



## **Public Comment Analysis**

Date: December 19, 2012

Topic: The Opening and Co-location of Achievement First Central Brooklyn Charter School (84KTBD) with Existing Schools I.S. 347 School of Humanities (32K347) and I.S. 349 Math, Science and Tech. (32K349) in Building K111 Beginning in 2013-2014

Date of Panel Vote: December 20, 2012

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## **Summary of Proposal**

On October 25, 2012, the New York City Department of Education (“DOE”) issued a proposal to open and site public charter school Achievement First Central Brooklyn Charter School (84KTBD, “AF Central Brooklyn”) in building K111 (“K111”), located at 35 Starr Street, Brooklyn, NY 11221, in Community School District 32, beginning in the 2013-2014 school year. AF Central Brooklyn would be co-located in K111 with existing schools I.S. 347 School of Humanities (32K347, “I.S. 347”), an existing zoned and academic screened middle school that serves sixth through eighth grade students, and I.S. 349 Math, Science and Tech. (32K349, “I.S. 349”), an existing zoned and academic screened middle school that serves sixth through eighth grade students. K111 also provides space to the Beacon program, a community-based organization. A “co-location” means that two or more school organizations are located in the same building and may share common spaces like auditoriums, gymnasiums, libraries, and cafeterias.

An amended EIS was published on October 26, 2012, and corrects the year in which AF Central Brooklyn’s charter was authorized. The EIS published on October 25, 2012 incorrectly stated AF Central Brooklyn’s charter was authorized in 2010. The amended EIS clarifies that AF Central Brooklyn’s charter was authorized in 2012.

In October 2012, AF Central Brooklyn’s charter was authorized by the State University of New York Charter Schools Institute (“SUNY CSI”) to serve students in kindergarten through ninth grade. AF Central Brooklyn will be managed by Achievement First Schools (“Achievement First”), a Charter Management Organization (“CMO”). AF Central Brooklyn will open with fifth grade in 2013-2014, and will add one grade each year until it serves students in fifth through eighth grade in 2016-2017 in K111. AF Central Brooklyn also plans to open its kindergarten classes in 2014-2015 and begin phasing up one grade per year until it serves students in kindergarten through fourth grades. However, this proposal deals only with the fifth through eighth grades of AF Central Brooklyn. Any future proposal to co-locate the other grades of AF Central Brooklyn in any building would be addressed in a separate EIS subject to a separate vote

by the Panel for Educational Policy (“PEP”). The school will admit students via the charter lottery application process, with preference given to District 32 residents.

According to the 2011-2012 Enrollment Capacity Utilization Report (the “Blue Book”), K111 has the capacity to serve a total of 1,428 students. In 2012-2013, I.S. 347 is projected to serve 505 students, and I.S. 349 is projected to serve 456 students. This yields a projected utilization rate of approximately 67%. This means that the building is “underutilized” and has space to accommodate additional students. If this proposal is approved, in 2016-2017, once AF Central Brooklyn Brooklyn’s fifth through eighth grades have fully phased in, AF Central Brooklyn is projected to serve 303-386 fifth through eighth grade students, I.S. 347 is projected to serve 510-540 sixth through eighth grade students, and I.S. 349 is projected to serve 405-435 sixth through eighth grade students, yielding a projected building utilization rate of approximately 85-95%.

The details of this proposal have been released in an amended EIS which can be accessed here along with the Building Utilization Plan (“BUP”): <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Dec2012Proposals.htm>. Copies of the amended EIS and BUP are also available in the main offices of I.S. 347 and I.S. 349.

### **Summary of Comments Received at the Joint Public Hearings**

A joint public hearing regarding the original proposal was held at K111 on November 28, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 152 members of the public attended the hearing, and 19 people spoke. Present at the meeting were: District 32 Schools Superintendent Lillian Druck; Sonia Park from the DOE’s Office of Charter School Accountability and Support; District 32 Community Education Council (“CEC 32”) Members Fletta Stocks, Elaine Rogers-Cruz, and Lewis Tillman; Liz Genco, a representative from SUNY CSI; John Barbella, Principal of I.S. 347; I.S. 349 SLT member Jackson Farrell; Roy Parris, Principal of I.S. 349; and Lauren Lefty from the Department of Education.

The following comments and remarks were made at the joint public hearing on November 28, 2012 on the amended proposal:

1. John Barbella, Principal of I.S. 347, expressed concern about all of the schools fitting into the building and sharing spaces and resources.
2. Roy Parris, Principal of I.S. 349, stated that he is concerned that there is only one stairwell in the building and that there will be safety issues.
3. Fletta Stocks, representative of CEC 32, asserted that the DOE should support existing schools instead of bringing in new schools.
4. Elaine Rogers-Cruz, representative of CEC 32, stated:
  - a. The DOE should support existing schools instead of bringing in charter schools.
  - b. Charter schools do not serve all students; they do not serve students with special education needs.
5. Lewis Tillman, representative of CEC 32, stated:
  - a. There needs to be more information given to the community about how charter schools work.

- b. Once parents have more access to information about charters, we can have a more fruitful conversation about the efficient use space and building utilization.
6. One commenter asked the following questions:
  - a. Is I.S. 349 being phased out?
  - b. There is only one stairwell in the building; how will the charter school fit in the building and how will safety and security be maintained?
  - c. How will three schools fit in the building?
7. One commenter stated that she is in support of the proposal; her daughter attends Achievement First East New York and enjoys school; she comes home happy.
8. One commenter asserted:
  - a. Achievement First schools are public schools.
  - b. Achievement First schools do offer special education accommodations.
  - c. The schools in the K111 building are already co-located and can work together with one more school.
9. One commenter stated:
  - a. We need more schools that give students a supportive environment and a good education.
  - b. We have to work together as a community.
  - c. We need to form positive partnerships in the community; Achievement First will be one of those positive partnerships.
10. One commenter made the following statements and posed the following questions:
  - a. Why can't we increase capacity/enrollment in existing schools?
  - b. Why can't the DOE find another space for Achievement First Central Brooklyn?
11. One commenter asserted:
  - a. Her son is excelling at Achievement First Bushwick.
  - b. She did not receive the education she deserved at the old school in the K111 building, and there should be more options for students in the community like Achievement First.
12. One commenter, the Principal of P.S. 145, commented:
  - a. The community needs to unify and amplify to bring more community programs into the under-utilized space in district buildings.
  - b. She analyzed the data, and her high-achieving elementary school students went to Achievement First. The lower-level students stay in district schools.
  - c. The community does not need more schools. The current schools should be enhanced.
  - d. Schools should not have to compete over students.
13. One commenter stated:
  - a. Her experience with Achievement First Apollo has been amazing.
  - b. She is on the Shared Space Committee, where parents and school leaders come together to solve problems. Achievement First is a good neighbor, and she wants the K111 community to let them be a good neighbor to them.
14. One commenter stated:
  - a. She is a parent who wants all children to have a good education.
  - b. She found help for her child with special needs at Achievement First.
  - c. Achievement First will be good neighbors, and co-locations teach students how to get along with others in tight spaces, like we all need to do in an urban environment.
15. One commenter made the following statements and posed the following questions:

- a. Bringing in a new school is not the fix; bringing in more money and students is the answer.
  - b. I.S. 347 and I.S. 349 have wonderful teachers.
16. One commenter, a member of the I.S. 349 SLT and a United Federation of Teachers (“UFT”) Representative, asserted that if this charter is sited in K111, it will be a “tale of two cities.”
17. One commenter stated:
- a. A lot of great things are happening in this school—great teachers, great collaboration.
  - b. A lot of teachers move on because of instability; we need to support schools and make them as great as they once were instead of moving new ones in.
18. One commenter made the following statements and posed the following questions:
- a. Where is the equity? Charter schools have more financial backers. Money has been siphoned off from district schools and redirected to charter schools.
  - b. I.S. 347 and I.S. 349 contribute money for books; will the charter school do the same?
19. One commenter stated:
- a. She received a great education from I.S. 349 and is now an Education major at Brooklyn College.
  - b. She does not oppose charter schools, but believes they should receive their own buildings.
  - c. She is against the policy of co-location.
  - d. There are already two schools in the building; this proposal will result in larger class sizes.
  - e. Preference will be given to the charter school students.

**The DOE received comments at the Joint Public Hearing which did not directly relate to the original proposal and therefore, will not be addressed.**

20. I.S. 347 Principal Johan Barbella stated that he will work to support his school community and ensure that there are enough resources for his students.
21. I.S. 349 Principal Roy Parris asserted that he has worked in this district for a long time and wants to be an advocate for his community.
22. Fletta Stocks, representative of CEC 32, stated that the charter schools obtained her child’s name and address to advertise and she is not sure how. This should not be happening.
23. One commenter stated that it is not good for the community if charter schools are pitted against district schools.
24. One commenter posed a question and made the following statement:
- a. Where are all the members of the I.S. 347 and I.S. 349 community?
  - b. Millions of dollars are being taken out of their budgets because enrollment is down; he is not sure how can they can achieve their benchmarks if the budget keeps getting cut.
25. One commenter stated that:
- a. All of these changes to schools are coming from Mayor Bloomberg and hedge fund managers.
  - b. Class size is increasing in district schools.
  - c. The number of students of color has dropped in talented and gifted program citywide, and teaching staff demographics have changed.
  - d. When the 111 school closed, the DOE tried to bring in a charter school and the parents said no.

26. One commenter stated:
  - a. His love and passion for the arts started in the district schools in this community.
  - b. After 111 phased out, there were a variety of other schools in the building, and then I.S. 347 and I.S. 349 came.
27. One commenter stated that:
  - a. Mayoral control of the city's schools is misguided.
  - b. How can schools run programs with the budgets that they have and substandard resources?

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

No comments received.

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

Comments 7, 8, 9, 11, 13, and 14 are in favor of the proposal and do not require a response.

Comments 1, 2, 6(c), and 19(d) relate to the question of whether or not AF Central Brooklyn can fit in K111 with I.S. 347 and I.S. 349.

As explained in the amended EIS and BUP, there is sufficient space in K111 for I.S. 347, I.S. 349, and AF Central Brooklyn's fifth through eighth grades.

The Citywide Instructional Footprint (the "Footprint") is the guide used to allocate space to all schools based on the number of class sections they program and the grade levels of the school. 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 full text of the Instructional Footprint is available at [http://schools.nyc.gov/NR/ronlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011\\_FINAL.pdf](http://schools.nyc.gov/NR/ronlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf).

There are currently hundreds of schools in buildings across the city that are co-located; some of these co-locations involve multiple district schools while others are district and public charter schools sharing space. In all cases, the Footprint is applied to both DOE and public charter schools to ensure equitable allocation of classroom, resource and administrative space.

The BUP demonstrates that there is sufficient space in K111 to accommodate the proposed co-location. The BUP details the number of class sections each school is expected to program each year from the 2013-2014 school year through the 2016-2017 school year, and allocates the number of classrooms accordingly. I.S. 347, I.S. 349, and AF Central Brooklyn will each receive their respective Footprint allocations in addition to one full size room above Footprint in 2016-2017 and beyond, once all schools are operating at full scale in K111. I.S. 347 and I.S. 349 will also receive one additional half size room above Footprint. Therefore, there is sufficient space to appropriately program I.S. 347, I.S. 349 and AF Central Brooklyn in K111. The DOE does not

expect class size to change as a result of this proposal. The assignment of specific rooms and location for each in the building, including those for use in serving students with IEPs or special education needs, will be made in consultation with the Principals of each school and the Office of Space Planning if this proposal is approved.

If the Building Council is unable to agree upon a schedule for shared spaces, there is a mediation process outlined in the Campus Policy Memo, which is available at <http://schools.nyc.gov/community/campusgov>.

Comments 2 and 6(b) relate to safety concerns within the building as a result of the proposed co-location.

As outlined in the BUP and explained above, there is sufficient space in K111 to house I.S. 347, I.S. 349, and AF Central Brooklyn. The DOE believes this will be a safe environment for students.

The commenters expressed specific concerns about stairwell space in K111. The DOE notes that there is not one, but multiple stairwells located throughout the building. This fact was confirmed by the Office of Space Planning and the official blueprints for the K111 building. The two schools currently co-located in the building adequately maintain safe conditions and meet all fire and safety codes. By working out a shared space plan that accounts for when each school will be using hallways, entrances, and stairwells, the DOE believes that the Building Council can ensure that safety is maintained on campus.

Furthermore, pursuant to Chancellor's Regulation A-414, every school/campus must have a School Safety Committee. The committee plays an essential role in the establishment of safety procedures, the communication of expectations and responsibilities of students and staff, and the design of prevention and intervention strategies and programs specific to the needs of the school. The committee is comprised of various members of the school community, including: Principal(s); designee of all other programs operating within the building; United Federation of Teachers Chapter Leader; Custodial Engineer/designee; and In-house School Safety Agent Level III. The committee is responsible for addressing safety matters on an ongoing basis and making appropriate recommendations to the Principal(s) when it identifies the need for additional security measures, intervention, training, etc.

The committee is also responsible for developing a comprehensive School Safety Plan which defines the normal operations of the site and what procedures are in place in the event of an emergency. The plan must be consistent with the Citywide prescribed safety plan shell. Each program operating within a school must enter program-specific information in the School Safety Plan. Safety plans are updated annually by the School Safety Committee in order to meet changing security needs, changes in organization and building conditions and other factors. In addition, the committee recommends changes in the safety plan at any other time when it is necessary to address security concerns.

Consistent with the process described above, the leader/designee of AF Central Brooklyn will be part of the K111 School Safety Committee. As a member of the School Safety Committee, the leader/designee of AF Central Brooklyn will participate in the development of the building's School Safety Plan and ensure that any security related issues or needs which may arise with respect to the co-location of AF Central Brooklyn will be addressed on an ongoing basis. Moreover, the School Safety Plan for the K111 school building will be modified as appropriate to meet any changing security needs associated with the co-location. The leader/designee of AF

Central Brooklyn will enter information in the K111 schools' overall School Safety Plan to ensure the safe operation of the school building.

Comment 5 relates to information about charter schools being provided to the community.

Information relating to charter schools is available on the DOE's website: <http://schools.nyc.gov/community/planning/charters/default.htm>. Furthermore, the EIS and BUP include information related not only to the proposal but also to charter schools, and are posted on the DOE website and made available to the staff, faculty and parents at I.S. 347's and I.S. 349's main offices. In addition, the DOE dedicates a proposal-specific website and voicemail to provide information and collect feedback and questions on this proposal.

Comments 10(a) and 15(a) relate to the question of why the DOE cannot increase enrollment and funding at I.S. 347 and I.S. 349.

Many factors influence a school's enrollment, including performance, demand, and available space. For example, students and residents of District 32 participate in the District 32 Middle School Choice Process, whereby fifth-grade students who meet promotional standards and live within the district are eligible to apply to any District 32 choice middle school. Students rank their preferences from among the District 32 choice middle schools and programs, as well as their zoned option. These options include:

- Choice middle schools or programs with a screened admissions method (admission is based on criteria designated by the school);
- Choice middle schools or programs with an unscreened or limited unscreened admissions method (limited unscreened schools admit students on the same basis as unscreened schools except that they give preference to students who have attended a school information session);
- Zoned middle schools and campus choice middle schools (multiple schools in one campus collectively serving a zone);
- K-8 schools with an unscreened admissions method that have available seats for middle school students;
- 6-12 schools with an unscreened, limited unscreened, or screened admissions method for middle school students.
- Schools with borough-wide or Citywide eligibility with unscreened, limited unscreened, or screened admissions method.

Students may also choose to apply to a number of schools that manage their own admissions process. In this way, the DOE is able to offer individual students the widest breadth of options across a large number of schools, but enrollment at any one particular middle school is largely determined by demand. The DOE only considers increasing planned enrollment at a school if the school either applies for an expansion or if the school is performing exceptionally well and would serve the community better by increasing enrollment.

In regards to increasing the schools' budgets, New York City schools are primarily funded through a per pupil allocation. That is, funding "follows" the students and is weighted based on students' grade level and need (incoming proficiency level and special education/ELL/Title I status). If a school's population declines from 2,500 to 2,100 students, the school's budget decreases proportionally—just as a school with an increase in students receives more money. Even if the DOE had a budget surplus, a school with declining student enrollment would still receive less per pupil funding each year enrollment falls.

Comments 10(b) and 19(b,c) relate to the question of why the DOE cannot find another space for AF Central Brooklyn.

The DOE seeks to provide space to high quality education options for all students, regardless of whether they are served in DOE or public charter schools. We welcome public charter schools to lease or provide their own space, but will offer space in DOE schools where it is feasible to do so. The DOE does not lease space directly for charter schools; a charter interested in private space, such as parochial school space or another non-DOE building, would have to acquire or lease that space with private funds.

Comments 3, 4(a), 12(c), 15(a), and 17(b) relate to the contention that District 32 does not need more schools, but rather should support existing schools, and comment 12(d) relates to the assertion that schools should not have to compete over students.

The DOE supports parent choice and is committed to providing different educational options to communities. Charter schools are also public schools, and thus represent a distinct alternative for parents who are not satisfied by the DOE options available.

In District 32, only 74% of middle school students are choosing to attend school within the district. This implies that 26% of students are not satisfied with their in-district options. Furthermore, there are quality concerns amongst District 32 middle schools. Only one middle school in District 32 received an A on its 2011-2012 Progress Report, and the majority of excess middle school seats are located in schools that received a C or below on their 2011-2012 Progress Report.

The DOE believes that AF Central Brooklyn, which will give admissions priority to District 32 residents, will serve as an additional option for students and families in the district.

Comments 15(b), 17(a), and 19(a) note positive qualities of I.S. 347 and I.S. 349.

As noted above, the DOE does not expect this proposal to impact current or future enrollment or instructional programming at I.S. 347 or I.S. 349. The DOE recognizes the many positive attributes of I.S. 347 and I.S. 349 and will continue to support both existing schools as it does currently. The DOE is committed to providing a portfolio of high quality school options to students and families and believes AF Central Brooklyn will simply provide a new option for students and families in addition to existing options such as I.S. 347 and I.S. 349.

Comments 16, 18(a,b), and 19(e) concern the availability of resources for DOE schools and the contention that charter schools have an inequitable access to additional space and resources.

With regard to the distribution of space, as discussed above, the DOE applies the Footprint to allocate a total room count to each organization in K111, including AF Central Brooklyn. The BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location and that the allocations are fair and equitable based on grade span and enrollment.

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 AF Central Brooklyn 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). However, 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. At present, K111 is not expected to undergo any capital improvements or facilities upgrades that would require matching funds.

With respect to concerns that charter schools "funnel" resources away from DOE schools, it should be noted that charter schools receive public funding based on their student enrollment, as do DOE schools. To the extent that a student opts to attend a charter school rather than a particular zoned DOE school, that zoned DOE school's enrollment may decline, resulting in less per student funding. However, this very same result occurs whenever a student decides to attend a choice, unzoned DOE school, rather than his or her zoned school. In this regard, the impact of a parent selecting a charter school is no different than the impact of a parent selecting an alternative DOE school. The DOE believes the ability for parents to choose where they wish their child to attend school is of paramount importance, and is committed to increasing the options available to families.

The co-location of a public charter school does not impact the resources available to other District 32 schools, including I.S. 347 and I.S. 349, other than by enrolling students who might have attended those schools. The DOE supports choice over requiring students to attend a school they do not prefer.

Comment 12(a) relates to the question of using under-utilized space in K111 for other purposes that would benefit the community.

Fundamentally, the proposal to open and co-locate AF Central Brooklyn's fifth through eighth grades in K111 is intended to provide a high performing option for parents of District 32 who are currently dissatisfied with their middle school options. As noted previously, 26% of students and families are currently choosing to attend middle school outside the district, which implies demand for higher quality in-district options. The DOE therefore believes this co-location is an efficient way to make use of the under-utilized space in the K111 building that will positively impact students and families in the community. Existing district schools have the ability to run additional programs within their buildings, and this proposal does not hinder their ability to do so. For example, the Beacon Program which is currently housed in K111 will continue to occupy space in the building and provide services to the students of I.S. 347 and I.S. 349.

Comment 6(a) questions whether I.S. 349 will be phased out.

The DOE recognizes that I.S. 349 is undergoing early engagement due to performance-related concerns. However, this proposal to co-locate AF Central Brooklyn in under-utilized space in K111 is entirely separate from this process. As of yet, the DOE has not made decisions related to the early engagement process.

Comments 4(b) and 12(b) concern the extent to which Achievement First Charter Network schools serve students with special needs and/or who have lower academic achievement levels, and contend that AF Central Brooklyn will not serve all students.

Public charter schools are not able to select their own students, but rather must admit students through a lottery process. Lotteries select students randomly from among the applicant pool. In contrast, screened schools such as I.S. 347 and I.S. 349, are able to select their students based on academic achievement, attendance, teacher recommendation, and admissions tests.

Furthermore, under recent amendments 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 Learners 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. AF Central Brooklyn must admit all students according to its lottery preferences, and may not turn away a student because of language ability, behavioral problems, or services required by an Individualized Education Program (“IEP”). AF Central Brooklyn has an admissions preference for District 32 students, and expects its ELL enrollment to be on par with the district average. 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 1<sup>st</sup>, for the preceding school year. This information is typically available that Winter/Spring.

The actual number of students with IEPs served by existing Achievement First schools varies by school. AF Central Brooklyn will learn which of its admitted students already have IEPs and will assess its students that may need IEPs. It is not possible to determine the percentage of students with IEPs at this time. AF Central Brooklyn is expected to provide all required support services to its students. The charter authorizer is responsible for determining the school’s compliance with its charter. The DOE has not performed an audit to determine the number of students at Achievement First schools who are eligible to receive ELL or special education services.

Comments 20, 21, 22, 23, 24, 25, 26, and 27 are not directly related to the proposal and therefore do not require a response.

### **Changes Made to the Proposal**

An amended EIS was published on October 26, 2012, and corrects the year in which AF Central Brooklyn’s charter was authorized. The EIS published on October 25, 2012 incorrectly stated AF Central Brooklyn’s charter was authorized in 2010. The amended EIS clarifies that AF Central Brooklyn’s charter was authorized in 2012.

No further changes were made to the revised proposal.

An analysis of public comments received will be provided to the Panel for Educational Policy prior to its determination regarding this revised proposal.