

Public Comment Analysis

Date: December 13, 2011

Topic: The Proposed Co-location of a New Public Charter School, Brooklyn Success Academy Charter School 2 (84KTBD) with Existing School P.S. 59 (14K059) in Building K059 beginning in 2012-2013

Date of Panel Vote: December 14, 2011

Summary of Proposal

On October 28, 2011, the New York City Department of Education (“DOE”) published an Educational Impact Statement (“EIS”) describing a proposal to site Brooklyn Success Academy Charter School 2 (84KTBD, “Success Academy Bed-Stuy 2”¹), a new public charter school that will serve students in kindergarten through fourth grade, in Building K059 (“K059”), located at 211 Throop Avenue, Brooklyn, NY, 11206, in Community School District 14 beginning in 2012-2013. Success Academy Bed-Stuy 2 would be co-located in K059 with an existing DOE zoned elementary school serving grades kindergarten through five, P.S. 59 William Floyd (“P.S. 59”), which also offers 2 sections of full day pre-kindergarten. A “co-location” means that two or more school organizations are located in the same building and may share common spaces like auditoriums, gymnasiums, and cafeterias.

On November 21, 2011 the DOE published an amended EIS that corrects the grade span that Success Academy Bed-Stuy 2 has been approved to serve, clarifies the status of Success Charter Network’s² plans to seek authorization from its charter authorizer to change the lottery preferences for Success Academy Bed-Stuy 2, amends the proposed grade span chart in section II to include the same years as the proposed enrollment chart in section II, and changes the title of the EIS to reflect Success Academy Bed-Stuy 2’s formal name.

Success Academy Bed-Stuy 2 is a new public charter school authorized to serve grades K-5. Success Charter Network, a Charter Management Organization (“CMO”) that operates nine public charter schools in New York City, has been approved by its charter authorizer, the State University of New York (“SUNY”) Charter Schools Institute, to open three new public charter schools in Brooklyn, including this one, for the 2012-2013 school year. Success Charter Network strives to provide rigorous and well-rounded instruction in communities throughout New York City. Each of the four Success Charter Network elementary schools that received a Progress Report for the 2010-2011 school year received an overall grade of A.³

¹ Brooklyn Success Academy Charter School 2 is the current legal name of the school, but the school is referred to herein as “Success Academy Bed-Stuy 2.” The school is currently undergoing a formal name change process, and the new name of the school will be Success Academy Charter School - Bed-Stuy 2, subject to approval.

² Success Charter Network is currently in the process of formally changing its name. The new name of Success Charter Network will be Success Academy Charter Schools, subject to finalization.

³ Source: Progress Report

If the amended proposal is approved, Success Academy Bed-Stuy 2 will serve students in Kindergarten and first grade in K059 when it first opens in 2012-2013 and would subsequently add one grade per year until it serves students in Kindergarten through fourth grade in 2015-2016 and will increase enrollment for two years after that until it reaches a total enrollment of 420-440 students in 2017-2018. Although Success Academy Bed-Stuy 2 has been approved by its authorizer to serve students in K-5, Success Academy Bed-Stuy 2 will only serve students in grades K-4 in Building K059.

K059 has been identified as an under-utilized building.⁴ In 2010-2011, K059 had a target capacity to serve 825 students, but P.S. 59, the only school located within the building, only enrolled a total of 434 students.⁵ Thus, the target building utilization was 53%, which demonstrates that there is still available space in the building.⁶ In 2017-18, building K059 would serve a total of 746-826 students,⁷ which yields an estimated building utilization rate of up to 100%.

Along with this proposed co-location, the DOE is also projecting a moderate decline in P.S. 59's projected enrollment going forward. This enrollment reduction is primarily driven by two factors: first, P.S. 59 has experienced a steady decline in enrollment. In the three years since the 2008-2009 school year, P.S. 59's Kindergarten enrollment has decreased by 25%. This trend has contributed to K059's status as an under-utilized building. Second, P.S. 59, a zoned elementary school, serves a significant percentage of students who do not reside within its zone – approximately 40% of its current student enrollment is composed of out-of-zone students. Going forward, P.S. 59 will enroll an incoming kindergarten class of 40-50 students, which is reflective of its historical enrollment trends and demand. This represents a moderate decline of 3 to 13 students per year, and P.S. 59 will serve incoming kindergarten cohorts in two sections, as opposed to the three sections it has enrolled in recent years.

Once P.S. 59 has fully phased in this projected Kindergarten enrollment figure across grades K-5, the net total enrollment figure would not be significantly different than what would have naturally occurred if P.S. 59's current enrollment trends continued. Given P.S. 59 is a zoned school, students residing within that zone have a right to attend P.S. 59 and will be prioritized for the projected kindergarten classes of 40-50 students.

The DOE believes in Success Charter Network's record of success and supports the permanent placement of a Success charter school in District 14 in order to continue providing educational

⁴ The preliminary 2011-2012 Under-Utilized Space Memorandum and List was published on the DOE's website on October 4, 2011. It can be accessed at <http://schools.nyc.gov/community/planning/default.htm>.

⁵ Source: 2010 audited register

⁶ The utilization rate reported here may differ from that published in the 2010-2011 Enrollment Capacity Utilization Report (the "Blue Book") because the Blue Book enrollment includes Long Term Absences ("LTAs"), students who have been absent continuously for 30 days or more as of October 31st, 2010. The building capacity figures quoted here are consistent with the Blue Book. However, the building enrollment figures referenced throughout this EIS and used in the calculation of utilization rates only include the number of students estimated to be regularly attending the school, and thus does not include LTAs. 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.

⁷ Estimate includes projected enrollment at P.S. 59 and Success Academy Bed-Stuy 2.



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opportunities for students and families.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at K059 on December 6, 2011. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 56 members of the public attended the hearing, and approximately 6 people spoke. Present at the meeting were Community School District (“CSD”) 14 Superintendent James Quail; District 14 Community Education Council (“CEC”) President Tesa Wilson; Citywide Council on District 75 member Maureen Danteler; P.S. 59 Parent Teacher Association President and School Leadership Team (“SLT”) member Vanessa Burton; CEC 14 Members Elaine Manatu and Kenneth Paneto; and Citywide Council on Special Education member Louise Bogue. Richard Larios, Bertram Wyman, Carrie Marlin, and Toby Shepherd from the Division of Portfolio Planning were also present as was Thomas Franta from the SUNY Charter Schools Institute.

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

1. Tesa Wilson, CEC President 14, stated that:
 - a. Adding another elementary school in District 14 is unfair and unreasonable.
 - b. District 14 has experienced a decline in elementary school enrollment and is not anticipating an expansion of enrollment in the future.
 - c. There is a need for other types of new schools, specifically high schools.
 - d. CEC 14 has a good relationship with Principal Dawn Best of P.S. 59 and there is no reason why the DOE should limit her kindergarten enrollment.
 - e. The majority of students who will come to Brooklyn Success Academy 2 will be from outside of District 14 and “bringing in outsiders could upset the apple cart.”

2. Elaine Manatu, a member of CEC 14, stated that:
 - a. The neighborhood has a limited number of students, and P.S. 59, P.S. 297, Beginning With Children, Brooklyn Charter School, and The Ethical Community Charter School are all pulling from the same group of students.
 - b. If the DOE is going to utilize the space at K059 more efficiently, it should be by expanding English Language Learner (“ELL”) and special needs programs currently in place at P.S. 59.
 - c. Success Charter Network does not serve the needs of ELL students and those with special needs.
 - d. Nobody requested Brooklyn Success Academy to come to District 14.

- e. The Panel for Educational Policy moved the location of their vote because they do not want to hear parent voices or face opposition.
3. Vanessa Burton, the Parent Teacher Association President of P.S. 59 and SLT member, asserted that:
 - a. She does understand how a charter will benefit District 14.
 - b. Eventually, Success Charter Network will take over the school building.
 - c. The DOE plans on “knocking out” one of P.S. 59’s classes each year. Where will these students go?
 - d. By projecting kindergarten enrollment at P.S. 59 that is smaller than current kindergarten enrollment, the DOE does not care about the education of students that are at P.S. 59 because the DOE is willing to “knock out” one class a year in order to serve other children in the K059 building.
 - e. Success Charter Network will not serve students with special needs.
 - f. Success Charter Network takes applications and screens students by test scores.
 - g. Class sizes will be overcrowded as a result of this co-location.
 - h. General education kids who formerly attended P.S. 59 are going to be bussed to other neighborhoods that they know nothing about.
4. A commenter asserted that:
 - a. No one has stated how the charter school will benefit the community.
 - b. P.S. 59 is deeply rooted in the community and if P.S. 59 changed, it would basically change the neighborhood.
 - c. He does not want to see a new administration come in and take away the teachers and their relationships with the students.
 - d. There are already charter schools in the neighborhood and many public schools have been converted to charter schools.
 - e. Basically, P.S. 59 is the only public school left in the community.
 - f. Parents do not have money to pay to bus their students to other communities.
 - g. The DOE plans to phase-out P.S. 59 and has a waiting list of students to bring in to the school building once P.S. 59 is closed.
 - h. Brooklyn Success Academy 2 will not cater to students with Individualized Educational Programs (“IEPs”).
5. A commenter asked the following questions and made the following comment:
 - a. Whether money intended for college financial aid will instead be used for the co-location of this charter school.
 - b. What happens to children who do have IEPs who do need extra help?



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- c. Does the DOE or Success Charter Network have the right to come into community to tell parents that they are smarter than kids that are here?
 - d. The commenter stated that everything is written in stone, that the DOE plans to shut down P.S. 59, and already has a waiting list of students who will utilize the building.
6. A commenter asserted that:
- a. There is already plenty of choice. Why is the DOE proposing something the District does not really need?
 - b. The DOE needs to give our schools the resources and money necessary to fix the schools.
 - c. Money that charter schools receive should be going to public schools to put in the programs that they need.
7. Multiple attendees asked why the December 14th Panel for Educational Policy meeting has been moved to Queens, and whether a location in Brooklyn could be identified instead.

In addition to collecting feedback at the Joint Public Hearing referenced above, the DOE solicited feedback on this proposal via email, telephone and an internet feedback form.

8. A commenter wrote that:
- a. Brooklyn Success Academy should have participated in the joint public hearing and their absence demonstrates a lack of consideration for the children and families they claim to serve.
 - b. She has taught at P.S. 59 for seven years and has taught many siblings from the same families.
 - c. P.S. 59 deserves a fair chance and instead of overcrowding needs resources, including a full time Art teacher and Music teacher, computers, smart boards, assistant teachers in kindergarten, and free after school programs.
 - d. We know this is a ploy to get union teachers out and un-unionized teachers into schools across the City.
 - e. We hope to hear from Success Academy on Wednesday night [at the PEP meeting] and not another ‘representative.’

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

The DOE received a number of comments which do not directly relate to the proposal. Those comments are summarized below.

9. A commenter stated that the real issue is that the DOE is committed to a business model that competition will improve education. The commenter further stated that the students are human beings, not widgets or things, and with a business model you have winners and losers and that means that some students will be losers.

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

Comments 8(b,d) and 9 do not directly related to the proposal and do not require a response.

Comments 1(a, c) and 2(b) relate to other educational needs of Community School District 14 and to other potential uses of the underutilized space at building K059.

The DOE is committed to providing a portfolio of high-quality options for District 14 families, including but not limited to new, high-potential elementary options.

The DOE concurs that District 14 has other needs, including the need for additional high-quality high school seats and high-quality services for English Language Learners (“ELLs”) and students with special needs. While this proposal would preclude the DOE from opening any other new schools or programs at the K059 building at this time, this proposal in no way precludes the DOE from future actions designed to respond to other educational demands of District 14. Further, the DOE is confident that P.S. 59 will be able to meet the needs of the students currently enrolled in the building, including ELL students and students with special needs, within the space allocation of the Citywide Instructional Footprint (the “Footprint”).

Comment 1(b) relates to elementary school enrollment patterns in District 14.

CEC President Wilson accurately notes that elementary school enrollment at non-charter public schools has decreased by approximately five percentage points since the 2006-2007 academic school year, but these data do not account for District 14 students enrolled in charter public schools located in District 14 or elsewhere. The DOE is committed to providing a portfolio of high-quality options for District 14 families and students including charter school options. Future enrollment increases in charter schools in District 14 and elsewhere may continue to have an impact on non-charter public school enrollment.

Comments 1(e), 2(c), 3(e, f), 4(h), and 5(b) relate to the enrollment policies of charter schools, including Success Charter Network, regarding ELL students and students with special needs.

The DOE notes charter schools are prohibited from screening students on the basis of academic achievement, language proficiency, disability, or other variables. Charter schools, including those operated by Success Charter Network, must enroll students through a blind lottery process.



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Moreover, as noted in the EIS, the DOE has been advised that Success Charter Network plans to seek authorization from its charter authorizer to change the lottery for Success Academy Bed-Stuy 2 to provide preferences for: (1) returning students, (2) siblings of current or accepted students, (3) ELL students, and (4) applicants who reside within the CSD. If this authorization is sought and approved, Success Academy Bed-Stuy 2 will set aside a certain percentage of seats in the first lottery pull for ELL students that is comparable to the average ELL percentage at traditional public elementary schools within the City. Because Success Academy Bed-Stuy 2 will have no returning students or siblings of current or accepted students in 2012-2013, Success Academy Bed-Stuy 2 will in effect provide first and second preference to ELL students and students who reside within District 14. Therefore, the DOE is confident that Success Academy Bed-Stuy 2 will ultimately serve both ELL students and students who live in District 14.

Comments 1(b, d), 3(c-d, h), 4(f) relate to projected enrollment patterns at P.S. 59 as a result of this co-location proposal.

As noted in the EIS, the DOE is projecting a moderate decline in P.S. 59's projected enrollment going forward. This enrollment reduction is primarily driven by two factors: first, P.S. 59 has experienced a steady decline in enrollment. In the three years since the 2008-2009 school year, P.S. 59's kindergarten enrollment has decreased by 25%. This trend has contributed to K059's status as an underutilized building. Second, P.S. 59, a zoned elementary school, serves a significant percentage of students who do not reside within its zone – approximately 40% of its current student enrollment is composed of out-of-zone students. Going forward, P.S. 59 will enroll an incoming kindergarten class of 40-50 students, which is reflective of its historical zoned enrollment trends and demand. This represents a moderate decline of 3 to 13 students per year, and P.S. 59 will serve incoming kindergarten cohorts in two sections, as opposed to the three sections it has enrolled in recent years.

Comments 3(b), 4(b, c, e, g) and 5(d) assert that the DOE has plans to shut down P.S. 59, to alter staffing or programming at P.S. 59 as a result of this proposal, or to utilize the building for purposes other than those enumerated in the EIS and Building Utilization Plan ("BUP").

The DOE has no plans to shut-down, phase-out, or evict P.S. 59 from building K059. The DOE notes that this proposed co-location has not yet been approved by the Panel for Educational Policy and that Success Charter Network has not yet conducted its random lottery for admission to this school and, therefore, there exists no waiting list of students interested in attending this school.

Comments 2(a, d), 3(a), 4(a, d), 5(c) and 6(a) relate to the process by which the DOE has engaged the community about this proposal and whether this proposal, if approved, will provide a benefit to the community.



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The DOE has engaged the community throughout the process of this proposal. In September of 2011, the DOE met with CEC 14 to discuss underutilized buildings in the district and early planning for portfolio interventions, including the charter school pipeline. Additionally, since that date, the DOE has met with and engaged with stakeholders and representatives of the District 14 community regarding this and other proposals, including elected officials and other community leaders. Issues raised and discussed at these meetings played an important role in informing the DOE's decision making process.

The DOE believes in Success Charter Network's record of success and is confident that Success Academy Bed-Stuy 2 will provide a benefit to the District 14 community.

Comments 3(g) and 8(c) assert that building K059 will be overcrowded as a result of this proposal.

As noted in the EIS, K059 has the capacity to serve 825 students. If this proposal is approved, building K059 will serve between 746-826 students in the 2017-2018 school year, the year that Success Academy Bed-Stuy 2 will be phased-in at scale, yielding a projected building utilization rate of 90%-100%. Moreover, as noted in the EIS, 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 frequently contemplate larger class sizes than target capacity, bringing, as here, building utilization to 100% while not impacting the utilization of the space allocated to the traditional public school.

The BUP sets forth the baseline number of rooms to be allocated to each school pursuant to the Footprint, as well as the total number rooms in a building to provide a more complete picture of the availability of space in a building. If this proposed co-location is approved, in 2017-2018 P.S. 59 will be allocated 18 full-size and 6 half-size rooms in addition to the full-size equivalent of 1.5 designed administrative spaces. This is adequate amount of space, according to the Footprint, to serve P.S. 59's projected enrollment.

Questions 5(a), and 6(b, c) relate to the funding of charter schools, assert that charter schools, co-locations, and charter schools that are co-located with district schools have a negative financial impact on other schools and/or should not be proposed in District 14, in Brooklyn or in New York City.

The DOE is committed to providing space to high quality school options for all students, regardless of whether they are served by charter or non-charter public schools.

In New York State, Fair Student Funding "follows the child" whether a student is enrolled in a charter or non-charter public school. The formula has been determined by the state legislature and is overseen by the New York State Education Department. The DOE does not control this



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formula and the funding formula for Success Academy Bed-Stuy 2 is not affected the approval or rejection of this proposal. All schools in New York City, including charter schools, may choose to raise additional funds to purchase resources they feel would benefit their students.

Comments 2(e), and 7 relates to the scheduling of the December 14th Panel for Educational Policy (“PEP”) hearing on this proposal.

The DOE notes that the PEP hearing was originally scheduled to take place at the High School for Fashion Industries, located in the borough of Manhattan. However, due to construction at the High School for Fashion Industries building, the meeting has been relocated to Newtown High School in the borough of Queens. The PEP holds hearings in all five boroughs, including Brooklyn.

Comments 8(a,e) relate to SCN’s participation in the joint public hearing on this proposal and in the December 14, 2011 meeting of the Panel for Educational Policy.

The DOE notes that Charter Management Organizations are not required participants in joint public hearings for proposals involving the co-location of charter schools in public school buildings. The DOE also notes that all required participants, including the District 14 CEC and the P.S. 59 SLT, agreed to the proposed agenda, which did not include participation by SCN.

The DOE notes that the only required participants at Panel for Educational Policy meetings are Panel members.

Changes Made to the Proposal

In response to public feedback, the following changes to the proposal were made:

- No changes have been made.