Department of Education
Dennis M. Walcott, Chancellor

Amended Public Comment Analysis

Date: December 14, 2011

Topic: The Proposed Co-location of Brooklyn Success Academy Charter School 3 (84KTBD, "Success Academy – Cobble Hill"), with Existing Schools Brooklyn School for Global Studies (15K429), School for International Studies (15K497) and P.S. 368 (P368K@H429K) in Building K293 Beginning in 2012-2013

Date of Panel Vote: December 14, 2011

This analysis of public comments has been amended to include responses to additional comments.

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 3 (84KTBD, "Success Academy - Cobble Hill"), a new public charter school that will serve students in Kindergarten through fourth grade in building K293 ("K293"), located at 284 Baltic Street, Brooklyn NY 11201 in Community School District 15 beginning in 2012-2013.[1] Success Academy - Cobble Hill would be co-located in K293 with three existing schools: Brooklyn School for Global Studies (15K429, "Brooklyn School for Global Studies"), School for International Studies (15K497, "School for International Studies") and P368K@H429K (75K368, "P368K@H429K"), a District 75 program serving students who are autistic, intellectually disabled, or have multiple handicaps. A "co-location" means that two or more school organizations are located in the same building, and may share large, common spaces like the auditoriums, gymnasiums, and cafeterias.

On November 21, 2011 the DOE published an amended EIS that corrects the grade span that Success Academy - Cobble Hill has been approved to serve and clarifies the status of Success Charter Network's[2] plans to seek authorization from its charter authorizer to change the lottery preferences for Success Academy - Cobble Hill.

Brooklyn School for Global Studies is a secondary school that is projected to serve 415 students in sixth through twelfth grade[3] during the 2011-2012 school year. School for International Studies is a secondary school that is projected to serve 522 students in sixth through twelfth grade during the 2011-2012 school year.[4] Both Brooklyn School for Global Studies and School

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[1] Brooklyn Success Academy Charter School 3 is currently undergoing a formal name change process. The new name of the school will be Success Academy Charter School - Cobble Hill, 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] Enrollment figures presented here reflect 2011-2012 budget register projections.

[4] Enrollment figures presented here reflect 2011-2012 budget register projections.

for International Studies admit incoming sixth grade students through the District 15 Middle School Choice process and are Screened Academic schools that give priority to students and residents of District 15. The schools also admit incoming ninth grade students through the High School Admissions Process with priority given to continuing eighth grade students. At the high school level, both schools maintain a Screened program in the "Humanities & Interdisciplinary" interest area.

P368K@H429K is a District 75 school that serves students in grades Kindergarten through twelfth grade across four separate sites.[5] During the 2011-2012 school year, P368K@H429K is projected to serve 30 students at the high school level at K293.[6] At the K293 site, P368K@H429K serves autistic high school students in a six student to one teacher and one paraprofessional ("6:1:1") setting.

Success Academy - Cobble Hill is a new public charter school authorized to serve students in grades Kindergarten through five. Success Charter Network[7] ("SCN"), 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 Academy - Cobble Hill has been approved by its charter authorizer to serve up to 689 students in Kindergarten through fifth grade. But, the DOE has informed SCN that K293 can only accommodate the school's Kindergarten through fourth grade enrollment based on the space available in the building. The DOE will consider all long-term options to accommodate the anticipated growth of Success Academy - Cobble Hill, which may include re-siting some of its grades in a different location. Any proposal to re-site or co-locate Success Academy - Cobble Hill in another building would be posted in another educational impact statement subject to a vote by the Panel for Educational Policy ("PEP").

If this amended proposal is approved, in 2012-2013, the first year of the proposed co-location, Success Academy - Cobble Hill will serve 80-90 students in Kindergarten and 90-116 students in first grade. Success Academy - Cobble Hill will then add one grade each year until it serves grades Kindergarten through four in 2015-2016. In 2016-2017 enrollment will continue to increase at the school until it reaches a total enrollment of 510-640 students. At that time, there will be 1435-1750 students served in the K293 building by Success Academy - Cobble Hill, Brooklyn School for Global Studies, School for International Studies and P368K@H429K, yielding a building utilization rate of approximately 108%.[8]

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[5] 75K386 is sited at four locations throughout Brooklyn: 368K@1033K (70 Tompkins Ave., Brooklyn, NY 11206); 368K@P120K (18 Beaver St., Brooklyn, NY 11206); 368K@H429K (284 Baltic St., Brooklyn, NY 11201); 368K@Brooklyn Children Center (1819 Bergen St., Brooklyn, NY 11233). This proposal only refers to changes at 368K@H429K that is sited in Building K293 and, if approved, is not expected to impact any of the other sites listed here.

[6] Enrollment figures presented here reflect 2011-2012 budget register projections.

[7] Success Charter Network is currently undergoing a formal name change process. The new name of Success Charter Network will be Success Academy Charter Schools, subject to finalization.

[8] 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

The DOE believes in SCN's record of success and supports the permanent placement of a Success charter school in District 15 in order to continue providing educational opportunities for students and families.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at K293 on November 29, 2011. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 262 members of the public attended the hearing, and approximately 70 people spoke. Present at the meeting were Brooklyn High Schools Superintendent Aimee Horowitz; District 15 Community Education Council ("CEC") President James Devor; District 15 CEC Chair and Brooklyn School for Global Studies School Leadership Team ("SLT") member Janet Williams; District 15 CEC members Mark Kolman, Edward Rodriguez, and Naila Caicedo-Rosario; Brooklyn School for Global Studies' SLT member Dr. Clare Daley; School for International Studies' SLT members Jeffrey Tripp and Coleen Minga; Citywide Council on Special Education ("CCSE") member Louise Bogue; Citywide Council on High Schools member Paola de Kock; and the principals of the three schools currently located at K293 – Joseph O'Brien of Brooklyn School for Global Studies, Joycelyn Nedd of P368K@H429K, and Fred Walsh of School for International Studies, Also present were Deputy Chancellor Marc Sternberg of the Division of Portfolio Planning, as well as Paymon Rouhanifard, Megan Barboza, Carrie Marlin, and Toby Shepherd from the Division of Portfolio Planning, and Thomas Franta from the SUNY Charter Schools Institute.

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

1. CEC 15 President James Devor asked the following questions and made the following comments:
    a. Whether a representative from SUNY toured individual classrooms or only shared public spaces during the building walkthrough on November 29th.
    b. Whether a separate hearing would be required if a charter school is proposed to be sited in a community school district other than the one identified in the applicant's preference.
    c. Whether a separate hearing would be required if a charter applicant seeks a change in their enrollment policies and 'at-risk' factors.
    d. Whether the proposal to site Success Academy - Cobble Hill at K293 would be a permanent or temporary co-location, where the DOE anticipates siting the fifth

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.

grade of Success Academy - Cobble Hill, and whether the DOE is assuming that a grade expansion will be approved by SUNY.

e. Who made the decision to change the anticipated Community School District placement from Districts 13 or 14 to Community School District 15 and when the decision to propose a siting in District 15 was made.
f. If the DOE could explain why he received an email inquiry from a reporter in March of 2011 inquiring his opinion on Success Charter Network targeting to recruit families from P.S. 29 and P.S. 58.
g. The original application was intended to serve students of high-needs populations, but the New York Times article cites kindergarten enrollment and overcrowding at P.S. 29 and P.S. 58 as a motivation for siting the charter school in District 15.
h. Whether the DOE was aware of a proposal to open a new early childhood learning center in building K293, whether the DOE would be willing to defer the proposal to co-locate Success Academy - Cobble Hill at building K293 until the idea for an early childhood learning center can be thoroughly vetted, and whether this proposal is mutually exclusive with the proposal to co-locate Success Academy - Cobble Hill at building K293.
i. What efforts the DOE undertook to site Success Academy - Cobble Hill in underutilized space in other Community School Districts, and such as I.S. 49 in District 14 and Boys High School across from the Brooklyn Museum.
j. Whether the SUNY trustees were aware that by authorizing Success Academy - Cobble Hill, the school could ultimately be sited in Community School Districts other than Districts 13 and 14, including neighborhoods such as Dyker Heights and Sea Gate.
k. When District 15 was notified of the DOE's intent to propose co-locating Success Academy - Cobble Hill in District 15 and whether the notification satisfied SUNY's requirement to notify the community.
l. Overcrowding is severe in South Park Slope, in schools P.S. 10, P.S. 107, and P.S. 295, as well as in Sunset Park. This proposal will not relieve overcrowding in those neighborhoods.
m. How many struggling schools are there in District 15 and whether failing schools in other districts would have preference over students from District 15 in Success Academy - Cobble Hill's lottery. Mr. Devor noted that the charter school's lottery preferences may result in a low percentage of students enrolled at Success Academy - Cobble Hill from District 15.

2. CEC 15 member Edward Rodriguez made the following comments and asked the following questions:

a. Mr. Rodriguez indicated that he is supportive of charter schools in high needs communities, but by placing Success Academy - Cobble Hill in K293, the vast majority of students who can avail themselves will be affluent children who already have great school options.
b. Families in Sunset Park will not send their children to a school located in "BoCoCa."
c. Siting Success Academy - Cobble Hill at K293 threatens the fidelity of the charter school's application.
d. Siting Success Academy - Cobble Hill at K293 will limit the ability of Brooklyn School for Global Studies to improve.
e. Sunset Park needs great middle schools.
f. Was K293 was considered for an expansion of the Brooklyn New School?
g. Would Brooklyn School for Global Studies and/or School for International Studies be allowed to grow in enrollment if this co-location proposal is approved?

3. Ellen McHugh from the CCSE noted that:
    a. The CCSE had not been invited to tour K293 and cannot comment on whether rooms will be allocated appropriately for special education services.
    b. The EIS does not address issues of teaching and learning, but rather lists only "building usage" information.
    c. She is opposed to placing a "cap" on the District 75 program, and is concerned about enrollment projections limiting future enrollment of this program.

4. A commenter from Brooklyn School for Global Studies noted that:
    a. In the last year, Brooklyn School for Global Studies improved from an "F" school to a "B" school.
    b. The school has invested in technology, after school programs, and other resources over the course of the year.
    c. All common spaces are already "maxed out."
    d. This co-location would prevent Brooklyn School for Global Studies expanding in the future as a result of its improved performance.

5. School for International Studies SLT member Jeffrey Tripp asked the following questions and made the following comments:
    a. The SLT opposes this proposal because sharing common space, particularly gymnasium space, has been difficult with the schools already co-located in the building.
    b. The DOE plans for usage of buildings "like a fire marshal planning a concert" and does not take into account instructional or other considerations.

c. The SLT was not consulted about the date of this Joint Public Hearing.
d. Why would the DOE project building utilization in excess of 100%?
e. Why the community should believe that Success Academy - Cobble Hill would share K293 in a way that is fair or equitable when Success Charter Network has not been forthright in the school siting process?

6. School for International Studies SLT member Colleen Minga noted that:
    a. The DOE has proposed a shared space schedule that calls for students at Brooklyn School for Global Studies to begin eating lunch at 2:30 PM, which is unacceptably late in the afternoon.
    b. District 15 has good public schools that the community has worked hard for, and she does not understand why the DOE would "fix" what is not "broken."

7. Louise Bogue from the CCSE noted that:
    a. A high school building may be inappropriate for young children with special needs.
    b. The EIS does not explain how Success Charter Network will serve students with IEPs.

8. Paola de Kock from the Citywide Council on High Schools expressed general agreement with the commentary presented by the invited attendees.

9. Assembly Member Jim Brennan expressed opposition to the proposal, asserting that:
    a. The charter application is deceitful and in direct opposition to the needs of the schools currently at K293.
    b. Charter schools are generally undermining traditional public education by diverting funding away from district schools.
    c. Mr. Brennan also expressed his disappointment in the process of soliciting community feedback for DOE proposals.

10. Assembly Member Joan Millman stated that:
    a. She is opposed to the proposal and that she has received over 90 emails from constituents who are also opposed to the proposal.
    b. All pre-kindergarten and kindergarten classrooms, including private school options, are oversubscribed and demand continues to grow.
    c. Many families have been placed on long waiting lists for kindergarten seats, only to be informed in the fall that no seats are available.
    d. The proposal to open an early child center at K293 would allow the schools currently located in the building to thrive, would allow Brooklyn School for

Global Studies to continue its positive transformation, and would provide additional seats for students who may otherwise be placed on waitlists throughout District 15.

e. Charter schools provide an alternative choice where schools are scheduled to be closed by the DOE and if area schools are rated D or F, but that is not the case here.

11. State Senator Velmanette Montgomery submitted the following by email and had a staff member read the statement at the Joint Public Hearing:
    a. It is unacceptable for the DOE to force traditional public schools to share scarce resources with public, for-profit charter schools.
    b. Charter schools more generally take space and resources away from regular public schools while not being subject to the same oversight and standards.
    c. District 15 is one of the best school districts in New York City and its success should not be jeopardized.
    d. Success Academy has unparalleled private resources not available to regular public schools and should be required to provide its own space for its schools.
    e. The community was not given appropriate notice as required by statute.

12. A commenter stated that:
    a. His four daughters attend Brooklyn School for Global Studies and the school is an outstanding school with dedicated teachers.
    b. The charter school is intended to serve low-income students, which is not the population it will serve in Cobble Hill.
    c. Gym classes are already in excess of sixty students.

13. A commenter stated that:
    a. It is not fair for the Chancellor to take classes away and “smush” all the classrooms together.
    b. The commenter further asked whether all classrooms in the building will be “smushed” or just the public schools at the K293 building.

14. A commenter noted that:
    a. The teachers at School for International Studies are amazing.
    b. Teacher quality and special programs will suffer with additional enrollment in the building.
    c. She is “totally against” charter schools.

15. A commenter noted that he works hard, pay taxes, and feels he deserves great public schools. He noted that he deserves additional options and is in favor of the proposal.

16. A commenter asserted that:
    a. Competition is good and that parents deserve more options for their children.
    b. It is contradictory to support the expansion of Brooklyn New School or another school in K293 but not support the proposal to co-locate Success Academy - Cobble Hill in K293.

17. A commenter characterized the proposal as "not co-location, but dislocation because of location."

18. A commenter made the following comment and asked the following question:
    a. Her son was educated at Brooklyn School for Global Studies and received a great education because of the school's small class sizes.
    b. Why would the DOE want to undermine the morale of everyone who has been involved in improving Brooklyn School for Global Studies by taking away classroom space?

19. A commenter noted that the position of the Green Party of Brooklyn is that there should be no co-locations in the City of New York.

20. A commenter noted that:
    a. District 15 already has great options.
    b. As a librarian who serves both schools, she knows firsthand that sharing space can be difficult even in the best of circumstances.
    c. The proposal is unconscionable.

21. A commenter asserted that:
    a. She is opposed to the proposal as a parent and a teacher.
    b. Public schools need more money for resources and substitute teachers.
    c. Charter schools should not be in District 15 or anywhere else in the City.

22. A commenter stated that:
    a. When the school at which he teaches was co-located with a charter school, his school lost a science laboratory, a library, an occupational therapy room, and an English Language Learner room.
    b. Hard to teach students left the charter school and enrolled in the school at which he works.

c. Those who support the proposal have "bought into Success Charter Networks' advertising campaign."
d. The school at which he works could not afford to open an advertising department to recruit students and that funds are better spent on education than on advertising.

23. A commenter made the following comments and asked the following question:
    a. The DOE is going to kick out School for International Studies.
    b. He supports the proposal for an early childhood center at K293.
    c. Has the DOE has toured K293?

24. City Council Member Brad Lander stated his opposition to the proposal, but noted that he supports charter schools in instances where traditional public schools are failing to provide adequate services. The councilmember noted that:
    a. District 15 schools are excellent because of the collaboration of many individuals and that the proposal to co-locate Success Academy - Cobble Hill at K293 is a direct attack on this sense of shared responsibility.
    b. Hoisting a charter school without local roots, against community objection, is an attack on democratic public education.
    c. This proposal is especially objectionable given that SUNY did not authorize Success Academy - Cobble Hill for District 15.
    d. This proposal does not satisfy the educational goals determined by the community.
    e. The proposal should be rejected by the Panel for Educational Policy.

25. The 52nd Assembly District Democratic District Leader expressed her opinion that:
    a. Inequities inevitably result from co-location.
    b. Students with special needs will not be served by squeezing in another school into a building that serves older students.

26. A commenter noted that:
    a. All the shouting is disgusting to her.
    b. People have already made up their minds.
    c. The process of opening new charter schools is tainted with vitriol at the expense of public school students.

27. A commenter noted that:
    a. Success Academy - Cobble Hill should build their own school or buy a school that is empty.

b. The commenter asked whether the building was built for three or four schools and stated his opinion that children will have a better future if this proposal is not approved.

28. Pamela Bino, the Parent Teacher Association President at Brooklyn School for Global Studies, noted that:
    a. She does not want to see her son in a classroom with 36 or 40 students.
    b. She has a problem with her son eating lunch at 2:30 and coming home at 3:00.
    c. Originally this was her building and she doesn't want to share space.
    d. The bathrooms will need to be changed and that funding could be better spent on improving the existing schools.
    e. Ms. Bino asked whether the DOE would be providing additional funding to hire more teachers at Brooklyn School for Global Studies.

29. A commenter asked the following questions and made the following comment:
    a. Is the DOE is aware of which classrooms will be allocated to the four school organizations in K293?
    b. Will Brooklyn School for Global Studies be losing its computer laboratory, its culinary arts program, or its music program as a result of this co-location?
    c. The only reason the DOE is proposing this co-location is to "kick out" Brooklyn School for Global Studies and School for International Studies.

30. Noah Gotbaum, former President and current member of CEC 3 stated that:
    a. District 15 families could expect 400,000 brochures being sent to homes of white, affluent families whose students who have high test scores.
    b. In District 3, only 2% of brochures sent by Success Charter Network were mailed to the homes of English Language Learner students.
    c. Success Charter Network spends $500,000 per child to recruit families to that school but cannot fill the space that has been allocated to them.
    d. Public schools "are being chopped up like spaghetti" in order to give space to Success Charter Network.
    e. This is not about choice, but about politics and about destroying community-based schools in Harlem, the Upper West Side, and throughout Brooklyn.
    f. Non-charter schools will fill up with English Language Learner students and students with special needs and that the DOE has not provided information on where these students are coming from.
    g. District schools that receive co-locations will be categorized as failing in the future.

h. Mr. Gotbaum asked why three out of the four schools that are failing in District 3 are also schools that are co-located with charter schools.

31. City Council Member Stephen Levin stated that:
    a. He is not opposed to all charter schools, but that he is opposed to charter schools that take space and resources away from traditional district schools.
    b. He is skeptical about whether District 15 needs additional elementary school seats.
    c. The decision to propose siting Success Academy - Cobble Hill in K293 was a "bait and switch."
    d. It is incumbent upon SUNY to reassess this proposal.
    e. The lack of transparency in the process has exacerbated community tension regarding this proposal.
    f. The proposal should be withdrawn.
    g. Additionally, Councilmember Levin asked:
        i. Why the DOE is proposing a co-location that nobody in the community requested?
        ii. Why were parents and networks in the community not consulted in identifying a site for this co-location?

32. A commenter asserted that:
    a. Co-locations are "nightmare[s]."
    b. No child in the building in which she teaches, which has co-located schools, receives recess more than once a week and students receive physical education in their classrooms.
    c. The building council for the building in which she teaches has no third party to arbitrate shared space issues.

33. A commenter noted that:
    a. She has lived in Cobble Hill for 40 years and has seen the district make itself the best in the City in public education.
    b. SLTs and principals are fighting each other in schools that are co-located.

34. A commenter noted that
    a. Her son faced obstacles graduating from public schools without the added complication of co-located charter schools, including receiving mandated services in a four by ten foot room and high rates of teacher turnover.
    b. Special education programs are effective.
    c. Sharing of space is inappropriate and is not going to work.

d. Students with special needs will be left out.

35. A commenter noted that:
    a. His daughter attends Upper West Success Academy and that the schools at the Brandeis Campus share space beautifully.
    b. Studies have shown that co-locations with charter schools improve performance at the district school previously located in the building.

36. A commenter asked:
    a. Whether the proposal would mean "success" for the children "whose resources would be usurped by an interloper out of the community."
    b. Whether the proposal would mean "success" for English Language Learner students who will be counseled out of the charter school.
    c. Whether the proposal would mean "success" for District 15 schools whose funding will drop as a result of this proposal.
    d. Whether the proposal would mean "success" for the taxpayers who see Success Charter Network pay only one dollar per year for use of public school facilities.

37. The Vice President of the Parent Teacher Association at Brooklyn School for Global Studies asserted that:
    a. There is no space for an additional school at K293.
    b. That Brooklyn School for Global Studies needs the space it currently uses.
    c. The commenter asked about fire safety and whether anyone has thought about the safety of adding additional students to the building.

38. A commenter stated that:
    a. State law requires SUNY to conduct outreach in the community prior to a co-location and that because this did not happen in District 15, the proposal is illegal.
    b. It is illegal for the DOE to provide charter schools with public school space for one dollar per year.
    c. K293 will be an overcrowded school as a result of this proposal.
    d. Last year, one quarter of all schools maintained a kindergarten waitlist and the DOE's argument that this proposal will reduce kindergarten overcrowding could lead to co-location proposals all over the City.

39. A commenter stated that:
    a. Charter schools have the right to educate public school students but they cannot do it in public school buildings or for a cost of one dollar per year.

b. It is "extremely hypocritical" to plan for 108% building utilization over five years when schools are already struggling to survive.

40. Betty Fediz, the Director of the South Brooklyn Development Corporation, stated that her organization organized businesses to invest in capital improvements at K293 suitable for high schools, not for students in grades kindergarten through four.

41. A commenter noted that:
    a. It is absurd that the DOE is placing a charter school in K293.
    b. If public schools had the same amount of money as charter schools, they could do the same as any charter school.

42. A commenter stated that:
    a. Under the Building Utilization Plan ("BUP"), it is clear that educational services at the school would be compromised.
    b. When she went to a hearing about Success Charter Network, Eva Moskowitz called her and her colleagues "opponents" but, in fact, she is only a teacher who wants what is best for her students.

43. A commenter stated that if the charter school is co-located, class sizes at the other schools will increase.

44. A commenter stated that:
    a. People are close-minded, selfish, and greedy.
    b. The DOE is taking away from the community.
    c. The commenter asked why the DOE will not take money from its own pocket instead of taking from others.

45. The Parent Teacher Association President of P.S. 15 in Red Hook stated that
    a. The DOE takes community feedback and "flushes it down the toilet."
    b. The DOE makes decisions "behind closed doors."
    c. Teachers, principals, and students have made District 15 a great district and they do not want this proposal implemented.

46. A teacher stated that she is very good at turning non-readers into readers because she knows her classroom library intimately, and if she loses her classroom as a result of this proposed co-location, she will have to move her library into a moving cart.

47. Five attendees spoke in favor of the proposal and noted that:

a. The neighborhood has been developed extensively and new elementary school options will be necessary as a result.
b. They feel an obligation to send their children to an excellent school.
c. Charter schools are part of the public school system.

48. Multiple attendees asked why the December 14, 2011 PEP meeting has been moved to Queens, and whether a location in Brooklyn could be identified instead.

The DOE received a number of questions in writing at the Joint Public Hearing, including the following:

49. "Global Studies has a large special education population. We have created inclusion classes on every grade level six through twelve. Will our special education program suffer due to the co-location?"
50. "Global Studies is a transformation school in year two. The school has moved in one year from a grade of an F to a B. How can the DOE promise that the co-location will not hinder the progress of the school?"
51. "How are programs such as music, drama, and computers going to continue when we are going to be squeezed into 18 rooms?"
52. "How does the DOE justify the one dollar charge per year for use of a public school building by charter school when operating costs are so high and such a large part of a school's annual budget?"
53. "If the DOE wants a school of choice in District 15, why did it turn down the proposal of to create Brooklyn New School II? Melissa Hart completed the DOE process for creating a new public school last year & had a cadre of teachers & staff ready to create the new school - and a waiting list of 400 families interested in attending the school, but was turned down at the very and precisely because the DOE said it did not want a new school in District 15, 13 or 17 (the districts proposed as a location for the school)."
54. "Why, given that co-located charter schools are raising the performance of the schools they are co-located with, would more school options not be beneficial for everyone?"
55. "Why would DOE plan for 108% capacity? That is the final building usage under the plan and it is overcrowded!"

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.

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

56. State Senator Daniel Squadron asked:

a. In June of 2011, Success Academy – Cobble Hill was approved by SUNY as part of a three-school proposal for schools in Districts 13 and 14. In November of 2011, SUNY approved changing the location of Success Academy – Cobble Hill to District 15. In a DOE borough briefing in September of 2011, the DOE included Districts 13 and 14, and not District 15, in the list of districts with the most school buildings with a significant number of available seats. However, public reports suggest that the change in districts was based on greater space availability in District 15. Please explain this seeming inconsistency.
b. SUNY requires that their charter schools meet enrollment targets for ELL students, students with disabilities, and students who are eligibile for free and reduced priced lunch. However, in approving the change in district, SUNY stated that the relocation was "non-material." Does the DOE consider the change of district to have a material impact on Success Academy – Cobble Hill's enrollment and retention targets for these populations or does it consider it a "non-material" change, as described by SUNY?
c. The amended EIS for this proposal notes that Success Academy – Cobble Hill has been approved to serve students in grades kindergarten through five. What is the DOE's plan for the school's fifth grade? Does the DOE plans to site Brooklyn Success Academy's fifth grade class in a different building and can the DOE provide examples of other split sited kindergarten through fifth grade configurations?
d. The amended EIS makes an important commitment to "set aside a percentage of seats in the first lottery pull for ELLs that will be comparable to the average ELL percentage at traditional public elementary schools within the city." What is the plan to maintain these levels in subsequent lotteries?
e. It is also critical that we track not just who is admitted, but how schools serve students in the targeted populations over time. What is the DOE's plan for tracking and making public the retention of students who win the lottery over time, particularly ELL students, students with disabilities, and students eligible for free and reduced lunch?
f. In addition to the change of district, there were two significant amendments to the EIS, including a change in the grade spans served by Success Academy – Cobble Hill of the school and a change to the admission lottery process, both of which were made public a little over a week prior to the joint public hearing. What is the DOE's plan for ensuring sufficient opportunity for public consideration of these changes?
g. The DOE's allocation of access to the gymnasium is was based on the assumption that it would not be used by more than 40 elementary school students and 110 middle or high school students at a time. The authorized plan also calls for the

sharing of space in the cafeteria, computer laboratory, and outdoor space. Do the plans relating to shared space adhere to accepted guidelines for elementary, middle, and high schools?

h. K293 has a newly outfitted professional kitchen and a computer laboratory, which are each integral to the existing schools' educational programs. What are the plans for these rooms? What will the process be for dividing up space at K293?

i. Recently, a plan was put forward to introduce an early education center at the K293 site. What is the DOE's position on this proposal?

57. CEC 15 President James Devor made the following assertions:
    a. The proposed co-location of Success Academy – Cobble Hill has nothing to do with relieving overcrowding in D15, but rather is a part of Success Charter Network's agenda to build constituencies in affluent neighborhoods.
    b. The proposed co-location of Success Academy – Cobble Hill at building K293 is designed to allow white parents to send their children to schools that are not "majority-minority" schools, such as P.S. 261, or lead by African-American principals.
    c. Mr. Devor also made reference to an article that appeared on the website of Crain's New York Business magazine on December 4, 2011. That article, entitled "Eva Moskowitz expands her grade-school chain," can be found at this web address: www.crainsnewyork.com/article/20111204/EDUCATION/312049977/1022

58. An email petition addressed to the Governor of New York was forwarded to the DOE by approximately 525 people. The email petition asserts that:
    a. There are "unacceptably high rates of teacher and student attrition" at Success Charter Network schools.
    b. There was a lack of community input in the proposal to site Success Academy - Cobble Hill in District 15.
    c. The petition calls the proposal to site Success Academy - Cobble Hill in K293 "reprehensible" because of the transformation status of Brooklyn School for Global Studies.
    d. Charter schools drain resources and space from public schools while enrolling fewer English Language Learner students and students with disabilities.
    e. Co-located charter schools receive more per student in public funding than district public schools.
    f. Co-located charters have led to more overcrowding, with the loss of classroom space as well as schools being divested of art rooms, science laboratories,

libraries, and dedicated spaces in which students with disabilities can receive their mandated services.

g. Co-location has contributed to increasing class sizes and has significantly damaged the quality of education our public school students receive.
h. The proliferation of charter schools has caused hundreds of millions of taxpayer dollars to be diverted into private hands, with inadequate oversight and more potential for waste, fraud and abuse.

59. A commenter wrote that:
    a. She strongly opposes the placement of charter schools in District 15.
    b. Public schools must be supported.
    c. The DOE should invest in our community schools.
    d. Co-location is extremely harmful to existing programs, for both special needs and general education students.
    e. The DOE should not be crowding district schools with charter programs that do not have community support.

60. A commenter wrote that:
    a. Parents want more control over schools and school budgets.
    b. Success Charter Network is "only focused on the pot of gold that comes with each child."
    c. Success Charter Network drains resources of public schools.
    d. Success Charter Network is an "abusive, aggressive and disruptive force" that takes what is not theirs and breaks up the community.
    e. Success Charter Network has no relationship to communities and has no intention of bringing goodwill into these communities.

61. A commenter wrote that:
    a. The DOE is sending the message that it has no intention of supporting her work and the progress of her students because the DOE is supporting a co-location that would, in reality, devastate the School for International Studies.
    b. The proposed co-location will not work.
    c. The School for International Studies is already overstretching every resource available, including space.

62. Approximately 22 parents in District 15 wrote that they support the proposed co-location in K293 because the proposal will allow for more elementary school seats in a district which has become very attractive to families and experienced a surge of young children who need quality public school options like this charter school.

63. Approximately 2 parents in District 15 left telephone messages in support of the proposed co-location because the proposal will allow for additional elementary school options in the Cobble Hill neighborhood.

64. A commenter left a telephone message in opposition to the change in venue for the December 14th PEP meeting.

65. A commenter wrote that:
    a. There was no community-based assessment and placement process for this charter school in our district. Instead, that process took place for two other districts (13 and 14).
    b. There are several popular schools within walking distance of the proposed charter school that serve zoned and non-zoned families well. A better use of resources would be to improve the capacity and performance of the existing schools, rather than opening new ones, to ensure that all families in the neighborhood have access to high performing schools.
    c. The existing schools in K293 are likely to lose space, lose reasonable schedules for necessities such as lunch and recess, and lose resources in order to accommodate the charter school. The district needs more middle schools, and those middle schools need more support, not more demands placed on them by the DOE.
    d. Other SCN schools have not served children with special needs, ELL students, and other high-needs students in nearly the same numbers that public schools do. P.S. 261 serves all children, regardless of special needs, and other elementary schools that use public resources should do the same.
    e. Schools should not serve a business model. The community should not have to counter six-figure publicity campaigns such as that demonstrated by SCN. Money should be spent on improving our public schools.
    f. CEC 15 was not informed about the decision to place the school in District 15 and that the decision was apparently made without any other community input or notification. The decision-making process has been held with apparent secrecy, rather than the sort of transparency and community input that is vital in maintaining the kind of collective problem-solving that strengthens communities, schools, and children.

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

66. A commenter stated that Chancellor Walcott has refused to visit schools that are slated for closure.

67. A commenter stated that "we do not have to do what you say, we can always occupy the building."
68. Multiple attendees stated that this proposal is part of "the 1% agenda."
69. A commenter stated that this proposal is related to foreclosures and eminent domain.
70. A commenter wrote that they are fed up with hearing that "the Mayor and Governor will not tax corporations and millionaires as they funnel public money away from public schools and into the hands of the private sector."
71. A commenter wrote that the trend of non-educators from the business world coming into schools and communities with the notion of educating is "not only illegal, but horribly immoral."
72. A commenter wrote that the Chancellor says he wants to engage parents, but maybe he means "enrage" parents?
73. A commenter wrote that "it is time for our Mayor and his 1% class to repeat third grade math and English."
74. A commenter wrote that class sizes of thirty or more exceed the Campaign for Excellence state mandate, hardly making schools underutilized, as these rooms are bursting at the seams.
75. A commenter wrote that increasing spending on consultants and no-bid contracts while draining classrooms is hardly good budgeting for a proper education.
76. A commenter wrote that "if this 1% class were able to read well and comprehend the demands of parents and their schools, they would receive an 'F' on their English Language Arts exam, because time and time again, parents have said "No" to these charter schools."
77. A commenter wrote that the perceived failure of the schools is not due to the children or teachers, but the failure of the administration to properly support the public schools, the teachers, and the real needs in our communities.
78. A commenter noted that competition caused the demise of John Dewey High School.
79. A commenter wrote that testing puts pressure on children, teachers and schools through high stakes tests and this is in large part what causes the blocks to real learning.
80. A commenter wrote that the DOE thinks that Success Academy Charter is performing well, but their students are performing no better on those inaccurate exams than those in public schools.
81. A commenter stated that the DOE should be ashamed of itself for firing people who teach children.
82. A commenter asked why the DOE does not consider creating more schools that teach through hands-on learning, teaching to the whole child, small class sizes, and alternative assessments that support and gauge actual learning, and not just test taking.
83. A commenter asked why families are forced to choose between mediocre public schools and rigid charter schools instead of exciting and engaged learning.

84. A commenter asked why parents and educators who actually understand children do not have a seat at the table when the DOE and Mayor Bloomberg issue these orders.
85. A commenter stated that schools in the city are being set up to fail because the DOE shuts down schools with low test scores and those students matriculate into other schools that are then also shut down.
86. A commenter stated that eventually all schools will be shut down.
87. A commenter asked what the DOE is doing about children who are homeless and the underfunding of public schools.
88. A commenter expressed dissatisfaction with the salary of Success Charter Network's founder.
89. A commenter asserted that the DOE does not fight for minorities.
90. A commenter wrote asking who is thinking about the existing students? Who is thinking about them, their needs, and their success?

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

Comments 15, 16, 35, 47, 54, 62 and 63 are in favor of the proposal and do not require a response.

Comments 66-90 are not directly related to the proposal and therefore do not require a response.

Comment 8, expressing general agreement with the questions raised and assertions made by invited participants in this Joint Public Hearing, is assumed answered in the responses below.

Comment 1(a) relates to the SUNY facilities tour that took place immediately prior to the Joint Public Hearing.

The SUNY facilities tour was primarily a tour of the shared spaces that would be utilized by Success Academy – Cobble Hill and the other schools currently located in the K293 building. This was in anticipation of SUNY Charter Schools Institute's facilities hearing for the proposal, which was held in conjunction with the DOE's joint public hearing on the evening of November 29, 2011.

Comments 1(b, e, f, i-k) 2(c), 5(e), 9(a), 17, 24(c), 31(b-e), 38(a), 45(b), 56(a), and 65(a) relate to the process by which SUNY authorizes charters and the process by which Success Academy-Cobble Hill was ultimately proposed to be sited in District 15 after indicating a preference for Districts 13 or 14 in its charter applications.

Charter applicants may indicate their Community School District of preference in an application to their authorizer, but it is not uncommon for the DOE to ultimately site a charter in a different Community School District if warranted by space availability or other factors. The authorizer

for Success Academy - Cobble Hill, SUNY Charter Schools Institute, has made clear that an additional application hearing for the school is not necessary, and the siting does not violate the terms of the charter school's authorized application, so long as the DOE sites Success Academy - Cobble Hill within the borough of Brooklyn.

Through an ongoing assessment of the needs of District 15, including ongoing monitoring of available and anticipated need for elementary school seats in the Cobble Hill neighborhood and in District 15 more generally, the DOE, in partnership with Success Charter Network, decided to propose to site this school in K293 in the fall of 2011. Decisions about where to site schools, whether district or charter, are made on the basis of need and available space. After a thorough assessment of District 15's need for additional elementary seats, as well as confirmation of available space within the District, District 15 was determined to be an appropriate location for this school. As was explained during the hearing, other proposals are being considered for Districts 13 and 14 based on the assessment of these same factors: need and available space.

The DOE is proposing to site Success Academy - Cobble Hill at building K293 in order to continue providing high quality elementary school options to families of District 15. There is a substantial amount of excess space, including more than thirty full-size instructional classrooms at K293. Additionally, as noted in the EIS for this proposal, several District 15 elementary schools maintained long wait-lists in the 2011-2012 school year, and others are anticipated to have wait-lists if current enrollment trends continue. Two such elementary schools near K293 are P.S. 29 and P.S. 58, where kindergarten enrollment has increased by 49% and 70%, respectively, from the 2006-2007 school year to the 2010-2011 school year. This proposal allows the DOE to generate new elementary seat capacity in District 15 by repurposing seats in an underutilized middle school facility and to respond to increasing kindergarten and elementary seat demand in District 15.

In addition, the DOE notes that moving forward with this proposal does not preclude the consideration and implementation of other proposals aimed at alleviating the increased demand in District 15 for elementary school seats.

The DOE notes that there is no school named "Boys High School" and that the high school buildings adjacent to the Brooklyn Museum are the Prospect Heights Educational Campus (which houses Brooklyn Academy of Science and the Environment, Brooklyn School for Music & Theater, The High School for Global Citizenship, and International High School at Prospect Heights) and the Clara Barton High School.

With respect to a reporter's inquiry regarding student recruitment by SCN in March 2011, the DOE cannot speculate as to the reporter's motivation, but notes that at that time, SCN operated only one school in Brooklyn, Brooklyn Success Academy 1, located in District 14.

Finally, for reasons outlined below, the DOE is confident that Success Charter Network can and will serve a diverse student population, including English Language Learner ("ELL") students and students eligible for free and reduced priced lunch, at Success Academy - Cobble Hill.

Comments 1(c, g, m), 2(a-b), 6(b), 7(b), 12(b), 22(b, c) 30(a-c, f), 34, 36(b), 56(b,d), 57(b), 58(d), and 65(d) relate to the process by which Brooklyn Success Academy will enroll students, including students who are ELL students and/or students who require mandated services, whether a change in the school's at risk factors requires a new application or a new hearing for the proposed charter school, and whether Success Academy - Cobble Hill will be able to serve the populations that the school proposed to serve in its charter application if it is sited in District 15.

As noted in the EIS, Success Academy - Cobble Hill's charter provides lottery preferences in the following order: (1) returning students, (2) siblings, (3) applicants zoned to attend failing schools and/or applicants who are deemed ELL students who reside in the Community School District ("CSD") of location of the charter school, (4) applicants zoned to attend failing schools and/or applicants who are deemed ELL students who do not reside in the CSD of location of the charter school, (5) other applicants who reside within the CSD of location of the charter school, and (6) other applicants who reside outside of the Community School District of location of the charter school.

The DOE has been advised that SCN plans to seek authorization from its charter authorizer to change the lottery for Success Academy – Cobble Hill 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 – Cobble Hill will set aside a certain percentage of seats in the first lottery pull for ELL students that will be comparable to the average ELL percentage at traditional public elementary schools within the City.

If this proposal is approved, in the 2012-2013 school year when SCN has no returning students or siblings of current students, English Language Learner students and applicants who reside within District 15 will have first and second priority to attend Success Academy - Cobble Hill. A change in the school's at risk factors or lottery preferences would require a separate hearing before SUNY Charter Schools Institute.

The DOE notes that four schools in District 15 received a score of "D" on the performance subsection of their 2010-2011 Progress Report. Those schools are P.S. 24, P.S. 124 Silas B. Dutcher, I.S. 136 Charles O. Dewey, and the Red Hook Neighborhood School.

Contrary to the assertion that Upper West Success Academy has not been able to recruit families, the DOE notes that this school received over 700 applicants for a charter lottery of only 184 kindergarten and first grade seats.

The DOE notes that District 15 maintains an economically diverse student population, more than half of which is eligible for free and reduced price lunch. District 15 is also home to multiple New York City Housing Authority Housing Developments, including the Gowanus Houses in Cobble Hill, which are home to an estimated 2,836 residents. The DOE is confident that Success Academy - Cobble Hill can and will serve a diverse student population, including students from low-income families. Additionally, if Success Academy – Cobble Hill seeks and is authorized for the change in lottery preferences described above, ELLs would be given 1st priority in Year 1 and 3rd priority in subsequent years in the school's lottery, and the "set-aside" described above for ELLs would ensure that the school would serve percentages of ELL comparable to Citywide percentages, once demand by returning students and siblings was met.

Further, the DOE notes that unlike many non-charter public schools in District 15 and elsewhere in New York City, charter schools are prohibited from screening students on the basis of academic achievement, language proficiency, disability, or other variable. Charter schools, including Success Academy – Cobble Hill, must enroll students through a blind lottery process, The DOE notes that Success Academy – Cobble Hill, like all public schools, will be required by law to provide mandated services to its students with IEPs and special education students. The DOE notes that Success Charter Network has and will continue to serve students with special needs in integrated classroom settings. Moreover, Success Charter Network's plan to seek authorization to change its lottery preferences would result in a preference for ELL students. For these reasons, the DOE is confident that Success Academy – Cobble Hill will enroll a diverse student population, including students who are English Language Learner students and students with special needs.

Comments 1(d) and 56(c) relate to the process by which the DOE intends to site the fifth grade of Success Academy - Cobble Hill if this proposal is approved by the PEP.

As noted in the EIS, the DOE has informed SCN that K293 can only accommodate the school's kindergarten through fourth grade enrollment based on the space available in the building. The DOE will consider all long-term options to accommodate the anticipated growth of Success Academy - Cobble Hill, which may include re-siting some of its grades in a different location. Many charter and non-charter public schools throughout the city are "split-sited," with portions of their grades served at multiple campuses. Any proposal to re-site or co-locate any portion of Success Academy - Cobble Hill in another building would be posted in another EIS subject to a vote by the PEP.

Comments 1(g, l), 2(d, g), 3(c), 4 (d), 10 (b-c), 38(d), 57(a) and 58(c) relate to the impact of siting Success Academy - Cobble Hill at K293 on future enrollment at the schools currently located in the building and overcrowding in K293, District 15, and the borough of Brooklyn.

The DOE is confident that the proposed co-location will not inhibit the schools currently housed in K293 from improving and thriving but will, instead, provide new educational options for the families of District 15. The DOE is projecting that enrollment for Brooklyn School for Global Studies and School for International Studies will stabilize at 450-540 students in each school by 2016-2017. Given that the unaudited enrollment for 2011-2012 for Brooklyn School for Global Studies is 364 students, the DOE anticipates that improved performance at the school will result in an increase in enrollment over the next few years. The DOE anticipates that enrollment will remain stable at School for International Studies; this school's unaudited enrollment for 2011-2012 is 489 students, which matches enrollment projections in the EIS. P368K@H429K is projected to serve approximately 25-30 students in grades nine through twelve, which also matches the school's current and historical enrollment.

Additionally, as noted above, this proposal addresses continued demand for elementary seats and allows the DOE to generate new elementary seat capacity by repurposing seats in an underutilized middle school facility and to respond to increasing kindergarten and elementary seat demand in District 15. As with any proposal that increases seat capacity, the DOE anticipates that this proposal will address issues of current and future potential overcrowding in District 15.

Comment 22(d) and 65(e) relates to student recruitment at charter and non-charter public schools.

Charter schools maintain the right to advertise their programs and recruit students to apply for entry through the school's blind lottery process. Non-charter public schools also maintain the right to advertise their school and its programs. Moreover, these schools may work collaboratively with their Children First Network and with the Office of Student Enrollment to continue meeting their student recruitment and enrollment goals.

Comments 28(a), 43 and 58(f,g) relate specifically to the impact of this proposed co-location on class size at the K293 building.

The DOE strives to maintain low class sizes and notes that its standards for maximum classroom capacities are lower than the maximum contractual class size and differ depending on grade level. The DOE generally conducts space planning for 25 students in kindergarten per full-size classroom and 27 students in grades first through twelve (per teacher and per full-size classroom). This standard is equivalent to or below contractual maximums of 25 students in kindergarten, 32 students in first through fifth grades, 33 students for non-Title 1 grades six

through eight, 30 students per full-size classroom for Title 1 grades six through eight, and 34 students for grades nine through twelve (each per full-size classroom and per teacher). The space allocation detailed in the BUP allocates sufficient space to accommodate the projected enrollment of all schools in the K293 building if this proposed co-location is approved. Finally, the DOE notes that space is only one variable in determining class size, and that other variables, including school budgeting, are relevant.

Comments 2(e) and 24(d) relate to other educational needs of Community School District 15.

The DOE is committed to providing a portfolio of high-quality options for District 15 families, including but not limited to new, high-potential elementary options.

The DOE concurs that District 15 has other needs, including the need for additional high-quality middle school seats. This proposal in no way precludes the DOE from future actions designed to respond to the other educational needs of District 15.

Comments 4, 5 (a, b), 13, 14(b), 18, 20(b), 29(a, b), 34(c, d), 37, 38(c), 39(b), 41(a), 42(a), 46, 49, 50, 51, 58(c, f), 59(d), 61(a-c), and 65(c) assert that there is not adequate space in K293, in either individual classrooms or shared spaces, to accommodate Success Academy - Cobble Hill and that the proposed co-location would harm instructional programming at the existing schools in K293, including at Brooklyn School for Global Studies, which is a "transformation school."

The DOE has proposed space allocation for this co-location in accordance with the Citywide Instructional Footprint (the "Footprint"), the Citywide standard for assessing capacity in DOE buildings that is applied equally to all schools across the City. Brooklyn School for Global Studies and School for International Studies are collectively using more than 30 full-size rooms in excess of their Footprint allocation. The DOE does not anticipate that a reallocation of space in K293 in accordance with the Footprint will have an impact on the quality of instruction at school organizations currently located at K293. The Footprint is designed to allocate space to school organizations in a way that allows for full and complete academic programming.

Also, as noted above, the DOE's standards for maximum classroom capacities are lower than the maximum contractual class size and differ depending on grade level.

The DOE has projected future self-contained special education sections at both Brooklyn School for Global Studies and School for International Studies on historical enrollment patterns, and does not anticipate that special education programming will be impacted as a result of this proposed co-location.

In this proposal, School for International Studies will ultimately be allocated 20 full-size, 8 half-size, and 3 quarter-size rooms and the full-size equivalent of 2.5 designed administrative spaces. Brooklyn School for Global Studies will ultimately be allocated 21 full-size, 6 half-size, and 3

quarter-size rooms and the full size equivalent of 3.0 designed administrative spaces. P368K@H429K will be allocated 6 full-size and 4 half-size rooms, an increase over its current space allocation. In fact, if this proposal is approved, when Success Academy - Cobble Hill reaches full scale as a kindergarten through fourth grade elementary school at building K293 in 2015-2016, there would still be 5 full-size, 3 half-size, and 6 quarter-size rooms in excess of the schools' combined baseline Footprint allocations in the building. In the BUP, these rooms have been allocated to Brooklyn School for Global Studies and School for International Studies.

Programming at Brooklyn School for Global Studies that is related to the school's status as a "transformation school" will not be endangered as a result of the proposed co-location. The DOE will continue to support Brooklyn School for Global Studies as it moves through the transformation process.

Comments 3(a), 11(b), 13, 19, 20(b), 22(a), 23(c), 25, 27(b), 28(c), 30(e), 31(a), 32(a, b), 56 (h) and 63(b) relate more generally to the process by which space is allocated in New York City school buildings that house co-located school organizations.

As noted throughout this document, the Footprint allocates a standard number of full-size, half-size and quarter-size rooms, in addition to designed administrative space, to all school organizations in New York City schools. The DOE applies this standard to all organizations in school buildings in proposals that involve the co-location of multiple schools in a single school building. A walk-through of every building that is considered for a co-location proposal is conducted prior to the proposal being issued, with a representative from the Office of Space Planning, and the school organization in attendance. If a proposal has been approved by the PEP, the Office of Space Planning works collaboratively with the schools to determine specific room allocations. Such a walk-through was conducted with respect to this proposal.

While the BUP sets forth an equitable allocation of classroom and administrative space, the Building Council, in coordination with the Office of Space Planning, is responsible for coming to an agreement regarding which specific rooms in the building are occupied by each school. The DOE notes, however, that the School for International Studies will maintain access to the new kitchen facility necessary for continuing its culinary program.

Comments 7(a) and 28(d) relate to the process by which funding will be allocated as a result of this co-location, including for possible capital upgrades to K293.

If a capital expenditure of facility upgrade in excess of $5,000 is determined necessary to building K293, the expenditure must be approved in advance by the DOE, and the DOE must ensure that an equal amount of capital expenditures or facilities upgrade expenditures are made on each co-located DOE school. The DOE is not aware at this time of any facility upgrades or

capital expenditures that will be required as a result of this proposed co-location, but will continue to adhere to the mandates set forth by Chancellor's Regulation A-190.

Comments 23(a) and 29(c) assert that the DOE plans to "kick out" the existing schools at building K293.

The DOE has no plans to evict, phase-out, or shutdown Brooklyn School for Global Studies, School for International Studies, or P368K@H429K. On the contrary, the DOE believes that the proposal to co-locate a new, public charter elementary school will provide additional opportunities for shared learning and collaboration at K293.

Comments 9(b), 11(a, b), 21(b), 28(e), 31(a), 36(a, c), 41(b), 44, 58(d, e), 60(b, c), 63(a), and 65(c,e) 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 15, in Brooklyn or in New York City.

As stated earlier, 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. The DOE notes that SCN is not a for-profit organization.

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).

Comments 10(e), 11(c), 12(a), 14(a), 20(a), 33(a), 45(c), 63(c), and 65(b) assert that District 15 already has excellent educational options and that additional school options are unnecessary.

The DOE agrees that many families in District 15 have access to excellent educational options. The DOE believes, however, that providing additional educational options will provide a net benefit to the District 15 community and will help address current and anticipated elementary school enrollment growth in the Cobble Hill community and beyond.

Comments 1(h), 2(f), 10(d), 23(b), 53 and 56(i) relate to other possible uses for excess space at the K293 building, including a community proposal to open a new early childhood learning center at building K293 and the expansion of Brooklyn New School to serve middle school grades.

The DOE has not yet received a formal proposal to open an early childhood learning center at K293. The DOE has also not yet received a formal proposal for an expansion of the Brooklyn

New School. If the DOE receives any proposals in the future, they will be considered. This proposed co-location does not preclude the consideration of other viable proposals. The DOE did receive a proposal to replicate the Brooklyn New School, but the application did not meet the DOE's standards for new school development and was ultimately denied.

Comments 6(a), 12(c), 28(b) and 56(g) relate to the proposed shared space schedule, including the times that each school have been allocated in the gymnasium, cafeteria, library and other shared spaces.

In the BUP, the DOE is required to propose a shared space schedule that demonstrates the feasibility of the co-location proposal. As the DOE notes in the BUP, the proposed schedule for the cafeteria allocates the most amount of time to the schools with the largest enrollment and is approximately equivalent to how time is currently allocated in the cafeteria based on the 2011 Campus Audit provided by the building. The DOE proposes no time for Success Academy - Cobble Hill in the K293 library because Success Charter Network has indicated that it will not require use of the library. Finally, the DOE's proposed schedule for the gymnasium is designed to satisfy New York State grade specific mandates for physical education. The Building Council is free to deviate from the proposed Shared Space Plan.

Comments 10(a), 26(a-c), 31(g), 45(a, b), 56(f), and 60 (a) relate to the role of family and community input in the DOE's decision making process.

The DOE strives to engage all families and communities in its decision making process, including those who may ultimately disagree with a proposal such as this one, and as noted below, feels that it has done so in the case of this proposal. For more information on how the DOE engages with families and communities, please visit the website of the Division of Family and Community Engagement at: http://schools.nyc.gov/Offices/OFEA/default.htm.

In addition, the DOE notes that the Amended EIS for this proposal was issued on November 21, 2011, more than one week prior to the joint public hearing, thereby providing the public with sufficient notice of the amendments contained therein.

Comment 3(a), 5(c), 9(c), 11(e), 23(c), 38(a), 56(f), 58(b), 63(e), and 65(f) relate to the process by which the DOE has notified the community about this proposal and solicited feedback, and the process by which a date for the Joint Public Hearing was established.

The DOE has provided sufficient notice to stakeholders as mandated by Chancellor's Regulation A-190. In September of 2011, prior to issuing the EIS and BUP relating to this proposed co-location, the DOE presented a list of priorities and possible actions for the 2012-2013 school year, including the pipeline of charter schools approved for Brooklyn, to both CEC 15 and the larger Brooklyn community at a presentation at the Borough President's office. The DOE also

notified the principals of Brooklyn School for Global Studies, School for International Studies and P368K@H429K that Building K293 was an "underutilized" building in October of 2011.

In scheduling this Joint Public Hearing, the DOE proposed dates on this proposal to CEC15, the principals of Brooklyn School for Global Studies, School for International Studies, P368K@H429K, and each school's Superintendent and Network Leader, in addition to the Citywide Council's on Special Education, English Language Learners, District 75 and High Schools. The DOE asks that principals, who sit on their school leadership teams, coordinate with their SLTs in selecting a convenient date for a Joint Public Hearing.

Regarding the tone of comments made at the Joint Public Hearing, the DOE respects the right of hearing participants to voice their concerns and is committed to listening and responding to all public input on this and other proposed co-locations.

Comments 11(d), 27(a), 36(d), 38(b), 39(a), 52 and 63(d) assert that charter schools and/or Success Charter Network should either construct their own buildings, pay more than one dollar year to utilize DOE owned school space, or should purchase or lease private space.

The DOE seeks to provide space for high quality educational options for all students, regardless of whether they are served in charter or non-charter public schools. The DOE notes that while public charter schools often lease or provide their own space, the DOE is committed to continuing to provide space to high quality or high potential operators when available.

Comments 11 (a, b), 14(c), 20(c), 21(a, c), 24(a, b, e), 30(d), 31(f), 41(a), 42(b), 58(h), 59(a-c, e), 60(d,e) and 60(e) express general dissatisfaction with this proposal, charter schools, or with Success Charter Network and its staff, or assert that charter schools represent the privatization and/or the destruction of public education.

Charter schools are public schools available for all students of New York City. Under recent amendments to New York state law, for-profit entities may not operate new charter schools in the state. The DOE supports the continued growth of all high performing public schools, charter or non-charter. The DOE notes that each of the four SCN elementary schools that received a Progress Report for the 2010-2011 school year received an overall grade of A. The DOE believes in Success Charter Network's track record of success and is confident that Success Academy – Cobble Hill will be a sought-after school for the families of District 15.

Comments 32(c) and 33(b) relate to the process by which building councils arbitrate disputes, and whether the DOE offers support to building councils in making decisions about allocating time in shared space.

Principals of schools in co-located buildings are empowered to make decisions about the programming of their school space within the confines of the Footprint. Building councils may

decide collaboratively how best to utilize the space in a school building, including the scheduling of shared spaces. The Office of Support Services is available to provide support to building councils in the decision making process.

Comment 3(b) asserts that the EIS for this proposal does not adequately address issues of teaching and learning that will take place as a result of this proposed co-location at Brooklyn School for Global Studies, School for International Studies, 75K368 or at Success Academy - Cobble Hill.

The DOE is required, by law, to prepare an EIS when the Chancellor proposes to close a school or make any significant change in school utilization. The EIS regarding this proposal complies with the law in all respects. For more information on the mandated content of an EIS, see Chancellor's Regulation A-190, Section II. A.1., available online at: http://docs.nycenet.edu/docushare/dsweb/Get/Document-341/A-190%20FINAL.pdf

Comment 40 asserts that resources have been invested in K293 for the express purpose of serving the middle and high school aged students currently enrolled.

The K293 building is owned not by a particular school organization, but rather by the City and taxpayers of New York. Investments that have been made in K293 will continue to benefit public school children if this co-location proposal is approved.

Comments 30(g, h) relate the process by which New York City schools receive Progress Reports and whether school performance is a factor considered when identifying buildings for co-location.

The process of generating Progress Reports for New York City schools is described in detail on the DOE's website, and can be found here: http://schools.nyc.gov/Accountability/tools/report/default.htm#Methods

Buildings identified for the co-location of charter or district schools are chosen primarily by the availability of space and the local demand for high-quality seats. In general, the relative performance of a school organization already located in a building is not a variable considered when the DOE is considering whether or not to propose a charter or district school for co-location, except insofar as the DOE strives to place high quality or high potential schools in neighborhoods where there is demonstrable demand.

Comments 22(b), 56(e), and 58(a) relate to teacher and student retention at Success Charter Network.

SUNY, not the DOE, has authorized SCN to open this school for the 2012-2013 school year. As such, SUNY stipulates the criteria for approval and the terms by which a charter can be renewed. The DOE expects that SCN will work with SUNY to meet criteria relevant here, if any.

Comment 48 and 64 relate to the scheduling of the December 14th 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, but due to construction at the High School for Fashion Industries building, has been relocated to Newtown High School in the borough of Queens. The PEP holds hearings in all five boroughs, including Brooklyn.

Comments 5(d) and 55 relate to the projected building utilization rate in year 2016-2017 for building K293.

The DOE cannot perfectly predict the enrollment of school organizations in the future. Instead, the DOE uses a variety of factors including historical enrollment rates to project estimated enrollment ranges. The total estimated enrollment range for the 2016-2017 academic year for building K293 yields a projected utilization range of approximately 88% to 108%. As noted in the EIS, charter school enrollment plans frequently contemplate larger class sizes than target capacity, bringing, as here, building utilization to 100%, or more, while not impacting the utilization of the space allocated to the traditional public school in the building. Moreover, 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. Finally, as noted above, the BUP demonstrates that after Success Academy - Cobble Hill reaches full scale as a Kindergarten through fourth grade elementary school at building K293 in 2015-2016, there will still be five full-size, three half-size and six quarter-size rooms in excess in the building.

Changes Made to the Proposal

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

- No changes have been made