



Amended Public Comment Analysis¹

Date: October 14, 2013

Topic: The Proposed Co-location of a New District Middle School (18K763) with Existing School P.S. 244 Richard R. Green (18K244) in Building K244 Beginning in 2014-2015

Date of Panel Vote: October 15, 2013

Summary of Proposal

In an amended Educational Impact Statement (“EIS”) posted on September 18, 2013, the New York City Department of Education (“DOE”) proposed to open a new district middle school (“18K763”) and site it in Building K244 (“K244”) located at 5404 Tilden Avenue, Brooklyn, NY 11203 in Community School District 18. 18K763 would be co-located in K244 with P.S. 244 Richard R. Green (18K244, “P.S. 244”). 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.

On October 11, 2013, the DOE posted a second amendment to this EIS clarifying that P.S. 244 offers an ASD Nest program which currently serves students in kindergarten through fifth grade, not kindergarten through fourth grade.

The Panel for Educational Policy (“PEP”) will vote on this proposal on October 15, 2013.

Summary of Comments Received at the Joint Public Hearings

A joint public hearing regarding the proposal was held at the K244 building on October 9, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 38 members of the public attended the hearing, and 10 people spoke. Present at the meeting were Community School District 18 Superintendent Beverly Wilkins, Chancellor’s Designee for the hearing; Deon Edwards, Principal of P.S. 244 representing the School

¹ An initial public comment analysis for this proposal was posted on October 11, 2013; an amended public comment analysis was posted on October 14, 2013 to reflect additional comments received after 6:00 p.m. on October 11, 2013 and before 6:00 p.m. on October 14, 2013. The DOE has responded to these new comments and has also clarified certain other responses.

Leadership Team (“SLT”); Melanie Balzano, a United Federation of Teachers Chapter Leader and representative of the P.S. 244 SLT; Ms. Cottoy-Spencer, a representative of the P.S. 244 SLT.

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

1. An SLT member from P.S. 244 commented that:
 - a. The statement is made on behalf of Bill de Blasio.
 - b. There should be an immediate halt on the proposal.
 - c. The next administration deserves the opportunity to work with parents and the community.
 - d. Half of the proposals that will be voted on by the PEP will put schools over 100% capacity, leading to bigger class sizes.
2. A teacher at P.S. 244 commented that:
 - a. Twenty percent of the student population has special education needs.
 - b. The special education student population needs special space accommodations to be in compliance with Individualized Education Programs (“IEPs”) and pull-out services and for year-round testing.
 - c. The building utilization rate is incorrect in the proposal. There are only six vacant rooms, and, as such, the utilization rate is much higher.
 - d. The ASD Nest program goes up to the fifth grade, not fourth grade as the proposal states.
3. An SLT member from P.S. 244 commented that:
 - a. There are children in the building as young as four years old who use all exits. She requested that all current means of egress not be affected by the proposal.
 - b. She had concerns regarding the schools’ start and end times.
4. An SLT member from P.S. 244 expressed that:
 - a. The current students will be affected by the proposal.
 - b. Another walk-through of the building should be conducted to get a better sense of actual usage of space in the building.
 - c. There are already many programs taking place during school hours, including in the cafeteria and gymnasium.
5. A commenter stated that:
 - a. In addition to the ASD Nest students in the school, there are approximately 200 students with special needs, many of whom require additional space accommodations.
 - b. The elevator is frequently out of service, which may be aggravated by a new school coming to the building and therefore leading to gaps in instruction.
 - c. The proposal will lead to overcrowding.
 - d. Space in the building is utilized for medical and behavioral issues.
6. A commenter stated that:
 - a. There are schools in District 18 that are already co-located.
 - b. There is no purpose in co-locating a school.
 - c. There are schools nearby that are underutilized.
7. A student commented that additional funding should be allocated for school programming.
8. A commenter stated:

- a. She has been part of the school community for several years and has seen children grow.
 - b. Students would be negatively impacted by the proposal.
 - c. There is a significant student population with special education needs.
 - d. She asks why K244 was selected for this co-location proposal.
9. A commenter stated:
- a. She is opposed to the proposal.
 - b. The P.S. 244 community does not need a middle school.
 - c. The presence of middle school students in the building will lead to bullying.
 - d. Available space should be used for bolstering P.S. 244's special programming.
10. A commenter stated:
- a. She has concerns with the proposal.
 - b. Although enrollment at P.S. 244 is declining, it will be a disservice to have a middle school co-located in the building.
 - c. She asks why K244 was selected for this co-location proposal. There may be other viable buildings nearby.
 - d. Existing space could be used to, for example, to add a pre-kindergarten program.

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

11. The DOE received a written comment from a parent commenting that:
- a. She is against the co-location.
 - b. P.S. 244 allows students to learn in the least restrictive environment.
 - c. There is community spirit and parental involvement at P.S. 244.
 - d. Students with disabilities require special accommodations, including more space than students in general education sections.
 - e. P.S. 244 is one of the few schools that offers an ASD Nest program, which would be negatively impacted by the proposal.
 - f. District 18 parents already have adequate middle school choice options.
 - g. If the proposal is approved, the students of the new school would lack adequate peer-to-peer interaction because the school will probably have a low enrollment as there are already several middle schools nearby.
 - h. The presence of older students in the building may jeopardize the well-being of the ASD Nest students.
12. The DOE received a written comment from a parent commenting that:
- a. Having older students in the building may jeopardize the safety of the students in P.S. 244.
 - b. She would like to know the additional number of safety guards that will be hired as a result of this co-location.
 - c. She would like to know the safety policies and regulations.
 - d. The auditorium cannot accommodate more than 650 people.
 - e. When was the building capacity determined?
 - f. She has concerns about the feasibility of sharing space.

- g. She would like to know if the DOE considered adding a full-day pre-kindergarten program in the building
 - h. The current pre-kindergarten program has outdated computers.
 - i. The current pre-kindergarten sections are in classrooms that are too small.
 - j. Property taxes are increasing.
 - k. Is there demographic data pointing to the need for an additional middle school for the next decade?
 - l. She would like to know if funding could be allocating for facility upgrades at P.S. 244.
 - m. She would like to know if the current P.S. 244 student population could attend the new middle school.
13. The DOE received a comment stating that:
- a. There is deep concern from parents and the community about the safety of small children, when they are co-located in building with bigger adolescents.
 - b. There are only 5 or 6 rooms that are unoccupied in K244; as such, there is not adequate space to bring in additional students
 - c. P.S. 244 has a large special education population, which needs extra rooms to set aside for physical therapy, occupational therapy, and speech. Without adequate space, services for special education students will be hindered.
 - d. The community does not want the school to change and turn into something unrecognizable.

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

Comments 1(b), 4(a), 6(a,b), 8(a,b), 9(a,d), 10(a,b), 11(a,b,c), and 13(d) express general opposition to the proposal, general opposition to charter schools in District 18, and support for P.S. 244.

The DOE notes there is a need for increased middle school options for students in Brooklyn, including those students located in District 18. The DOE strives to ensure that all students in New York City have access to various educational options at every stage of their education. This proposal aims to provide a new option for these students. Co-locating a new district middle school helps address the need for additional high quality and high potential options by utilizing previously under-utilized capacity.

Comments 4(c) and 12(d,f) concern how space will be shared in the building as a result of the proposal.

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

In any building where more than one school is co-located, the Building Council – consisting of the Principal of each school – meets regularly to address issues related to space allocations and shared space usage.

Comments 2(a,b), 5(a,d), 8(c), 11(d,e), and 13(c) express concern about the impact that the proposal will have on special programming and special education services.

As stated in the EIS, the DOE does not believe that the proposal will impact students being served in special education programs at P.S. 244. The existing Integrated Co-Teaching and self-contained special education classes and SETSS services will continue to be provided, and students with disabilities will continue to receive mandated services in accordance with their IEPs. Current and future students with IEPs will continue to receive mandated services at P.S. 244.

P.S. 244 also offers an ASD Nest program for students in kindergarten through fifth grade, where students with ASD are taught in a classroom alongside general education students, with other pull-out services offered to ASD students. P.S. 244's ASD Nest program reached full scale in the 2013-2014 school year, again, serving students in kindergarten through fifth grade. The DOE does not anticipate that this proposal will impact students in the ASD Nest program at P.S. 244.

Comment 2(d) states that the proposal states that the ASD Nest program goes up to the fourth grade, when it in fact goes up to fifth grade.

The EIS has been amended to clarify that P.S. 244 offers an ASD Nest program which currently serves students in kindergarten through fifth grade, not kindergarten through fourth grade.

Comments 9(b), 10(d), 11(f), and 12(k,g,l,m) contend that the available space in P.S. 244 should be utilized for uses other than the co-location and that the P.S. 244 and District 18 communities have adequate middle school options already. Comment 12(m) specifically asks about access to the proposed new middle school.

The DOE closely monitors the need to create additional elementary, middle and high school options across the city and believes that this proposal will meet a critical need in District 18, namely, additional quality middle school seats.

All rising sixth grade students in District 18, including students currently enrolled at P.S. 244, will be able to apply to the proposed new middle school if approved, beginning with admissions for 2014-2015.

Comment 5(c) states that the proposal would cause the building to be overcrowded.

As stated in the EIS, the projected building utilization rate at K244 when 18K763 is fully phased in will be 83%-90%, so there is sufficient space at K244 to accommodate both schools. Across New York City, single-school buildings are actually the buildings that tend to be more frequently overcrowded. Most buildings with co-locations are under-utilized. Based on a report published by the NYC Charter School Center for the 2011–2012 school year, the average utilization in buildings that have co-locations was 89%. By comparison, the average utilization in buildings with only one school was 101%.

Comments 6(c), 8(d), and 10(c) question the building selection for the proposal.

Roughly half of schools in New York City share space in a building. Because of co-locations, the DOE is able to use limited facilities efficiently while simultaneously creating additional high-quality options for New York City families. This is necessary when there are scarce facilities and a demand for more high-performing options.

According to the 2011-2012 Enrollment Capacity Utilization Report (the “Blue Book”), building K244 has a target capacity of 1,180 students. In 2013-2014, P.S. 244 is serving 720 kindergarten through fifth-grade students and 36 pre-kindergarten students. This yields a projected utilization rate of approximately 64%. This means that the building is “underutilized” and has space to accommodate additional students. In 2016-2017, when 18K763 reaches full-scale, P.S. 244 and 18K763 will serve a combined total of 976-1,066 students, yielding an estimated building utilization rate of 83%-90%. Thus, K244 has sufficient space to accommodate the proposed co-location.

Comments 2(c), 4(b), 5(b), 12(e), and 13(b) question building-specific space determinations and the suitability of existing facilities for accommodating an additional school at K244.

The building’s capacity, projected enrollment, and building utilization rate are set forth above and in the EIS.

According to a building walk-through performed on May 25, 2012 by the Office of Space Planning, building K244 has a total of 65 full-size classrooms/spaces, 8 half-size classrooms/spaces, 12 quarter-size spaces that can be used for administrative purposes, and 3.75 full-size equivalent (“FSE”) rooms of designed administrative space. The building also has the following rooms, which would be shared between P.S. 244 and 18K763: a gymnasium, an auditorium, a cafeteria, a library, and a multipurpose room. The below spaces are shared spaces or contain building services and will not be included in the allocation of space for an individual school:

- School nurse occupies 1 quarter-size room and 0.5 FSE designed administrative space.
- Custodian’s room occupies 1 quarter-size space.
- Teacher’s lounge room occupies 1 quarter-size space.
- UFT Teacher Center room occupies 1 full-size space and 1 half-size space.
- Teacher’s cafeteria room occupies 1 full-size space.

Excluding the spaces outlined above, in K244 there are 63 full-size classrooms, 7 half-size classrooms/spaces, 9 quarter-size classrooms/spaces, and 3.25 FSE designed administrative office/space remaining that can be allocated to schools.

P.S. 244’s baseline allocation includes 33 full-size rooms, 10 half-size rooms and the equivalent of 5.0 full size rooms for administrative purposes, as well as 1 full-size room and 2 half-size rooms for its ASD Nest program. This totals 34 full-size rooms and 12 half-size rooms for instructional purposes, and the equivalent of 5.0 full size rooms for administrative purposes. P.S. 244’s baseline has been adjusted to include 7 additional full- size rooms in lieu of 7 half -size rooms due to the location of the school in the building. Therefore, P.S. 244’s adjusted baseline allocation includes 41 full-size rooms and 5 half-size rooms for instructional purposes, and the equivalent of 5.0 full size rooms for administrative purposes. Currently, P.S. 244 utilizes all the available spaces in K244.

If this proposal is approved, 18K763 will open in K244 in 2014-2015. According to the Footprint, 18K763's baseline allocation in 2014-2015 will include 4 full-size rooms and 1 half-size room for instructional use, at three sections per grade, and the equivalent of 1.5 rooms for administrative purposes. Once 18K763 is at full scale, the school's baseline allocation will include 10 full-size rooms and 1 half-size room for instructional use, and the equivalent of 2.5 full-size rooms for administrative purposes.

Schools often use excess full-size, half-size, quarter-size, and designed administrative rooms for administrative purposes. Therefore, some of the excess full-size rooms may be allocated for administrative purposes. The Building Council will determine the equitable distribution of excess rooms among existing schools in the building as described below. There will be sufficient instructional space in K244 for P.S. 244 and 18K763, as 18K763 phases in.

Comments 3(a) and 12(b,c) question safety provisions of the proposal.

Pursuant to Chancellor's Regulation A-414, every school/campus is mandated to form a School Safety Committee, which is responsible for developing a comprehensive School Safety Plan that defines the normal operations of the site and what procedures are in place in the event of an emergency. The School Safety Plan is updated annually by the Committee to meet changing security needs, changes in organization and building conditions and any other factors; 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.

Comment 9(c), 11(h), 12(a), and 13(a) assert that the co-location of a middle school with an elementary school will create an unsafe environment for the current students in the building.

The DOE does not believe that the co-location will create an unsafe learning environment for any student being served in the 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.

These examples include:

- The Julia Richman Educational Complex, which houses four small high schools, a K-8 school, and a District 75 program;
- 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 kindergarten through fifth grade, 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.
- 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 kindergarten through fifth grade, and Democracy Prep Charter School, a charter high school serving students in ninth through twelfth grades.

Comment 7 concerns the availability of resources for DOE schools.

Most funding in schools' budgets is allocated on a per pupil basis, based on the Fair Student Funding ("FSF") formula. Schools receive additional funds for students with disabilities, English Language Learner students ("ELLs"), and those with other supplemental academic needs. If a school's population declines, the school's budget decreases proportionally—just as a school with an increase in students receives more money. Even if the DOE had a budget surplus, a school with declining student enrollment would still receive less per pupil funding each year enrollment falls. Please refer to the FSF Guide² and FY14 School Allocation Memoranda³ for additional information on cost of instruction and how the changes to FSF funding and other school allocations will be impacted as a result of register changes.

New schools are funded in the same manner as other schools: funding follows the students and is based on need (incoming proficiency level and special education/ELL/Title I status). While it is true that new schools receive start-up funding, the start-up funding they receive is an average of \$30,000 per year over the first five years for an elementary or middle school and \$34,000 for a high school. These annual amounts are not even large enough to cover the salary of a first year teacher.

Comment 11(g) expresses enrollment concerns.

For existing schools, the EIS projections are based on the current enrollment of the entry point grade and assume that the same number will age up and that there is stable incoming enrollment at the entry point. The enrollment projections for the proposed school are based on a standard phase-in plan of three sections and one self-contained section. Therefore, there is nothing that currently leads the DOE to believe that the proposed co-location will have an impact on the current school's enrollment or that the proposed school will lack sufficient enrollment to provide adequate services and programming to students.

Comment 3(b) concerns school hours of operation.

Specific decisions regarding hours of operation and schedules of shared spaces will be made by the Building Council, consisting of principals from all co-located schools, in conjunction with the DOE's Office of Space Planning.

Comments 1(a,c,d) and 12(h,i,j) are not directly related to the proposal and thus does not require a response.

Changes Made to the Proposal

No changes have been made to this proposal.

² http://schools.nyc.gov/offices/d_chanc_oper/budget/dbor/allocationmemo/fy13_14/FY14_PDF/sam01_1c.pdf

³ http://schools.nyc.gov/offices/d_chanc_oper/budget/dbor/allocationmemo/fy13_14/FY14_PDF/sam21.pdf