



**Public Comment Analysis**

Date: December 19, 2012  
Topic: The Proposed Extension of the Co-location of Coney Island Preparatory Public Charter School (84K744) with Existing Schools I.S. 303 Herbert S. Eisenberg (21K303), Rachel Carson High School for Coastal Studies (21K344), and a District 75 School (75K771) in School Building K303 Beginning in 2013-2014  
Date of Panel Vote: December 20, 2012

---

**Summary of Proposal**

On October 26, 2012, the New York City Department of Education (“DOE”) issued a proposal to extend the co-location of Coney Island Preparatory Public Charter School (“Coney Island Prep”), an existing public charter school that currently serves students in grades five through eight in building K303 (“K303”), located at 501 West Avenue, Brooklyn, NY 11224 in Community School District 21. Coney Island Prep is co-located with I.S. 303 Herbert S. Eisenberg (“I.S. 303”), an existing DOE zoned middle school that serves students in grades six through eight, Rachel Carson High School for Coastal Studies (“Rachel Carson”), an existing DOE high school that serves students in grades nine through twelve, and one site of a multi-sited District 75 school (“P771K@I303”) that serves students in grades six through eight in an inclusion program with I.S. 303. 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. This is a proposal to make the co-location of Coney Island Prep’s fifth through eighth grades at K303 permanent.

On April 28, 2011, The Panel for Educational Policy (“PEP”) approved a proposal, originally published on March 4, 2011 and amended on March 19, 2011 and April 2, 2011, to temporarily co-locate Coney Island Prep at K303 for the 2011-2012 and 2012-2013 school years. The approved proposal stated that the DOE would evaluate the available space in K303 and other District 21 locations before the start of the 2013-2014 school year and issue a new Educational Impact Statement (“EIS”) for the long-term siting of Coney Island Prep based on the most appropriate space available for the 2013-2014 school year and beyond. After completing the evaluation, the DOE has determined that K303 is the most appropriate space for the long-term siting of Coney Island Prep’s

fifth through eighth grades and is thus issuing this proposal.

As stated above, K303 currently houses three school organizations: I.S. 303, Rachel Carson, and P771K@I303. I.S. 303 is a zoned DOE middle school that also has an academic screened program, which enrolls students according to application auditions. In 2012-2013, I.S. 303 is projected to serve approximately 615 sixth through eighth grade students. Rachel Carson is a DOE high school that enrolls students through the Citywide high school admissions process and exercises a Limited Unscreened selection method. In 2012-2013, Rachel Carson is projected to serve approximately 446 ninth through twelfth grade students. P771K@I303 is a District 75 inclusion program. P771K@I303 students are enrolled in I.S. 303's general education classes based on their Individualized Education Program ("IEP") recommendations and receive Special Education Teacher Support Services ("SETSS"). In 2012-2013, P771K@I303 is projected to serve 20 sixth through eighth grade students.

K303 has the capacity to serve 1,661 students and in 2012-2013 is projected to serve 1,436 total students, which yields an estimated building utilization rate of 86%. Because grade spans and enrollment are not expected to shift as a result of this proposal, it is anticipated that the utilization rate in K303 in 2013-2014 will be approximately 81%-91%.

The DOE does not anticipate that this proposal will affect student enrollment, the admissions process or instructional programming at I.S. 303, Rachel Carson, or P771K@I303.

The EIS and BUP detailing this proposal are available on the DOE's website: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Dec2012Proposals.htm>.

Copies of the EIS and BUP are also available in the main offices of I.S. 303, Coney Island Prep, P771K@I303, and Rachel Carson.

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

A joint public hearing regarding the proposal was held at K303 on December 3, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 127 members of the public attended the hearing, and 15 people spoke. Present at the meeting were District 21 Superintendent Isabel DiMola who served as the Chancellor's Designee; District 21 Community Education Council ("CEC 21") President Yoketing Eng and CEC 21 members Stuart Handman and Evangelean Pugh; Citywide Council on High Schools member Monique Lyndsay; I.S. 303 Principal Carmen Amador; Rachel Carson Principal Edward Wilensky; Coney Island Prep Principal Jacob Mnookin; P771@I303 School Leadership Team Representative Lori Tancredo; and Meg Barboza, Amanda Cahn, and Lauren Lefty from the DOE's Office of Portfolio Management.

The following comments and remarks were made at the joint public hearing on December 3, 2012 on the proposal:

1. Jacob Mnookin, Principal of Coney Island Prep, voiced his support for the proposal and stated:
  - a. He is proud of the work of his school, which is ranked in the top 6% of schools Citywide.
  - b. The existing co-location is special because all schools in the building are examples of high performance.
  - c. The schools can continue to work together and provide high quality options for all students in the district.
2. Stuart Handman, CEC 21 Councilmember, made the following statements and proposed an alternative to the proposal:
  - a. He does not want to say anything negative about the schools in K303, but is concerned about the permanent co-location of Coney Island Prep in the building. There will not be space if any of the schools wish to grow.
  - b. The DOE should not to make the extension of the co-location of Coney Island Prep permanent, but rather should review every year or two to see if the co-location still makes sense.
  - c. He does not want the proposal to make already high-performing schools not as high-performing.
3. Yoketing Eng, President of CEC 21, noted that the CEC met on November 28, 2012 to discuss the proposal and drafted the following resolution, which he read:
  - a. **WHEREAS**, two years ago the Department of Education promised a temporary co-location of Coney Island Prep (“CIP”); and
  - b. **WHEREAS**, I.S. 303 is in the process of implementing new programs to increase student population which will require additional space; and
  - c. **WHEREAS**, there was not any discussion with the District 21 community for the permanent co-location of CIP in the I.S. 303K facility; and
  - d. **WHEREAS**, even though there was strong opposition of the original co-location of CIP; and
  - e. **WHEREAS**, the school facilities that were not expected to be shared with Coney Island Prep are now being utilized by CIP, for example, the library; and
  - f. **WHEREAS**, CIP stated at the April 4, 2011 public forum that “Our intention is not to take over any of your most sacred spaces. Coney Island Prep has no intention of having our students ever use the I.S. 303 library”; and
  - g. **WHEREAS**, the change of instructional programming proposed by the Office of Portfolio Planning (“OPP”) contradicts the NYC Mayor’s and Chancellor’s vision of empowerment for school principals; and
  - h. **WHEREAS**, the OPP has indicated that CIP can be allocated 16 full size spaces; and
  - i. **BE IT RESOLVED THAT**, Community Education Council District 21 is concerned about the children of this community and giving them the education that they deserve. I.S. 303 has undergone dramatic educational

restructuring to better meet the needs of the students from our community. These students continue to thrive as a result of the strong educational initiatives and vision of this school. I.S. 303 has built a strong bond with the community that embraces what they do every day on their children's behalf. The progress, growth, and performance of students in I.S. 303K, Rachel Carson High School and P771K will be impeded by the permanent co-location of Coney Island Prep; and

- j. **THEREFORE BE IT RESOLVED THAT**, the DOE must work to ensure that students and families in every community have high-quality educational options; and
  - k. **THEREFORE BE IT FURTHER RESOLVED THAT**, CEC 21 is against the permanent co-location of Coney Island Prep into Building K303, which includes I.S. 303K, Rachel Carson High School and P771K.
4. Monique Lyndsay, the President of the Citywide Council on High Schools, stated:
    - a. Co-locations pit schools against schools, parents against parents, and students against students.
    - b. The DOE needs to come up with a way for charter schools to have their own space.
    - c. She is against the permanent siting of Coney Island Prep at K303.
  5. Judy Garowitz, the UFT Representative for District 21, made the following comments:
    - a. The DOE should demonstrate the candor and transparency that it says is fundamental to its organization. The DOE previously said the co-location of Coney Island Prep was temporary and there would be plans to re-locate the charter school.
    - b. The DOE went against the shared space plan and Coney Island Prep was allowed to grow.
    - c. I.S. 303 is not able to grow due to the co-location. The DOE went to arbitration because class sizes are too large.
    - d. Coney Island Prep said that they would not use certain spaces, such as the library, but they are currently using them.
    - e. There is not an even playing field for I.S. 303, Rachel Carson, and Coney Island Prep. Coney Island Prep gets to eat organic lunches and does not have to make up the same days as the others schools do due to Hurricane Sandy.
    - f. The DOE should find another location for Coney Island Prep.
  6. One commenter communicated his support for the proposal and stated:
    - a. His son came to Coney Island Prep with an Individualized Education Program and is now declassified thanks to the work of the school.
    - b. He wants to give thanks to the other co-located schools in K303 for giving Coney Island Prep a home.
    - c. All schools in the building offer an excellent education and there is room for everyone to receive an education in the building. If the situation is not broken, don't fix it.
  7. One commenter expressed support for the proposal and asserted:
    - a. The transition into the building for Coney Island Prep was easy.

- b. I.S. 303 and Rachel Carson have shown excellence and respect, integrity and determination.
  - c. Coney Island Prep's model is to have the courage to dream and the commitment to succeed, and she is sure the other schools agree and are committed to do the same.
  - d. She hopes all the schools can stay together as one.
8. One commenter expressed support for the proposal and stated:
- a. Coney Island Prep has served the interest of children by giving them pride.
  - b. Coney Island Prep students are chosen by a lottery and the school serves all children.
  - c. All schools have come together in the building to provide an excellent education.
9. One commenter expressed support for the proposal and commented:
- a. He does not feel like the schools in the building are pitted against each other.
  - b. Co-location is a long-term positive thing.
10. One commenter expressed support for the proposal and stated:
- a. Coney Island Prep fosters a sense of community and inspires students to be college-bound and to change the world.
  - b. Her son was not excelling in his previous school and now he is ahead in reading.
  - c. The current system works.
  - d. The Coney Island Prep staff emulates pride and professionalism, and the students are committed to excellence as evidenced by their state math and reading scores.
  - e. Coney Island Prep should be able to stay in the building. Coney Island Prep is a model and should be left where it is.
11. One commenter stated:
- a. Two years ago the DOE promised the schools' staff that Coney Island Prep was not going to occupy any space in public school buildings and that the siting was temporary because Coney Island Prep was seeking private space. These statements made by the DOE and Mr. Mnookin are not true.
  - b. All schools are making the best of the situation because they have to, that does not mean that the situation should be made permanent.
  - c. She is not opposed to Coney Island Prep's right to exist, but rather the policy of co-location.
12. One commenter expressed support for the proposal and stated:
- a. Her son is getting an excellent education and has made many friends.
  - b. She asks that everyone please support the co-location at K303.
13. One commenter made the following statements and posed the following questions:
- a. If Coney Island Prep had enough money, would they move?
  - b. What will happen if Coney Island Prep grows?
  - c. Coney Island Prep moved in with a promise to move out. What does that teach the children?

- d. He supports the temporary extension of the co-location until there is a better plan.
14. One commenter made the following statements in support of the proposal:
- a. Since the last joint public hearing, she has seen how children in the building have been in a safe, flourishing environment.
  - b. The teachers and administrators of all schools have come together.
  - c. Coney Island Prep families and the school is committed to continue working together with concern, respect and politeness.
  - d. Coney Island Prep has given her daughter a chance to learn at her own pace and grow many grade levels.
  - e. The Coney Island area needs more good schools like Coney Island Prep.
  - f. She looks forward to continuing the co-location at the building.
15. Evangelean Pugh, CEC 21 Councilmember, stated:
- a. We are one big community.
  - b. She loves Coney Island Prep’s model, but the problem is that there is not enough space in K303. What happens when more parents want their children to go to Coney Island Prep? There is no room to grow.
  - c. Everyone should work together to find Coney Island Prep their own space.

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

16. One commenter asserted that the DOE should not be warehousing students like they do to special education students in the district.
17. One commenter stated that we need more school buildings in the Coney Island area because there is not enough room for schools to grow and expand.

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

18. One commenter wrote to the DOE in support of the proposal for the following reasons:
- a. His son benefited from the quality education provided by Coney Island Prep.
  - b. The co-location has been a success story for all four schools in the K303 building, and all four schools are working well together.
  - c. The students have a safe environment for learning at K303.
19. One commentator expressed support for the proposal due to the ability of all schools at K303 to work side by side in successful partnership.

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

Comments 1, 6, 7, 8, 9, 10, 12, 14, 15(a), 18, and 19 are in favor of the proposal and do not require a response.

Comments 5(e) concerns the availability of resources for DOE schools and the contention that charter schools have an inequitable access to additional resources.

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 Coney Island Prep 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, school lunches, advertising, 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.

In regards to the issue of whether or not Coney Island Prep has the same make-up day requirements as I.S. 303, charter schools set their own calendar to serve instructional days as outlined in each school's charter, which by state law must be at minimum 180 days of instruction for year. As CIP's authorizer, DOE has received CIP's revised calendar, which includes additional instructional days to make up for the days lost due to Hurricane Sandy that meet this requirement.

Comments 3(b, g, i), 5(c, f), 13(b), and 15(b) relate to space in K303.

Roughly half of the DOE's schools share space in a building. Because of co-locations, the DOE is able to use its limited facilities efficiently while simultaneously creating additional high-quality options for New York City families. This is necessary when the DOE has scarce facilities and a demand for more high-performing options. In making decisions about how to efficiently use space in its buildings, the DOE does not distinguish between students attending public charter schools and students attending DOE schools. In all cases, the DOE seeks to provide high quality education and allow parents/students to choose where to attend.

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 Footprint is available at [http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011\\_FINAL.pdf](http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf).

The BUP details the number of class sections each school is expected to program each year through 2013-2014 and allocates the number of classrooms accordingly. 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. The BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location.

Furthermore, the DOE notes that unlike most middle schools, I.S. 303's sixth and seventh grade students do not move from class to class. Rather, current sixth and seventh grade students remain in their homeroom throughout the day except for when they are scheduled for a cluster activity (i.e. art, music, etc.) or for lunch or recess, etc. Thus, the current sixth and seventh grade classes are programmed similar to an elementary school, and as such use comparable space. Therefore, the DOE has applied the elementary school Footprint requirements to I.S. 303's sixth and seventh grade classes and the sixth through eighth grade Footprint requirements to I.S. 303's eighth grade class in determining the amount of instructional and administrative space the school will be allocated. This proposal will not require I.S. 303 to change the way in which it currently serves its middle school students, and I.S. 303's Footprint allocation reflects this programming decision.

Comments 2(c) and 3(b, g, i) relate to the issue of Coney Island Prep's co-location impacting the enrollment and programming at I.S. 303.

As stated in the EIS, the DOE does not anticipate that the proposal to extend the co-location of Coney Island Prep in K303 will impact the enrollment or programming of I.S. 303.

The enrollment projections set forth in the EIS are based on the current enrollment of the entry point grade and assume that the same number will age up and that there is stable incoming enrollment at the entry point. Therefore, there is nothing that leads the DOE to believe that the proposed co-location extension will have an impact on I.S. 303's enrollment.

In regards to programming, as stated in the EIS, the proposed co-location is not expected to impact instructional programming, extracurricular activities, partnerships, or the admissions process to the schools currently co-located in the building. School leaders are empowered to make decisions about how to utilize the space allocated to the school. Each principal, therefore, must make decisions about how and where students will be served within the space allocated to the school. The DOE, however, will provide support to the schools to ensure that the schools use the space efficiently in order to maximize capacity to support student needs and maintain appropriate delivery of special education and related services to students.

As noted previously, the proposal also recognizes I.S. 303's unique programming, in which sixth and seventh graders program similar to an elementary school as opposed to a

middle school. The DOE has allocated the appropriate amount of space to accommodate this unique instructional programming, and does not anticipate an impact on the way I.S. 303 serves its students.

Comments 4(b), 11(a), 13(a), and 15(c) suggest that Coney Island Prep should move into private space.

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. The DOE welcomes public charter schools to lease or provide their own spaces, 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 school space would have to acquire or lease that space with private funds.

Furthermore, the DOE seeks to fully utilize all its building capacity to serve students. The DOE does not distinguish between students attending public charter schools and students attending DOE schools. In all cases, the DOE seeks to provide high quality education and allow parents/students to choose where to attend.

Comments and 3(a), 5(a), 11(a), and 13(c) relate to the previous timeline established for Coney Island Prep's siting at K303.

On April 28, 2011, the PEP approved a proposal, originally published on March 4, 2011 and amended on March 19, 2011 and April 2, 2011, to temporarily co-locate Coney Island Prep at K303 for the 2011-2012 and 2012-2013 school years and presented that proposal at a joint public hearing held on April 4, 2011. The approved proposal explicitly stated that the DOE would evaluate the available space in K303 and other District 21 locations before the start of the 2013-2014 school year and issue a new EIS for the long-term siting of Coney Island Prep based on the most appropriate space available for the 2013-2014 school year and beyond. After completing the evaluation that was referenced in the amended EIS that was approved by the PEP in April 2011, the DOE has determined that K303 is the most appropriate space for the long-term siting of Coney Island Prep's fifth through eighth grades and is thus issuing this new proposal.

Comment 3 (c) states that the DOE did not adequately engage with the community in drafting this proposal.

The DOE provided notice to all requisite stakeholders as required by law, met with the principals of I.S. 303 and Rachel Carson prior to the posting of the proposal, and has and will continue to listen to community feedback consistent with Chancellor's Regulation A-190. The DOE held a joint public hearing at which members of the public were invited to attend and make comments related to the proposal. Indeed, as described above, more than 127 members of the public attended the joint public hearing. Moreover, the DOE maintains dedicated voicemail number and e-mail address to receive comments from the public regarding this proposal. Members of the public will also have an opportunity to make comments prior to the PEP's vote on this proposal at the PEP meeting that will be

held on December 20, 2012 at 6:00 PM at The High School of Fashion Industries, 225 West 24<sup>th</sup> Street, Manhattan, NY 10011.

Comments 3(e, f, h) and 5(b, d) relate to the use of space allocated to Coney Island Prep. The BUP relating to the proposal to temporarily co-locate Coney Island Prep in K303 that was approved by the PEP in April 2011, stated that Coney Island Prep would be allocated 16 full-size classrooms in 2012-2013. Coney Island Prep is currently occupying those 16 full-size classrooms. The proposed BUP relating to this proposal to extend the co-location of Coney Island Prep in K303 proposes that Coney Island Prep be allocated 16 full-size classrooms in 2013-2014, as well.

In addition, the BUP relating to the proposal to temporarily co-locate Coney Island Prep in K303 that was approved by the PEP in April included a proposed shared space schedule, which outlined a feasible and equitable use of the building's shared spaces for all four co-located school organizations, I.S. 303 (including P771K@I303's inclusion students), Rachel Carson, and Coney Island Prep. The proposed schedule, as approved by the PEP, allocated Coney Island Prep time in the library proportional to its enrollment.

Comments 2(b), 4(c), 11(b), and 13(e) suggest that the extension of the co-location remain temporary instead of becoming permanent.

The DOE is committed to finding long-term, stable locations for all public schools, including public charter schools. As explained above, the proposal approved by the PEP in April 2011 stated that the DOE would evaluate the available space in K303 and other District 21 locations before the start of the 2013-2014 school year and issue a new EIS for the long-term siting of Coney Island Prep based on the most appropriate space available for the 2013-2014 school year and beyond. This proposal, as described in the EIS, represents the long-term siting solution for Coney Island Prep. The DOE believes that K303 is the best long-term home for Coney Island Prep based on available space in the District and the fact that 82% of Coney Island Prep students reside in District 21, with the majority residing in the Coney Island area.

If, in the future, the DOE decides to propose another significant change in utilization of K303, then another proposal will be presented in accordance with Chancellor's Regulation A-190 at that time.

Comments 2(a), 3(d, j, k), 4(a), and 11(c) express general opposition to the long-term siting of Coney Island Prep at K303.

The DOE recognizes that some people in the community may have strong feelings against this proposal, the DOE believes that, if this proposal is approved. However, paramount to any successful collaboration is the development of patience, understanding, and respect for all parties involved. The DOE is confident that I.S. 303, Rachel Carson, P771K@I303, and Coney Island Prep principals will be able to continue to create a collaborative and mutually respectful environment for all students, parents, staff, and faculty members in K303. The DOE believes that extending the permanent co-location of

Coney Island Prep at K303 is the best long-term siting solution for Coney Island Prep's fifth through eighth grades. If this proposal is approved, Coney Island Prep will continue to serve as a high-quality option to the students and resident of District 21.

**Changes Made to the Proposal**

No further changes were made to the revised proposal.