

## **Public Comment Analysis<sup>1</sup>**

Date: October 11, 2013

Topic: The Proposed Co-location of a New District Middle School (06M209) with Existing Schools P.S. 192 Jacob H. Schiff (06M192) and P.S. 325 (06M325) in Building M192 Beginning in the 2014-2015 School Year

Date of Panel Vote: October 15, 2013

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### **Summary of Proposal**

On August 29, 2013, the New York City Department of Education (“DOE”) issued a proposal to co-locate a new district middle school (06M209, “06M209”) in building M192 (“M192”) located at 500 West 138<sup>th</sup> Street, New York, NY 10031 in Community School District 6 (“District 6”). If this proposal is approved, 06M209 will be co-located in building M192 with two existing zoned elementary schools, P.S. 192 Jacob H. Schiff (06M192, “P.S. 192”), which currently serves kindergarten through fifth-grade students and offers a pre-kindergarten program; and P.S. 325 (06M325, “P.S. 325”), which currently serves kindergarten through fifth-grade students. Building M192 also has a mini-building, M848, which is currently shared by P.S. 192 and P.S. 325. If this proposal is approved, P.S. 192, P.S. 325 and 06M209 would share building M192 and mini-building M848, heretofore referred to collectively as M192. 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.

If this proposal is approved, 06M209 will serve sixth-grade students in 2014-2015 and will add one grade per year until it reaches full scale and serves students in grades six through eight in 2016-2017 in M192. 06M209 will admit students through the middle school application process and will give priority to students zoned to or attending P.S. 192 and P.S. 325. 06M209 will admit students using a limited unscreened admissions method, which gives priority to students who demonstrate interest in the school by attending a school information session, school tour, open house event, or by visiting the school’s exhibit at the Middle School Fair.

P.S. 192 and P.S. 325 share an elementary school zone and will continue to do so if this proposal is approved. Students are admitted to P.S. 192 and P.S. 325 in accordance with Chancellor’s Regulation A-101. P.S. 192 currently offers two sections of half-day pre-kindergarten and admits pre-kindergarten students through the centralized pre-kindergarten admissions process. Admissions procedures for P.S. 192 and P.S. 325 are discussed in more detail in Section III. A of the Educational Impact Statement.

In addition, there are also three community-based organizations (“CBO”) occupying space in the M192 building: Aspira, Saint Luke’s Hospital, and Heritage Health Care. This proposal is not expected to impact the siting of these programs.

According to the 2011-2012 Enrollment, Capacity, Utilization Report (“Blue Book”), M192 has a target capacity to serve 937 students. During the 2013-2014 school year, the building serves a total of approximately 628 students, yielding a building utilization rate of 67%. This means that the building is “underutilized” and has space to accommodate additional students.

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<sup>1</sup> This Analysis of Public Comments reflects those public comments received to date. The DOE will continue to accept public comments until October 14, 2013 at 6 p.m. If any additional comments are received, they will be addressed in an amended analysis.

The proposed opening and co-location of 06M209 in M192 is part of the DOE's central goal to create new school options. The DOE supports the co-location of 06M209 in M192. This proposal is intended to increase the number of middle school options available to families in District 6.

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

A joint public hearing regarding this proposal was held at building M192 on October 9, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 70 members of the public attended the hearing and 28 people spoke. Present at the meeting were: New York City Council Member Robert Jackson; New York City Council Member Mark Levine; Manhattan Borough President Scott Stringer's Representative Nina Saxon; New York State Assemblyman Keith L.T. Wright's Representative Maurice Cummings; Community School District 6 Superintendent Elsa Nunez; P.S. 192 Jacob H. Schiff Principal Susan Rivera; P.S. 192 Assistant Principal Justin Kravetz; P.S. 192 Parents Association President and School Leadership Team representative Mayra Rosado; P.S. 325 Principal Gary Cruz; P.S. 325 Parents Association President and School Leadership Team representative Maribel Campos; Community Education Council 6 ("CEC") Representatives Miriam Aristy-Farer, Tony Kelso, Tory Frye, Yuderka Valdez, Maggie Velez, Shenell Evans, Mayra Compres, and Fe Florimon; and Meera Jain from the DOE's Division of Portfolio Planning.

#### **The following comments and remarks were made at the joint public hearing on October 9, 2013:**

1. New York City Council Member Robert Jackson opposed the proposal and commented as follows:
  - a. I like the K-8 school model for its continuity.
  - b. I've heard that students have to go uptown for middle school which is too far for students to travel.
  - c. Another co-located school will bring its own administration comprised of a new principal, assistant principal and that all takes up space in the building.
  - d. The DOE says there is enough space because the capacity is 930 students and you only have 630 students in the building.
  - e. As chair of the education committee, I put forth a moratorium on co-locations and school closures.
  - f. If you don't express your opinions and wishes to the CEC, SLT, and Parents Association, the DOE will decide what's best for you.
  - g. I understand that you need more information in Spanish to help you decide what's best for your children.
2. Maurice Cummings representing New York City State Assemblyman Keith L.T. Wright opposed the proposal and submitted and read the following statement:
  - a. The DOE's proposal to co-locate 06M209 with two elementary schools is concerning and against the best interests of current and prospective students.
  - b. Proposals should be inclusive of all affected stakeholders and that includes parents and community members.
  - c. This proposal is disturbing because it seeks to merge students of a different age group into a building occupied by two elementary schools and community-based organizations.
  - d. I do not agree with the DOE that this proposal will have a minimal impact on current or future academic performance.
  - e. I do not agree with the DOE that three separate schools in one building, especially when this arrangement would require sharing of common spaces, would not have an impact on students.
  - f. It remains unknown to me what criteria are used to determine how efficient a building is being utilized.
  - g. I do not view this proposal a suitable option given that P.S. 192 has been rated a "Developing" on its most recent Quality Review.
  - h. How the DOE plans to improve P.S. 192's "Developing" rating while managing the incorporation of an additional 200 students has not been demonstrated by this proposal.
  - i. The primary goal should be providing new options, while improving, or at the very least, minimizing any detriment to the academic standing of the existing schools.
3. Miriam Aristy-Farer, CEC 6 President, opposed the proposal and submitted and read the following statement:
  - a. The SLTs in M192 were informed about the proposal during the last week of school in June and did not completely understand what was presented.

- b. The DOE violated the Open Meetings Law by asking to meet with the CEC 6 president alone to discuss the proposal.
  - c. CEC 6 did not receive any written information about the co-location proposal until August 29 when the Educational Impact Statement (“EIS”) was released.
  - d. CEC 6 could not engage with their community until September because schools were closed for summer vacation.
  - e. Spanish translated documents were provided after English documents were made available; as a result the community did not have the required 45 days to review the proposal before the PEP votes on October 15, 2013.
  - f. The community is concerned about rising class sizes.
  - g. The community is concerned about enrollment since charter schools are soliciting high-performing students from P.S. 192 and P.S. 325 thereby reducing their enrollment.
  - h. CEC 6 would like to receive a cost analysis of opening a new middle school compared to expanding an existing elementary school to eighth grade.
  - i. CEC would like the building utilization rate recalculated to exclude the mini-building.
  - j. CEC would like to know the maintenance costs for the mini-building and how much it would cost to install air-conditioning in the mini-building.
  - k. Has the DOE considered whether the community needs two elementary schools or one elementary school and one middle school in the building?
  - l. P.S. 325 applied for pre-kindergarten the past two years, but was denied.
  - m. P.S. 325 are losing students who choose to attend KIPP S.T.A.R. in building M115.
  - n. Co-locating a third school will force shared spaces to be divided even further and will take more space and funding.
  - o. Why won't the DOE offer more support to improving our schools?
  - p. District 6 lacks high-quality schools due to poor funding and excessive amount of focus on co-locating schools rather than focusing on providing a quality education.
  - q. District 6 has 12 co-located schools that have lost space and funding as a result.
  - r. Besides the Building Council, there is little support from the DOE once co-location takes place.
  - s. CEC 6 started a petition against co-locations and received 946 signatures opposing co-location.
  - t. CEC 6 handed out surveys and 90% of survey responses received said that parents prefer an expansion of an existing elementary school, rather than the co-location of 06M209.
  - u. We are asking the DOE to reconsider their proposal and explore an expansion of P.S. 192 to eighth grade and transition P.S. 325 to serve middle school students.
  - v. If the community does not support the co-location of 06M209, organize yourself and work to expand one of your schools.
  - w. The CEC does not support co-locating a third school, 06M209, in M192.
4. Judy Valdez, CEC 6 Secretary, opposed the proposal and commented as follows:
    - a. I'm from the J.H.S. 052 community and we're having the same co-location problem at that school.
    - b. It's important to have good quality schools in the neighborhood, but co-locating multiple schools in one building does not help.
    - c. How does the DOE think they are going to fit three schools into this building?
    - d. There is no safety or security guard in the mini-building.
    - e. We need to improve our district schools so that our students are prepared for college.
    - f. I don't want three schools co-located in this building; I only want one elementary and one middle school.
  5. Maggie Velez, CEC 6 Member, opposed the proposal and commented as follows:
    - a. I'm afraid that classrooms will be eliminated and the schools will lose specialty rooms.
    - b. This decision has nothing to do with the children since the DOE does what it wants.
    - c. Each school will have their own administration and will need their own space.
    - d. There will be three principals that will make their own decisions that impact the other schools.
    - e. The schools will have lunch, gym and other activities in shared spaces at odd times during the day.
    - f. The co-location of 06M209 will pit teachers and students against each other.

- g. When you were made aware of the new proposal, were you asked what kind of middle school you wanted?
6. Mayra Compres, CEC 6 Member, opposed the proposal and commented as follows:
  - a. Three years ago, a proposal to expand P.S. 192 to eighth grade was denied.
  - b. A new proposal was then issued to turn P.S. 325 into a middle school and we were happy because we thought we were going to get a middle school.
  - c. Now I'm puzzled because we're talking about the co-location of 06M209, even though parents still want one of the original proposals.
  - d. I hope the DOE will take the parents' preferences into consideration.
7. Fe Florimon, CEC 6 Manhattan Borough President Appointee, opposed the proposal and commented as follows:
  - a. The parents in this building put forth proposals that were not approved, but today we're learning about a new proposal put forth by the DOE.
  - b. I'm not against this proposal, but the DOE listen to the voices of our community.
  - c. I respectfully ask the DOE to reconsider the old proposals.
8. Tony Kelso, CEC 6 Vice President, commented that the CEC's responsibility was to represent the community.
9. Tory Frye, CEC 6 Member, opposed the proposal and commented as follows:
  - a. It is true that the community has been asking for a middle school in the area since the 1980's.
  - b. However, the choice the DOE is offering is not the choice the community wants.
  - c. The DOE should ensure that class sizes decrease.
  - d. The DOE should ensure that schools have a larger budget so that the schools can have co-teachers.
  - e. This co-location proposal divides the community and the parents in the building.
  - f. This proposal is not what we wanted and we have been clear that we wanted was to expand P.S. 192 and turn P.S. 325 into a middle school.
10. P.S. 325 Principal Gary Cruz supported the proposal and commented as follows:
  - a. There is a lot of confusion tonight as to what this proposal is; there is only option and it is for a new middle school in M192.
  - b. There was a proposal put forth three years ago for P.S. 325 to transition from serving elementary school students to middle school students, but that is not the proposal that we are here to discuss tonight.
  - c. I understand that not everyone is opposed 06M209, but some are opposed to the co-location of a third school.
  - d. The CEC are elected members and they want the DOE to take your needs and opinions into consideration.
  - e. I would like to clarify that no school will close in this proposal.
11. Multiple commenters stated that they want a middle school in the community for their children and are grateful to the DOE for this opportunity.
12. Multiple commenters stated that they do not want their children traveling on train and bus to attend middle school far away.
13. Multiple commenters expressed that they want to see their students stay in the community for middle school.
14. Multiple commenters expressed their appreciation for the school leaders, teachers, and community offered at P.S. 192 and P.S. 325.
15. Multiple commenters stated that they are ready to welcome and support 06M209 in M192.
16. Multiple commenters asserted that they are not against 06M209, but don't support a co-location of a third school.
17. Multiple commenters asserted that they would prefer the original proposal of expanding P.S. 192 to eighth grade, rather than co-locating 06M209 in M192.
18. Multiple commenters asserted that they would prefer the original proposal of having P.S. 325 transition from serving elementary school students to middle school students, rather than co-locating 06M209 in M192.
19. Two commenters stated that if P.S. 192 expanded to eighth grade, it will be unfair to P.S. 325.
20. Multiple commenters inquired as to why the DOE decided to co-locate a third school, rather than expand one of the existing elementary schools to eighth grade.

21. Multiple commenters asserted that the parents in M192 need to be united, respectful, and communicative with each other.
22. Multiple commenters stated that co-locating three schools in one building does not make sense.
23. Multiple commenters suggested that there will be safety issues and bullying when middle school students are co-located with elementary school students.
24. Multiple commenters expressed concern of how three schools will share common spaces such as the auditorium, cafeteria, library and bathrooms.
25. Multiple commenters suggested that there is enough space in the building to co-locate 06M209, as the building can accommodate more students than it currently has.
26. Two commenters suggested that there will be overcrowding if 06M209 is brought to the building.
27. One commenter expressed that excess space will remain in M192 after the co-location of 06M209.
28. One commenter expressed that the schools will decide how to schedule time in the shared spaces.
29. One commenter stated that CEC 6 has not been respectful to people in their community.
30. One commenter expressed that they understand why the CEC is concerned about our community, but this is their building and should be used for a new middle school.
31. One commenter thanks the DOE for the Spanish translations.
32. One commenter expressed that 06M209 will provide an equal opportunity to students from P.S. 192 and P.S. 325.
33. One commenter expressed there is a benefit of having students stay at one school from kindergarten through eighth grade.
34. One commenter expressed that this proposal has not been communicated effectively with the community.
35. One commenter expressed that the costs of operating three schools in the building has not been accounted for.
36. One commenter inquired if the parents know what it means to have three schools in one building.
37. One commenter suggested that the parents need more information and guidance in Spanish.
38. One commenter stated that the P.S. 192 and P.S. 325 are struggling and co-locating 06M209 will not help them improve.
39. One commenter stated that the community needs more time to understand and decide what they want.

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

40. A resolution issued by CEC 6 expresses opposition to the siting of any new schools in District 6 and states that CEC 6 will refuse to participate in joint public hearings that are mandated by Chancellor's Regulation A-190.
41. One comment was received via voicemail and another via email stating that CEC 6 misinformed P.S. 192 and their community about the new middle school at the P.S. 192 Parents Association meeting on September 25, 2013. The comments were as follows:
  - a. CEC 6 indicated that the Office of Portfolio Management was lying to the community about who the new middle school will serve.
  - b. CEC 6 stated that there is a conflict between the leadership of P.S. 192 and P.S. 325 and adding a third principal will lead to even more conflict.
  - c. CEC 6 stated that P.S. 192 is one of the lowest performing schools in District 6.
  - d. The P.S. 192 community was told that co-locating multiple schools in one building can lead to crime, gangs, and conflicts.
42. One comment was received via voicemail inquiring where to find translated copies of the proposal.

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

Comments 11, 13, 15, and 30 are in support of the proposal and thus do not require a response.

Comments 1(a), 1(e), 4(a), 8, 29, and 33 are unrelated to the proposal and thus do not require a response.

Comments 14 and 21 discuss the positive aspects of P.S. 192, P.S. 325, their respective school leadership teams and standing in the community. With respect to these comments, the DOE's proposal to co-locate 06M209 in M192 is not intended as a slight against P.S. 192, P.S. 325 or their leadership. Instead, it is intended to give families in the

community a new middle school option with priority given to students in the P.S. 192 and P.S. 325 zone. Further, as stated in the EIS, this proposal is not expected to impact the enrollment or programming at P.S. 192 and P.S. 325. The DOE expects that all schools and their respective students and parents will be respectful, engaged and will continue to play a vital role as an anchor for the community.

Comment 2(c) suggests that students of different grade levels should not be co-located in one building. 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 buildings or campuses in New York City. It is very common to have K-8 schools which mix elementary school students with middle school students and they don't have problems. In District 6 alone, there are five K-8 schools that mix elementary school students with middle school students and are some of the most in-demand schools in the district.

Across 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 kindergarten through five, and Democracy Prep Charter School, a charter high school serving students in grades nine through twelve.
- 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 kindergarten through five, and Bedford Stuyvesant Collegiate, an existing charter secondary school, which is currently in the process of growing to serve students in grades five through twelve. 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.

If this proposal is approved, all schools will develop a safety and security plan for M192 prior to the first day of school in September 2014.

Comments 3(n), 3(q), 4(b), 4(f), 10(c), 16, and 22 relate to co-locations. Given the finite number of buildings available in New York City, the DOE attempts to use all of its school buildings as efficiently as possible. Co-location is the everyday experience of more than half the schools in New York City. Of all district schools, approximately two-thirds are co-located with another school, most with another district school. Less than one quarter of our buildings have a charter school in them. Co-locations allow us to use our limited facilities efficiently while simultaneously creating additional educational options for New York City families. This is necessary because we have scarce resources and a demand for more options. While they share common spaces like auditoriums, gymnasiums, and cafeterias, each school is allocated particular classrooms and spaces for its own students' use.

Because M192 currently has two elementary schools co-located in the building, P.S. 192 and P.S. 325 and are already familiar with co-locations. Although the DOE is proposing to co-locate a third school, the DOE believes that if this proposal is approved, the school communities in M192 will continue to have productive and collaborative partnerships. School funding is dependent on enrollment, not on the number of schools co-located in a building.

In regard to comments 5(f), 9(e), and 41(b) which suggest that co-locations pit schools against one another, co-locations allow us to use our limited facilities efficiently while simultaneously creating additional educational options for New York City families. This is necessary because we have scarce resources and a demand for more options. There are examples of schools buildings in which district and charter school principals have collaborated together to meet the needs of all students served in the building. For example, in District 6, P.S. 128 Audubon and Castle Bridge School, two district elementary schools co-located in M128, have collaborated on a new gardening project in High bridge Park and both schools enjoyed a performance by a visiting band.

In regard to comments 2(g), 2(h), 3(o), 38, and 41(c) although P.S. 192 received a "Developing" on its most recent Quality Review, the school received a B on its overall 2011-2012 Progress Report and was not considered a Struggling School. In addition, it was deemed In Good Standing by the State Education Department in 2011-2012.

P.S. 192 and P.S. 325, like 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.

In regard to [comment 3\(l\)](#) that P.S. 325 applied for a pre-kindergarten program the past two years. The DOE does not have any record of P.S. 325 applying for pre-kindergarten program in the past two years. If P.S. chooses to apply for a pre-kindergarten program, the Office of Early Childhood Education will evaluate their request based on available space, demand, and the quality of their school.

[Comments 2\(a\), 4\(d\), 23, and 41\(d\)](#) relate to safety in M192 if this proposal is approved.

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 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 School Safety Plan is evaluated by NYPD for certification. 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. Additionally, the Borough Safety Director will assist the campus principals with any safety concerns, internally and externally, and will provide additional support when available.

The Office of Safety and Youth Development ("OSYD") will regularly monitor the campus schools' DOE incident data and the NYPD building crime data for spiking trends. When there is evidence of spikes in incidents and crime, OSYD will schedule a review of the data with representatives from all the co-located schools and follow up with a safety walk or a full comprehensive safety assessment to identify areas of concern and re-establish safety and security systems for the campus, as appropriate. The DOE makes available the following supports to schools relating to safety and security:

- Providing "Best Practices Standards for Creating and Sustaining a Safe and Supportive School," as a resource guide;
- Reviewing and monitoring school occurrence data and crime data (in conjunction with the Criminal Justice Coordinator and the New York City Police Department);
- Providing technical assistance via the Borough Safety Directors when incidents occur;
- Providing professional development and support to Children's First Network ("CFN") Safety Liaisons;
- Providing professional development and kits for Building Response Teams; and
- Monitoring and certifying School Safety Plans annually.

In response to [comment 2\(i\) and 4\(e\)](#) the central goal of the Children First reforms is simple: to create a system of great schools. Every child in New York City deserves the best possible education. The DOE acknowledges these comments and recognizes the collaborative role that parents and principals partake in developing a school. In addition, schools throughout the city are not just educational institutions, but rich and tight-knit communities. The DOE expects that all schools will be fully engaged with the community and will continue to play a vital role as an anchor for the community.

In regard to [comment 40](#), the DOE evaluates space across all buildings and believes that the co-location of 06M209 in M192 is the best use of its underutilized space. Despite CEC 6's resolution, the DOE continues to welcome their active participation in future joint public hearings.

[Comments 1\(c\), 1\(d\), 3\(h\), 4\(c\), 5\(c\), 6\(a\), 25, 26, 27 and 36](#) assert that the building cannot accommodate three schools and the building will be overcrowded. There are currently hundreds of schools in buildings across the City that are co-located; some of these co-locations are multiple DOE schools while others are DOE and public charter

schools sharing space. In all cases, allocation of classroom, resource, and administrative space is guided by the Citywide Instructional Footprint (the “Footprint”) which is applied to all schools in the building. 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 school.

The Footprint is the guide used to allocate space to all schools based on the number of class sections the school programs 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.

For elementary schools serving grades kindergarten through five (and for all pre-kindergarten programs), the Footprint assumes that classes are self-contained. Therefore, the Footprint allocates one full-size room for each general education or ICT section and a full-size or half-size room to accommodate each SC special education section served by the school. In addition to these rooms, schools serving grades kindergarten through five receive an allocation of cluster or specialty rooms proportionate to the number of students enrolled. These spaces can be used at the principal’s discretion for purposes such as art and/or music instruction, among other things. For grades six through twelve, the Footprint assumes that students move from class to class and that classrooms should be programmed at maximum efficiency. The Footprint does not require that every teacher have his or her own designated classroom. Principals are asked to program their schools efficiently so that classrooms can be used for multiple purposes throughout the course of the school day. 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](http://schools.nyc.gov/NR/ronlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf)

There is sufficient space in M192 for all three schools. According to the 2011-2012 Enrollment, Capacity, Utilization Report (“Blue Book”), M192 has a target capacity to serve 937 students. During the 2013-2014 school year, the building serves a total of approximately 628 students, yielding a building utilization rate of 67%. This means that the building is “underutilized” and has space to accommodate additional students. In 2016-2017, the final year of 06M209’s phase-in, 06M209 is projected to serve approximately 225-255 students in grades six through eight; P.S. 192 is projected to serve approximately 333-393 students in grades kindergarten through five and its pre-kindergarten program; and P.S. 325 is projected to serve approximately 200-260 students in grades kindergarten through five. Combined, this yields a total enrollment of approximately 758-908 students and a projected building utilization rate of 81%-97%.

The table below provides the baseline or adjusted baseline allocation of full-size instructional rooms for each school in M192 over the three years of 06M209’s phase in:

DBN	School Name	2013-2014	2014-2015	2015-2016	2016-2017
06M192	P.S. 192	21	21	21	21
06M325	P.S. 325	16	16	16	16
06M209	06M209	N/A	4	7	10
<b>TOTAL</b>		<b>37</b>	<b>41</b>	<b>44</b>	<b>47</b>
<b>ROOMS IN EXCESS OF (OR UNDER) BASELINE OR ADJUSTED BASELINE ALLOCATION OF FULL-SIZE INSTRUCTIONAL ROOMS</b>		<b>19</b>	<b>15</b>	<b>12</b>	<b>9</b>

The assignment of specific rooms and location for each in the building, including those for use in serving students with IEPs or special education needs, will be made in consultation with the Principals of each school and the Office of Space Planning if the proposal is approved. The Office of Space Planning will work with the Building Council to ensure an equitable allocation of the excess space. In determining an equitable allocation, the Office of Space Planning may consider factors such as the relative enrollments of the co-located schools, the instructional and programmatic needs of the co-located schools, and the physical location of the excess space within the building.

In regard to comment 2(f) and 3(i) about building utilization rates, as described in more detail in the Blue Book, which is available at [http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Enrollment/2011-2012\\_Classic.pdf](http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Enrollment/2011-2012_Classic.pdf), a building's target utilization rate is calculated by dividing the aggregated enrollment of all school organizations in the building by the aggregated "target capacities" of those organizations. Each school organization's "target capacity" is calculated based upon the scheduled use of individual rooms as reported by principals during an annual facilities survey, the DOE's standards for maximum classroom capacities (which are lower than the United Federation of Teachers ("UFT") contractual class sizes and differ depending on grade level), and the efficiency with which classrooms are programmed (i.e., the frequency with which classes are scheduled in a given classroom).

The most recent year for which target capacity has been calculated for buildings is 2011-2012. As described earlier in this EIS, the DOE's utilization rates for the 2013-2014 school year and beyond are based on the 2011-2012 target capacity, which assumes that the components underlying that target capacity (scheduled use of classrooms, maximum classroom capacity, etc.) remain constant. Thus, projected utilization rates for 2013-2014 and beyond provide only an approximation of a building's usage because each of the factors underlying target capacity may be adjusted by principals from year to year to better accommodate students' needs. For example, changing the use of a room from an administrative room to a homeroom at the high school level will increase a building's overall target capacity because for high schools administrative rooms are not assigned a capacity. Holding enrollment constant, this change would result in a lower utilization rate. Similarly, if a room previously used as a kindergarten classroom is subsequently used as a fifth grade classroom, the building's target capacity would increase because we expect that a fifth grade class will have more students than a kindergarten class. This is reflected in the fact that the DOE's goal for maximum classroom capacity is higher for fifth grade classrooms than for kindergarten classrooms. In this example, as well, assuming enrollment is constant, the utilization rate would decrease.

The building capacity assigned to M192 in the 2011-2012 Blue Book is based on elementary school use of the space. Future projected utilization rates do not account for the fact that adding a middle school to M192 will increase the building capacity, as middle school classrooms are assigned a larger capacity than elementary school classrooms. If this proposal is approved, P.S. 192, P.S. 325, and 06M209 will receive their baseline allocation pursuant to the Citywide Instructional Footprint. More details about space are available in Section III.B of the EIS.

In regard to the use of mini-building, M848, P.S. 192 and P.S. 325 currently use and share the mini-building. For the purposes of this proposal, M192 and mini-building M848 are collectively referred to as M192. If this proposal is approved, the three schools and the Office of Space Planning can work together to determine the assignment of specific rooms and location for each school in M192. The building capacity rate for M192, which is based on the 2011-2012 Blue Book, includes the building capacity of M848. The DOE believes that there is sufficient capacity in M192 and M848 to accommodate all three schools at scale.

In regard to comments 3(h), 3(j) and 35 about the maintenance costs and air conditioning in M848, as stated in the EIS, the FY12 maintenance costs are as follows. These costs do not change based on the number of schools co-located in the building; therefore, the proposed co-location of 06M209 will not increase these costs.

<b>FY 2012 Maintenance Costs</b>	<b>Labor</b>	\$50,772
	<b>Materials</b>	\$19,549
	<b>Maintenance and repair contracts</b>	\$49,327
	<b>Service contracts</b>	\$3,120
	<b>Custodial operations costs—Materials</b>	\$7,762
	<b>Custodial operations costs—Custodial Allocation</b>	\$288,690

The DOE partners with the School Construction Authority (“SCA”) to provide new construction and renovation projects across all of New York City’s public schools. Part of SCA’s work includes evaluating and projecting future needs for new capacity and identifying suitable construction sites where necessary, particularly given the space constraints of New York City. At this time, the SCA and the DOE are unable to project costs for installing air-conditioners in M848, as that would require a proposal that has yet to be submitted.

In regards to comments 2(d) and 2(e), as stated previously and in the EIS, the proposed co-location of 06M209 is not expected to impact the enrollment, educational options, academic programming, and extracurricular offerings, or admissions process for P.S. 192 and P.S. 325. Both schools will 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 schools are always subject to change. In addition, P.S. 192 and P.S. 325 serve students classified as English Language Learners (“ELL”) who receive English as a Second Language (“ESL”) or transitional bilingual services. Additionally, P.S. 192 provides Spanish dual-language programming and will continue to do so, subject to demand. All ELL students enrolled at these schools will continue to receive appropriate ELL services in future years.

Comments 1(b), 3(k), 3(u), 6(a), 6(b), 6(c), 7(a), 7(c), 9(a), 9(b), 9(f), 10(a), 10(b), 12, 17, 18, 19, 20, 32, and 41(a) question why P.S. 192 and P.S. 325 were not approved to serve middle school grades, who 06M209 will serve, why the DOE proposed 06M209 in M192 after hearing from the community for several years.

The Office of New Schools manages the process for determining any changes to schools’ current grade levels. Reconfigurations include either the expansion or truncation of grade levels served at a school and may be initiated by Portfolio or the school that wishes to reconfigure. All grade reconfigurations are assessed via the following decision factors: school quality, physical space, demographic need, impact on enrollment, and community input.

In 2010-2011, P.S. 192 submitted a grade reconfiguration application to expand from serving grades kindergarten through five to kindergarten through eight beginning in 2011-2012. Their application was denied as there was not sufficient space in M192 to serve all continuing cohorts of students through eighth grade.

Separately, in 2011-2012, P.S. 325 submitted an application to transition from serving grades kindergarten through five to serving grades six through eight beginning in 2012-2013. After reviewing P.S. 325’s application, ONS determined that the school’s performance and progress report grades did not support a reconfiguration and transition from serving elementary school grades to middle school grades.

For the 2013-2014 application cycle, the Office of New Schools did not receive a grade reconfiguration application from P.S. 192 or P.S. 325.

This is a separate proposal to open and co-locate 06M209 in M192, which is intended to provide a new middle school option that will serve District 6’s residents and will give priority to students in P.S. 192 and P.S. 325’s zone. In addition, a standalone middle school will give students in P.S. 192 and P.S. 325’s zone equal access to the new middle school. The DOE heard from members of this community for the past few years that they would like to have a new district middle school in their community to keep their students close to home rather than traveling far distances for another middle school. The DOE evaluated many factors, such as space, enrollment, demand, and quality and believes that the opening and co-location of 06M209 is a quality option for District 6 families and is the best use of space in M192.

Comments 3(f) and 9(c) relate to class sizes at P.S. 192 and P.S. 325. In New York City, schools are funded through a per pupil allocation. That is, funding “follows” the students and is weighted based on students’ grade level and need (incoming proficiency level and special education/ELL/Title I status). Principals have discretion over their budget and make choices about how to prioritize their resources, including programming the number of classes needed for each grade. Class size is a reflection of student enrollment trends, and is affected by how principals program the number of classes needed for each grade. The DOE anticipates that P.S. 192 and P.S. 325 will maintain similar levels of enrollment and class size if this proposal is approved.

Comments 2(b), 3(a), 3(c), 5(g), 6(d), 7(b), 10(d), 34, and 39 concern engagement with the District 6 community about this proposal.

The DOE is committed to engaging with the community for all proposals to implement a significant change in school utilization, as detailed in Chancellor’s Regulation A-190. Chancellor’s Regulation A-190 sets out the public review and comment process that the DOE undertakes with respect to all such proposals by the Chancellor, including co-locations. The DOE appreciates all feedback from the community regarding a proposal.

Engagement with the District 6 community began well before the EIS was posted; in June 2013, representatives from the Office of Portfolio Management communicated with the former CEC President and District 6 Superintendent about the proposal. On June 17, 2013, representatives from the Office of Portfolio Management met with the School Leadership Teams from P.S. 192 and P.S. 325 to discuss the proposal and encouraged the SLTs to share the information presented at the meeting with their larger communities. On June 26, 2013, representatives from the Office of Portfolio Management emailed P.S. 192 and P.S. 325 principals, network leaders, cluster points, and the District 6 Superintendent about posting a proposal for a new district middle school in M192. Throughout July and August 2013, representatives from the Office of Portfolio Management continued to communicate with the District 6 Superintendent and new CEC about the proposal via email and phone. On August 15, 2013, representatives from the Office of Portfolio Management attended a CEC meeting to present and discuss the proposal for a new middle school in M192 with the CEC and community that were in attendance. When the EIS for this proposal was issued on August 29, 2013, they were made available to the staff, faculty and parents at P.S. 192, P.S. 325 and CEC 6, on the DOE’s Web site and in P.S. 192 and P.S. 325’s main office. In addition, the DOE dedicated a proposal-specific website, voicemail and email address to collect feedback on this proposal. Furthermore, all schools’ staff, faculty, and parent communities were invited to the Joint Public Hearing to provide further feedback.

Although the DOE recognized that some members in the community oppose this proposal, the DOE believes that, if this proposal is approved, the schools communities in M192 will be able to create productive and collaborative partnerships.

In regard to comment 3(d), 3(v), 3(s), and 3(t) the timeline for this proposal did not prevent CEC 6 from further engaging the community, and we encouraged CEC 6 to do as they saw fit. The DOE believes that the many weeks between the posting of the proposal on August 29, 2013 and PEP vote on October 15, 2013 provided sufficient time for CEC 6 to perform significant community outreach. Furthermore, the DOE recognizes although that some members in the community oppose this proposal, the DOE believes that, if this proposal is approved, the schools communities in M192 will be able to create productive and collaborative partnerships.

In regard to comment 3(b), it is not unusual for the Office of Portfolio Management or the DOE to contact the CEC President as a primary touch point and representative for the larger Council. The DOE expects that anything discussed with the President would and should be shared with the remainder of the Council. This means of communication complies with mandates in the Open Meetings Law. Also, the DOE’s presentation on these proposals on August 15, 2013 did take place in the context of the Council’s public meeting which also complies with mandates in the Open Meetings Law.

Comments 1(g), 3(e), 31, 37, 42 relates to the availability of translated Spanish documents related to the proposal and the A-190 timeline. The DOE encourages all families and community members to participate in these processes

and support their schools. To facilitate the involvement of Spanish-speaking families, the DOE provided Spanish versions of the parent letter and notice of joint public hearing about the proposed changes for building M192 to P.S. 192, P.S. 325 and CEC 6 on August 30, 2013, which is the same day that English versions were distributed. On September 20, 2013, the DOE provided a Spanish version of the EIS to P.S. 192, P.S. 325, and CEC 6. The EIS, notice of joint public hearing and analysis of public comment, in English and Spanish were posted on the DOE's Web site at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2013-2014/Oct15SchoolProposals>. In addition, the DOE has offered translation services at the joint public hearing and translation services will also be available for community members at the PEP vote where there will be a vote regarding this proposal.

Chancellor's Regulation A-190 mandates 30 days between posting a proposal and the subsequent joint public hearing; this enables the community to have time to review and digest the proposal before a joint public hearing takes place. This means that CEC 6 and the District 6 community had at least 30 days to review, digest, and provide feedback on the proposal for the new district middle school when it was issued on August 29, 2013, before the joint public hearing on October 9, 2013, and additional time before the PEP vote on October 15, 2013.

Comments 1(f) and 5(b) suggests a decision has already been made regarding this proposal. While the DOE supports the proposed opening and co-location of 06M209 in M192, the DOE notes that no decision has been made on this proposal and will continue to collect public feedback on this proposal before the PEP votes. Any proposed change to school utilization must go through the process outlined by Chancellor's Regulation A-190 and be approved by the PEP before it can take effect.

Comment 10(d) suggests that this proposal will lead to the phase-out of P.S. 325. As stated in the EIS, this proposal is for the co-location of 06M209 in M192. The DOE does not believe that the proposed co-location of 06M209 will impact P.S. 325's enrollment or the grades served by the school.

Comments 9(d) pertains to funding at P.S. 192 and P.S. 325. The DOE funds schools through a per pupil allocation. That is, funding "follows" the students and is weighted based on students' grade level and need (incoming proficiency level and special education/ELL/Title I status). If a school's population declines from 2,500 to 2,000 students, the school's budget decreases proportionally—just as a school with an increase in students receives more money. Even if the Department of Education had a budget surplus, a school with declining student enrollment would still receive less per pupil funding each year enrollment falls. Between 2008-2009 and 2012-2013, P.S. 325's enrollment has declined by 213 students or 44%, which resulted in a decrease in Fair Student Funding. Between 2008-2009 and 2012-2013, P.S. 192's enrollment has declined by 58 students or 14%, which also resulted in a decrease in Fair Student Funding.

In regard to comment 3(p) that District 6 lacks high-quality schools due to funding, funding is not tied to performance of a school, it is tied to enrollment. Furthermore, in the 2011-2012 school year, no District 6 school received an F on its Overall Progress Report, refuting the statement that there are no high-quality schools.

Comments 3(r), 5(e), 24, and 28 concern the shared space scheduling in the building with particular concern for the gymnasium, cafeteria, and class change schedules. Principals from each school organization co-located in a building serve on a Building Council to make decisions about overall use of the shared space and shared space schedules including the use of the cafeteria and scheduling of lunch periods for students in each co-located school organization. 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>.

Comments 3(g) and 3(m) express concerns about charter schools enrolling district students. Charter schools in New York City recruit prospective students using a variety of methods. These may include, but are not limited to:

- Posting fliers and other printed materials throughout the CSD(s) the school intends to serve (primarily in English but may also include other dominant languages spoken in the CSD)
- Reaching out to local community organizations, centers, and/or faith-based organizations
- Holding open houses or information sessions
- Mail campaigns

- Advertising in local media (newspapers, radio)
- Contacting local elected officials and community boards
- Setting up a school website with school and application information
- Visiting “feeder schools,” daycare centers, or schools that serve grades that feed into the intake grade(s) of the charter school

Additionally, per amendments to New York State charter law in 2010, charter schools “shall demonstrate good faith efforts to attract and retain a comparable or greater enrollment of students with disabilities or English language learners; and students who are eligible applicants for the free and reduced price lunch program when compared to the enrollment figures for such students in the school district in which the charter school is located.”

Any child eligible for admission to a district public school is eligible for admission to a public charter school. If the number of applicants exceeds the number of available seats at a charter school, a random selection process, such as a lottery, must be used. Lotteries select students randomly from among the applicant pool. In contrast, screened schools are able to select their students based on factors including academic achievement, attendance, teacher recommendation, and admissions tests. Charter schools give preferences to students based on various factors, including, but not limited to, whether the applicant has a sibling already enrolled in the charter school, lives in the charter school’s community school district, and/or is eligible for free or reduced price lunches. Charter schools may also include additional preferences for students that may be considered at-risk of academic failure (as defined by the school). Although the opening of an elementary charter school in District 6 may have an impact on enrollment at district elementary schools, the DOE is unable to project the possible impact on any particular school, such as P.S. 325, with certainty.

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

No changes have been made to the proposal in response to public feedback.