c, 2g, 3f, 4g, 7a-c, 10a, 11b, 13a, 15 and 16 describe personal stories of success and investment from students, alumni, families, and teachers at Bergtraum. Many of the same commenters stated that they felt that it would be difficult for Bergtraum to continue providing such experiences to students if the co-location proposal were approved.

The DOE recognizes that co-location at a school may be a challenging experience for students, staff, and community members. Bergtraum will continue to receive support in the areas of budget, staffing, programming, community engagement, guidance, and enrollment including, but not limited to:

- Helping the school provide students with options that support their advancement and fully prepare students for their next transition point.
- Working with school staff to foster a positive culture.
- Supporting school leadership in efficiently and strategically allocating resources to ensure a consistent and coherent school environment focused on student outcomes.

Although the DOE recognizes that people in the community may have strong feelings against this proposal, the DOE believes that, if this proposal is approved, the school communities in the M520 building will be able to foster a collaborative and mutually respectful environment for all students, staff, and faculty members in the building.

These comments also suggest that there will be an overall negative impact on Bergtraum students. While the co-location will reduce the amount of excess space which is currently available to Bergtraum, as stated in the EIS and BUP, the co-location is not expected to impact instructional programming, extra-curricular offerings or partnerships at Bergtraum. Bergtraum will continue to receive its adjusted baseline Footprint allocation of rooms throughout the course of its enrollment reduction and the phase-ins of UA-EM and SA – New York 1.

Bergtraum has offered and will continue to offer programming based on student interests, available resources, and staff support for those programs. Students will continue to have the opportunity to participate in a variety of extracurricular programs, though the specific programs offered at a given school are always subject to change.

Comments 7e and 10c assert that the enrollment reduction has resulted in teachers leaving Bergtraum.

The DOE clarifies that the planned enrollment reduction at Bergtraum is not scheduled to begin until the 2014-2015 school year. The enrollment reduction that the commenters are referring to is not a result of the planned enrollment reduction described in this proposal. Instead, it is the result of a long-term trend in reduced demand for seats at Bergtraum.

Comments 2f, 2h, 4d, 5a, 6f-g, 7g, 8b-c, 9e, 11d-e, and 13b-c question placing elementary students in a building with high school students and question the co-location in building M520.

Due to space limitations, it is not unusual for varying grade levels to be co-located together. While it is not a common practice for an elementary school to be co-located with a high school, there are successful examples of K-12 buildings or campuses in New York City.

These examples include:

- The Julia Richman Educational Complex, which houses four small high schools, a K-8 school, and a District 75 program;
- Building M092 currently houses three schools: St. Hope Leadership Academy Charter School, a charter middle school serving students in grades fifth through eighth, P.S. 92, a district elementary school which serves students in grades K-5, and Democracy Prep Charter School, a charter high school serving students in ninth through twelfth grade.
- Building K324 currently houses three schools: M.S. 267, an existing middle school serving students in grades sixth through eighth, La Cima Charter school, a charter elementary school serving students in grades K-5, and Bedford Stuyvesant Collegiate, an existing charter secondary school, which is currently in the process of growing to serve students in grades 5-12. Members of the building council worked together to secure financing from KaBOOM to resurface the schoolyard and playground for all of the children at K324.

These comments also express concerns about safety issues at Bergtraum. With respect to SA – New York 1’s proposed co-location in M520, it should be noted that in many buildings housing co-located schools, each school is assigned floors or hallways for their classrooms and specific stairways for students to use. These measures are taken to cultivate cohesive cultures within each school. Separation between schools is intended to limit any issues that might arise from groups of students who may not know each other well and to nurture school unity. Pursuant to Chancellor’s Regulation A-414, every 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. School Safety Plan is updated annually by the Committee to meet the changing security needs, changes in organization and building conditions and any other factors; these updates could also be made at any other time when 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.

To the extent that parents and students are worried that this co-location proposal will affect the culture of Bergtraum, the DOE notes that parents and students may actively take a role in ensuring that does not happen. For example, parents can become involved in their Parent/Parent-Teacher Association (PA-PTA). Parents may work with school administrators to ease the transition and assist with outreach in the community regarding the proposal. Students at each school in M520 may collaborate during clubs or community service events.

Comments 2e, 2j, 2k, and 5d-e, 6i express dissatisfaction with the A-190 process.

These proposals, and a set that will come before the October 30th PEP, represent a continuation of DOE's strategy to increase access to high quality schools in communities that need better options for the 2014-2015 school year.

This timeline is not new. The PEP already approved 23 proposals for September 2014 implementation during the May and June PEP meetings.

The development of these 2014-2015 proposals reflects our extensive strategic planning to advance our proven strategy of bringing high quality district and charter schools online, as well as our desire to allow the maximum allotment of time for communities and educators to work towards their successful implementation.

Forward planning allots more time for:

- School/leaders to meet each other; and
- OSP to plan school placement and implement any needed facilities upgrades; and
- Charters to submit proposals for facilities matching; and
- Division of Facilities to review and conduct work on approved proposals.

Comments 4e, and 7d express concern that the elementary school students may be prioritized over the high school students.

The DOE treats its 1.1 million students equitably and does not give preference to one age group over another. As described in the BUP, the DOE has applied the DOE Instructional Footprint ("Footprint") to Bergtraum, UA-EM and SA – New York 1 to allocate rooms in an unbiased manner, and has divided the remaining space equitably based on the proportion of the total students in the building enrolled by each school and/or program, the instructional and programmatic needs of the co-located schools, and the physical location of the excess space within the building. 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. Key stakeholders throughout the Department of Education including the School Construction Authority, the Division of Portfolio Planning, Office of Space Planning, the Division of Accountability, Performance & Support, along with the Division of Special Education and school Principals were involved in developing these parameters.

Comments 3d and 5c express concern about the proposal's projected rates of utilization that are above 100%.

If this proposal is approved, the building will serve approximately 1,925 - 2,155 students and have a utilization rate of 90% - 101% in the 2018-2019 school year, when all schools, including SA - New York 1, have reached full scale and stable enrollment in M520. The projected utilization rate does not go above 100% in the years prior to 2018-2019. As discussed in the EIS and in the Building Utilization Plan ("BUP"), while the utilization rate may be in excess of 100 percent, all schools will receive space that meets their instructional needs and the building has space to accommodate Bergtraum, UA-EM, and SA – New York 1. 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 public school.

Comments 3e-f, 4b, 4g, 6a-b, 6i, 6k, 9d, 9f, 10b, 11a and 12a-c state general opposition to the proposal.

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 increased access to and range of 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 will 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>.

Comments 2a-d, 3a, 3c, 5f, and 6c-e state that there are sufficient high quality elementary schools in District 2 and there is not clear interest from District 2 parents for more charter schools.

District 2 has a number of high-performing elementary schools. Regardless, recent housing growth and demographic changes have resulted in enrollment pressures and waitlists at many schools. To address these issues, the DOE has opened and continues to open new district elementary schools. SA – New York 1, if this proposal is approved, would be an additional high-potential elementary school option in Lower Manhattan.

Comment 5f specifically claims that SA – New York 1 will not serve the students in the surrounding neighborhood. The DOE has seen that other Success elementary schools in Manhattan do draw students from the surrounding neighborhood. In addition, the state Charter Law requires that charter schools offer an enrollment priority to students who live in the community school district in which the charter school is located.

Comments 6h, 7f, 7h, and 9e relate to the process by which space is allocated to schools and shared space scheduling.

There are currently hundreds of schools in buildings across the city that are co-located; some of these buildings house multiple district schools while others house district and public charter schools. In all cases, the Instructional Footprint is applied to both district and public charter schools to ensure equitable allocation of classroom, resource and administrative space.

The DOE seeks to fully utilize all its building capacity to serve students. The DOE does not distinguish between students attending public charter schools and students attending district schools. In all cases, the DOE seeks to provide high quality education and allow parents/students to choose where to attend.

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 are 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/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf

The Building Utilization Plan puts forth a proposed shared space schedule for the co-located schools that is feasible and demonstrates that the co-located schools may be treated equitably and comparably in the use of shared spaces. The final shared space schedule will be collaboratively drafted by the Building Council if the proposed co-location is approved by the Panel for Education Policy.

If conflicts emerge and progress is impaired, the Building Council will follow the dispute resolution procedures outlined in the Campus Policy Memo available at the following link: <http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo.http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo.htm>.

The BUP details the number of class sections each school is expected to program each year through 2017-2018 and allocates the number of classrooms accordingly. The assignment of specific rooms and the location for each in the building will be made in consultation with the principals of each school and the Office of Space Planning if this proposal is approved. The amended second revised BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location.

If the principals are unable to agree upon a schedule for shared spaces, there is a mediation process outlined in the Campus Policy Memo, which is available at <http://schools.nyc.gov/community/campusgov>.

Comment 6j states that this proposal comes before the charter application for SA – New York 1.

Only the New York State Education Department (NYSED) and the State University of New York (SUNY) have the authority to issue new charters. But, the DOE will continue to support charter schools with DOE facilities where feasible and available.

Across the October 15th and October 30th PEP meetings, the DOE is proposing to site new grades of seven existing charter schools in DOE space. Of these, five have not yet received approval from the respective authorizers to serve some or all of those new grade. The timeline for approval is tied to renewal process and has not yet been set for each school.

This strategy is consistent with the DOE's advance planning process. There are many advantages to advance planning, including the opportunity for school leaders to meet and begin to collaborate together for the following school year.

In the past planning cycles, the DOE has proposed to co-locate the expansions of existing charter schools in advance of formal approvals from the authorizers. For example, during the 2011-2012 to 2013-2014 planning cycles, the DOE has proposed approximately 41 charter expansion proposals. Of those 41 proposals, over half (or 23) involved expansions prior to approval from the authorizers.

For these proposals, in addition to approval from the PEP, implementation is contingent on SUNY/SED's authorization to open and/or approval to expand.

Comments 3f and 8d assert that there are specific safety concerns around entry and exit, especially with respect to drills or evacuations.

Every school has a fire safety plan which includes plans for fire drills and evacuations in case of emergencies. Bergtraum, UA-EM, and SA – New York 1 would work with the Office of Safety and Youth Development to address any concerns or modify the fire safety plan as needed. Additionally, the School Safety Committee, described in detail above, 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 the changing security needs, changes in organization and building conditions and any other factors; these updates could also be made at any other time when it is necessary to address security concerns. The Committee will also address safety matters on an ongoing basis and make appropriate recommendations to the principals when it identifies the need for additional security measures. Finally, several buildings in the city that are co-located with both district and/or charter

schools have to make similar plans for fire safety in the face of stairwells, and other building configuration issues. The final decision on how to appropriately plan for these situations resides with the Building Council.

Comments 4g and 5g express concern that Bergtraum will close.

As stated in the EIS, this proposal is to co-location SA – New York 1 in M520. This is not a proposal to phase out or close Bergtraum.

In response to comment 14, the DOE seeks to provide space to high quality education options for all students, regardless of whether they are served in DOE or public charter schools. The DOE welcomes public charter schools to lease or provide their own space, but will offer space in DOE schools where it is feasible to do so.

Comments 2i, 7i, 8a, 9a-c and 9f-g do not relate directly to the proposed co-location and, therefore, have not been addressed.

Changes Made to the Proposal

No changes have been made to this proposal in response to public comment.