

Public Comment Analysis

Date: December 19, 2012
 Topic: The Proposed Opening and Co-location of Citizens of the World Charter School New York 1 (84KTBD) with Existing Schools John Ericsson Middle School (14K126) and Believe Northside Charter High School (84K693) in Building K126 Beginning in the 2013-2014 School Year
 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 a new public charter school, Citizens of the World Charter School New York 1 (84KTBD, “Citizens”) in building K126 (“K126”), which is located at 424 Leonard Street, Brooklyn, NY 11222, in Brooklyn’s Community School District 14, beginning in the 2013-2014 school year.¹ Citizens will serve students in kindergarten through fifth grades. If this proposal is approved, Citizens will be co-located in K126 with existing schools John Ericsson Middle School (14K126, “Ericsson Middle”), an existing district middle school that serves sixth- through eighth-grade students, and Believe Northside Charter High School (84K693, “Believe Northside”), an existing charter school that serves ninth- through twelfth-grade students, beginning in the 2013-2014 school year. Building K126 also houses Beacon, an after-school program run by the YMCA.

In Summer 2012, Citizens’ charter was authorized by the State University of New York Charter Schools Institute (“SUNY CSI”) to serve students in kindergarten through fifth grades. Citizens will partner with Citizens of the World Charter Schools (“Citizens Schools”), a national network of charter schools. Citizens will open with kindergarten and first grade classes in 2013-2014 and will add one grade each year until it serves students in kindergarten through fifth grades in 2017-2018. The school will admit students via the charter lottery application process, with preference given to District 14 residents.²

According to the 2011-2012 Enrollment Capacity Utilization Report (the “Blue Book”), K126 has the capacity to serve a total of 1,366 students. K126 is projected to serve 668 students³ in 2012-2013, yielding a projected utilization rate of approximately 49%.⁴ This means that the building is “underutilized” and has space to accommodate additional students. If this proposal is approved, in 2017-2018, once Citizens’ kindergarten through fifth grades have fully phased in and the school has reached full scale, Citizens is

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>.

³ According to the 2012-2013 Budget Register Projections.

⁴ 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 enrollment 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 will conduct a detailed site survey and space analysis of the building to assess the amount of space available in the building.

projected to serve 342-432 students, Ericsson Middle is projected to serve 255-285 sixth- through eighth-grade students, and Believe Northside is projected to serve 360-420 ninth- through twelfth-grade students for a total of 957-1,137 students, yielding a utilization rate of 70%-83%.

Copies of the EIS describing this proposal and the accompanying BUP are available in the main offices of Ericsson Middle and Believe Northside. 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 at the Joint Public Hearing

A joint public hearing regarding this proposal was held on December 5, 2012 at K126. Participants had the opportunity to provide input on the original proposal.

Approximately 200 members of the public attended the hearing, and 38 people spoke. Present at the meeting were Community School District 14 Superintendent Alicja Winnicki; District 14 Community Education Council ("CEC 14") President Tesa Wilson; CEC 14 Second Vice President Mario Aguila; Marcos Bausch, Principal of Ericsson Middle 126; Reshma Baig, Principal of Believe Northside; Tom Franta representative from SUNY CSI; New York City Council Member Diana Reyna; New York City Council Member Stephen Levin; New York State Assembly Member Jim Lentol; Evelyn Cruz representing U.S. Congresswoman Nydia Velasquez; and Meg Barboza and Gabrielle Wyatt from the Division of Portfolio Planning.

The following comments and remarks were made or submitted at the Joint Public Hearing on December 5, 2012:

1. Tesa Wilson, CEC 14 President, asserted the following:
 - a. District 14 does not need another elementary school.
 - b. The DOE likes to say parents will vote with their feet because their options are poor, but District 14 has magnet schools, Blue Ribbon schools, and some of the top schools in the city. K126 is surrounded by some of the best elementary schools. We do not want another elementary school.
 - c. I do not feel safe about enrolling an elementary school student in a building that has middle and high school students. The DOE will say that safety will be recognized, but they cannot control what some teenagers are doing.
 - d. CEC 14 does not support this proposal. A vote from the PEP will be a vote against this community, against Ericsson Middle, and against all of the other elementary schools in this community.
2. Mario Aguila, CEC 14 Second Vice President, stated the following:
 - a. CEC 14 has been asking the DOE for more middle schools.
 - b. Why open another elementary school? We have good elementary schools right here. We do not need more elementary schools.
 - c. We have been seeing great changes at Ericsson Middle, and we are trying to get it to the place it used to be.
 - d. Open more middle schools in District 14.
3. Reshma Baig, Believe Northside Principal, stated the following:
 - a. With any co-location proposal the ultimate goal is implementation. The parties have to be able to work together. We are all servicing human needs and our children. In order to

- accommodate another school, we have to be fair to those needs as well, which will require a lot of cooperation.
- b. Adequate space is an issue. Classroom space will be taken away from Believe Northside and Ericsson Middle. High school students will feel the impact of classroom space being taken away.
 - c. How is the DOE comfortable co-locating elementary and high school students? There are safety issues with occupying the same building.
4. Marcos Bausch, Ericsson Middle Principal, stated the following:
 - a. My goal is to grow Ericsson Middle as big as possible to serve the community.
 - b. My parents are concerned about what space we will lose and how it will impact our programs. I am 100% in support of those parents' concerns.
 5. Evelyn Cruz, representing Congresswoman Valasquez, stated the following:
 - a. We are tired of charter schools invading public schools spaces and using taxpayer money.
 - b. We should not allow the DOE to continue to fuel class segregation. We ask of our new neighbors to join with us to fight for equity.
 - c. Every time a charter is co-located it takes up space for kids that should have the right to art space and a gym.
 - d. If charters want to come here then they should look for their own building.
 - e. If students do not succeed in a public school, you can expect that they will be returning to a public school. If students do not succeed in a charter school, you can expect that they will be returning to a public school.
 - f. Charters are already here, but we do not want anymore. We are saturated.
 - g. Citizens is a new school in California with no record of achievement. Why is the DOE using tax dollars on a new untested school?
 - h. Charters pit parents against parents, kids against kids.
 - i. The DOE needs to focus on the transparency of the process of co-locations.
 6. New York City Councilmember Diana Reyna stated the following:
 - a. This community is united on this issue: we oppose Citizens.
 - b. We do not need nor want another elementary school. District 14 is underenrolled with 20 elementary schools. Five additional elementary schools opened this past year, all approved by the DOE. This is poor public policy and planning and a lack of commitment to and support of our local public schools.
 - c. We have only 8 middle schools. For years we have been asking for a new district middle school and have been ignored.
 - d. Through co-locations and closures we have witnessed criminal behavior on behalf of the DOE.
 - e. Believe Northside was built by people in the community from the ground up. It was community led. Citizens is not.
 - f. Citizens claims to strive for diversity. On the contrary, diversity is not achieved through an exclusive process but through an inclusive process. I oppose Citizens because the principles we have are not to divide by socioeconomic status or by corporate interest.
 - g. I question whether Ericsson Middle will have the resources it needs to prosper and grow.
 7. New York State Assemblymember Jim Lentol stated the following:
 - a. There are a lot of communities in need of educational change and in need of charter schools. The communities in need are not getting charter schools because charter schools are going where there are great students to pilfer them from the great district public schools.

- b. Ericsson Middle was failing over the years, but now we are turning it around. Ericsson Middle gets rewarded for hard work by co-locating a charter school here.
 - c. Now in Williamsburg and Greenpoint, there is no where to go for middle school; residents will have to go outside the neighborhood to go to middle school.
 - d. Public schools are being undermined by charter schools being run by outsiders who know nothing about our community. They know this community has great students and that other charters have succeeded here, and they know it is an opportunity.
 - e. This proposal is not in the best interest of our children.
 - f. The existing public schools excel at educating our students and no charter school is going to change that.
 - g. I am afraid that charter schools will prey on the new people in the community, serving just the white parents.
 - h. Our schools are run by people from the community. This is a time that we should seek to expand our support to our current public schools, not bring in Citizens. I oppose the proposal to site Citizens at K126.
8. New York City Councilmember Stephen Levin stated the following:
- a. I oppose the proposal to co-locate Citizens.
 - b. Ericsson Middle is amidst transformation. With support, Ericsson Middle will become a first choice middle school. Ericsson Middle needs resources and space, and that cannot happen if another school moves in.
 - c. District 14 has seen an influx of charter schools. At city education budget hearings, the charter budget grew by \$70 million from fiscal year 2012 to fiscal year 2013. At the final budget hearing, that was revised to a \$120 million increase from the previous year. We need to stop siting new charters at this time because that money needs to go somewhere else.
 - d. The DOE should be more selective with proposing new charter schools. I am proposing setting a moratorium on siting new charters.
 - e. I ask that the DOE withdraw this proposal.
 - f. Public elementary schools will thrive in this community because of dedicated parents who are committed to sending their kids to their neighborhood school.
9. Multiple commenters stated concerns about the existing schools in K126 losing space and programming, such as art classes.
10. Multiple commenters asserted there is not space at K126 for an additional school organization.
11. Multiple commenters stated the co-location will be a fire hazard and endanger students' lives.
12. Multiple commenters stated an elementary school co-location is unsafe.
13. One commenter stated the following:
- a. The community is filing a lawsuit against the DOE. Over 300 parents have signed on to this lawsuit so far.
 - b. We have to come together as a community again because adding another elementary school is bad city planning.
 - c. We have absolutely no waiting lists at our elementary schools, including Blue Ribbon schools. There is no need for additional elementary schools.
 - d. Our schools satisfy our parents. The DOE is not satisfying what we want. We want smaller class sizes.
 - e. Citizens does not know our schools and our community.
14. One commenter stated support for the proposal because of her belief in choice and options. Citizens is not a corporation. We are educators committed to providing great educational options.

15. One commenter stated support for the proposal because it provides an option she wants to send her children to.
16. One commenter stated support for the proposal and that schools are underenrolled because parents have the choice to enroll children in other schools, which is a good thing.
17. One commenter asserted parents do not actually have a choice because Success Charter Schools were still sited in District 14 last year after parents said no.
18. One comment stated the building was not under-utilized.
19. Multiple commenters stated general opposition to Citizens as an organization because of its previous interactions with the leaders of Success Charter Schools.
20. Multiple commenters stated concerns about the neighborhoods selected for charter school proposals.
21. Multiple commenters stated an additional elementary school is not needed in District 14. Middle schools are needed in District 14.
22. Multiple commenters stated Citizens reinforces segregation and targets white students.
23. One speaker stated support for Citizens and its sincere intentions to become a part of the District 14 community.
24. One speaker stated charters have a poor record of serving special needs and English Language Learner (“ELL”) students.
25. One commenter stated Citizens wants to collaborate with the other schools in the building.
26. Multiple speakers stated charter schools take away funding from public schools.
27. Multiple speakers asserted charter schools are corporations and should use private space.

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

28. Three comments were received in opposition to the proposed co-location. Reasons given were:
 - a. The district does not want or need Citizens in the community.
 - b. Ericsson Middle is re-building, and therefore needs space to grow and expand.
 - c. There are excellent elementary schools near the K126 building.
 - d. Citizens does not offer anything more progressive than what currently exists in the district.
 - e. There are districts that need charter schools more than District 14.
 - f. Citizens is a corporation, not a non-profit entity.
 - g. Public funding should not be given to charter schools; charter schools should find private space.
29. One comment was received asking for factual information about the proposal.
30. Community Board 1 submitted a resolution opposing the co-location proposal because of the following:
 - a. Citizens will impact funding for nearby elementary schools.
 - b. District 14 has the most charter schools compared to other districts.
 - c. Ericsson Middle will lose vital art rooms, science rooms, computer rooms, and rooms for special education.
 - d. The proposal will not allow Ericsson Middle to grow.
 - e. The DOE already opened Success Charter schools in the district, despite community opposition.
 - f. Citizens targets white families and will reinforce segregation.
31. New York State Senator Martin Malave Dilan submitted a letter rejecting the proposal because:
 - a. The placement will adversely impact existing schools.

- b. Citizens does not provide an option that does not currently exist in district schools.
32. One commenter stated the following:
- a. The DOE has continued to ignore parents of District 14 regarding the opening and co-location of Citizens. Public meetings were held where more than 100 people came to voice their concerns.
 - b. The DOE presented data about the negative impact of Citizens on a neighboring site, which was taken from the DOE Satisfaction Survey. Many of the DOE's staff voiced concerns over safety, lack of supplies, and professional development. However, a substandard school is still being placed in District 14.
 - c. Parents really do not have a choice.
33. One commenter stated the following:
- a. WAGPOPS! (Williamsburg and Greenpoint Parents: Our Public Schools!), a coalition of parents from District 14, oppose the proposed co-location of Citizens.
 - b. The addition of another elementary school in District 14 is bad city planning.
 - c. The availability of space guides where charter schools are opened and declining enrollment in District 14 public schools has led to available space in the Williamsburg and Greenpoint neighborhoods.
 - d. This school year, 29% of District 14 Kindergarteners are enrolled in District 14 charter schools, while New York City's average is 5%. These choices should be spread more evenly throughout New York City and not in District 14 because of the availability of space.
 - e. Siting Citizens in K126 is especially troubling for Ericsson Middle, as it is the only middle school in Greenpoint. Parents in the four elementary schools within walking distance of Ericsson Middle would like their children to walk to their nearby middle school. With a new principal reaching out to the community, Ericsson Middle is poised to be an excellent middle school choice for parents in the area.
 - f. CEC 14 has asked for quality middle school seats for the over eight years.
 - g. District 14 does not have the children to fill the seats in our elementary schools. The census numbers show a continued decline in the number of school-aged children.
 - h. District 14 does not have overcrowded schools or children forced to attend a zoned school. Parents can and do choose from any of the neighborhood schools.
 - i. Citizens plans to be as large or larger than the majority of District 14 schools.
 - j. Citizens does not offer new programming or curricula.
 - k. Ericsson Middle is six blocks from P.S. 110, which has room to open several more kindergarten classrooms. Opening up an additional elementary school will have a huge impact on P.S. 110's enrollment, along with many nearby elementary schools.
 - l. Supporters of Citizens represent a small group of parents who have no knowledge of the public school options currently available to them.
 - m. Many parents who initially attended informational meetings are now against Citizens in District 14.
 - n. Citizens will radically reverse the trend towards integration in our neighborhood schools, and will ensure continued segregation in the neighborhoods that have suffered from decades of Latino isolation. District 14 has eight magnet elementary schools, three of which have successfully integrated. We would rather see efforts to integrate the existing schools in District 14, public and charter, rather than creating new elementary schools.
 - o. The new P.S. 414 Brooklyn Arbor was opened after Citizens was approved, creating another popular elementary school choice for parents. Initial supporters of Citizens are attending P.S. 414 Brooklyn Arbor.

- p. Every elected official has opposed Citizens in District 14.
- q. The DOE received copies of letters that were addressed to the charter authorizer arguing that the authorization should not be granted.

The DOE received written and/or oral comments which do not directly relate to the proposal and therefore, will not be addressed. Those comments are summarized below.

- 34. Mario Aguilina, CEC 14 Second Vice President, stated the problem with the Bloomberg administration is that that they take and do whatever changes they want.
- 35. One commenter stated New York City is a malfunctional educational machine.

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

Comments 14, 15, 16, 23, and 25 are in favor of the proposal and do not require a response.

Comments 10,18, and 33 (c) concern the space allocations to Ericsson Middle, Believe Northside, and Citizens, and contend that there is no space for an additional school.

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

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.

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/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 2017-2018 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, is determined by the Office of Space Planning in consultation with the principals of each school if this proposal is approved. The BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location.

In addition, the BUP puts forth a proposed shared space schedule for the co-located schools. The final shared space schedule will be decided upon by the Building Council if this proposed co-location is approved by the PEP. If the Principals are 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>.

With respect to concerns that there is insufficient space to co-locate an additional organization, the EIS indicates that, according to the 2010-2011 Enrollment Capacity Utilization Report (the “Blue Book”), K126 has the capacity to serve a total of 1,366 students. In 2012-2013, K126 is projected to serve 668 students, yielding a projected utilization rate of approximately 49%. This means that the building is “underutilized” and has space to accommodate additional students. If this proposal is approved, in 2017-2018, once Citizens’ kindergarten through fifth grades have fully phased in and the school has reached full scale, Citizens is projected to serve 342-432 kindergarten through fifth grade students, Ericsson Middle is projected to serve 255-285 sixth through eighth grade students, and Believe Northside is projected to serve 360-420 ninth through twelfth grade students, for a total of 957-1,137 students, yielding a projected building utilization rate of approximately 70%-83%.

As described in more detail in the Blue Book, which is available at http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Enrollment/2011-2012_Classic.pdf, a building’s target utilization rate is calculated by dividing the aggregated enrollment of all the school organizations in the building by the aggregated “target capacities” of those organizations. Each school organization’s “target capacity” is calculated based upon the scheduled use of individual rooms as reported by principals during an annual facilities survey, the DOE’s standards for goal classroom capacities (which are lower than the United Federation of Teachers contractual class sizes and differ depending on grade level), and the efficiency with which classrooms are programmed (i.e., the frequency with which classes are scheduled in a given classroom).

Comment 3 (b) states space will be taken away from Ericsson Middle and Believe Northside, and asserts high school students will negatively feel the impact of a decreased space allocation. Comment 30 (c) states Ericsson Middle will lose vital rooms, such as those used for special education instruction.

As stated previously, the BUP details the number of class sections each school is expected to program each year through 2017-2018 and allocates the number of classrooms accordingly. As stated in the BUP, Ericsson Middle and Believe Northside are collectively currently using 25 full-size spaces, 5 half-size spaces, and 6

quarter-size spaces in excess of their respective baseline and adjusted Footprint allocations, some of which will be allocated to Citizens for the 2013-2014 school year. Both Ericsson Middle and Believe Northside will be allocated less excess space over time as Citizens phases in; however, all schools will continue to receive their respective baseline and adjusted Footprint allocations. After all schools have received their respective baseline and adjusted Footprint allocations, excess rooms will be distributed equitably by the Office of Space Planning based on the physical location of the available space in relation to the location of each school within the building and on the enrollment of the schools. Decisions will be made in consultation with the Building Council.

Once Citizens is fully phased in in 2017-2018, Ericsson Middle will be allocated 18 full-size, 2 half-size, 2 quarter-size, and 2.5 full-size equivalent rooms of designed administrative spaces. This allocation is 2 quarter-size spaces in excess of Ericsson Middle’s adjusted baseline footprint. Believe Northside will be allocated 18 full-size, 4 half-size, and 4 quarter-size spaces. This allocation is 1 full-size and 2 quarter-size spaces in excess of Believe Northside’s baseline footprint. Citizens will be allocated 23 full-size and 6 half-size spaces, equal to its baseline footprint allocation. This allocation is 1 full-size space in excess of Citizens’ baseline footprint.

Furthermore, while the Footprint sets forth a baseline space allocation, 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 space efficiently in order to maximize capacity to support student needs and maintain appropriate delivery of special education and related services to students. Where appropriate, school leaders will have an opportunity to draw upon the expertise and guidance of the Office of Special Education, which is dedicated to promoting positive educational outcomes for students with disabilities.

Comments 5 (c) and 9 assert Citizens will take up space that would have been otherwise used for art class or gym.

As stated previously, the BUP puts forth a proposed shared space schedule for the co-located schools. Shared spaces in K126 include the gymnasium, auditorium, library, and cafeteria. This proposed shared space plan is based on the population size and other relevant factors described in the BUP for each co-located school. The final shared space schedule will be decided upon by the Building Council if this proposed co-location is approved by the PEP. If the principals are 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>.

As stated in the proposed shared space schedule, the DOE proposed that the gymnasium be allocated based on the relative projected enrollment of each school. In the proposed schedule, Believe Northside is allocated the largest amount of time in the gymnasium (17.5 hours weekly), Ericsson Middle is allocated 10 hours weekly, and Citizens is allocated 5 hours weekly in 2013-2014. Because the proposed allocations give the most time to the largest school in the building, the DOE believes that the proposed allocation is equitable and feasible.

With regard to the assertion that art classes can no longer be provided as a result of a charter co-location, the DOE believes that speciality classes, such as art, can continued to be provided by each school. As stated previously, principals make decisions about how, where, and when students will be served within the space allocated to the school. Principals are empowered to make decisions about how to utilize their school's allocated space.

Comments 5 (d) and 27 suggest Citizens should open in private space rather than be co-located in K126.

The DOE seeks to provide space to high quality education options for all students, regardless of whether they are served in district or public charter schools. The DOE welcomes 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 parochial school or other private space would have to acquire or lease that space with private funds.

Comment 28 (f) asserts Citizens is a corporation.

Citizens of the World Charter Schools (“Citizens Schools”) is a national network of charter schools. Citizens Schools is a national non-profit organization based in California that will partner with Citizens if this proposal is approved.

Furthermore, if this proposal is approved, Citizens would be a public charter school, like all approved charter schools in New York City. Charter schools receive public funding pursuant to a formula created by the state legislature, and overseen by the New York State Education Department. The DOE does not control this formula, and the funding formula for charter schools is not affected by the approval or rejection of this proposal.

Comment 5 (g) asserts Citizens is not a high performing option.

The DOE seeks to fully utilize all its building and capacity to serve students and is committed to providing high quality school options for all students. Two Citizens schools currently operate in California. Citizens of the World Charter School Hollywood (CWCH) is in its third year of operation, currently serving students in kindergarten to grade 3. Results from the California Standards Test (CST) became available in August 2012 for the 2011-2012 school year in which the school served kindergarten to grade 2. The following tables present comparisons between CWCH and the Los Angeles Unified Schools district (LAUSD). All numbers represent the percentage of students who met the proficiency standard by scoring at the Proficient or Advanced levels. All categories of students at CWCH are outperforming their peers in the local district and in some categories, including qualification for Free and Reduced Lunch (FRL).

		ELA	Math
All Students	CWCH	79	92
	LAUSD	55	57
FRL	CWCH	73	87
	LAUSD	52	51
ELL	CWCH	83	100
	LAUSD	45	41

Comment 24 concerns the extent to which charter schools serve students with special needs or English Language Learners.

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. Citizens 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 IEP.

The charter authorizer is responsible for determining the school's compliance with its charter.

Comments 5 (a), 8 (c), 26, and 28 (g) pertain to the funding of charter schools.

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 Citizens 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).

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.

Comment 3 (a) states implementation and collaboration will be key in any co-location proposal.

The DOE expects and anticipates Citizens, Ericsson Middle, and Believe Northside will work collaboratively to build a strong work relationship through the Building Council and Shared Space Committee. As indicated in the original BUP, if disputes should arise, school leaders are encouraged to engage in the dispute resolution measures set forth in the Campus Policy memo available at: <http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo.htm>.

Comment 31 (a) asserts the proposed co-location will negatively impact existing schools.

As stated in the EIS, the proposed co-location is not expected to impact current or future enrollment or instructional programming at Ericsson Middle or Believe Northside. There are no proposed changes to extracurricular programs currently offered at Ericsson Middle or Believe Northside. The proposed co-location will not impact those opportunities, but it may change the way those programs are configured. For example, some activities may need to share classroom space or the scheduling of these activities may change as a result of greater demands on the available space during and after school hours. Students will continue to have the opportunity to participate in a variety of extracurricular programs, though specific programs offered at a given school are always subject to change. That is true for all City students as all schools modify extracurricular offerings annually based on student demand and available resources. The DOE does not anticipate that this proposal will impact Ericsson Middle or Believe Northside's current partnerships.

Comment 5 (e) implies that charter schools expel students, particularly special populations, in order to improve their performance.

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. COTW 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 IEP.

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. Furthermore, recent amendments to the charter law require charter schools to submit a variety of information, including attrition rates, to their authorizer and to SED on August 1st, for the preceding school year. This information is typically available that Winter/Spring.

Comment 30 (a) pertains to the impact of the co-location of Citizens at K126 on budgets at other District 14 elementary schools.

The DOE notes that in New York State, Fair Student Funding “follows the child” whether a student is enrolled in a charter or non-charter public school. The formula has been determined by the state legislature and is overseen by the New York State Education Department. The DOE does not control this formula and the funding formula for Citizens is not affected the approval or rejection of this proposal. All schools in New York City, including charter schools, may choose to raise additional funds to purchase resources they feel would benefit their students

Comments 1 (a, d), 5 (f, h), 6 (a, e), 7 (a, d, e, f, h), 8 (a, d, e, f), 13 (e), 19, 20, 28 (a, e), 30 (b, e), 31 (b), 32 (a, c), and 33 (a, h, j, l, m, p) voice general opposition to the proposal.

As noted above, the DOE is committed to providing a portfolio of high quality school options to students and families. The DOE believes Citizens will provide a new option for students and families. The DOE believes that all children in public schools, including public charter schools, should have access to the physical space and resources necessary to provide educational programming pursuant to the Footprint, and will continue to provide public charter schools with access to DOE facilities when it is appropriate and beneficial to the community.

Any future proposal for opening and/or co-locating a charter school in District 14 would begin with community engagement to discuss the community’s needs, and would be described in separate EIS and require separate approval from the PEP.

Further, the DOE notes that District 14 does not host the highest number of charter schools that are co-located with DOE schools in public facilities. Districts 5, 7 and 17 each have higher numbers of charter school co-locations than District 14.

Although the DOE recognizes that some community members may have strong feelings against this proposal, the DOE believes that, if this proposal is approved, the school communities at Ericsson Middle and Believe Northside will be able to create productive and collaborative partnerships.

Comments 6 (d) and 13 (a) relate to the DOE’s adherence to the law in proposing significant changes to school utilization.

Chancellor’s Regulation A-190 governs the public review process for proposals for significant changes in school utilization. Significant changes include grade reconfigurations, co-locations, re-sitings, and phase-outs. For every proposal for a significant change to school utilization, the DOE is required to publish an EIS and BUP, where applicable, no less than 45 days before the PEP meeting date on which the proposal will be considered; schedule and convene a Joint Public Hearing 30-45 days after posting to discuss the proposal; produce and publish an Analysis of Public Comment at the Joint Public Hearing; and arrange for the PEP to vote on the proposal.

The EIS and accompanying BUP for the proposed opening and co-location of Citizens was posted on October 25, 2012. The Joint Public Hearing was held on December 5, 2012 at K126 with all mandated parties, CEC 14 and SLTs from both existing schools. As stated previously, this Analysis of Public Comment reflects those public comments received to date. The DOE will continue to accept public comments until December 19, 2012 at 6 p.m. If any additional comments are received, they will be addressed in an amended analysis. The PEP will vote on this proposal, among others, on December 20, 2012.

Comments 1(b), 2 (a, b, d), 6 (b, c), 7 (c), 13 (b, c), 21, 28 (c, d), 33 (b, f, k, o), and 33 (g) pertain to the proximity of other elementary schools to K126 and/or assert that District 14 does not need a new elementary school, but needs additional high quality middle school options.

The DOE is committed to providing a portfolio of high quality school options to students and families. Part of this strategy involves opening new public schools – both charter and non-charter – each year.

The DOE concurs that District 14 has needs beyond the need for new, high quality elementary school options, including the need for additional high-quality middle school options. This proposal in no way precludes the DOE from future actions designed to respond to other educational demands of District 14. Furthermore, the DOE will continue to work with existing public schools in District 14 to support and strengthen these options for District 14 students and families.

The DOE also acknowledges that there are several schools that received an “A” or “B” on the 2012 Progress Report and that there are excess seats available in the district. However, the DOE is committed to providing a portfolio of high quality school options to students and families. The DOE believes Citizens will provide such an option for District 14 students and families.

Comment 11 suggests the co-location of an additional school organization will be a fire hazard.

As per the Office of Space Planning, the Certificate of Building Occupancy states that the maximum capacity for building K126 is 1,350 people. Once Citizens is fully phased in, in 2017-2018, building K126 is projected to serve 957-1,137 students, which falls well within safety limits.

Comments 5 (b), 6(f), 7 (g), 22, 30 (f), and 33 (n) assert that this proposal will perpetuate trends of gentrification, community displacement, and/or social inequality in the Williamsburg and Greenpoint community.

The DOE’s intention in proposing to co-locate Citizens at K126 is to continue providing high quality school options for students in District 14. The DOE has no intention of displacing community members, creating or perpetuating social inequality or contributing to gentrification and does not believe that this proposal will create those conditions.

Comment 13 (d) states the community wants smaller class sizes, not an additional charter school.

As stated previously, this proposal in no way precludes the DOE from future actions designed to respond to other educational demands of District 14.

Furthermore, the number of class sections at each school is 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. More information can be found in the Instructional Footprint, which is available at http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf.

Comments 1 (c), 3 (c), 12 concern safety on the K126 campus.

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. The 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.

With regard to concerns about the proposed varying grade levels for the K126 campus, 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.

Comments 2 (c), 4 (a, b), 6 (g), 7 (b), 8 (b), 28 (b), 30 (d), and 33 (e) concern the potential enrollment and growth for Ericsson Middle school.

As stated in the EIS and above, the proposed co-location is not expected to impact future student enrollment, instructional programming, or the admissions process at Ericsson Middle.

With regard to the Ericsson Middle's enrollment, the proposed co-location will not take seats away from Ericsson Middle. The EIS projections and space allocations are based on the current enrollment of the entry point grade and assume that the same number will articulate up and that there is stable incoming enrollment at the entry point. Therefore, there is nothing that currently leads us to believe that the proposed co-location will have an impact on Ericsson Middle's enrollment.

The DOE is confident that Ericsson Middle will be able to meet the needs of the students currently enrolled in the building within the space allocation of the Footprint, as previously discussed. Furthermore, Ericsson Middle will continue to receive support from the Children First Network ("CFN"). As of spring 2010, all NYC public schools receive their primary support from a team of about 15 staff members called a Children First Network ("CFN"). Each network team provides expert support, technical assistance, and quality control for a group of approximately 25 schools: they offer training and coaching for principals and teachers, share instructional resources to meet each school's needs, and help schools across the network collaborate with each other. Network teams also help schools:

- recruit and hire teachers,
- spend their budgets effectively,
- conduct all daily operations,
- use data and technology, and
- cultivate partnerships with community-based organizations and cultural institutions.

In addition, networks help schools deliver effective services to students with disabilities and ELLs. Because the same team supports each school in all of these different areas, principals can feel confident that every decision will be made strategically, with the school's instructional goals in mind.

Comment 5 (i) and 17 concern the process by which decisions are made about co-location proposals.

Pursuant to Chancellor's Regulation A-190, all significant changes to school utilization, including the opening and co-location of Citizens at K126, require approval of the PEP, which is scheduled to consider this proposal on December 20, 2012. When the Educational Impact Statement and Building Utilization Plan was issued, they were made available to the staff, faculty and parents at the Ericsson Middle and Believe Northside, on the DOE's Web site, and in each school's respective main office. In addition, the DOE dedicates a proposal-specific website and voicemail to collect feedback on this proposal. Furthermore, all schools' staff, faculty and parent communities are invited to the Joint Public Hearing to solicit further feedback.

Comment 29 requests information about the proposals.

Copies of the EIS describing this proposal and the accompanying BUP are available in the main offices of J.H.S. 126 and Believe Northside. It is also available on the DOE's website at:
<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Dec2012Proposals>.

Comment 32 (b) implies the proposed co-location will negatively impact the existing schools based on past Principal Satisfaction surveys.

The DOE does not anticipate the co-location of Citizens charter will impact the programming, partnerships or daily life of Ericsson Middle and Believe Northside or any schools surrounding K126. Further, the DOE is unable to verify the questions or responses the commenter claims to be available via any of the Principal Satisfaction survey questions or results provided over the past five years.

Comment 33 (q) refers to letters that were addressed to the charter authorizer, SUNY CSI.

The DOE is not the authorizer of this school.

Comment 33 (d) suggests that charter schools should be more evenly spread throughout New York City due to the current enrollment of District 14 students in charter schools.

The commenter states that 29% of District 14 kindergartens are enrolled in District 14 charter schools compared to the City average of 5%, and therefore, charter schools should be spread more evenly throughout New York City. The DOE notes that 9% of District 14 kindergarten residents are enrolled in District 14 charter schools, according to the 2011-2012 Audited Register.

As stated previously, the DOE is committed to providing a portfolio of high quality school options to students and families. Part of this strategy involves opening new public schools – both charter and non-charter – each year throughout New York City.

Community 33 (i) states Citizens plans to be as large or larger than the majority of District 14 elementary schools.

As per the EIS, which reflects the Citizens' authorized enrollment pursuant to its charter application, Citizens will enroll 342-432 kindergarten through fifth grade students at full scale in the 2017-2018 school year. The average enrollment of the 18 elementary schools in District 14 is 412; Citizens enrollment at scale is representative of the average size of District 14 elementary schools.⁵ Any proposed increase in Citizens' authorized enrollment is contingent upon SUNY CSI's approval of a revision to Citizens' charter.

Changes Made to the Proposal

No changes have been made to this proposal.

⁵ 2012-2013 Unaudited Register as of October 26, 2012.