



Public Comment Analysis

Date: April 25, 2012

Topic: The Proposed Re-siting and Co-location of Harlem Success Academy Charter School 3 (84M385) with M.S. 224 Manhattan East School for Arts & Academics (04M224), Renaissance Charter High School for Innovation (84M433), Academy of Environmental Science Secondary High School (04M635), and Harlem Prep Charter School (84M708) in Building M099 Beginning in the 2013-2014 School Year

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 Harlem Success Academy Charter School 3 (84M385, “HSA 3”), an existing public charter school serving students in kindergarten through fourth grades, to building M099 (“M099”) located at 410 East 100 Street, New York, NY 10029 in Manhattan’s Community School District 4. The proposed re-siting would begin with kindergarten in the 2013-2014 school year. One additional grade level would be co-located in M099 each year through 2017-2018, when HSA 3 would serve students in kindergarten through fourth grades in M099.

If this proposal is approved, HSA 3 would be co-located indefinitely in M099 with M.S. 224 Manhattan East School for Arts & Academics (04M224, “Manhattan East”), an existing middle school that serves students in grades six through eight; Academy of Environmental Science Secondary High School (04M635, “AES”), an existing high school which currently serves students in grades ten through twelve and is in the process of phasing out; and Renaissance Charter High School for Innovation (84M433, “Innovation”), an existing public charter high school that currently serves students in grades nine through ten and will expand to serve students in grades nine through twelve. For the 2013-2014 school year, HSA 3 would also be co-located with the sixth through seventh grades of Harlem Prep Charter School (84M708, “Harlem Prep”), an existing public charter school that currently serves students in kindergarten through fifth grades. 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.

The phase-out of AES was approved by the Panel for Educational Policy (“PEP”) on February 1, 2011. AES no longer admits new students and will close in June 2014. Innovation is currently

phasing in, adding a new grade of students each year until it reaches full scale and serves students in grades nine through twelve in the 2013-2014 school year.

Currently, Renaissance School for the Arts (04M377, “Renaissance”) is located in M099 and serves students in grades six through eight. On February 28, 2012, the DOE proposed to re-site Renaissance in building M155 (“M155”) located at 319 East 117th Street, New York, NY 10035, in Community School District 4. The PEP will vote on this proposal on April 26, 2012. If Renaissance’s re-siting is delayed beyond the beginning of the 2012-2013 school year, the DOE would consider alternate options and, if necessary, address the proposed re-siting and co-location of HSA 3 in M099 in a new or revised proposal.

In a separate EIS, the DOE has also proposed to temporarily site multiple grades of Harlem Prep in M099 for two years, beginning in 2012-2013. Harlem Prep currently serves students in kindergarten through fifth grades in private space, building M174 (“M174”), located at 240 East 123rd Street, New York, NY 10035 in Community School District 4. If that proposal is approved, Harlem Prep will serve students in fifth and sixth grades in M099 in 2012-2013 and sixth through seventh grades in 2013-2014. Harlem Prep would continue to serve students in kindergarten through fourth grades in M174 in 2012-2013 and kindergarten through fifth grades in M174 in 2013-2014. Harlem Prep will also expand to serve students in sixth through eighth grades by adding one grade each year over the next three years. The DOE will consider all long-term options to accommodate the anticipated expansion of Harlem Prep in the future and, if necessary, will propose those options in a separate EIS.

HSA 3 is an existing public charter school serving students in kindergarten through fourth grade in building M101 (“M101”), located at 141 East 111th Street, New York, NY 10029, in Community School District 4, approximately one mile from M099. HSA 3 is co-located with two other schools in the M101 building: Mosaic Preparatory Academy (04M375, “Mosaic”), a choice elementary school that serves students in kindergarten through fifth grade and offers a pre-kindergarten program; and P811M@P101M (75M811, “P811M@P101M”), one site of a multi-site District 75 school.

If this proposal is approved, beginning in 2013-2014, HSA 3 will serve its incoming classes of kindergarten students only in M099. Those new kindergarten students will remain in building M099 as they articulate through fourth grade, and new incoming kindergarten classes are added in M099. HSA 3 would reach its full scale in M099 during the 2017-2018 school year, when it will serve students in kindergarten through fourth grades in the building. During this period, HSA 3 would not admit any new classes of kindergarten students into building M101. However, students being served in M101 during the 2012-2013 school year would remain in the building as they articulate to higher grade levels. The long-term change in grades served by HSA 3 in M101 will be addressed in a separate EIS.

Success Academy Charter Schools (“Success Academies”) is a charter management organization (“CMO”) that operates nine public charter schools in New York City. The State University of New York (“SUNY”) Charter Schools Institute has authorized HSA 3 to serve students in kindergarten through fifth grades. If this proposal is approved, HSA 3 would serve 84-90 students in kindergarten in 2013-2014, 150-174 students in kindergarten through first grade in

2014-2015, 210-236 students in kindergarten through second grades in 2015-2016, 266-300 students in kindergarten through third grades in 2016-2017, and 320-360 students in kindergarten through fourth grades in 2017-2018 in M099. The school would admit students via the charter lottery application process, with preference given to District 4 residents.

According to the 2010-2011 Enrollment Capacity Utilization Report (the “Blue Book”), M099 has the capacity to serve 1,301 students. Currently, the building serves 865 students, yielding a building utilization rate of 66%. If this proposal is approved, the building would serve approximately 982-1,176 students and have a utilization rate of 75-90% in 2017-2018 when HSA 3 is fully re-sited. As discussed in Section III.B of the EIS and in the Building Utilization Plan (“BUP”), the building has sufficient space to provide all these schools with at least their baseline room allocations under the Citywide Instructional Footprint (“Footprint”). Therefore, M099 has the capacity to accommodate Harlem Prep, Manhattan East, AES, and Innovation in addition to the proposed co-location of HSA 3.

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 the EIS and BUP are also available in the main offices of Manhattan East, AES, Innovation, and HSA 3.

I. Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at building M099 on April 4, 2012. Approximately 295 members of the public attended the hearing, and 26 people spoke. Present at the meeting were Community School District 4 Superintendent Luz Cortazzo; District 4 Community Education Council (CEC 4) President Hector Nazario; CEC 4 Member Leslie Eaton; Manhattan East Principal Lillian Sarro; Manhattan East School Leadership Team (“SLT”) Representative Ramona Frasier; Manhattan East SLT Representative Trudy Elins; Manhattan East SLT Representative Kelly King Lewis; Renaissance Principal Tammy Pate Principal; Renaissance SLT Representative Lauren Kellner; Innovation Principal Nicholas Tishuk; City Council Member Melissa Mark-Viverito; Kenya Lee, representing New York State Assembly Member Robert Rodriguez; Damaris Olivo, representing New York State Senator José Serrano.

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

1. Trudy Elins, Manhattan East SLT Representative, expressed concerns about the numbers used in the proposal.
2. Kelly King Lewis, Manhattan East SLT Representative, asserted that:
 - a. The proposal will result in children being “crammed” into the building; that 559 children cannot fit into the cafeteria at one time and 175-200 children cannot fit in the gymnasium at once.
 - b. There are safety issues associated with co-locating elementary school students with middle and high school students
3. Leslie Eaton, CEC 4 Member, asserted that:

- a. We all want quality education for our children and we need to see equitable distribution of resources.
 - b. The proposal is detrimental to Manhattan East, and the schools in M099 should not be crowded into classrooms.
 - c. As some charter schools raise funds to renovate their space in a building to look nice, students in other schools in the same building may feel inferior, and one child should not benefit at the expense of another.
 - d. It appears as if all of the choice is around providing charter school options, but there seems to be little support for other choices such as arts or progressive education.
4. Hector Nazario, CEC 4 President, asserted that:
- a. The DOE did not collaborate with CEC 4 regarding the co-location of HSA 3 and Harlem Prep in building M099 and it is a shame that the DOE does not allow the community to restructure itself.
 - b. District 4 needs middle and high school seats, not elementary school seats.
 - c. HSA 3 and Harlem Prep are not serving the needs of children in District 4.
 - d. It is a shame that the schools in M099 would be shut down over the summer to build an elevator for HSA 3.
 - e. HSA 3 is renting the space in M099 for two years before it comes in.
 - f. Charter schools enroll high-needs students in order to procure supplemental funding, but then send them back to district schools after October 31 in order to keep the funding without having to serve the students.
 - g. Charter schools are taking over our space, taking money from our children.
5. Tom Franta, Associate General Counsel for the SUNY Charter School Institute noted that his role at the hearing is to gather feedback from the community regarding the proposals related to both Harlem Prep and HSA 3.
6. New York City Council Member Melissa Mark-Viverito, asserted that:
- a. She supports community-based charter schools, but does not support the types of schools that Success Academies runs.
 - b. One school should not come into a building at the expense of another school.
7. Kenya Lee, representing New York State Assembly Member Robert Rodriguez, asserted that:
- a. The Assembly Member has concerns about the use of space and the DOE's selective focus on quantitative analysis over students.
 - b. District 4 has existing schools that meet the community's needs.
8. Lillian Sarro, Principal, Manhattan East, asserted that:
- a. The M099 building leadership questions why elementary school students would be brought into the building and is concerned about young children using middle school restrooms and sharing facilities with older students.
 - b. The BUP does not accurately state capacities of the gym, auditorium, and cafeterias.
 - c. She questions why this building is being incubated for a school that is not set to be in the building until 2013.

Oral comments made at the joint public hearing

9. Multiple commenters asserted their concerns about young children sharing school facilities, such as bathrooms and the library, with older children.
10. Multiple commenters asserted that there is not enough space in M099 and that the proposals would result in students being crowded into classrooms and shared spaces such as the gym.
11. A commenter asserted that the EIS inaccurately states that Manhattan East's enrollment is 246 when it is actually 252, and that Manhattan East has enrolled more than 250 students for years.
12. A commenter questioned how the DOE projects Manhattan East to serve 215-240 students in the future.
13. A commenter asserts that the EIS minimizes Manhattan East's impact because it says the school only serves District 4 students when it serves students outside of District 4.
14. A commenter asserted that it does not make economic sense for five schools to share one building because each school has its own administrative staff.
15. A commenter asserted that more school buildings are needed.
16. Multiple commenters asserted that a school is not the only source of a child's education, but that children are educated at also home.
17. A commenter asserted that M099 is not compliant with the Americans with Disabilities Act (ADA) and that the DOE should make the building ADA compliant before making any other changes.
18. Multiple commenters questioned how building leadership can ensure the safety of the students in the schools.
19. Multiple commenters asserted that District 4 does not need elementary school seats, but rather more middle and high school seats.
20. Multiple commenters asserted that co-locating HSA 3 in M099 with other schools will push Manhattan East out of the building.
21. A commenter asserted that charter schools receive more funding than district schools.
22. Multiple commenters asserted that the decision to implement this proposal has already been finalized.
23. Multiple commenters asserted that this proposal would disrupt the education of current Manhattan East students.
24. Several commenters asserted that each school should have its own building and that charter schools should procure their own space.
25. A commenter asserted that Manhattan East's enrollment will decline as a result of this proposal.
26. A commenter asserted the BUP states that students would begin the day at 6:00 a.m. and end at 7:00 p.m. because that is the only way this proposal can work.
27. A commenter asserted that this proposal will limit the amount of rooms that AES will have next year, and that the school will not be able to provide services to its students in the allocated space.
28. A commenter asserted that parents are pawns in this game.

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

29. New York City Community Board 11 submitted a letter to the DOE on March 23, 2012 expressing concerns over this proposal, asserting that:
- a. There has been no explanation as to how the proposed actions in this proposal were developed or how the proposal meets the needs of the community.
 - b. Until the DOE includes the community in a discussion about the value of this proposal, the proposal should be removed from the PEP's hearing on April 26, 2012.
30. During the public comment period, in total, 3 comments were received (via email or phone) opposing the proposal. The comments cited:
- a. Concerns over elementary school students sharing facilities with middle and high school students.
 - b. Concerns over which schools will cover the librarian's salary.
 - c. Concerns that as HSA 3 continues to grow, their need for space will expand and will encroach upon Manhattan East.
 - d. Concerns that the EIS contains inaccuracies with regard to Manhattan East's enrollment projections.
 - e. Concerns that the EIS minimizes Manhattan East's impact as a "Citywide" Middle School Choice School, stating that the admissions information described in the EIS is not completely accurate; Manhattan East is one of the few middle schools that any student from any district can apply to.
 - f. Concerns that the schedule for the play area during recess does not leave a space for schools to use during inclement weather.
 - g. Concerns that Manhattan East will have less control over building use due to small enrollment, despite being the oldest school in the building.
 - h. Concerns that the BUP assumes higher capacities for the shared facilities than is feasible.
31. During the public comment period, in total, 1 comment was received (via email or phone) supporting the proposal.

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

Footprint/Building Utilization

- Comments 2a, 10, 20, 27 and 30c assert that there is not enough space in M099 for the implementation of the proposal.

Building M099's current utilization rate is 66%. If the PEP approves the re-siting of Renaissance to M155 in the 2012-2013 school year, building M099's utilization rate would decrease and the building would have even more available space.

If this proposal to re-site and co-locate HSA 3 in M099 is approved, though there would be three schools in the building at full scale (Manhattan East, Innovation, and HSA 3), the building's utilization rate would still only be between 75% and 90%. Therefore, the building has the capacity to accommodate all existing schools in addition to HSA 3's re-siting and co-location when fully phased in.

Additionally, as explained in the EIS and BUP, the DOE has proposed to temporarily co-locate the middle school grades of Harlem Prep in M099 for two years starting in 2012-2013. Even in 2013-2014, when five schools would be in the building (Manhattan East, AES, Innovation, Harlem Prep, and HSA 3), the building's utilization rate will only be between 74% and 93%. At each stage of the proposal's implementation, there will be sufficient space to accommodate all schools in the building pursuant to the Citywide Instructional Footprint (the "Footprint"). 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.

For grades six through twelve, the Footprint assumes that students move from class to class, and that classrooms should be programmed at maximum efficiency. The Footprint does not require that every teacher have his or her own designated classroom. Principals are asked to program their schools efficiently so that classrooms can be used for multiple purposes throughout the course of the school day. The Footprint allocates the number of baseline rooms for student support services, resource rooms, and administrative space based on the grades a school serves and its enrollment at scale.

Though rooms in M099 currently may be used for various purposes, space in M099 is not currently programmed as efficiently as possible, and there are a significant number of excess spaces available for the re-siting and co-location of HSA 3.

Finally, several commenters raised concerns about the space allocated to Manhattan East in particular. However, as clearly stated in the BUP, at no point is Manhattan East's allocation of space proposed to decrease from its current allocation. The proposal to re-site HSA 3 in M099 would therefore have no impact on Manhattan East's space. At no point is HSA 3's space proposed to increase beyond the available space on the fourth floor of M099.

- Comment 14 asserts that having 5 schools in one building is a waste of administrative resources.

As described in the EIS, once this proposal is fully implemented, only three schools will remain in building M099 indefinitely: Manhattan East, Innovation, and HSA 3. AES is in the process of phasing out and will no longer serve students as of the 2014-2015 school year. Harlem Prep is proposed to co-locate in M099 for two years only (the 2012-2013 school year and the 2013-2014 school year). The only year in which 5 schools will operate in M099 is 2013-2014.

Fairness and Equitability of Proposal/Impact on Existing Schools

- Comments 3b, 6b, and 23 assert that the proposal would be unfairly detrimental to the existing schools, inhibiting them from properly serving students.
- Comment 3a asserts the importance of equitable distribution of resources.

The proposal applies the same standards to HSA 3 as it does to the other existing schools in M099. The calculation of the capacity of M099 was made according to the same formulas applied to all buildings in the City, and the application of the Footprint to the schools impacted by the proposal was applied in the same way as it is to all schools in the City. These standardized methods account for the specific features of each school's enrollment and ensure equitability for schools impacted by proposals such as this one.

If this proposal is approved, as noted in the BUP, the existing schools in M099 would continue to receive space for student support services, resource rooms, and administrative space. Even once HSA 3 has been re-sited and reached full-scale, each school in M099 may be allocated additional excess full-, half-, or quarter-size spaces above footprint requirements, though the schools would no longer receive as many excess rooms as they have in the past. Because the schools would no longer receive as many classrooms above their baseline allocation as they have in the past, the school management teams may choose to adjust their programming in order to utilize space more efficiently.

As a result, the proposed re-siting and co-location of HSA 3 is not expected to significantly impact current or future student enrollment or instructional programming at Manhattan East, Innovation, or AES.

Community Engagement

- Comments 4a, 29a, and 29b assert the DOE should have engaged the community on this proposal more extensively to gain greater perspective on the proposal.
- Comment 22 asserts that this decision has already been finalized.

The DOE has followed all applicable laws with regard to engaging the community and publicizing the hearing. The DOE also held additional non-mandatory engagement meetings with the CEC and the M099 Building Council, which consisted of each principal in M099 and their Network Leaders. The DOE considers all public feedback when making its proposals. In addition, this public comment analysis is made available to the public and members of the Panel for Educational Policy prior to the Panel's vote on the proposal.

This proposal is not final until voted on and approved by the Panel for Educational Policy, which may either approve or reject this proposal. The Panel gathers community feedback from sources such as the Joint Public Hearings in order to inform its decision.

Use of Analytics and Numerical Figures

- Comment 7a asserts that the DOE's overly relied on numerical figures and quantitative analysis in the development of this proposal.

Numerical measures are an important element in creating proposals. However, the proposal is not based solely on the use of numbers. In the EIS, the DOE extensively describes the impact of the proposal in multiple non-numeric terms. The DOE seeks to provide high-quality education to all students in the City, and this proposal is intended to contribute to that goal.

Class-size

- Comment 10 asserts that the proposal will increase class-size at the existing schools.

Class size is primarily determined by how principals choose to program students at their school within their budget. Thus, the particular proposal, in and of itself, does not impact class size. The Footprint relies upon the current programming at a school (number of sections) to determine the baseline footprint allocation. Decisions to co-locate schools are not based solely on the utilization figures in the Blue Book. The DOE also considers the total number of classrooms in the building and the number of sections currently programmed at all schools in the building or projected to be programmed to determine the availability of excess space and the baseline footprint for each school.

Students Served at HSA 3

- Comment 4c asserts that HSA 3 does not serve various types of students with high needs in District 4.

All current and future age-appropriate students in District 4 will have the opportunity to enter the charter application lottery process to enroll in HSA 3, regardless of their status as English language learner (“ELL”) students, students with special needs, or any other similar category. HSA 3 will work with students to ensure they receive the services necessary to their education.

In addition, under the most recent amendments to the state charter law, charter schools must demonstrate efforts to attract and retain a percentage of ELL and special education students comparable to that of the non-charter public schools in the district. Charter schools which fail to do so risk denial of their charter renewal applications. As the school’s authorizer, the SUNY Charter School Institute will monitor the school’s compliance with this requirement.

School Choice and Charter Schools

- Comment 3d asserts that the DOE supports charter schools rather than district schools.
- Comment 4g express general opposition to charter schools.
- Comment 6a expresses general opposition to Success Academies.
- Comment 7b asserts that District 4 has existing district schools that serve the needs of District 4 students.

- Comment 28 asserts that parents are simply reduced to pawns.

The DOE supports parent choice and strives to ensure that all families have access to high-quality schools that meet their children's needs. This proposal is based on the need for greater access to high quality options in District 4, whether those options are provided in district schools or charter schools. The DOE believes that HSA 3 is just such a high quality option based on past success of the school. For example, in 2010-2011, 71.7% of third grade students at HSA 3 achieved proficiency on the New York State English Language Arts exam and 92.8% achieved proficiency on the mathematics exam. By contrast, the District 4 average third grade English Language Arts proficiency rate in 2010-2011 was 40.9% and the District 4 average third grade mathematics proficiency rate was 48.4%. However, the DOE is also committed to high quality district school options. For example, in 2011, the DOE proposed and the PEP approved a proposal to expand a District 4 middle school, Esperanza Preparatory Academy, to serve students in sixth through twelfth grade.

- Comment 4f asserts that charter schools enroll students with high needs in order to receive supplemental funding, but then send students to District schools before October 31 in order to retain the funding without having to serve those students' needs.

District schools are allocated funding based on their October 31 enrollment. However, this does not apply to charter schools. In fact, a charter school receives its per student funding through a bi-monthly payment based on its current student enrollment. A student's full-time-equivalent will be pro-rated based on when the student first enrolled in the school or was discharged.

In other words, charter schools receive funding based on the amount of time a student is enrolled at the school, regardless of entering before or after October 31. If a student leaves a charter school for any reason, that school would lose funding for that student.

School Construction Inequities between Schools in M099

- Comment 3c asserts that this proposal will create feelings of inferiority among the students at existing schools toward students at HSA 3 due to differences in the upgrades the school may make to its allocated building space.
- Comment 4d asserts that M099 will be closed over the summer for the construction of an elevator for HSA 3.

The DOE does not believe there is any basis for asserting that there will be a feeling of inferiority among students at the existing schools as a result of the proposal. The DOE believes the proposal treats all schools impacted by the proposal equitably. Nothing in the proposal suggests that students will be treated differently, except inasmuch as they are in different schools—a state that already exists in the building.

Beginning with the 2010-11 school year, under the New York State Charter Schools Act 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.

There are currently no plans for capital improvements to M099 as a result of this proposal.

Enrollment at Existing Schools

- Comments 1, 20 and 25 assert that this proposal will negatively impact the enrollment levels at Manhattan East.
- Comments 11, 12, and 30d question the accuracy of and way in which the DOE determined Manhattan East's enrollment projections.

In its EISs, the DOE makes an effort to use the most consistent up-to-date current-year data available at the time the EIS is posted. However, school enrollments do fluctuate throughout the school year. The EIS cites enrollment numbers from the 2011 Audited Register unless otherwise noted.

The future year enrollment projections in the EIS are based on current enrollment as reflected in the Audited Register of the entry point grade and assume that the same number will age up and that there is stable incoming enrollment at the entry point. Therefore, there is nothing that currently leads us to believe that the proposed co-location will impact Manhattan East's enrollment.

Additionally, regardless of these projections, through the middle school choice process, students may choose their school by ranking their choices in an application. Hence, the enrollment at Manhattan East cannot be raised apart from more students ranking the school higher in their applications, and a future rise or fall in enrollment at Manhattan East would be the result of rising or falling demand for the school.

- Comments 13 and 30e assert that Manhattan East is a Citywide Middle School Choice school and that the EIS inaccurately states that Manhattan East only serves District 4 students.

The EIS does not make the assertion that Manhattan East only serves District 4 students. However, while Manhattan East may enroll students from other districts in the City, the school technically admits its students through the District 4 Middle School Choice Process where fifth-grade students rank in order their middle school preferences on a centralized application and are matched to schools through a computer-based matching process. Manhattan East maintains screened academic programs, each with a focus in arts and academics.

Room Capacity

- Comments 2a, 8b, 30f, and 30h assert that the shared spaces in M099 cannot accommodate the proposed co-location.

As stated in this document and in the EIS and BUP, building M099's target capacity is 1,301 and its total current enrollment is 865, yielding a building utilization rate of 66%, even with four schools currently in the building. Therefore, M099 is not being used efficiently and the DOE does not anticipate that this proposal will cause the existing schools to have insufficient access to shared spaces.

In the BUP, the DOE has proposed a shared space plan that fairly and equitably allocates time in the shared spaces in M099. The shared space plan proposes designated times in which individual schools would occupy shared spaces such as the cafeteria. Thus, the shared spaces would never be used by all students in the building at once. Moreover, the shared space plan is simply a proposal, and the Building Council will develop a final plan.

The capacities for rooms such as the gymnasiums and cafeteria are determined by the Department of Buildings based on applicable building codes.

Elementary Students Co-located with Middle and High School Students

- Comments 2b, 8a, 9, 18, and 30a assert that many safety issues will arise from co-locating elementary students with older students.

The DOE currently manages other campuses where elementary schools are co-located with high schools, including the Julia Richman Educational Complex, which houses Ella Baker (a K-8 school), four high schools, and part of a District 75 special education program; Building M013, which houses Central Park East I Elementary School, Central Park East High School, a middle school, and another elementary school; and the Adlai Stevenson Campus which houses eight high schools, an Alternative Learning Center, and the full-day pre-kindergarten sections of elementary school P.S. 138; and the Brandeis Campus, which serves five high schools and Upper West Success Charter Elementary School. 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, where possible, allocate contiguous and dedicated space to the elementary students to ensure the safety of all students. Additionally, there is no need to adapt bathroom facilities for use by young children, as current standard-size facilities are suitable for young children, just as standard-sized facilities are acceptable for their use in other settings, including in the children's homes.

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

Demand for Elementary Seats

- Comments 4b and 19 assert there is not sufficient demand for elementary seats in District 4 to justify this proposal.

As stated in the EIS, HSA 3 is an existing elementary school in District 4. This proposal will not create additional elementary school seats. However, the DOE supports parent choice and strives to ensure that all families have access to high-quality schools that meet their children's needs.

This proposal is not based on the demand for elementary seats; rather, it is based on the need for greater access to high quality options in District 4, which the DOE believes HSA 3 provides, based on past success of the school. As stated above, in 2010-2011, 71.7% of third grade students at HSA 3 achieved proficiency on the New York State English Language Arts exam and 92.8% achieved proficiency on the mathematics exam. By contrast, the District 4 average third grade English Language Arts proficiency rate in 2010-2011 was 40.9% and the District 4 average third grade mathematics proficiency rate was 48.4%.

Private Space for Charter Schools

- Comment 24 asserts that the HSA 3 should consider procuring private space as opposed to being located in a District building.

The DOE believes that all children in public schools, including public charter schools, should have access to the physical space and resources necessary to provide educational programming pursuant to the Footprint. Thus, it makes efforts to provide public charter schools with access to DOE facilities when it is appropriate and beneficial to the community. As mentioned above, building M099 is currently has space for the re-siting and co-location of HSA 3.

Charter School Funding

- Comment 21 asserts that charter schools receive more funding than District schools.

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, fieldtrips, etc).

Availability of Space

- Comment 15 asserts that the DOE needs to build additional buildings.

Given the finite number of buildings available in New York City, the DOE attempts to use all of its school buildings as efficiently as possible. Co-location is therefore very common in New York City schools—with 33% of all DOE buildings housing more than one school organization—as there are not sufficient school buildings to allow each school organization to operate its own building. A co-location means that two or more school organizations are located in the same building. While they share common spaces like auditoriums, gymnasiums, and cafeterias, each school is allocated particular classrooms and spaces for its own students' use. The DOE is confident that the school principals will be able to create a collaborative and mutually respectful environment for all students, staff, and faculty members in M099.

- Comment 26 asserts the BUP states that the school day would last from 6:00 a.m. to 7:00 p.m. because that is the only way this proposal would work.

As stated in the BUP, the DOE does not allocate space beyond 3:00 p.m., and the Building Council would allocate space as needed for after-school programming.

- Comments 4e and 8c assert that the DOE is saving unused space in M099 for HSA 3.

The DOE proposed that HSA 3 begin its re-siting and co-location in M099 in the 2013-2014 school year, a year after Renaissance School for the Arts is re-sited to M155. However, it is inaccurate to state that the space vacated by Renaissance School of the Arts will remain completely unused in M099. That space will be used by Manhattan East, Innovation, AES as it phases out and Harlem Prep, if the PEP approves that proposal. As stated in the EIS, AES is in the process of phasing out, thus AES will serve fewer students in the 2013-2014 school year than in the 2012-2013 school year. In order to ensure that all schools in the building were allocated their full footprint, the DOE determined that it would be more feasible to begin HSA 3's re-siting and co-location in M099 in the 2013-2014 school year as opposed to the 2012-2013 school year.

M099 and Persons with Disabilities

- Comment 17 asserts that M099 is not compliant with the Americans with Disabilities Act (ADA) and that the DOE should ensure the building is ADA compliant before making any other changes.

Building M099 is not accessible. Not all school buildings are required to be fully accessible. The DOE has a number of ongoing projects at buildings throughout the city designed to increase building accessibility. This co-location proposal does not affect the accessibility of the building.

Funding for Shared Resources

- Comment 30b expresses concern over funding for the librarian's salary.

Co-located schools may elect to split funding for shared teachers, or they may elect to fund their own teachers in shared spaces such as the library. This is an issue that should be discussed among all building principals during building council meetings.

Support for Proposal

- Comment 31 expresses support for the proposal.

No response is required.

Other Issues

- Comments 5 and 16 are unrelated to this proposal and therefore do not require a response.

V. Changes Made to the Proposal

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