Department of Education
Dennis M. Walcott, Chancellor

Public Comment Analysis

Date: December 19, 2012

Topic: Proposed Opening and Co-location of a New Public Charter School Unity Prep Charter School of Brooklyn (84KTBD) with Existing School P.S. 44 Marcus Garvey (13K044) in Building K044 Beginning in 2013-2014

Date of Panel Vote: December 20, 2012

Summary of Proposal

In an Educational Impact Statement ("EIS") and Building Utilization Plan ("BUP") posted on October 25, 2012, the New York City Department of Education ("DOE") proposed to open and co-locate Unity Prep Charter School of Brooklyn (84KTBD, "Unity Prep"), a new public charter school that will serve students in sixth through eighth grade in building K044 ("K044"), located at 432 Monroe Street Brooklyn, NY 11221, in Community School District 13 beginning in 2013-2014.[1] Unity Prep will be co-located in K044 with P.S. 44 Marcus Garvey ("P.S. 44"), an existing zoned school that serves students in kindergarten through fifth grades and offers one section of full-day pre-kindergarten. P.S. 44 is the only existing school in this building.

Unity Prep received its charter authorization from the New York State Education Department ("SED") in the fall of 2012. If this proposal is approved, Unity Prep will open in September 2013 and will serve 115-147 students in sixth grade and will add one grade each year until it reaches full scale in 2015-2016. At that time, Unity Prep will serve approximately 322-412 students in sixth through eighth grades. The school will admit students via its charter lottery application process, with preference given to District 13 residents, and a set aside for students who receive free and reduced price lunch and for English Language Learner students.[2]

SED has approved Unity Prep to serve students in sixth through tenth grade. However, this proposal to open and co-locate Unity Prep only allows Unity Prep to site its sixth through eighth grades in K044. If Unity Prep wishes to site its ninth and tenth grades in public space, e.g. K044, Unity Prep will be required to apply to DOE for available space. Any resulting proposal involving a significant change in school utilization will be the subject of a future EIS in accordance with Chancellor's Regulation A-190.

[1] 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.
[2] 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.

The DOE has identified building K044 as an under-utilized building.[3] Building K044 has the capacity to serve 989 students, but in 2012-2013, P.S. 44 is projected to serve 316 students in kindergarten through fifth grade and 18 students in pre-kindergarten.[4] This yields a building utilization rate of approximately 34%,[5] which demonstrates that the building is "under-utilized" and has space to accommodate additional students. If this proposal is approved, in 2015-2016, building K044 would serve 645-795 students from Unity Prep and P.S. 44 collectively, which yields a projected utilization rate of 65%-80%. Thus, building K044 has sufficient space to accommodate the proposed co-location.

Summary of Comments Received at the Joint Public Hearings

A joint public hearing regarding the proposal was held at P.S. 44 Marcus Garvey on December 6, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal.

Approximately 90 members of the public attended the hearing, and 12 people spoke. Present at the meeting were Brooklyn Community Superintendent Barbara Freeman; District 13 Community Education Council ("CEC 13") President David Goldsmith; CEC 13 First Vice President Ben Greene; Valerie Taylor, Principal of P.S. 44; P.S. 44 School Leadership Team ("SLT") representatives Helena Johnson- McKesey; Patricia Cokley; Sherrian Browne; Deborah Sommersell; Diarra Martin; Subhana Rahim; Christina Jackson; Anita Pettway; Lillian Sorrentini; Pamela Payne; and Theresa Rush; Michael Smith representing New York State Assembly Member Annette M. Robinson; and Lily Haskins and Lauren Spillane from the Division of Portfolio Planning.

The following comments and remarks were made at the joint public hearing on December 6, 2012:

1. Valerie Taylor, Principal of P.S. 44 thanked the P.S. 44 family for their showing of support at the Joint Public Hearing. She noted that P.S. 44 has a long history of success and the parents, faculty, and staff have worked to create a culture of trust that supports children. She also stated that many people have shared their concerns about the co-location, and no matter, she will remain a committed leader to the P.S. 44 community. She noted that:

[3] 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/130053/UnderutilizedSpaceMemorandumUpdated011218.pdf

[4] Based on the 2012-2013 budgeted register projections.

[5] All references to building utilization rates in this document are based on target capacity data from the 2011-2012 Blue Book and enrollment data from the 2012-2013 budgeted register projections. 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 conducts a detailed site survey and space analysis of the building to assess the amount of space available in the building.
http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Enrollment/2011-2012_classic.pdf

a. Any child that walks through the doors of the K044 building will have the chance to succeed and the space they need to succeed.
b. Every child in the community deserves only the best.

2. David Goldsmith, President of CEC 13, stated that the CEC is here to support Principal Taylor and whatever the outcome of this proposal is, they will help to ensure that P.S. 44 can continue to thrive and flourish. He also stated that the CEC urged community members to remain involved and support your principal and your children. He asserted that:
    a. The CEC has seen a lot of co-locations that work and do not work. It takes a lot of collaboration and vigilance to have a positive co-location.
    b. The CEC is not happy about the process but there is space in the building.
    c. He is grateful that Unity Prep will serve a different grade of students and will not be competing for students with P.S. 44
    d. CEC 13 has heard positive feedback about the leadership of Unity Prep and is eager to see positive results for all children.

3. Ben Greene, First Vice President of CEC 13, stated that this is not the last opportunity to express concerns and noted that community members should address concerns to the CEC, as well as the dedicated e-mail address and phone line that the DOE has created for feedback to this proposal. He also asserted that he has heard a lot of positive feedback about P.S. 44 and he is here to support the school community.

4. Michael C. Smith, a representative from New York State Assembly Member, Annette Robinson's office, remarked that he is a graduate of P.S. 44 and that the school had a profound impact on his life. He also stated that Assembly member Annette Robinson will be in direct contact with Principal Taylor and Superintendent Freeman and he wants the public to contact him to express their feelings about the proposal. He also noted:
    a. New York State Assembly Member Annette M. Robinson is not against charter schools but is concerned about the co-location.
    b. Charter schools can do marvelous things, but shouldn't do marvelous things at the expense of the district school.

5. Patricia Cokley, a representative of the SLT, expressed the follow concerns:
    a. What is the lottery process for students who are currently enrolled at P.S. 44 and how will P.S. 44 students be admitted to Unity Prep?
    b. What does Unity Prep have in place to ensure that the culture of the K044 will remain in place?
    c. The P.S. 44 community is a family that has a history here. She hopes that Unity Prep will have the same culture if they join the school community.

6. A school counselor in District 13 asserted that:

a. Co-locations are a transition that is difficult for adults, administration, and children, and it's a change that children will not be ready for.
b. The DOE must hear the children's voices because they are directly affected by this proposal.
c. The plan must include a way to prepare the children from both schools to deal with co-location.
d. Noted that the Student Government President and President of the Peace Council will discuss how the school works to create a peaceful environment for students.

7. Subhana Rahim, a representative of the SLT, noted that she had moved here last year from Pennsylvania to Brooklyn and was very nervous to send her daughter to school. She was lucky to find P.S. 44 and felt like she was really a part of the community. She looks forward to making this work out. She noted the following concern. The two schools will share resources, especially the library. These resources should be available for all children in the building. Another school should not eat away at these resources.

8. The President of the Student Council described how her teachers are nice and work hard to provide the students with a good education. She also said that the administration and support staff care for the students and that P.S. 44 has a strong history of preparing students for life. She noted that she is a third generation student here and that all decisions should be in the best interest of Unity Prep and P.S. 44.

9. Hemanth Venkataraman, co-founder of Unity Prep, stated that he wants to address all of the questions about the lottery and culture, but that he has a limited time to speak. He described how Unity Prep's school leadership met with Principal Taylor and Ben Greene and feel optimistic about the co-location. He noted the following:

    a. Unity Prep looked into whether they could have an admissions policy that gives priority to P.S. 44 students, but it was not legal.
    b. Unity Prep wants to make sure they are serving District 13 residents, so they built in a priority for families who are eligible for free and reduced priced lunch.
    c. Socio-economic learning and learning how to solve problems peacefully are at the core of Unity Prep's culture and seemed to be aligned with P.S. 44's school culture as well.

10. A father of three P.S. 44 students stated that he was blessed to send his students to P.S. 44 and that he now has one child in the Navy and one child in college. He stated that he was proud of the family culture of P.S. 44 and the teachers, and noted the following concern:
    a. Why is the government so eager to bring another school into this building?
    b. Government should be more concerned about the neighborhood.

11. A representative of the SLT stated that the biggest concern should be the children, as the P.S. 44 school community is a big family that needs to stick together and ensure that the right decisions are made for the children.

12. A parent raised the following concerns:

a. The DOE only looks at under-utilized space.
b. How can students across multiple grade levels co-exist?
c. How far will Unity Prep go to recruit students in District 13 to attend the school?

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

13. How do you plan to ensure the safety of the children that already attend the school against the older new children? For instance, in the bathroom and the hallways?

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

Comments 1(a) and 2(d) are in favor of the proposal and do not require a response.

Comment 10(b) is not directly related to the proposal and thus does not require a response.

Comments 1(b), 2(a), 2(b), 2(c), 3, 4(a), 4(b), 5(c) and 10(a) voice general opposition to the proposal. The DOE notes that there is a need for increased options for students in the Brooklyn, including those students in District 13. The DOE strives to ensure that all students in New York City have access to a high-quality school in an appropriate environment at every stage of their education. This proposal aims to provide a new high quality option for these students.

Comments 5(b), 5(c), 6(d), 8, 9(c) and 11 relate to the culture of P.S. 44.

Should this co-location proposal be approved, P.S. 44 and Unity Prep would share space within the K044 building. With specific regard to comment 5(b), it is not anticipated that the co-location of Unity Prep would have any negative effect on the partnerships, programming or current school culture that exists at P.S. 44 as the commenter implies. The leadership at both P.S. 44 and Unity Prep are encouraged to find collaborative opportunities for the development of a strong campus culture focused on common goals and shared priorities.

To the point made in comment 6(d), there are currently existing organizations such as the Student Government and Peace Council to foster understanding and growth at the student level. Additionally, through the Parent/Parent-Teacher Association (PA-PTA) and the School Leadership Team, parents can work with school administrators to enhance their involvement in planning for the re-siting and eventual co-location. These bodies can also assist in the outreach the larger parent communities of their respective schools with regular updates regarding the re-siting and co-location.

Paramount to any successful collaboration is the development of patience, understanding, and respect for all parties involved and the DOE is confident that the Principals of P.S. 44 and Unity

Prep will be able to create a collaborative and mutually respectful environment for all students, staff, and faculty members in building K044.

The DOE expects that P.S. 44 and Unity Prep will collaborate to create a culture of respect as Unity Prep phases in. P.S. 44 and Unity Prep are expected to collaborate on campus decisions through the K044 Building Council and Shared Space Committee. In the Building Council, school leaders share administrative responsibility and accountability for building a safe, coherent campus culture for the students they serve. In the Shared Space Committee, parents, teachers and principals serve as reviewers of the building utilization plan, which defines co-located space and the use of that space on the campus.

Comments 6(a), 6(b) and 6(c) relate to the fact that transitions are difficult for a school community and children's voices need to be heard.

Roughly half of New York City DOE schools share space in a building. Co-locations allow the DOE to create additional high-performing schools for New York City families by using our limited facilities efficiently. This is necessary when we have scarce facilities and a demand for more high-performing options.

Based on the historical record, DOE students have been able to successfully adjust to attending school in a building in which space is shared. DOE believes that the students at P.S. 44 will be able to do so here as well. While the DOE notes that a co-location can cause a school to operate at higher efficiency levels, the DOE believes that this proposal will not have a negative effect on the P.S. 44 community. Both principals will sit on the Building Council and will be able to address the needs of all students in the K044 building and create a shared space schedule that will address the needs of their specific school communities.

Comment 12(a) asserted that the DOE only looks at under-utilized space when assessing potential co-location sites.

The DOE considers a number of different factors when assessing potential co-locations. The DOE looks at where there is a need for a new high performing school option and then where there is available space to accommodate it. Annually, the DOE identifies under-utilized buildings based on current enrollment and building capacity. This list is publicly made available on our website and is shared with principals. Once a building is identified as "under-utilized," a more thorough review is undertaken to determine its true viability for a co-location. Concurrent with the building review, the DOE considers the needs of the school community and district, while also assessing the capacity of new school organizations, district or charter, to assure their likelihood to deliver a high quality program for the students in the community.

Comment 7 concerns the availability of resources for DOE schools and how resources will be shared among the schools.

With regard to the distribution of space, the DOE applies the Citywide Instructional Footprint (the "Footprint")[6] to allocate a total room count to each organization as they phase into K044. The assignment of specific rooms for each school in the building will be made in consultation with the Principals of each school and the Office of Space Planning if this proposal is approved.

The Footprint is applied to both DOE and public charter schools to ensure equitable allocation of classroom, resource and administrative space. The Footprint sets forth the baseline number of rooms that should be allocated to a school based on the grade levels served by the school and number of class sections per grade. The number of class sections at each school are determined by the Principal based on enrollment, budget, and student needs; there is a standard guideline of target class size (i.e., number of students in a class section) for each grade level. At the middle school and high school levels, the Footprint assumes every classroom is programmed during every period of the school day except one lunch period.

The BUP details the number of class sections each school is expected to program each year through 2015-2016 and allocates the number of classrooms accordingly. The BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location.

The BUP outlines a proposed Shared Space plan for the co-located schools, which outlines the duration of time each of the co-located schools will have in each of the shared spaces in building K044. The Shared Space Plan is based upon the population size and other relevant factors further described below for each co-located school. Although the DOE has proposed how the shared spaces in the building may be utilized, Building Councils are free to deviate from the proposed Shared Space Plan to accommodate specific programmatic needs of all special populations or groups within each school as is feasible and equitable, provided that the Building Council comes to an agreement of the final Shared Space Plan collaboratively. Both principals would sit on the Building Council, and would create a plan for the allocation of shared spaces if this proposal is approved by the PEP. The Building Council meets regularly to address issues related to space allocations and shared space usage. In buildings with a charter school, there is also a Shared Space Committee, which meets at least 4 times per year, and includes a parent and teacher representative from each school. This committee monitors the implementation of the shared space schedule, and identifies areas of concern that can be addressed by the Building Council. According to Chancellor's Regulation A-190, the shared space committee shall be comprised of the principal (or an assistant principal of the D75 school organization), a teacher, and a parent from each co-located school or D75 school organization. With respect to a non-charter school's teacher and parent members, such shared space committee members shall be selected by the corresponding constituent member of the SLT at that school.

With regard to funding and other resources, 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 Unity Prep is

[6] The full text of the Instructional Footprint is available at http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf

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).

Pursuant to Chancellor's Regulation A-190, the Chancellor or his/her designee must first authorize in writing any proposed capital improvement or facility upgrade in excess of five thousand dollars, regardless of the source of funding, made to accommodate the co-location of a charter school within a public school building. For any such improvements or upgrades that have been approved by the Chancellor, capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter school within the public school building.

Comments 5(a), 9(a), 9(b), and 12(c) relate to the Unity Prep lottery and how the charter school will accept students to the school.

As described in the Educational Impact Statement, if the proposal is approved, all current and future age-appropriate students in District 13 will have the opportunity to enter the charter application lottery process to enroll in Unity Prep beginning in 2013-2014. Unity Prep will provide lottery preferences to enroll a student demographic that reflects the diversity of District 13. Applicants of Unity Prep will be admitted in the following order:

1. Siblings of current Unity Prep students will be admitted.

2. Students eligible for free or reduced-price lunch and living in District 13 will be admitted. If there are fewer than 92 of these students, then students eligible for free or reduced-price lunch, but living outside of District 13, will be admitted. If fewer than 92 students eligible for free or reduced-price lunch apply to enroll in Unity Prep, remaining seats will be reserved for these students and additional outreach will be conducted for applications from eligible families. If the 6th grade cohort is not full by July of each year, families not eligible for free or reduced-price lunch will be contacted in the order that their name appears on the Unity Prep waiting list.

3. Students residing in District 13 will be admitted.

4. Remaining seats are filled with students who do not reside in District 13.

5. If there are still open seats, additional outreach will be conducted for applications.

The DOE understands that Unity Prep received feedback regarding giving admissions priority to P.S. 44 students from its charter authorizer, SED.

Comments 12(b) and 13 concern school safety following the co-location.

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.

Due to space limitations, it is not unusual for varying grade levels to be co-located together. While it is not a common practice for an elementary school to be co-located with a high school, there are successful examples of K-12 buildings or campuses in New York City.

These examples include:

- The Julia Richman Educational Complex, which houses four small high schools, a K-8 school, and a District 75 program;
- Mott Hall IV, a middle school, which shares a building with Eagle Academy for Young Men II, which currently serves sixth through eighth grade, and Leadership Preparatory Ocean Hill Charter School, which currently serves kindergarten and first grade;
- Harlem Success Academy 4, an elementary school, which shares a building with Opportunity Charter School, which serves sixth through twelfth grade in District 3; and
- J.H.S. 13 Jackie Robinson, a middle school, which shares a building with Central Park East I, an elementary school, and Central Park East High School.

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

Changes Made to the Proposal

No changes were made to the proposal.