

Public Comment Analysis

Date: December 19, 2012
Topic: The Proposed Co-location of Explore Excel Charter School's 5th – 8th grades (84K379) with Existing School I.S. 68 – Isaac Bildersee (18K068) in Building K068 Beginning in 2013-2014
Date of Panel Vote: December 20, 2012

Summary of Proposal

Explore Excel Charter School (84K379, "Explore Excel") is an existing public charter school that currently serves students in kindergarten through fourth grade in Building K114 ("K114"), located at 1077 Remsen Avenue, Brooklyn, NY 11236, in Community School District 18 ("District 18"). The Panel for Educational Policy previously approved a proposal that would have allowed Explore Excel to serve kindergarten through fifth grade at "full scale" in K114. The New York City Department of Education ("DOE") is now proposing to site Explore Excel's fifth grade in Building K068 ("K068"), located at 956 East 82 Street, Brooklyn, NY, 11236 in District 18.¹ If this proposal is approved, Explore Excel's fifth grade would be sited in K068 beginning in the 2013-2014 school year. Explore Excel would add one grade each year until it reaches full scale in 2016-2017 and serves fifth through eighth grade in K068. Explore Excel would be co-located in K068 with I.S. 68 – Isaac Bildersee (18K068, "I.S. 68"), an existing zoned middle school that serves students in sixth through eighth grade. I.S. 68 also has an academy structure, which includes: Academy of Entrepreneurship and Law, Academy of Urban Planning and Environmental Design, and Academy of Global, American and Community Connections, which accepts students outside of the zone who reside in District 18.² K068 also houses two community-based organizations, Beacon and Church Avenue Merchants Block Association (CAMBA), which provide after-school youth development activities for the I.S. 68 community. 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.

Explore Excel is an existing public charter school that is authorized by its charter authorizer, the State University of New York Charter Schools Institute ("SUNY CSI"), to serve grades K-7. Explore Excel has informed the DOE that it intends to seek approval from SUNY CSI to expand to serve additional students in eighth grade. SUNY CSI must approve this request before Explore Excel can expand to serve additional students in 8th grade. In the event that SUNY CSI does not approve Explore Excel's request to expand, or if Explore Excel fails to make a timely request, Explore Excel may only serve kindergarten through seventh grade students under its current charter. The Explore Schools Inc ("Explore Schools") is a growing Charter Management Organization ("CMO") that seeks to provide students with the academic skills and critical-thinking abilities necessary to graduate from high school and succeed in college. Explore Schools provides students in under-served communities with access to another option for public education and provides support to schools in the network. Explore Schools currently manages four charter schools in Brooklyn, including Explore Excel.

¹ The EIS and BUP describing that proposal can be found here:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Dec2012Proposals.htm>.

² Each academy functions as an individual school and has a guidance counselor, as well as an assistant principal. The principal oversees all of the academies. In addition, each academy has a sixth, seventh and eighth grade team.

If this proposal is approved, Explore Excel's fifth grade would be sited at K068 instead of K114. Explore Excel would serve 54-69 students in fifth grade, and would add one grade each year until it serves fifth through eighth grades at full scale in 2016-2017. At that time, Explore Excel would serve approximately 216-276 students. The school would continue to admit kindergarten students via its charter lottery application process.³ Current and future elementary students at Explore Excel will continue to attend school at K114. Explore Excel's middle school grades (5-8) will be located at K068 and those spots will mostly be filled by existing elementary school students at Explore Excel who articulate for middle school. Explore Excel's lottery process will remain the same and will only admit students to kindergarten through the lottery process. Elementary school students at Explore Excel will be given the opportunity to articulate to Explore Excel's middle school grades. While no lottery process will be conducted for Explore Excel's middle school grades since returning students will attend the school, students will be admitted through a rolling waitlist process to backfill seats available through attrition.

K068 has been identified as an under-utilized building.⁴ K068 has the capacity to serve 1,481 students, but in 2012-2013, I.S. 68 is only projected to serve 898 students in sixth through eighth grade.⁵ This yields a building utilization rate of approximately 61%, which demonstrates that the building is "under-utilized" and has space to accommodate additional students. If this proposal is approved, in 2016-2017 once Explore Excel is at full scale, K068 would serve 1,101-1,191 students from Explore Excel and I.S. 68 collectively, which yields a projected utilization rate of 74%-80%. Thus, K068 has sufficient space to accommodate the proposed co-location.

The DOE supports the grade expansion of Explore Excel charter school in District 18 in order to continue providing additional educational opportunities for students and families.

Copies of the EIS and BUP describing the proposed co-location of Explore Excel's 5th -8th grades are available in the main offices of I.S. 68 in K068 and Explore Excel's K-4 in K114. It is also available on the DOE's website at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Dec2012Proposals>.

Summary of Comments Received

A joint public hearing regarding this proposal was held on Friday, December 7, 2012 at K068. At the joint public hearings, participants had the opportunity to provide input on the proposal.

Approximately 22 members of the public attended the hearing. Present at the meeting were: Community School District 18 Superintendent Beverly Wilkins, Rhonda Joseph, 1st Vice President of Community Education Council 18 ("CEC 18"); Principal Merve Williams of I.S. 68; Reginald Simeon of I.S. 68's School Leadership Team ("SLT"); and Stephen Demers from the DOE.

³ For more information about the charter school lottery application process, please consult the DOE's directory of NYC Charter Schools, which can be accessed on the DOE's website: <http://schools.nyc.gov/community/planning/charters/For+Parents>.

⁴ The 2011-2012 Under-Utilized Space Memorandum and List was published on the DOE's website on October 24, 2012. It can be accessed at <http://schools.nyc.gov/NR/rdonlyres/6D8EA76A-82FA-4740-9ED1-66BCABEE8BFB/132938/UnderutilizedSpaceMemorandum102412.pdf>

⁵ Based on the 2012-2013 budgeted projections.

The following comments and remarks were made at the joint public hearing on December 7, 2012:

1. Merve Williams, Principal of I.S. 68, expressed support for any organization that is willing to join the District 18 community and provide great services to students. However, he also stressed his concerns and outstanding questions he had with the proposed co-location.
 - a. He stated that he is unclear of how the charter school will select students. He suggested that public charter schools do not serve the same population as district public schools. He believes that a successful partnership will only be possible if both schools serve special populations, such as students with special needs and English Language Learners (“ELLs”), etc.
 - b. Principal Williams also suggested that public charter schools discharge students throughout the year for academic reasons. He suggested that discharged students will end up in the district public school, such as I.S. 68, and I.S. 68 would be responsible for the student’s performance. He also stated that the discharged student’s scores will be reflected in I.S. 68’s progress reports, even though the school will not have had sufficient time to prepare the student. According to Principal Williams, the Explore Charter School Chief Executive Officer mentioned that a student may be discharged if a child does not fit the charter’s mold. There must be an equitable discharge process, or a productive relationship between the schools is not possible.
 - c. If the proposal is approved, I.S. 68 should be consulted and taken into account first, because the school has an academy structure. The co-location should have the least impact on the existing school.
 - d. Principal Williams is hopeful for a productive relationship that is open and honest.
2. Reginald Simeon of I.S. 68’s SLT spoke on behalf of the I.S. 68 staff and stated that the proposal will impact the school on multiple fronts.
 - a. Safety is a major concern. There will be interactions between students of the two schools that may cause problems.
 - b. I.S. 68’s reputation will diminish in the community, because parents assume charter public schools are a better alternative. Charter schools are perceived as private schools that don’t require tuition. The demand for the proposed charter school will have a negative impact on I.S. 68’s enrollment. However, according to research, charter schools are not performing any better in terms of student test scores or progress.
 - c. Charter schools continue to result in declining enrollments for district public schools.
 - d. The commenter suggested that charter schools do not provide the same level of services for students and noted that I.S. 68 accepts all students (Special Education, ELLs), etc.). He also suggested that charter schools select only high performing students.
 - e. The commenter suggested that I.S. 68 will have to terminate its academy structure as a result of this proposal, because the co-location will decrease available space in the building.
3. One commenter, Explore Excel’s current interim principal, noted that Explore Excel is excited to work with I.S. 68 and further noted that:
 - a. Explore has a lottery system and do not have a screened application process. Explore serves ELLs and students with Individualized Educational Programs (IEPs). Explore Excel has never expelled a student since it first opened.
 - b. Explore strives for equity, and it is confident that it will be able to forge a partnership with I.S. 68.

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

4. One commenter noted that Explore Excel should not expand. They have a child currently enrolled in the school and Explore Excel has dragged students down the hallway.

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

Comments 1 (d), 3 (a, b, c) are in favor of the proposal and do not require a response.

Comments 1 (a, b) and 2 (d) concern the attrition rate at charter schools and imply that charter schools expel students, particularly ELL and students with disabilities, in order to improve their performance.

Pursuant to state law, public charter schools must 1) serve all students who are admitted through their lotteries, and 2) serve a percentage of special education and English Language Learner (“ELL”) students comparable to the district average. Charter schools which fail to meet the special education and/or ELL targets set by their authorizer risk being closed or having their renewal applications rejected. Explore Excel must admit all students according to its lottery preferences, which include a set-aside for ELL students, and may not turn away a student because of language ability, behavioral problems, or services required by an IEP. In addition, the charter law requires charter schools submit a variety of information, including attrition rates to their authorizer and to the State on August 1st, for the preceding school year. This information is typically available that Winter/Spring.

Furthermore, the DOE annual Progress Report compares school performance with a peer group composed of up to 40 other schools serving the most similar student populations. The Progress Report also provides “extra credit” to schools that succeed at helping ELL and special education students achieve. Thus, the incentive is for schools to serve its ELL and special education students well and a school is not advantaged by having a lower enrollment of ELL and special education students.

Each school has its own discharge policy that is consistent with the requirements of due process and with federal laws and regulations.

Comment 2 (a) notes the impact that the proposed co-location may have on safety.

Pursuant to Chancellor’s Regulation A-414, every school/ campus is mandated to form a School Safety Committee, which is responsible for developing a comprehensive School Safety Plan that defines the normal operations of the site and what procedures are in place in the event of an emergency. School Safety Plan is updated annually by the Committee to meet the changing security needs, changes in organization and building conditions and any other factors; these updates could also be made at any other time when it is necessary to address security concerns. The Committee will also address safety matters on an ongoing basis and make appropriate recommendations to the Principal(s) when it identifies the need for additional security measures.

If this proposal is passed, the School Safety Plan will be revised to ensure the safety of all students on the K068 campus.

In 2016-2017, once Explore Excel is fully phased in at K068, there will be approximately 1,101-1,191 students served in K068, which yields a projected utilization rate of 74%-80%. Thus, there is sufficient space for both schools.

Comment 2 (b) relates to academic performance at charter schools.

The Center for Research on Education Outcomes (“CREDO”), in a 2010 report, concluded that, on a school-by-school comparison, 51% of New York City Charter Schools demonstrated academic growth in math that was statistically larger than students would have achieved in traditional public schools. CREDO further noted that 29% of charter schools have shown statistically significant gains. Furthermore, the report found that charter school students have made substantial gains in both reading and math in their second year enrolled in a charter school, and this impact stays positive and significant through their third year of attendance. The report also found that Blacks and Hispanics enrolled in charter schools do significantly better in charter schools in both reading and math growth. In both cases, these students’ math results are stronger than reading, but both are comparatively stronger than what their scores would have been had they enrolled in regular public schools. Finally, according to the report, charter schools demonstrated strong performance across the range of starting scores, which indicates that charter schools are overall successful at improving student achievement regardless of academic background.

Comments 1 (c), 2 (c, e) state that the proposed charter school will have a negative impact on I.S. 68’s enrollment and academy structure.

I.S. 68’s enrollment projections in the EIS are based on the current enrollment at the school at the entry grade level (i.e. sixth grade) and assume that the same number of students will matriculate to the next grade level (i.e. seventh grade). Therefore, there is nothing in the DOE’s projections that suggest that this co-location will negatively impact I.S. 68’s enrollment.

As stated in the EIS, the proposed co-location is not expected to impact future student enrollment, instructional programming, or the admissions process to I.S. 68. If this proposal is approved, I.S. 68 is expected to continue to offer its academy programming.

Comment 4 suggests suggest that charter schools, including schools managed by Explore, use corporal punishment. Corporal punishment is illegal in New York State. Moreover, the New York State Commissioner of Education requires all public and charter schools to report all complaints of corporal punishment.

Changes Made to the Proposal

No changes have been made to this proposal.