

### Public Comment Analysis

Date: November 18, 2015

Topic: The Proposed Opening and Co-Location of Success Academy Charter School – New York 4 (84QTBD) with Existing Schools M.S. 53 Brian Piccolo (27Q053) and Village Academy Middle School (27Q319) in Building Q053 Beginning in the 2016-2017 School Year

Date of Panel Vote: November 19, 2015

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### Summary of Proposal

On October 2, 2015, the New York City Department of Education (“DOE”) issued an Educational Impact Statement (“EIS”) and Building Utilization Plan (“BUP”) describing a proposal to open and co-locate Success Academy Charter School - New York 4 (84QTBD, “SA-Far Rockaway”) with existing district middle schools M.S. 53 Brian Piccolo (27Q053, “M.S. 53”) and Village Academy Middle School (27Q319, “Village Academy”) in building Q053 (“Q053”), located at 10-45 Nameoke Street, Queens, NY 11691, in Community School District 27 (“District 27”), beginning in the 2016-2017 school year.

The DOE is now issuing a revised EIS and a revised BUP. The EIS and BUP have been revised to include modified instructional and administrative space allocations based on updated enrollment numbers and updated information regarding Village Academy’s programming. This proposal includes updated building capacity numbers from the 2014-2015 Enrollment, Capacity, Utilization Report (the “Blue Book”) as well as updated enrollment numbers from the unaudited Register. These revisions do not substantially change the proposal, but do result in a shift of some space to accommodate Village Academy’s revised adjusted footprint allocation. The BUP and EIS have also been revised to acknowledge plans to re-site Alternate Learning Center - M.S. 53 (88Q996, “ALC-M.S. 53”) prior to the start of the 2016-17 school year. ALC-M.S. 53 will be re-sited to enable each organization to have the baseline footprint allocation to support their programming.

If this proposal is approved, SA-Far Rockaway will be co-located in Q053 with M.S. 53 and Village Academy, two existing district middle schools that currently serve students in sixth through eighth grade. ALC-M.S. 53, which provides an educational setting for students in sixth through eighth grade who are on a Superintendent’s Suspension for up to 90 days is also currently located in building Q053. The DOE anticipates re-siting ALC-M.S. 53 prior to the start of the 2016-2017 school year. Q053 also provides space to two community-based organizations (“CBOs”): Sports and Arts in Schools Foundation and Cross Island YMCA. If this proposal is approved, SA-Far Rockaway will open in the 2016-2017 school year, serving approximately 150-180 students in kindergarten and first grade, and will add one grade level each year until it reaches full scale, serving approximately 500-600 students in kindergarten through fourth grade in the 2019-2020 school year.

M.S. 53 is one of a cohort of 94 schools that have been designated by the DOE as Renewal Schools. Schools selected to be Renewal Schools were identified as Priority or Focus schools by the State Department of Education (“SED”), demonstrated low academic achievement (in 2012, 2013, and 2014), and scored “Proficient” or below on their most recent quality review (at the time of selection); or in four instances were selected per the Chancellor’s discretion. As a result of the School Renewal Program, M.S. 53 is being transformed into a Community School. Community Schools are intended to be neighborhood hubs where students receive high-quality academic instruction, families can access social services, and communities congregate to share resources and address their common challenges.

This proposal will not impact M.S. 53’s participation in the School Renewal Program. As a part of the School Renewal Program, M.S. 53 adopted a Community School model beginning in the 2015-2016 school year, with

deepened support from CBO partnership, expanded learning time, mental health services, more robust family engagement, additional resources for school leadership and instruction, and increased accountability for improvement. The DOE does not expect this proposal to impact any tailored ancillary services, extended instruction time, or other additional resources that M.S. 53 may receive as a result of the School Renewal Program and the school's designation as a Community School. If this proposal is approved by the Panel for Educational Policy, the DOE will continue to work closely with the school community to ensure all students receive the individualized support they need.

Pursuant to recent amendments to the Education Law, which provide certain new and expanding charter schools with access to facilities, SA-Far Rockaway made a request to the DOE for co-located space in District 27 to open a new elementary school.

Success Academy Charter Schools ("SACS") is a charter management organization ("CMO") that currently operates elementary, middle, and high schools in New York City. If this proposal is approved, SA-Far Rockaway would open in the 2016-2017 school year and would serve students in kindergarten through fourth grade at scale in the 2019-2020 school year. SA-Far Rockaway's charter was authorized in October 2014 by the State University of New York Trustees ("SUNY").

SACS has informed the DOE of its intention to apply to serve Pre-Kindergarten ("Pre-K") at SA-Far Rockaway beginning in the 2016-2017 school year; however, the DOE has not yet released a Request for Proposals for charter schools interested in partnering with the DOE to offer Pre-K for the 2016-2017 school year.

According to the 2014-2015 Enrollment, Capacity, Utilization Report (the "Blue Book"), building Q053 has the capacity to serve 1,459 students. Currently, the building serves approximately 654 students, yielding a utilization rate of 45%. The DOE strives to ensure that all students in New York City have access to a diverse range of high-quality schools at every stage of their education. To this end, the DOE evaluates public school buildings throughout the City that are "under-utilized," meaning they have space to accommodate additional students. Building Q053 is currently "under-utilized." If this revised proposal is approved by the PEP, in 2019-2020, when SA-Far Rockaway is at scale serving kindergarten through fourth grade students at Q053, there will be approximately 1,055-1,215 total students served in the building, yielding a projected utilization rate of approximately 72%-83%, which demonstrates that there is sufficient space for all school organizations. The revised BUP that accompanies this proposal also demonstrates that there is sufficient space in the building to accommodate this co-location.

The details of this proposal have been released in an EIS and BUP which can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2015-2016/November2015SchoolProposals>.

Copies of the EIS and BUP are also available in the main office of M.S. 53 and Village Academy.

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

A Joint Public Hearing for this proposal was held on November 17, 2015 in building Q053. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 100 people attended the hearing and 37 people spoke. Present at the meeting were: Chancellor's Designee and District 27 Superintendent Mary Barton; State Senator James Sanders; City Councilmembers Donovan Richards and Donald Drum; M.S. 53's Principal Shawn Rux; Village Academy's Principal Doris Lee; M.S. 53's SLT Representative Donna Hamlet and UFT Chapter leader Lucia Moffa; Village Academy's SLT Representatives Dannara Lee, Cynthia Abraham, Keshia Ragin, and Kimberly Pender; Maureen Murphy from SUNY Charter Schools Institute; The Vice President of CEC 27 Lisa Johnson; and Albery Corona and Jyoti Folch from the DOE.

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

1. M.S. 53's UFT Chapter Leader stated the following:
  - a. Placing Success Academy in the Q053 building is not in the best interest of the community.
2. The Parent Teacher Association ("PTA") President of Village Academy stated the following:
  - a. She did not think that Success Academy elementary students should be served with the older middle school students.

- b. She felt that the Joint Public Hearing was nonsense since it was already decided that Success Academy would be co-located in the Q053 building.
    - c. Success Academy had already begun advertising to serve students in the Q053 building.
    - d. She felt that Success Academy would eventually take over the entire Q053 building.
  3. The PTA President of M.S. 53 and President Council's appointee stated the following:
    - a. Success Academy should consider other schools for a co-location, such as Goldie Maple Academy.
    - b. M.S. 53 should be given the opportunity to expand.
  4. The PTA Treasurer for Village Academy stated the following:
    - a. On the walkthrough meeting that occurred on October 30, 2015, it was stated that Village Academy would not lose any space.
    - b. Village Academy was currently teaching students in the hallways and in closets.
    - c. Co-locating Success Academy in the Q053 building would further reduce the available space for Village Academy in the building.
    - d. Success Academy already began advertising on its website that it would serve Kindergarten through fourth grade at Q053 and would be growing.
    - e. Success Academy mailed her a flyer advertising the new school site at Q053.
    - f. Success Academy would be commandeering the building.
    - g. There is no space in the Q053 building.
  5. A member of Village Academy's SLT stated the following:
    - a. She is opposed to the co-location of Success Academy in the Q053 building.
    - b. She asked why the DOE would put babies with middle school students if young kids could get hurt.
    - c. She asked if there was an incident with Success Academy if the school would be removed from the building.
  6. Lisa Johnson, the CEC member present at the hearing, read a comment provided to her by the CEC President on behalf of the CEC. She stated the following:
    - a. Rescheduling the Joint Public Hearing was ridiculous. Parents had to reschedule their lives to attend. The DOE did not consider the parents.
    - b. They are against the co-location of Success Academy in the Q053 building.
    - c. The community schools in Q053 will not be able to grow.
    - d. Families should look at the John Adams Annex next year where Success Academy could have its own building.
    - e. The Panel for Educational Policy should remove this proposal from the agenda.
  7. Senator James Sanders stated the following:
    - a. He would re-visit the charter school law
    - b. He is not opposed to charter schools, but the commercialization of charter schools and students.
    - c. He asked why the DOE was not instead ensuring that M.S. 53 and Village Academy had the resources they needed.
    - d. He is willing to work with the DOE to get M.S. 53 and Village Academy the resources they needed if the DOE did not place Success Academy in the Q053 building.
  8. Councilmember Daniel Drumm stated the following:
    - a. He is opposed to this proposal.
    - b. Success Academy is not a good fit for the community.
    - c. Success Academy suspends students at high rates.
    - d. Success Academy does not serve special education students and English language learners.
  9. Councilmember Donovan Richards stated the following:
    - a. He is opposed to this proposal
    - b. The current leaders of M.S. 53 and Village Academy have made significant progress and he expressed general support for them.
    - c. The DOE should invest in M.S. 53 and Village Academy.
    - d. Co-locations should not happen.
    - e. If Success Academy wanted a building, they should get their own; not one owned by the DOE.
  10. Several students from Village Academy stated the following:
    - a. Success Academy should not be co-located in the Q053 building.
    - b. Mixing older students with younger students would pose a safety issue.

- c. They felt that they had limited resources and would not be able to receive services with Success Academy in the building.
  - d. There is a lack of space in the Q053 building, as several of their classes were already conducted in the hallways of the building.
  - e. Having three school co-located in the same building was enough.
11. Multiple commenters opposed Success Academy being co-located in the Q053 building with M.S. 53 and Village Academy.
12. Multiple commenters expressed concern for the co-location of elementary school students and middle school students.
13. Multiple commenters expressed the need for M.S. 53 and Village Academy to receive additional resources so that the schools could continue progressing academically.
14. Multiple commenters stated that Success Academy was not a good fit for the community and would not meet the needs of its special education and English language learner students.
15. A commenter expressed the following:
  - a. She asked where was there room in the building to fit Success Academy if students were being taught in closets.
  - b. She asked why P.S. 14 was not considered by Success Academy.
  - c. Another middle school option should be brought to the building instead of an elementary school.
16. Multiple commenters stated that Eva Moskowitz, the Chief Executive Officer of Success Academy Charter Schools, had the resources to build a new school and does not have a need to co-locate Success Academy in district schools.
17. A commenter stated that there is a need for middle school seats in District 27.
18. Multiple commenters stated the public hearing was a façade and the decision had already been made by the DOE to co-locate Success Academy in the Q053 building.
19. A commenter stated the following:
  - a. Safety in the Q0553 building would become a huge concern with the elementary and middle school students together in the same building.
  - b. M.S. 53 needs space to grow.
  - c. Concern about M.S. 53 being able to meet the needs of the students and the community as a Renewal School.
20. Multiple commenters expressed support for the academic progress that Principal Rux and Principal Lee were able to make with their students.
21. Multiple commenters stated that Success Academy weeds out all of the students that do not meet their rigorous academic demands.
22. A teacher from M.S. 53 stated the following:
  - a. Peninsula Academy Charter School was in the building previously and there were multiple instances of the older middle school students messing with the younger elementary school students.
  - b. The configuration of the building is not conducive for the co-location of an additional school.
  - c. He expressed his opposition towards the co-location of Success Academy in the Q053 building.
23. A teacher from Village Academy stated the following:
  - a. Success Academy does not accommodate diverse learners.
  - b. Success Academy expels students with special needs.
  - c. Success Academy would have a negative impact on the academic progress M.S. 53 and Village Academy had made.
  - d. The co-location would increase class sizes.
  - e. The co-location would impact the school's ability to use shared spaces, such as the library, cafeteria, and gym.
  - f. She expressed general opposition to the proposal.
24. A commenter stated the following:
  - a. District 27 has a high population of special education students and Success Academy would not be able to accommodate any of them.
  - b. Success Academy weeds students out based on their academic performance.
  - c. She expressed opposition to the proposal.
25. A commenter stated the following:
  - a. Success Academy would negatively impact the use of shared spaces in the building.

- b. Success Academy would impede academic progress at M.S. 53 and Village Academy.
  - c. Resources need to be put back into M.S. 53 and Village Academy.
  - d. She expressed opposition to the proposal.
26. A commenter stated the following:
- a. Success Academy does not belong in the Q053 building.
  - b. Success Academy has begun advertising in the neighborhood.
  - c. Success Academy does not care about Black and Hispanic children.
  - d. Success Academy is a corporation and is in the business of making money.
27. A teacher at Village Academy stated the following:
- a. Village Academy needs the space in Q053 to continue to be able to program in the same manner.
  - b. Success Academy would negatively impact the performance of Village Academy.
28. Multiple commenters expressed concerns about safety in the building if the elementary school students were not scanned in the same manner that the middle school students were.

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

No oral comments were received via phone.

The following comments were submitted through the dedicated email address

29. The School Based Community Health Center Social Worker stated the following:
- a. She expressed concerns with the co-location of elementary and middle school students.
  - b. There was a need for additional high school options in the community.
  - c. She expressed concern over the potentially negative impact the co-location would have on the progress of M.S. 53 and Village Academy.
  - d. She expressed interest in allowing M.S. 53 and Village Academy space to grow and expand.
  - e. She opposed the co-location of Success Academy in the Q053 building.

The following comments were submitted in a written statement by Councilmember Donovan Richards:

30. Councilmember Donovan Richards submitted a written statement addressed to Chancellor Carmen Farina and Mayor Bill de Blasio, commenting the following:
- a. He was concerned about co-locating an additional school in the Q053 building.
  - b. He expressed support for Principal Rux's ability to turnaround the academic progress of M.S. 53.
  - c. He requested that the school be given additional resources.
  - d. He felt the co-location would be a disservice to the students attending M.S. 53.

### **Analysis of Issues Raised and Significant Alternatives Proposed**

Comments 7(a-b), 8(c), and 26(d) are not directly related to the proposal and thus do not require a response.

Comments 1(a), 5(a), 6(b), 8(a-b), 9(a), 10(a), 11, 22(c), 23(f), 24(c), 25(d), 26(a), and 29(e) express general opposition to the proposal within the Q053 building and the community.

There are times when the DOE and certain members of the community differ in their opinions about specific projects. This proposal is driven by the DOE's desire to use building capacity to serve students and to respond to SACS' space request pursuant to recent amendments to the New York State Education Law.

Comments 5(b-c), 10(b), 19(a), 22(a), and 28 express concerns about safety, noting that Success will serve elementary-aged students while the schools currently in Q053 are middle schools.

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

will also address safety matters on an ongoing basis and make appropriate recommendations to the principal(s) when it identifies the need for additional security measures.

The Office of School and Youth Development (“OSYD”) supports schools in maintaining a safe, orderly, and supportive school environment. The DOE encourages all schools, including those in Q053, to seek support from OSYD to address any issues involving safety and security. School Safety Agents (“SSAs”) are allocated to schools based on each building’s projected enrollment. The NYPD’s School Safety Division looks at a set of variables to determine the number of SSAs to deploy to a particular school building, including the crime rate, size and design of the building, enrollment, and grade span.

In addition, 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 kits for Building Response Teams; and
- Monitoring and certifying School Safety Plans annually.

Comments 2(a), 12, and 29(a) note concern about co-locating elementary school students with middle school students and Comment 22(a) referenced an example of an unsuccessful co-location.

The DOE notes that there are many successful examples of mixed grade co-located school building or campuses in New York City. The DOE aims to build the capacity of school communities to support interschool collaboration, leadership development, and resource sharing. The DOE has programs that foster environments where innovation and critical thinking can thrive, enabling schools to better prepare students to be college and career-ready. More information can be found online at: <http://schools.nyc.gov/Academics/InterschoolCollaboration/default.htm>.

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

- Building 166 in District 9 which currently houses three schools: Grant Avenue Elementary School (09X449), which serves students in grades K-5; Science and Technology Academy: A Mott Hall School (09X454), which serves students in grades 6-8; and Bronx Early College Academy for Teaching & Learning (09X324), which serves students in grades 6-12.
- Building K324 in District 16 which currently houses three schools: M.S. 267, an existing middle school serving students in grades sixth through eight, 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.

Comments 2(d), 4(a-c,f,g), 10(d-e), 15(a), 22(b), 23(d-e), 25(a), 27(a), and 30(a) are related to space issues, including the allocation of space under the proposal, space sharing, and school programming.

There are currently hundreds of schools in buildings across the city that are co-located, which includes district schools with other district schools, district schools with charter schools, and schools with mixed grade levels. In all cases, the Footprint is applied to schools to ensure equitable allocation of classroom, resource, and administrative space. The Footprint sets forth the baseline number of rooms that should be allocated to a school based on the grade levels served by the school and number of classes per grade. For existing schools, the Footprint is applied to the current number of sections per grade, assuming class size will remain constant. A representative from the Office of Space Planning then confirms both the baseline and current space allocation totals during a walk-through of the building, where he/she is accompanied by a school representative.

The Footprint is available online at: [http://schools.nyc.gov/NR/rdonlyres/961D691C-641D-4918-9798-8BA2C0A761FF/0/DOEFootprint\\_91114newlogo.pdf](http://schools.nyc.gov/NR/rdonlyres/961D691C-641D-4918-9798-8BA2C0A761FF/0/DOEFootprint_91114newlogo.pdf).

If approved, each school in Q053 will receive its equitable allocation of space per the Footprint. The proposal currently under consideration provides all schools with their Footprint allocation based on each school's projected enrollment. Even after the schools receive their baseline or adjusted baseline allocation of space under the Footprint, there will still be excess rooms available in the building. The ultimate allocation of space and the location of classrooms for both schools will be determined by the Office of Space Planning in conjunction with the principals in building Q053.

In response to Comments 2(d) and 4(f) that suggest the SA – Far Rockaway would take over the Q053 building as a result of the proposed co-location, this is inaccurate. As described, there is sufficient space for all schools throughout the duration of this proposal according to the Footprint. The proposed co-location of SA – Far Rockaway is not expected to impact current or future student enrollment, admissions, or instructional programming at M.S. 53 or Village Academy.

With specific reference to Comments 23(e) and 25(a), which express concern about M.S. 53's and Village Academy's ability to use shared spaces, if the proposed co-location is approved by the PEP, the Building Council, consisting of principals from all co-located schools, is encouraged and empowered to work together, and with the Office of Space Planning, to determine a shared space plan that minimizes the disruption to the schools and the current use of shared spaces and that provides sufficient time for all students to be served (e.g., in the gymnasium and cafeteria). Specific decisions regarding the allocation of the shared spaces will continue to be made by the Building Council in conjunction with the Office of Space Planning. In any building where more than one school is co-located, the Building Council meets regularly to address issues related to space allocations, shared space usage, and space issues. Additionally, a Shared Space Committee meets a minimum of four times a year and reports back to the Building Council regarding shared space questions.

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

As in other situations where schools are co-located, the schools at Q053 will share large common and specialty rooms in the building, which in this case includes an auditorium, a gymnasium, a library, a space for the school-based support team, a space for the nurse's office, and space for the custodian's office. Specific decisions regarding the allocation of the shared spaces are made by the Building Council.

In response to Comment 23(d) and 27(a), that express concern about potential changes to or loss of programming at Village Academy as a result of this proposal.

As stated in the EIS, the proposed co-location of SA- Far Rockaway with M.S. 53 and Village Academy in Q053 is not expected to impact current or future student enrollment, admissions, or instructional programming at M.S. 53 or Village Academy. Both schools will continue to offer current after school 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 extra-curricular programs, though the specific programs offered at a given school are always subject to change. That is true for any City student as all schools modify extra-curricular offerings annually based on student demand and available resources.

Comment 19(c) is related to M.S. 53's participation in the School Renewal Program and the school's ability to provide services to students and the community.

The DOE will work intensively with each Renewal School community over the next three years, setting clear goals and —with support from Central—holding each school community accountable for rapid improvement. Key elements of the plan include:

- Transforming Renewal Schools into Community Schools, with deepened support from and for families and community partners. Partnerships with community-based organizations will enable these schools to offer tailored whole-student supports, including mental health services and after-school programs.

- Creating extended learning time – an extra hour added to the school day to give all students additional instructional time.
- Supplying resources and supports to ensure effective school leadership and rigorous instruction with collaborative teachers.
- Performing school needs assessments across all six elements of the Framework for Great Schools (rigorous instruction, collaborative teachers, supportive environment, effective school leadership, strong family-community ties, and trust) to identify key areas for additional resources.
- Bringing increased oversight and accountability including strict goals and clear consequences for schools that do not meet them.

DOE leadership, school leadership, educators, families and the community must come together to support and accelerate improvement for students and staff of each Renewal School. The DOE is committed to working collaboratively as we strive to provide all of our students a high quality education to get them ready for college, careers and independent living. More information on the School Renewal Program is available online at: <http://schools.nyc.gov/AboutUs/schools/RenewalSchool>.

This proposal will not impact the schools' participation in the School Renewal Program. The DOE does not expect this proposal to impact any tailored ancillary services, extended instruction time, or other additional resources the schools may receive as a result of the School Renewal Program and the schools' designations as Community Schools. If this proposal is approved by the PEP, the DOE will continue to work closely with each school community to ensure all students receive the individualized support they need.

Comment 9(d) express discontent with the DOE's co-location policy.

Co-location is common in New York City schools, with 44% of all DOE buildings housing more than one school organization. This includes co-location of district schools with charter schools and district schools with other district schools. While schools share common spaces like auditoriums, gymnasiums, and cafeterias, each school is allocated particular classrooms and spaces for its own students' use. Though disagreement may exist as to whether a particular proposal is the best way to resolve community education needs, the DOE has found that after a proposal passes most school communities are able to successfully come together with amicable relationships and collaborative agreements.

Comments 3(a), 9(e), 15(b), and 16 suggest SA– Far Rockaway should find another location for the school and should secure its own private space. Additionally, Comment 6(d) suggests that a building located at 120-27 141<sup>st</sup> Street would be a more suitable location for Success Academy, instead of building Q053.

Recent amendments to the New York State Education Law provide certain new and expanding charter schools with access to facilities or facilities assistance. SACS requested co-located space within a DOE facility. Pursuant to the Education Law, the DOE explored siting options in response to SACS' request, which resulted in the proposal to co-locate Success Academy in Q053.

Comment 8(d), 14, 23(a-b), 24(a), and 26(c), express the belief that Success Academy enrolls fewer English Language Learners, special needs students, and a less diverse student body than district schools. Comments 21 and 24(b) also state that Success Academy does not enroll students who do not meet their academic requirements and base their acceptance and retention on the students' academic performance.

Success Academy Charter Schools in Queens serve students eligible for free and reduced price lunch, as well as ELL students and students with disabilities. Any child eligible for admission to a district 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.

Charter schools must admit all students according to their lottery preferences and may not turn away a student because of language ability or services required by an IEP. The New York State Charter Schools Act requires that charter schools demonstrate good faith efforts to attract and retain students with disabilities, English language learners, and students who are eligible applicants for the free and reduced price lunch at rates comparable to those of

the Community School District in which the charter school is located, pursuant to enrollment and retention targets established by the Board of Regents or SUNY, as applicable.

Comments 2(b) and 18 state that regardless of community input and feedback on the proposal, it will be approved by the PEP. Comments 2(c), 4(d-e), and 26(b) also suggest that due to Success Academy advertising on its website and through mailings, community input on the proposal will not be considered.

No decision has yet been made on this proposal. As mentioned, the PEP is scheduled to vote on this proposal, along with several others, at its November 19<sup>th</sup> meeting at M.S. 131, located at 100 Hester Street, New York, NY 10002.

Comments 9(b), 20, and 30(b) express support for M.S. 53 and Village Academy and the principals of the two schools.

The DOE recognizes the praise for M.S. 53 and Village Academy and commends the principals for their hard work and dedication. The Community Superintendent will continue to support M.S. 53, Village Academy, and the District 27 families.

Comments 3(b), 6(c), 19(b), and 29(d) express concern over M.S. 53's and Village Academy's ability to grow and flourish with the implementation of the proposal. Comments 23(c), 25(b), 27(b), 29(c), and 30(d) also express concern on the impact the co-location will have on the academic progress of M.S. 53 and Village Academy.

The DOE recognizes the praise for the schools in the Q053 building and commends the school communities for their hard work and dedication. The DOE is committed to supporting each school in Q053 and assisting with the co-location, if this proposal is approved. The DOE does not anticipate that this proposal will preclude M.S. 53's and Village Academy's ability to grow and thrive and pledges to work with the principals to support both schools, if this proposal is approved. The DOE aims to build the capacity of school communities to support interschool collaboration, leadership development, and resource sharing. The DOE has programs that foster environments where innovation and critical thinking can thrive, enabling schools to better prepare students to be college and career-ready. More information can be found online at: <http://schools.nyc.gov/Academics/InterschoolCollaboration/default.htm>.

Principals of co-located schools are encouraged to collaborate and can use the Building Council as a forum for doing so.

Comments 7(c-d), 9(c), 10(c), 13, 25(c), and 30(c) pertain to resources and concern about a loss of resources as a result of this proposal.

In terms of financial resources, this proposal is not expected to impact initial costs or allocations at M.S. 53, Village Academy, or ALC M.S. 53 in building Q053. In other words, the DOE does not anticipate that the school organizations in the Q053 building would lose any resources as a result of this proposal.

In accordance with the New York State Charter Schools Act of 1998 (as amended), the Chancellor or his/her designee must first authorize in writing any proposed capital improvement or facility upgrade in excess of five thousand dollars, regardless of the source of funding, made to accommodate the co-location of a charter school within a public school building. For any such improvements or upgrades that have been approved by the Chancellor, capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter school within the public school building. The DOE has been informed by SACS that it may seek permission for certain capital improvements or facilities upgrades. These capital improvements or facilities upgrades would be subject to the New York State Charter School Act of 1998 (as amended May 2010).

Comments 15(c), 17, and 29(b) state a preference to add middle or high school seats to the Q053 building.

The DOE does not project a middle and high school seat need within the peninsula. Schools in this portion of district 27 are able to meet their zone need and have utilization rates below 100 percent.

Comment 6(e) is a request to move the proposal off of the November PEP agenda.

The PEP is scheduled to vote on this proposal, along with several others, at its November 19th meeting to be held at M.S. 131, located at 100 Hester Street, New York, NY 10002. The PEP will vote to determine whether or not to approve the proposal.

Comment 6(a) is in regard to the rescheduling of the Joint Public Hearing.

The DOE works continually with school communities—SLTs, Principals, parents—and CECs to select the best possible hearing date for that community. In some instances, newly emerging priorities or concerns may necessitate the rescheduling of a hearing date. In the case of M.S. 53 and Village Academy, the EIS and BUP had to be revised to include modified instructional and administrative space allocations based on updated enrollment numbers and updated information for Village Academy.

Once the hearing was rescheduled, notice was posted on the DOE's website and distributed accordingly: Paper copies of a hearing notice with the new date were backpacked home with students, shared with the SLT and made available in the main office of M.S. 53 and Village Academy. A second Community Meeting was also held on November 12, 2015 to accommodate any parents or community members that would have a conflict with the new Joint Public Hearing date.

Persons who are unable to attend a Joint Public Hearing for any reason are welcome to submit comments and concerns via phone or email. The PEP vote on a proposal also provides an additional opportunity for interested parties to provide direct and in-person feedback.

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

No changes have been made to this proposal.