



Public Comment Analysis

Date: April 25, 2012

Topic: The Proposed Re-siting of Democracy Preparatory Harlem Charter School (84M481) and Co-location of Democracy Preparatory Charter School’s (84M350) 9-12 Grades with Existing Schools P.S. 92 Mary McLeod Bethune (05M092) and St. HOPE Leadership Academy Charter School (84M388) in Building M092 Beginning in 2012-2013

Date of Panel Vote: April 26, 2012

Summary of Proposal

The New York City Department of Education (“DOE”) has published an Educational Impact Statement (“EIS”) proposing to re-site two public charter schools run by Democracy Prep Public Schools, a charter management organization that currently manages three schools in the City. Specifically, the DOE is proposing that Democracy Preparatory Harlem Charter School (84M481, “Democracy Prep Harlem”) trade locations with the high school grades of Democracy Preparatory Charter School (84M350, “Democracy Prep” or “Democracy Prep High School”).

Democracy Prep Harlem is an existing public charter school that currently serves sixth and seventh grade students in building M092 (“M092”), located at 222 West 134th Street, New York, NY 10030 in Community School District 5. Democracy Prep Harlem is currently co-located in M092 with P.S. 92 Mary McLeod Bethune (05M092, “P.S. 92”), an existing zoned elementary school serving students in kindergarten through fifth grades and offering a full-day pre-kindergarten program, and St. HOPE Leadership Academy Charter School (84M388, “St. HOPE”), an existing public charter school that currently serves students in fifth through eighth grades. In 2012-2013, Democracy Prep Harlem will phase in and expand to serve students in sixth through eighth grades.

Democracy Preparatory Charter School is an existing public charter school serving students in sixth through eleventh grades and is phasing in to serve students in sixth through twelfth grades. Democracy Prep’s sixth- through eighth-grade students are currently served in building M197, located at 2230 Fifth Avenue, New York, NY 10037 in Community School District 5, where it is currently co-located with P.S. 197 John B. Russwurm (05M197). Democracy Prep’s ninth-through eleventh-grade students are currently served in a privately owned facility, located at 207 West 133rd Street, New York, NY 10030 in Community School District 5. In 2012-2013, Democracy Prep will expand to serve students in sixth through twelfth grades.

If this proposal is approved, Democracy Prep Harlem will be re-sited to the private space, while Democracy Prep High School will be re-sited to M092, where it would be co-located with P.S. 92 and St. HOPE.

In 2012-2013, Democracy Prep will expand to serve students in sixth through twelfth grades as outlined in its charter, which was authorized by the DOE. Thus, if this proposal is approved, Democracy Prep will serve approximately 274-339 ninth- through twelfth-grade students in M092, where they will be co-located with P.S. 92 and St. HOPE. Democracy Prep Harlem will serve students in sixth through eighth grades in the private space starting in the 2012-2013 school year. M092 also provides space to a Community Based Organization (“CBO”), the Department of Transportation’s Safety City Program.

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/2011-2012/April2012Proposals>.

Copies of the EIS and BUP are also available in main offices of all the schools listed above.

I. Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at building M092 on April 4, 2012. Approximately 400 members of the public attended the hearing, and 46 people spoke. Present at the meeting were Community School District 5 Superintendent Gale Reeves; District 5 Family Advocate Denise Gordon; District 5 Community Education Council (“CEC 5”) President Sonja Jones; CEC 5 Representatives William Hargraves, III, and Maurice Horne; P.S. 92 Principal Rosa Davila; P.S. 92 School Leadership Team (“SLT”) Representatives Yolanda Smith, Gloria Garvey, and Monique Terry; Democracy Prep Public Schools Founder and Superintendent Seth Andrew; Democracy Prep High School Principal Lisa Friscia; Democracy Prep Harlem Principal Emmanuel George; Democracy Prep Harlem Assistant Principal Kenneth Cowan; St. HOPE SLT Representatives Nichy Williams and Keisha Williams.

The following comments and remarks were made at the joint public hearing on April 4, 2012:

1. *Sonja Jones, CEC 5 president, asserted that:*
 - a. High school students should not be co-located with elementary students. It would be a disservice to both. Though she commends Democracy Prep and hopes they find space to grow and serve students, she believes the DOE has a responsibility to find adequate space.
 - b. In siting Democracy Prep, the DOE needs to address social-emotional issues, like how pre-kindergarten to fifth grade students will be exposed to high school issues.
 - c. It is impressive that Chancellor Walcott stated that “the DOE revisits co-location issues on the rare occasions the parents come out.” This means that it is important for everyone to be at the hearing and to sign-up to speak or transmit comments via phone or email.
2. *William Hargraves, CEC 5 representative, asserted that:*
 - a. Accidents can happen in a co-location with elementary and high school students co-located, like the one proposed.

- b. Decisions are being made to pit people in the community against each other. Yet, everyone has the same dreams. A school with success, unlimited assets, high-quality hats, and the ability to hand out snacks, like Democracy Prep, while others are put at a disadvantage, which the DOE knows.
 - c. What happens when the high school grows and becomes more popular?
3. *Maurice Horne, CEC 5 representative, asserted that:*
- a. As a student representative on the CEC, he has a wide perspective on education-related issues, and as a high school senior, he would not want to share the space with elementary students.
 - b. Development is taking place in pre-kindergarten through fifth grade students that would be disrupted by high school students.
4. *Monique Terry, P.S. 92 SLT representative, asserted that:*
- a. She does not want her child or any other elementary student to commingle with student who are almost adults. Mixing high school students with elementary students does not work.
 - b. The high school students would use all the stairwells and share floors, thoroughly commingled with the elementary students, which can lead to safety issues.
 - c. Ms. Terry also asked whether students from different schools would share bathrooms, and asserted that she was not comfortable with that.
 - d. Some services will be taking place in the hallways due to overcrowding. To me, that's not a great way of learning. P.S. 92's access to shared spaces will be diminished as a result of being co-located with a high school.
 - e. The community should mobilize and make their voices heard in opposition to this proposal.
5. *Yolanda Smith, P.S. 92 SLT representative, asserted that:*
- a. The P.S. 92 SLT is concerned about the loss of space as a result of this proposal. Programs like the "Opus Dance Theater" may not be possible to continue next year because the school may not have space as a result of the proposal.
 - b. P.S. 92 wants to expand its programming to include a technology room for the use of iPads. This will not be possible because the school will not have the space as a result of the proposal.
6. *Gloria Garvey, P.S. 92 SLT representative, asserted that:*
- a. Though Democracy Prep representatives have said that their high school students can be trusted, no one can guarantee their child's behavior. The high school students probably will not be marched around the way Democracy Prep does with its middle school students, so they would be moving around independently, putting elementary students at risk. The issue of commingling has not been addressed properly. Moreover, Democracy Prep has rooms on the second floor, where younger kids also attend class. The EIS shows Democracy Prep's scores dropping, which draws into question the guarantees that the students are upstanding.
 - b. Ms. Garvey also asked what steps has the DOE taken to find more appropriate space.
7. *Lisa Friscia, Democracy Prep High School principal, asserted that:*
She promises three things: Democracy Prep high school students will be disciplined, respectful, and safe; she is always available and her goal is to work

alongside the P.S. 92 community; and the community is invited to visit the high school at any time.

8. *Kenneth Cowan, Democracy Prep Harlem assistant principal, asserted that:*
 - a. As someone who grew up in Harlem and has worked as an educator in the community for many years, he feels that everyone should be given an opportunity.
 - b. The question is not charter versus public, but it is about choice.
 - c. Democracy Prep Harlem is on the third floor currently and does not share bathrooms, just as Democracy Prep high school will not be.
9. *Emmanuel George, Democracy Prep Harlem principal, asserted that:*
 - a. Having worked at both Democracy Prep high school and Democracy Prep Harlem, he has a unique perspective on the proposal, which he supports.
 - b. The schools currently in M092 have a great relationship, and that will continue after proposal as well, just in a different light.
 - c. The Building Council will determine how the schools are configured in the building and will make a plan that will produce positive outcomes.

Oral comments made at the joint public hearing

10. Multiple commenters asserted that the Democracy Prep high school students will be examples and role models, rather than a destructive force in the school. The schools will be able to work together, and Democracy Prep students could even tutor the younger students.
11. Multiple commenters expressed support for the proposal, asserting that Democracy Prep high school students need the space because it is a good school and making a difference in its students lives. The space should be given to a good school.
12. Multiple commenters asserted that P.S. 92 families should not worry about high school students being in the building because the high school students will not be having lunch or sharing floors or bathrooms with the elementary students.
13. A commenter asserted that people in the community can come visit Democracy Prep high school to see that the students are great people any time they want.
14. Multiple commenters asserted that high school students should not be in the same building as elementary students, because high school students exhibit inappropriate behavior. Though Democracy Prep assures the community that there will not be problems, that type of thing cannot be guaranteed.
15. A commenter asserted that a student at P.S. 92 is having nightmares about the proposed co-location.
16. Multiple commenters asserted that Democracy Prep should obtain its own space instead of coming into M092.
17. A commenter asserted that P.S. 92 should expand to serve middle school grades in place of the proposal.
18. A commenter asserted that the space should be used for P.S. 92 to expand its programming.
19. Multiple commenters asserted that the building would be overcrowded as a result of the proposal, which would prevent P.S. 92 from properly serving its students.
20. A commenter asserted that the conflict should not be between the co-located schools but between them and the DOE, who is responsible for the proposal.

The following questions were submitted in writing at the joint public hearing on April 4, 2011.

21. If M092 is currently at 99% capacity, why is the DOE proposing to fill the building to 95-118% capacity. 299 students are being repaced by 274-339 students.
22. Will additional security be slated for the M092 complex with the introduction of high school students?
23. Will the high school students have a separate entrance to the building?
24. Will there be staggered arrival and departure times to keep the high school and elementary students separated?
25. Will the high school population be separated from the elementary population?
26. Has the DOE examined the social-emotional ramifications of commingling these age groups?
27. What steps did Democracy Prep and the DOE take to find more appropriate space?
28. How can a charter school parent address people at a joint public hearing to say that their school is “going to get the space”? What does that say about the process?
29. Is there parent representation on the building committee, where decisions will be made regarding space allocation?
30. How does the CEC become more active in the co-location process when the DOE is identifying space?
31. Can more specific information be shared with parents prior to public hearings to dispel inaccurate information?

II. Summary of Issues Raised in Written and Oral Comments Submitted to the DOE regarding the proposal

During the public comment period, in total, two comments were received (via email and phone) opposing the proposal.

32. A commenter asserted that the proposal will negatively impact the social development of the elementary students. The building was not built for high school students. Students currently in the building will lose valuable resources as a result of the proposal.
33. A commenter expressed opposition to the proposal, asserting that the co-location Democracy Prep high school would be inappropriate because of the age discrepancy between high school and elementary students.

The DOE received a letter in opposition to the proposal from New York City Councilmember Inez Dickens.

34. The letter asserted that:
 - a. Though she fully supports the work of Democracy Prep Charter Schools, she does not support the proposal to co-locate a high school in a building that serves elementary students. Even if the high school students eat lunch in their classrooms and use a separate entrance to the building, she still has serious concerns.
 - b. The DOE’s policy of co-location has resulted in overcrowding that breeds a difficult, challenging climate for learning.
 - c. Building M092 was built to house elementary students and is not equipped to accommodate larger, older children.

- d. Though the DOE maintains that there will be no changes to the number of rooms allocated to Democracy Prep, she believes that if the proposal is approved, the space will prove insufficient, and P.S. 92 will be asked to forfeit additional space. P.S. 92 has already contacted her office about existing overcrowding in the building, which would be worsened by the proposal.
- e. The co-location of high school and elementary students raises safety concerns. The use of the many shared spaces in the building will inevitably lead to the very different age groups occupying hallways and staircases at the same time throughout the day, which would lead also to a heightened sense of overcrowding.
- f. If Democracy Prep has outgrown the space given to it by the DOE, then it would be in Democracy Prep's best interest to acquire its own space in a non-DOE building.

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

Co-location of High School and Elementary Students

- Comments 1a-b, 2a, 3a-b, 4a-b, 6a, 14, 26, 32, 33, 34a, 34c, and 34e express opposition to the proposal on the basis that high school students should not be served in the same building as elementary students and question the social-emotional impact such arrangements have on students.

Due to space limitations, it is not unusual for varying grade levels to be co-located together. While it is not a common practice for an elementary school to be co-located with a high school, there are successful examples of K-12 buildings or campuses in New York City. The DOE is not aware of any unusual discipline problems caused by the co-location of elementary age students with high school age students in those buildings. The DOE, in consultation with the Building Council, will continue to allocate contiguous and dedicated space to the elementary students to ensure the safety of all students. There are several measures currently in place to separate the students at the schools currently co-located in M092, including use of separate entrances, stairwells, bathrooms, and floors and scheduling of shared spaces so there is no overlap between schools.

Examples of K-12 buildings or campuses include:

- The Julia Richman Educational Complex, which houses four small high schools, a K-8 school, and a District 75 program;
- Brooklyn Collegiate: A College Board School, which serves sixth through twelfth grade, and shares a building with Achievement First Brownsville Charter School, which currently serves kindergarten through fourth grade;
- Harlem Success Academy 4, an elementary school, which shares a building with Opportunity Charter School, which serves sixth through twelfth grade, and STEM institute of Manhattan, which serves kindergarten through fifth grade; and J.H.S. 13 Jackie Robinson, a middle school, which shares a building with Central Park East I, which serves elementary students, Central Park East High School, and East Harlem Scholars Academy, which serves elementary students.

Grade Expansion of P.S. 92

- Comment 17 asserts that P.S. 92 should expand to serve middle school grades in place of the proposal.

Several factors are taken into consideration in making the decision to propose the expansion of a school to serve additional grades. Part of this process includes a letter of intent, which is submitted by schools wishing to expand. The DOE has not received any letter of intent from P.S. 92. Moreover, in the absence of this proposal, there would not be space for such an expansion, because the space would still be used by Democracy Prep Harlem.

Charters in Public Space

- Comments 16 and 34f assert that Democracy Prep should serve students in non-DOE space.

Unlike traditional public schools, charter schools do not receive supplemental funding for use in building or acquiring instructional space. The DOE seeks to provide space to high quality education options for all students, regardless of whether they are served in DOE or public charter schools. We welcome public charter schools to lease or provide their own space, but will offer space in DOE schools where it is feasible to do so.

Use of Space/Footprint

- Comment 18 asserts that P.S. 92 should be given additional space to expand its programming, instead of the space being used for Democracy Prep.

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, the Instructional Footprint is applied to both DOE and public charter schools to ensure equitable allocation of classroom, resource and administrative space.

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

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 DOE schools. In all cases, the DOE seeks to provide high quality education and allow parents/students to choose where to attend.

P.S. 92 has been allocated sufficient space to accommodate its students. Additionally, as shown in the BUP, the current allocation of space to P.S. 92 will not decrease as a result of this proposal.

Overcrowding

- Comments 4d, 5a-b, 19, 21, 34b, and 34e assert that building M092 will be overcrowded as a result of the proposal.

As explained above, the DOE applies the Footprint to all co-located schools to ensure that the schools are allocated sufficient space to accommodate all their students. With regard to this proposal, the DOE has posted a Building Utilization Plan (“BUP”), which details the number of class sections each school is expected to program each year and allocates the number of classrooms accordingly. The BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location.

With regard to the projected utilization of M092 as a result of this proposal, although a utilization rate in excess of 100% may suggest that a building will be over-utilized or over-crowded in a given year, this rate does not account for the fact that rooms may be programmed for more efficient or different uses than the standard assumptions in the utilization calculation. In addition, charter school enrollment plans are frequently based on larger class sizes than target capacity, contributing to building utilizations above 100% while not impacting the utilization of the space allocated to the traditional public school. Moreover, because Democracy Prep will serve students in dedicated, contiguous space, there should be minimal spillover effect from the larger charter school class sizes on students attending P.S. 92 or St. HOPE.

This proposal will not result in the change of number of rooms allocated to P.S. 92. While it would re-allocate one half-size space from St. HOPE to Democracy Prep, St. HOPE would continue to receive its full baseline allocation of space. Thus, there is sufficient space in the building to accommodate the proposal.

Additionally, the projected utilization rate in the EIS does not represent a definite increase in the utilization rate of M092. The 2012-2013 projected enrollment range for Democracy Prep high school is lower than the 2012-2013 projected enrollment range for Democracy Prep Harlem. Thus, if Democracy Prep Harlem remained in the building, as would be the case in the absence of this proposal, the 2012-2013 projected utilization would be higher than under this proposal.

General Opposition to the Proposal and the DOE

- Comments 2b, 15, and 20 express strong general opposition to the proposal.

Although the DOE recognizes that some people in the community may have strong feelings against this proposal, the DOE believes that, if this proposal is approved, the school communities at M092 will be able to create productive and collaborative partnerships and maintain a mutually respectful environment for all students, staff, and

faculty members in M092. This proposal is not intended to pit the schools in the M092 building against each other, and the DOE believes the benefit provided to Democracy Prep by this proposal does not come at the cost of any other community.

Future Growth of Democracy Prep

- Comments 2c and 34d question whether Democracy Prep will require more space in the future.

The proposal projects the expected enrollment of Democracy Prep and allocates space accordingly. A future significant change in space allocations, such as those resulting from enrollment growth at Democracy Prep, would require a revised BUP, which would need to be separately proposed by the DOE and approved by the Panel for Educational Policy (“PEP”).

Alternative Sites

- Comments 6b and 27 question what steps the DOE took to determine M092 is the best site for Democracy Prep high school.

The DOE has thoroughly reviewed all possible options for the siting of Democracy Prep high school and believes M092 is the best location for the school. The DOE did not find any other potential locations for Democracy Prep high school that would have been able to accommodate all four high school grades. All other options would have required a split-siting of the school.

As explained above, the DOE believes this proposal will meet Democracy Prep’s needs without negatively impacting other school organizations in M092.

Safety

- Comment 22 asks about the security procedure following the approval of this proposal.

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.

Additionally, 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. School Safety Plan is updated annually by the Committee to meet the changing security needs, changes in organization and building conditions and any other factors; these updates could also be made at any other time when it is necessary to address security concerns. The Committee will also address safety matters on an ongoing basis and make appropriate recommendations to the Principal(s) when it identifies the need for additional security measures. Further information on guidelines governing the decisions on safety in the school and the use of metal detectors can be found in Chancellor’s Regulations A-412 and A-432.

Use of Facility

- Comments 4c, 23, 24, and 25 question how use of stairwells, bathrooms, entrances, and hallways, among other shared elements of the building, will be arranged to separate the co-located schools.

In many buildings where schools are co-located, each school is assigned separate stairwells, bathrooms, entrances, and other spaces. These measures are taken to cultivate cohesive cultures within each school. Separation between schools is intended to limit any issues that might arise from groups of students who may not know each other well and to nurture school unity. The assignments of specific elements of the building are arranged by the Building Council. Currently, similar procedures are in place for the existing schools in M092. As mentioned above, there are several measures currently in place to separate the students at the schools currently co-located in M092, including use of separate entrances, stairwells, bathrooms, and floors and scheduling of shared spaces so there is no overlap between schools. Since Democracy Prep Harlem is being replaced in M092 by another school in the Democracy Prep network, there will be continuity on the Building Council, which would preserve the careful planning that has already taken place.

Proposal Approval Process

- Comment 28 asks about the process by which this proposal will be approved.

The co-location of Democracy Prep high school is merely proposed until it receives approval from the Panel for Educational Policy (“PEP”), which is expected to vote on the proposal on April 26, 2012. Prior to approval by the PEP, it would be incorrect for someone to state that a proposal is certain to be implemented.

Building Council

- Comment 29 asks whether there is parent representation on the building council.

As stated in the BUP, only principals and charter school leaders serve on the building council, which is a group that meets monthly to discuss and resolve issues related to the smooth daily operation of all schools in the building and the safety of the students they serve.

However, at campuses where charter schools are co-located in a public school building with one or more non-charter schools or District 75 schools, a Shared Space Committee (“SSC”) shall be established by the principals of the schools to review the implementation of the BUP once it has been approved by the PEP.

The SSC will be comprised of the principal, a teacher and a parent of each co-located school. With respect to a non-charter school’s teacher and parent members, such SSC members shall be selected by the corresponding constituent member of the SLT of the school. Charter school leaders will work with their constituencies to select the parent and teacher representing that school.

Community Education Council Involvement in Proposals

- Comment 30 asks about the CEC’s involvement in the co-location proposal process.

CECs are deliberative bodies that help to shape educational policies and priorities in their districts. CEC members are parent volunteers who provide hands-on leadership and support for their community's public schools. The DOE seeks to engage the community for input regarding all proposals, which is the purpose of the public comment period and joint public hearing. The DOE also engages the CEC for feedback on potential decisions, and jointly held this hearing on the proposal with the CEC. The DOE welcomes all input the CEC would like to provide.

Engagement

- Comment 31 asks whether the DOE can provide additional specific information about proposals prior to the joint public hearing.

The DOE looks to engage the community as thoroughly as possible, providing clear information to all who are impacted by the proposal. Whenever requested, or otherwise possible, the DOE seeks to hold non-mandatory engagement meetings for the purpose of answering questions and receiving informal feedback on the proposals. In this case, the DOE met with the P.S. 92 SLT, and offered to return for a larger parent meeting. That offer was declined.

- Comments 1c and 4e encourage people in the community to make their voices heard in opposition to this proposal.

The DOE welcomes comments from the community, whether via phone, email, joint public hearing, or other means.

Support for the Proposal

- Comments 7, 8a-c, 9a-c, and 10-13 express support for the proposal.

No response is required.

IV. Changes Made to the Proposal

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