

Public Comment Analysis

Date: April 25, 2012

Topic: The Proposed Co-location of One Grade of Harlem Success Academy Charter School 4 (84M386) with Existing Schools P.S. 149 Sojourner Truth (03M149), Harlem Success Academy Charter School (84M351), and P811M@M149 (75M811), a District 75 School, in M149/M207 for the 2012-2013 School Year

Date of Panel Vote: April 26, 2012

Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to co-locate one grade of Harlem Success Academy Charter School 4 (84M386, “HSA 4”) in Tandem Buildings M149 and M207 (“M149/M207”), located, respectively, at 34 West 118th Street, New York, NY 10026 and 41 West 117th Street, New York, NY 10026 in Community School District 3 for the 2012-2013 school year.¹ “Tandem Buildings” are two separate buildings with separate entrances, which are joined by a central core containing large shared spaces, such as auditoriums, gymnasiums, and/or cafeterias. If this proposal is approved, HSA 4 would serve its fifth grade students in M149/M207 in 2012-2013. The single grade cohort of HSA 4 would be co-located in M149/M207 with existing schools P.S. 149 Sojourner Truth (03M149, “P.S. 149”), a district elementary school that serves students in kindergarten through eighth grades and offers a pre-kindergarten program, Harlem Success Academy Charter School (84M351, “HSA 1”), a public charter school that currently serves students in kindergarten through sixth grades,² and P.S. 811 Mickey Mantle School (75M811, “P811M@M149”),³ a District 75 school serving students with autism or who are emotionally disturbed.⁴ 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.

HSA 4 currently serves students in kindergarten through fourth grade in Building M113 (“M113”) located at 240 West 113th Street, New York, NY 10026, where it is co-located with P.S. 241 (03M241, “P.S. 241”), and Opportunity Charter School (84M279, “Opportunity Charter”). M113 is 0.5 miles southwest

¹ Harlem Success Academy Charter School 4 is currently undergoing a formal name change process. The new name of the school will be Success Academy Charter School – Harlem 4, if the name change is approved by the school’s charter authorizer.

² Harlem Success Academy Charter School is currently undergoing a formal name change process. The new name of the school will be Success Academy Charter School – Harlem 1, if the name change is approved by the school’s charter authorizer.

³ P811M also serves students in M075 (located at 735 West End Avenue), M163 (located at 163 West 97th Street), M841 (located at 466 West End Avenue), all in Community School District 3, and M101 (located at 141 East 111th Street) in Community School District 4. This proposal will have no impact on the other locations of P811M.

⁴ District 75 provides Citywide educational, vocational, and behavior support programs for students who are on the autism spectrum, have significant cognitive delays, are severely emotionally challenged, are sensory impaired and/or are multiply disabled. District 75 provides services to students in a variety of settings, including elementary, middle, and high schools, students’ homes, hospitals, and agencies. These programs are located at more than 310 sites in the Bronx, Brooklyn, Manhattan, Queens, Staten Island, and Syosset, New York. Please visit the DOE website for additional information about District 75 programs at <http://schools.nyc.gov/Offices/District75/default.htm>.

walking distance from M149/M207. HSA 4 is currently authorized to serve students in kindergarten through fifth grades. However, there are not sufficient classrooms available in M113 to accommodate HSA 4's fifth grade, in addition to its current grade-span.

HSA 1 currently serves students in kindergarten through sixth grades in M149/M207. In a separate educational impact statement ("EIS") that was posted on December 10, 2010 and approved on February 1, 2011, the DOE proposed the re-siting of HSA 1's current fifth and sixth grades, and future fifth through eighth grades, as the school expands to full-scale, to building M088 beginning in 2012-2013. As a result of the proposal, in 2012-2013 and future years, HSA 1 will serve only students in kindergarten through fourth grades in M149/M207.

Under this proposal, HSA 4's fifth-grade students would be served in M149/M207 alongside students of HSA 1, which will serve students in kindergarten through fourth grades in M149/M207 beginning in 2012-2013. This co-location of HSA 4's fifth grade is being proposed for one year. The DOE will consider all long-term options to accommodate HSA 4's fifth grade in the future and, if necessary, will propose those options in a separate EIS.

HSA 4 is an existing charter school authorized by the State University of New York Charter Schools Institute ("SUNY") and operated by Success Academy Charter Schools ("Success Academies"), a charter management organization ("CMO") that currently operates six schools in Manhattan and nine schools Citywide. As noted above, HSA 4 is currently authorized to serve students in kindergarten through fifth grades. However, when its charter is up for renewal in 2013, HSA 4 intends to apply to expand the grades served at the school to kindergarten through eighth grades. SUNY and the State Board of Regents would have the authority to approve or deny that request. HSA 4 admits students in kindergarten through second grades through a lottery. HSA 4 lottery priorities are detailed in Section III.C. of the EIS.

P.S. 149 is a zoned district school that serves students in kindergarten through eighth grades and offers a pre-kindergarten program. Students are currently admitted to P.S. 149 in kindergarten according to Chancellor's Regulation A-101 and in sixth grade through the District 3 Middle School Choice process. Admissions methods are detailed in Section III.A. of the EIS.

P811M@M149 serves elementary-age students with autism or who are emotionally disturbed. Students are placed in District 75 programs based on their individual needs and recommended special education services.

The community-based organization ("CBO") Harlem Children's Zone ("HCZ") also has rooms allocated to it in M149/M207 where it operates a pre-kindergarten program.

M149/M207 has the capacity to serve 1,120 students.⁵ Currently, the building serves 1,216 students,⁶ yielding a utilization rate of 109%.⁷ These capacity and enrollment figures exclude both the space allocated to HCZ and the enrollment in the HCZ pre-kindergarten program.

⁵ 2010-2011 Enrollment, Capacity, Utilization Report ("Blue Book").

⁶ 2011-2012 Audited Register.

⁷ All references to building utilization rates in this document are based on target capacity data from the 2010-2011 Blue Book. Utilization rates referenced for the 2011-2012 school year is based on audited enrollment and do not include Long Term Absences ("LTAs"), students who have been absent continuously for 30 days or more as of October 31, 2011. This methodology is consistent with the manner in which the DOE conducts planning and calculates space allocations and funding for all schools. In determining the space allocation for co-located schools, the Office of Space Planning will conduct a detailed site survey and space analysis of the building to assess the amount of space available in the building.

Taking into account the already-approved re-siting of HSA 1's fifth through seventh grades to M088, in 2012-2013, when HSA 4's fifth grade students would be co-located in M149/M207, there would be approximately 1,090-1,269 students served in the building, yielding an estimated building utilization rate of 97-113%.

The details of this proposal have been released in an EIS and Building Utilization Plan ("BUP") which can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/April2012Proposals.htm>

Copies of EIS and BUP are available in main offices of P.S. 149, HSA 1, P811M@M149, and HSA 4.

I. Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at the M149/207 building on April 19, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 200 members of the public attended the hearing, and 40 people spoke. Present at the meeting were P.S. 149 Principal Barbara Darrigo; P.S. 149 School Leadership Team ("SLT") Chair Sonya Hampton; P.S. 149 SLT Representatives Patrick Walsh and Richard White; P811M Assistant Principal Samantha Slater; District 3 Community Education Council ("CEC 3") President Christine Annechino; CEC 3 Representatives Noah Gotbaum, Laurie Frey, and Alicia Simpson; New York City Comptroller John Liu; New York State Senator Bill Perkins; New York City Councilmember Inez Dickens; Geoffrey Eaton, President of the NAACP Midtown Branch and Chief of Staff to Senator Charles Rangel; NAACP Regional Director Ken Cohen; Pastor Michael Walrond of the First Corinthian Baptist Church; District 3 Presidents' Council Representative Michelle Ciulla Lipkin; District 3 Acting Superintendent Esther Friedman; Paymon Rouhanifard, Executive Director of the DOE's Office of Portfolio Management; Yael Kalban, Director of Manhattan Planning in the DOE Office of Portfolio Management; and Tom Franta, a representative of State University of New York's ("SUNY") Charter School Institute ("CSI").

The following comments and remarks were made at the joint public hearing on April 19, 2012:

1. *John Liu, New York City Comptroller, asserted that:*
 - a. He has seen more and more closures and co-locations, but the onus shouldn't be on parents, kids, or teachers.
 - b. This school has been operating well for years, but there has been much shuffling around, with students required to use bathrooms on other floors. These issues detract from basic reading, writing, and arithmetic, which DOE should be focusing on, not playing games in the hopes of trying to claim some kind of victory.
 - c. The DOE touts closures as an accomplishment, but it's not an accomplishment. Sticking another school in one that is working well is not an accomplishment.
 - d. Most people think of schools as students, teachers, a principal, and a building. They announced 54 new schools, but no new buildings. That is not progress, when in fact nothing new has been created.
 - e. Parents are supposedly on different sides but they have one thing only on their mind—the education of their kids. DOE should get back to basics. Teaching our kids, letting teachers teach, not shuffling things around, and creating friction.
 - f. This is an important meeting, although he is not totally confident it will make it down to Tweed, but voices will be heard, and he will do everything he can to ensure that educational resources are available.
2. *Bill Perkins, NYS Senator, asserted that:*
 - a. The NAACP reminds us that this is about civil rights. Education was a struggle for our civil rights as a community and a people. Separate and unequal hurts school children and does not lead to success. Such co-locations are disruptive.

- b. This agenda is political; it's not about education. This will not lead to educational success. We have no evidence to prove Success Academies are successful.
 - c. The alternative here is to make sure that the next mayor has an education agenda that supports our children, not privatizations, and to end mayoral control. There is a bill in Albany now to allow for-profit charter schools, and this is what's really going on. It's about profit.
3. *Inez Dickens, New York City Councilmember, asserted that:*
- a. We need to say no to co-location and give our public schools a fair chance. Mayoral control should end.
 - b. We are all one community, and we need affordable housing and good education for our children.
 - c. She is not anti-charter or anti-Success Academies. The students at Success Academies schools are our neighbors, you know each other, your children play together. But if it's crowded here, we can't bring in another charter or public school.
 - d. Charters should exist, parents should have choice, but parents who don't want charters should have their choice, too, and should be able to get a good education for their kids as well.
 - e. The community needs to stick together and can't allow the DOE to divide and conquer.
 - f. It's about this community surviving. We can't have parents disrespecting each other when we all want the exact same thing.
 - g. The charter parents should be tolerant and listen to the public school parents. It is wrong when our public school children are forced to be in tighter spaces. The resources are not given to the charters, they raise their money, but then why isn't the DOE putting the necessary resources in our public school education? That's what we're asking for.
4. *Geoff Eaton, President of the NAACP Midtown branch and Chief of Staff to Senator Charles Rangel, asserted that:*
- a. We are not against charters, we are for choice and for the best education possible, but we are against separate and unequal. The NAACP found that education was separate and unequal all over the country, and in *Brown v. Board of Education*, the Supreme Court said this can't happen anymore.
 - b. This co-location has caused disruption in this building.
5. *Ken Cohen, NAACP Regional Director, asserted that:*
- a. We are all here for excellent education, and we are here to say no to co-location. This isn't right. We want fair and equal public schools.
 - b. This city can find space for anything it wants to build and should find space for these schools.
6. *Pastor Michael Walrond of the First Corinthian Baptist Church asserted that:*
- a. An HSA student, roughly 6 years old, asked his wife if she is one of the people who've come to close her school. She thought people had come to close HSA, because some people are lying and manipulating information.
 - b. The strategy being used here is to divide and conquer.
 - c. The smoke and mirrors are that all you know is that your child is doing better in a charter school than they were in an institution that, if provided the resources, would have made the need for the charter unnecessary. The DOE cuts funding, takes resources, tutors, gym teachers, guidance, art; and then tells teachers with limited resources that they'd better maintain the grade, or it justifies bringing in the charter. You can't go to a school and slash the budget and tell them they still have to perform. HSA then raises private money to do the work the public money should have done if they took your child seriously.
 - d. This wouldn't be happening without mayoral control. If the DOE and our mayor would have shown through statistics that even when given supportive infrastructure and real authentic administrative support and real resources, a school fails, then it would be right to look for an alternative. But if they don't do that and cut the wings of the school and then say perform at the highest level and try and compare it to a school with full resources, that's not a fair comparison.

- e. The solution is for parents at HSA to push the DOE to provide resources like theirs to all schools equally so all children have the same opportunities and not allow themselves to be manipulated and pitted against each other.
7. *Sonya Hampton, P.S. 149 SLT Chair, asserted that:*
 - a. P.S. 149 had an A on its Progress Report, and no one came to visit or congratulate the school then.
 - b. The DOE has the community fighting and arguing, but we aren't going to do that.
 - c. P.S. 149 has lost a lot, and so has P811M, and that school never has a voice.
 - d. Ms. Hampton read the writings of two students, who expressed concern over losing the third floor.
 8. *Richard White, P.S. 149 SLT Representative, asserted that:*
 - a. We need to work together as parents to watch the behavior of our children in school. He has observed some children from the other school judging children at P.S. 149. This isn't the children's fault, but it's the fault of educators and politicians.
 - b. We have an opportunity coming in the mayoral election, and we need to take back control. Don't vote for the candidate who wants control on the schools if you want our children to be educated fairly and equally. Then we can come back and put our schools back in order, to the way they were 10 or 15 years ago when they were working.
 - c. There are too many children in this building. Music, drama, and other enrichment programs are gone as a result of this co-location. There is no more dance, cooking, or cultural experiences. His daughter took violin lessons when she was here, and that is gone now.
 - d. We can coexist as long as we don't push each other out of the picture. P.S. 149 used to have almost 1,000 students enrolled, and is now down to about 350. This is not because they've graduated and moved forward, but because they've been pushed aside for other schools.
 9. *Patrick Walsh, P.S. 149 SLT Representative, asserted that:*
 - a. He believes in the sacredness of education and of every human life. He has witnessed the steady degradation of conditions in this building, which threatens those things. In the past 6 years, P.S. 149 has lost its music program and its SAVE room despite the fact that the state has legally mandated its existence, and the school does not have the luxury of counseling out challenging students. P.S. 149 lost its computer lab even though DOE talks about importance of technology. Children have lost the promise of this country—a fair education.
 - b. P.S. 149 has been blessed with a new principal and a new vision of what education can be. Children deserve to see that vision realized.
 - c. Last year, at a hearing at this time, something remarkable happened at the end. After a lot of screaming and fighting, parents from P.S. 149 and HSA began to realize that they had been pitted against each other and that it was not an accident. He hopes that that insight is realized again tonight. Everyone here wants the best thing for all of our kids.
 10. *Christine Annechino, President of CEC 3, asserted the following:*
 - a. Years ago, there were two separate water fountains different kinds of people, and we stood up and said we can't take it anymore and said it's not fair. This isn't right either, that we find ourselves in a similar situation in 2012. Her child's school on West 70th Street is also a whole different world and that's not right either, but that's not her fault, or the communities', and it's great if parents at HSA are happy, but DOE has chosen a certain group to have a quality education, and for the others, they said no.
 - b. There is a sign-up sheet for the HSA parents if they want to join the District 3 schools to go have a discussion with the DOE and demand that everybody have a great education.
 11. *Noah Gotbaum, CEC 3 Representative, asserted the following:*
 - a. What is important has already begun to happen tonight. The onus needs to be put on the DOE to provide an equal adequate education for all children. That isn't happening. It doesn't happen with a utilization of 113%, when you force our special education teachers to teach

- kids in closets or hallways. It doesn't happen when you give the same amount of space to a school with zero self-contained students as one with 25% self-contained.
- b. The allocation of space says that P.S. 149 has more than its share of space. That means it can have one art room or a music room or a science room, but only one.
 - c. Library time, gym time, and lunch time are hard to get.
 - d. Special needs children get two half-size classrooms for 50, 60, 70 kids. That's closets. The Success Charter families have to understand why this is a problem. That has to do with the fact that the DOE is saying it's adequate for special education students to be educated in closets, and it isn't. Two of his three children have special needs—one of them requires self-contained services, the other gets pulled out for speech. Those are not the same, but the DOE allocates the same space. They have hugely different needs.
 - e. The DOE is saying it's okay for Success not to take self-contained kids. Successful schools are ones that educate all kids.
 - f. It's impossible to get information about Success schools. We have asked DOE and Success Academies for a significant amount of information, and we've been told you have to FOIL it. We did this two years ago and we've gotten none of it.
 - g. In HSA 1, enrollment in third grade drops. 15% of the kids start to fall out in third grade, when testing begins. That's all DOE looks at. The DOE doesn't look at the progress your kids may be making, they only care about testing.
 - h. As the elected officials have said, we have to stop saying I got mine, so it's ok to not care about what others get. We need to demand equality for everyone—for the special education kids, kids in shelters at P.S. 149. The DOE should be ashamed of itself for the 113% utilization of this school, for forcing special education kids to walk around the block.
12. *Alicia Simpson, CEC 3 Representative, asserted the following:*
 She has been attending these hearings for a little over a year and remembers one last year like this. At that hearing, Ms. Hampton said, "I'm trying to fix it where I'm at." She's not running away from problems, she's trying to fix it. A lot of parents are asking what the solution is, and it's to work together, not fight each other. We all want the best thing for our kids.
13. *Michelle Ciulla Lipkin, District 3 Presidents Council representative, asserted the following:*
- a. The Presidents Council is opposed to this proposed co-location.
 - b. Choice is a buzz word. If she could choose, she would choose for schools like P.S. 149 to not have to fight for their rights, for the special education students to get the education they deserve, for the students of P.S. 149 to have a music room, computer lab, and space for services, and not to be misled and misunderstood.
 - c. We come to hearing after hearing, fighting the same thing. Every borough says the same thing—co-location doesn't work. We need a system that allows every child to be a first class citizen.

Comments supporting the proposal

14. Several commenters asserted that HSA 1 and HSA 4 are good schools and that their children are getting an excellent education there.
15. One commenter asserted that, like the water fountains mentioned by the CEC president, this school building should be shared.
16. Several commenters asserted that parents from both schools should work together.
17. One commenter asserted that she attended public schools growing up and got an excellent education, but now she doesn't see those kinds of opportunities for her son in district schools and that is why she chose HSA for him. She expressed a desire to see strong private partnerships with district schools like the ones she sees in charter schools to provide enrichment programming.
18. One commenter asserted that she was not well-served by district schools when she was a child, and she chose HSA for her daughter because she wants her to be better prepared for college and life than

she was. She asserted that she is happy to have had choices and that HSA teachers are very accessible and involved.

19. One commenter asserted that HSA is also crowded and kids at HSA are also taught in hallways.
20. One commenter noted that under this proposal, HSA 4 will not take any space from P.S. 149 or P811M@M149. She also pointed out that HSA 1's fifth and sixth grades will be moving out after this school year, and so there will still be one fewer grade served by HSA in the building.
21. One commenter asserted that HSA is a public school, and has always challenged children to work harder, as he had to due to his dyslexia. HSA doesn't label children as ELLs or special education, they simply call all students "scholars." If students have a hard time passing tests, all it means is that they have to work harder, and these tests prepare them for life.

Comments opposing the proposal

22. Several commenters asserted that there is not sufficient space for P.S. 149 to adequately serve its special needs students. They asserted that many services, such as occupational therapy, have to be provided in half-size offices that are shared with other service providers, or in other shared spaces like the library or cafeteria.
23. Several commenters asserted that P.S. 149 does not get adequate time in shared spaces, and students have to eat lunch very early.
24. Several commenters asserted that P.S. 149 has lost its arts and enrichment programs, and in particular, its music program, which was once very strong.
25. Several commenters asserted that the co-location is difficult on children, because although many of them are from the same neighborhood and even the same families, they are not allowed to interact in school. This makes the children from P.S. 149 feel belittled and less than the other students.
26. Several commenters asserted that co-locations often begin small, but then the charter schools continue to take more and more space.
27. One commenter asserted that there is no excess space, and that teachers have to share rooms and go from class to class carrying their materials.
28. Several commenters asserted that HSA should get their own building.
29. Several commenters asserted that they are not opposed to charters or to HSA, but that they are opposed to co-locations and that there is no space for these schools here.
30. Several commenters asserted their support for P.S. 149, noting that the schools have teachers and staff who care a great deal about their students and work very hard.
31. Several commenters asserted that the community needs to fight this proposal, and that they should be fighting against the DOE, not against their own community. They further asserted that children from this community attend P.S. 149 and HSA schools, and they should not be fighting against each other but should be fighting together against the DOE.
32. Several commenters noted that P.S. 149's students are not allowed to use the bathrooms on the third floor, where HSA 1 is located.
33. Two commenters noted that they work at P.S. 149 but also teach at the Milbank Center on weekends, where kids from both P.S. 149 and HSA participate in their programs. At school, though, the HSA students are afraid to speak to them and to the other children from their weekend programs because of the division between the schools.
34. One teacher from P.S. 149 asserted that graduates of the school have gone on to be very successful, including an autistic student who attends a community college and another student who is studying engineering at MIT. Even a family whose child left P.S. 149 to attend Promise Academy thanked the teachers at P.S. 149 for providing an excellent educational foundation.
35. The PTA president from P.S. 208, another District 3 school, asserted that the P.S. 208 community opposes this proposal. P.S. 208 is also going to be co-located with Harlem Success schools, and the DOE is sabotaging these schools.
36. One commenter asserted that co-locations are not beneficial, and that SUNY should stop approving charters for districts that do not have adequate space or if space hasn't already been identified.

The following questions were submitted in writing or posed verbally at the joint public hearing on April 19, 2012:

37. Why can't HSA occupy Rice High School—it's empty?
38. Why doesn't HSA get its own building with all of its money?
39. Why was HSA allowed lunch periods in the afternoon whereas PS/MS 149 students have a 10:45 AM lunch?
40. Why are students from P811M@M149 dropped off a block away and have to be pushed or walked to the building?

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

The DOE received a letter in opposition to the proposal from New York City Council Assistant Deputy Majority Leader Inez Dickens, which was signed by several other New York City Councilmembers, including: Deputy Majority Leader Leroy Comrie, Majority Whip Albert Vann, Councilmember Robert Jackson, Councilmember Gale Brewer, Councilmember Rosie Mendez, and Councilmember Daniel Dromm. The letter asserted that:

41. Success Academy charter co-locations present particular concerns, as they are detrimental to the operation of traditional public schools, impeding their ability to provide quality programs, render core curriculum studies, extracurricular studies, and have resulted in gross overcrowding. It is a separate and not equal climate.
42. The councilmembers express unified opposition to the proposal. Overcrowding public schools will not lead to “success” for any child in these overburdened learning environments.
43. P.S. 149 and P.S. 207 have endured the Harlem Success Academy occupation longer than any school in Harlem and have seen more of their resources stripped each year. They have lost the use of shared spaces like the large gym and instruction has to take place in hallways and staircases. The addition of HSA 4 will further strip the schools of their dignity and their right to an adequate learning environment.
44. Though the councilmembers are not inherently opposed to charter schools, proposals like this one cause divides and unequal treatment of young people.

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

Support for the proposal

Comments 14-21 support the proposal and do not require a response.

Support for P.S. 149

Comments 7a, 9b, 30, and 34 assert support for the programs, faculty, and/or administration of P.S. 149. As stated in the EIS, the proposed co-location is not expected to impact future student enrollment, instructional programming, staffing, or the admissions process to the schools currently co-located in the building, especially in light of the fact that the amount of space allocated to each of the co-located schools will not be impacted by this proposal. The DOE does not intend for this proposal to be perceived as a sign of dissatisfaction with the programs or administrations of P.S. 149.

Co-locations

With respect to comments 1a-f, 2a, 4b, 5a, 13a, 13c, 29, 35, 36, 41, and 44, roughly half of our schools share space in a building. Because of co-locations, we are able to use our limited facilities efficiently while simultaneously creating additional high-quality options for New York City families. This is necessary when we have scarce facilities and a demand for more high-performing options. As stated in the EIS, the proposed co-location is not expected to impact future student enrollment, instructional programming, or the admissions process to the schools currently co-located in the building.

Space

With respect to comments 3a, 3c, 7c-d, 26, 27, 42, and 43, there are currently hundreds of schools in buildings all 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. Because of co-locations, we are able to use our limited facilities efficiently while simultaneously creating additional high-quality options for New York City families. This is necessary when we have scarce facilities and a demand for more high-performing options.

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.

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/8CF30F41-DE25-4C30-92DE-731949919FC3/87633/NYCDOE_Instructional_Footprint_Final9210TNT.pdf

The Building Utilization Plan (“BUP”) details the number of class sections each school is expected to program each year and allocates the number of classrooms accordingly. 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 BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location.

With respect to comments 11c, 23, and 39, the Building Utilization Plan puts forth a **proposed** shared space schedule for the co-located schools. The final shared space schedule will be decided upon by the Building Council if this proposed co-location is approved by the PEP.

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>.

Building Utilization Over 100%

With respect to comment 11a, 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.

Space for Special Needs Services

With respect to comments 11a, 11d, 13b, and 22, as described above and in the BUP, the Instructional Footprint includes allocations for self-contained special education classes as well as space for other special education support services. As also described in the BUP, P.S. 149 is allocated four full-size rooms in excess of its Instructional Footprint. Principals may program their space as they see fit, and as such, P.S. 149 may choose to use its excess space to serve special needs students. The DOE will work with the schools in the building to ensure that students receive the services mandated by their IEPs.

Bathrooms

With respect to comments 1b and 32, in many buildings where schools are co-located, each school is assigned bathrooms on the floors or hallways of their classrooms and specific stairways for students to use. These measures are taken to cultivate cohesive cultures within each school. Separation between schools is intended to limit any issues that might arise from groups of students who may not know each other well and to nurture school unity. The intention is not to be punitive to any one group of students. If the assignment of specific bathrooms is not working or is inadequate, the Building Council can discuss an alternative arrangement.

Space for Arts and Enrichment Programs

With respect to comments 8c, 9a, 11b, 13b, and 24, as described in the EIS, this proposal is not expected to impact programs offered at P.S. 149. As described above and in the BUP, P.S. 149 has been allocated space in excess of its Instructional Footprint, and the space allocation will not change as a result of this proposal. The Instructional Footprint allows for each class section to have a homeroom, and also allocates three additional rooms for specialty instruction, such as the arts, as well as space for administrative and student support needs. P.S. 149 also currently has four additional rooms, which will continue to be allocated to P.S. 149, and as such, P.S. 149 has sufficient space to offer the programming it chooses.

P811M

With respect to comment 40, the administration of P811M has confirmed that students at the P811M@M149 program are dropped off in front of the entrance.

P.S. 207

With respect to comment 43, although the buildings impacted by this proposal are named M149 and M207, there is no P.S. 207.

Enrollment and Class Size

With respect to comment 8d, this proposal is not expected to increase class size or decrease enrollment at any of the co-located schools. The schools are all projected to serve at least the same number of classes they currently serve, and P.S. 149 will continue to be allocated rooms in excess of its Instructional Footprint, which would allow it to grow.

New and Private Buildings

With respect to comments 5b, 28, 37, and 38, 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. Unlike traditional public schools, charter schools do not receive dedicated public funding for building acquisition or other capital expenses. The DOE welcomes public charter schools to lease or provide their own space, but will offer space in DOE schools where it is feasible to do so. The DOE does not lease space directly

for charter schools; a charter interested in parochial school space would have to acquire or lease that space with private funds.

With respect to comment 37, the DOE does not own this building and therefore it is not a viable option for HSA 4's fifth grade.

Charter School Enrollment

With respect to comments 11e and 11g, charter schools are public schools intended to provide additional educational options to families and are prohibited from charging tuition. Under recent amendments to state law, public charter schools must 1) serve all students who are admitted through their lotteries, and 2) serve a percentage of Special Education and English language learners comparable to the district average. Charter schools which fail to meet the special education and/or ELL targets set by their authorizer risk having their renewal applications rejected.

The DOE's annual Progress Report compares school performance with the 40 schools serving the most similar student populations. The Progress Report also provides "extra credit" to schools that succeed at helping ELL and Special Education students achieve. Thus, the incentive is for schools to serve its ELL and Special Education students well, and a school is not advantaged by having a lower enrollment of ELL and Special Education students.

Public Charter schools run a lottery in order to admit students fairly if the number of students who apply for admission to a class is greater than the number of seats available in that class. Lotteries select students randomly from among the applicant pool. In contrast, screened schools are able to select their students based on academic achievement, attendance, teacher recommendation, and admissions tests. Zoned schools admit students based on home address, which is frequently correlated with income and parental education levels.

Application rules, procedures, and deadlines for charter schools vary, but most charter schools accept applications for the following school year until April 1 and conduct admissions lotteries during the second week of April. Interested parents should contact each charter school individually to obtain an application. Many schools also post applications on their websites.

Furthermore, Charter Schools serve the communities they reside in. Students are admitted to charter schools through an application lottery that gives preference to students who live in the community school district in which the charter school is located.

Charter School Performance

With respect to comment 2b, like district schools, charter schools administer the New York State assessments each year, and are issued Progress Reports by the NYCDOE. As described in the EIS, this data provides evidence that Success Academies are successful schools.

Community Engagement and Cooperation

With respect to comments 3e-f, 6a-b, 7b, 8a, 9c, 10b, 12, 25, 31, 33, and 34, 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 M149/207 will be able to continue to build productive and collaborative partnerships and maintain a mutually respectful environment for all students, staff, and faculty members in M149/207. This proposal is not intended to pit the schools in the M149/207 buildings against each other.

DOE Supports to Schools

With respect to comments 6c, all schools receive support and assistance from their superintendent and [Children First Network](#), a team that delivers operational and instructional support directly to schools. This proposed co-location is not expected to have any impact on the supports provided to the schools in the M149/207 buildings.

Funding and Resources

With respect to comments 3g and 6d-e in New York City, we fund 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 2,100 students, 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.

Charter schools receive public funding pursuant to a formula created by the state legislature, and overseen by the New York State Education Department. The DOE does not control this formula, and the funding formula for charter schools is not affected by the approval or rejection of this proposal. Charter management organizations, just like any other school citywide, may also choose to raise additional funds to purchase various resources they feel would benefit their students (e.g., Smartboards, field trips, etc).

Need for High-Quality Educational Options

With respect to comments 3b, 4a, 10a, 11a, and 11h the DOE agrees that families should have access to high-quality educational options. Charter schools provide one such option for families.

Information Regarding Success Academy

With respect to comment 11f, the EIS includes performance and demographic data for HSA 4. In addition, charter schools must provide annual reports to their authorizers. Those reports include academic, financial, and ELL and SWD recruitment efforts. The reports should be available on the website for the school, and may also be available from HSA 4’s authorizer, the Charter Institute of the State University of New York.

Mayoral Control

Comments 2c, 3a, 3d, 6e, and 8b express opinions unrelated to this particular proposal, and thus do not require a response.

IV. Changes Made to the Proposal

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