

Public Comment Analysis

Date: December 19, 2012

Topic: The Proposed Co-location of a New Public Charter School, Success Academy Charter School – Manhattan 2 (84MTBD), with Existing Schools Business of Sports School (02M393), Urban Assembly Gateway School for Technology (02M507), and High School of Graphic Communication Arts (02M625) in Building M625 in the 2013-2014 School Year

Date of Panel Vote: December 20, 2012

Summary of Proposal

On September 21, 2012, the New York City Department of Education (“DOE”) issued an Educational Impact Statement (“EIS”) and Building Utilization Plan (“BUP”) proposing to site the kindergarten through fifth grades of Success Academy Charter School – Manhattan 2 (84MTBD, “SA-Manhattan 2”) in building M625 (“M625”), located at 439 West 49th Street, New York, NY 10019 in Community School District 2, and to co-locate SA - Manhattan 2 with Business of Sports School (02M393, “BOSS”), an existing high school that serves students in grades nine through twelve; High School of Graphic Communication Arts (02M625, “Graphics”), an existing high school that serves students in grades nine through twelve and is in the process of reducing its enrollment; Urban Assembly Gateway School for Technology (02M507, “Gateway”), an existing high school that currently serves students in grades nine through ten and is in the process of phasing in to serve grades nine through twelve, and an Alternate Learning Center (88M992, “ALC”), which provides an educational setting for students in grades nine through twelve who are on a Superintendent’s suspension for up to 90 days. 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.

On September 25, 2012, the DOE substantially revised this proposal in response to public input. This revised EIS corrected performance data listed in Section III.A and in Section IV and changed the reference to Urban Assembly Gateway School for Technology’s colloquial name. In addition, the proposed shared space plan in the attached BUP was revised with respect to the building’s three physical education spaces.

On October 18, 2012, the DOE amended the revised BUP to clarify SA – Manhattan 2’s use of a multi-purpose room and the effect of that use on the revised proposed shared space plan. An amended revised EIS updated references to the revised BUP and corrected a typographical error on school enrollment ranges in Section II, but did not significantly revise the proposal.

On November 27, 2012, the BUP was further revised to correct errors in the description of the current allocation of space in M625 and to allocate the space that will be vacated by the ALC

when it moves out of the building beginning with the 2013-2014 school year. This EIS was also revised to include updated references to the second revised BUP.

On December 18, 2012, the EIS was amended to correct typographic errors and to align the grade span, enrollment and utilization tables to reflect the ALC's re-location at the conclusion of the 2012-2013 school year. The BUP was amended to include updated references to the amended second revised EIS. This amendment did not significantly revise the proposal itself.

In addition, M625 houses two Community Based Organizations ("CBOs"), SPARK Drug Prevention and the Association of Progressive Dominicans. This proposal is not expected to impact the continued siting of the CBOs.

SA - Manhattan 2 is a new public charter school that is authorized by its charter authorizer, the State University of New York Charter Schools Institute ("SUNY"), to serve grades K-5. Success Academy Charter Schools ("SACS") is a charter management organization that currently operates 12 public elementary charter schools in New York City. SACS has been authorized by SUNY to operate six new public elementary charter schools starting in 2013-2014, including SA - Manhattan 2. The four SACS elementary schools that received a progress report for the 2010-2011 school year each received an overall grade of A.

If this proposal is approved, SA - Manhattan 2 would open in September 2013, serving 164-210 students in kindergarten and first grade, and would add one grade each year until it reached full scale in 2017-2018. At that time, SA - Manhattan 2 would serve approximately 412-528 students in kindergarten through fifth grade. The school would admit students via its charter lottery application process, with preference given to District 2 residents, and a set aside, described in more detail in Section III, for English Language Learners.¹

According to the 2010-2011 Enrollment, Capacity and Utilization Report² (the "Blue Book"), M625 has the capacity to serve 2,139 students. Currently, the building serves 1,912 students,³ yielding a building utilization rate of 89%.⁴ If this proposal is approved, the building would serve approximately 2,222 – 2,528 students and have a utilization rate of 104% - 118% in 2017-2018 when all schools, including SA - Manhattan 2, are at full scale. In the attached amended second revised BUP, while the anticipated utilization rate is in excess of 100%, as detailed in the amended second revised BUP, all schools will receive space that meets their instructional needs,

¹ 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>.

² The Enrollment, Capacity and Utilization Report is an annual document that provides information on school organization and school building utilization. The utilization data is derived by using information from the Annual Facilities Survey where principals report on how spaces are being used during a given school year.

³ 2012-2013 Budget Register Projections. This figure represents enrollment at BOSS, Graphics, Gateway, and the ALC.

⁴ All references to building utilization rates in this document are based on target capacity data from the 2010-2011 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.

and the building has space to accommodate Graphics, BOSS, Gateway, and grades K-5 of SA - Manhattan 2.

As mentioned above, SACS currently operates a total of 12 public elementary charter schools in Manhattan, Brooklyn, and the Bronx. The DOE supports opening an additional SACS public charter school in District 2 as a way to increase access to high-quality schools for District 2 families and to provide an additional elementary school option. Families residing in District 2 will be given preference for admission to SA - Manhattan 2. SACS schools have a strong track record of academic achievement: each of the four SACS elementary schools that received a Progress Report in 2010-2011 earned an overall grade of A, and earned A grades in each of the three subsections: Student Performance, Student Progress, and School Environment.

Summary of Comments Received

A joint public hearing regarding this proposal was held at building M625 on December 12, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 80 members of the public attended the hearing, and 22 people spoke. Present at the meeting were Elaine Gorman, senior superintendent and facilitator; Marisol Bradbury, Chancellor's Designee and District 2 High Schools Superintendent; Shino Tanikawa, president of Community Education Council 2; Principal Brendan Lyons of Graphics; Principal April McKoy of Gateway; Principal Joshua Solomon of BOSS; Ralph Rossi, representative for State University of New York; State Senator Thomas Duane; Sara Berger, SLT member of Business of Sports School; and Jennifer Peng and Drew Patterson of the Office of Portfolio Planning.

Below is a summary of the comments received:

1. Shino Tanikawa, president of the Community Education Council for District 2 ("CEC 2"), on behalf of the City Council on High Schools ("CCHS"), asserted the following:
 - a. M625 is a building that currently houses high schools. CCHS opposes the loss of high school seats that will be difficult to regain.
 - b. Seats should be reserved for high schools.
 - c. There have been haphazard and uncoordinated attempts to reform Graphics.
 - d. The DOE only supports charter schools and small schools.
 - e. The shrinking enrollment at Graphics gives opportunity for DOE to push in to the space that is being given to elementary students.
 - f. There is no justification provided in the EIS.
 - g. Students are being forced into co-locations with Success.
 - h. Students at Brandeis have become second-class citizens.

2. Shino Tanikawa, president of the CEC 2, read through specific points taken from CEC 2 resolutions number 30, 54, 57, and 58 that asserted the following:
 - a. Co-locations are inefficient uses of space as a separate footprint must be recreated for each of the schools.

- b. There is a clear difference between the facilities of district schools and charter schools.
 - c. Charter schools can find their own space and do not need to move into district buildings.
 - d. District 2 already has high-quality schools, although they are overcrowded. Seven new elementary schools have been built, and now overcrowding issues are addressed.
 - e. CEC 2 hears that parents want middle school space and high school seats.
 - f. CEC 2 does not see the need for a charter school in District 2.
3. Sara Berger, SLT member of BOSS, asserted the following:
 - a. There is a safety issue of elementary school students attending school with high school students.
 - b. There are concerns about fire exits, metal detectors, scanning.
4. Jeanne LaConti, UFT Chapter Chair of Graphics, asserted the following:
 - a. The co-location will negatively impact space issues. Two other schools have speech pathologists, guidance counselors, and therapists lacking office space.
 - b. Housing another school will restrict where and how Urban Assembly can expand.
 - c. BOSS will not have room to expand.
 - d. The school social worker shares rooms with the security office and the speech therapist and mandated counselors do not have appropriate spaces to do Individualized Education Program counseling. This impacts students who feel like they have their privacy intruded upon.
 - e. Construction is needed for the facilities of elementary school students.
 - f. DOE should upgrade construction if they have the money, but she doesn't want to see elementary needs being put ahead of the needs of the high schools on the Graphics campus.
5. Jim Kelleher, president of parent-teacher association of BOSS, asserted the following:
 - a. He should have received the documents associated with the proposal sooner.
 - b. Success is building a cafeteria on the second floor so they won't have to share.
 - c. Students don't want to feel left out.
 - d. According to the footprint, the elementary school in three years will have more full size spaces and half size spaces than BOSS will.
6. Jane Marcinkiewicz, treasurer of the SLT at BOSS, asserted the following:
 - a. There should be fairness for all schools in the building. If one school is scanned the others should be as well.
 - b. There should be fairness when using shared spaces.
 - c. She hopes that if BOSS is using a shared space, that the charter school will not push anyone out.
 - d. An Assistant Principal visited Brandeis with a similar setup, and it seemed to be working fine but they are still concerned and worried and are hoping for fairness.

- e. Commenter does not understand why another school has to come in given the lack of space.

7. Senator Thomas Duane asserted that:
 - a. Two of the three schools are expected to stay long-term and any available space should be reserved for high schools seats.
 - b. Elementary and high school students are an inappropriate mix.
 - c. The co-location is an inefficient use of space and cannibalizes existing school space.
 - d. Charter schools do not serve their intended purposes of being a pedagogical laboratory, collaborating with district schools, and serving high need students.
 - e. They compete with district schools, taking over space.
 - f. This building is built for high school students. Construction will be required to reconfigure them for elementary school students and is a waste of money.
 - g. Innovation Diploma Plus' relocation at Brandeis validates the concern. Its relocation is due to the DOE's belief that none of Innovation's students live in the area.

8. One commenter who is a student at the Graphics campus as well as a member of the Graphics ROTC program stated that ROTC students do not have enough space. With another additional school, it will be harder for them to do their drills.

9. Multiple commenters stated that:
 - a. Space is an issue.
 - b. The co-location will have little kids witness violence and other inappropriate activities. Elementary school students should take classes with children their own age.

10. One commenter stated that sharing a lunchroom might have elementary students see inappropriate activities if they had to eat at the same time as high school students.

11. One commenter stated that parents of kindergarten through fifth grade students would never want to send their child to a school with other high school students.

12. Multiple commenters stated that they are concerned about shared spaces, renovations, and that they anticipate that students will be impacted.

13. One commenter asserted that they had attended a Success open house and was blown away and that Success would be a perfect fit for this community.

14. One commenter asserted the following:
 - a. this proposal should be pursued since District 2 schools are overcrowded and parents require more options
 - b. Success would be entering and exiting only with its own part of the school.

15. One commenter asserted the following:
 - a. She knows parents in the immediate Graphics neighborhood who want more choice to address the problem of overcrowding
 - b. The belief implied by previous commenters that the behavior of Graphics students is on a level not seen on the streets of New York City or in many other schools is false.

16. One commenter asserted the following:
 - a. Fire drills with over a thousand students will be difficult to handle with the traffic and safety of each student.
 - b. There is a need for a functioning library and additional cafeteria space.

17. One commenter asked if the ROTC program and its space requirements, with 212 students, are acknowledged by the DOE.

18. One commenter asserted that staff in the Brandeis high schools feel disrespected by staff at Success Academy School. Brandeis is no longer allowed to play band because Success cannot hear. The school is being asked to move to separate but unequal facilities.

19. CEC 2 Resolutions #30, 54, 57, and 58 were submitted and read during the hearing and are described in the above comment 2(a-f). The resolutions also cited the following points:
 - a) CECs should have the authority to approve or disapprove school closings, co-locations, and grade truncations since they can affect the enrollment of a school
 - b) There should be a moratorium on charter applications being approved until further analyses are done.

20. Citywide Council on High Schools submitted a statement that was read during the hearing and is described in the above comment 1(a-h).

The DOE received a number of comments which do not directly relate to the proposal. Those comments are summarized below.

21. One commenter suggested that Mayor Bloomberg stated that New York City will be center for technology, and asked if we are going to abandon vocational schools, when we should turn the school into a vocational school.

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

Comments 13, 14, and 15(a, b) are in favor of the proposal and do not require a response.

Comments 1(g), 2(a), 4(a-d), 5(d), 6(c), 6(e), 7(c), 8, 9(a), 12, and 16(b) relate to the process by which space is allocated to schools and shared space scheduling.

There are currently hundreds of schools in buildings across the city that are co-located; some of these buildings house multiple district schools while others house district and public charter schools. In all cases, the Instructional Footprint is applied to both district 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 district 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 amended second revised 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 the location for each in the building will be made in consultation with the principals of each school and the Office of Space Planning if this proposal is approved. The amended second revised BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location.

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 the Graphics Campus is already overcrowded, according to the 2010-2011 Enrollment Capacity Utilization Report, the building has a capacity of 2,139 seats. In the 2012-2013 school year, M625 is projected to serve 1,912 students, yielding a building utilization rate of 89%. The three existing schools on the Graphics campus are currently using 11 excess full-size and 9 excess half-size spaces above Footprint. Furthermore, despite a utilization figure of greater than 100%, there will be excess full-size and half-size rooms allocated to schools above and beyond their baseline Footprint in every year of this proposal.

The allocation provided for special needs students is consistent citywide, and is applied consistently in this proposal.

Comments 4(a) and 4(d) contend that there is insufficient administrative space.

The Citywide Instructional Footprint (the “Footprint”) is the guide used to allocate administrative 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 is determined by the Principal based on enrollment, budget, and student needs. Principals decide how best to accommodate mandated service providers in the spaces allocated to their school.

Comment 16(b) also asserts the need for a library.

In the case of district schools in New York City, schools are 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/English Language Learner/Title I status). Principals have discretion over their budget and make choices about how to prioritize their resources, including deciding whether to purchase textbooks or invest in books for a new library. The library in M625 is currently being upgraded through renovation.

Comments 8 and 17 relate to the Graphics ROTC program.

The DOE acknowledges the ROTC program on the Graphics campus in the Educational Impact Statement that describes the proposal. As with other extra-curricular programs, the ROTC program does not receive its own specific space allocation. However, there is currently excess space in the building and the DOE projects excess space over the entire life-span of this proposal, as described in the Building Utilization Plan. That excess space may continue to be used by the ROTC program based on principals’ decisions on how to allocate space.

Comments 1(h), 2(b), 5(b), 6(d), 7(d, e), 18, 19(b) concern the availability of resources for DOE schools and the contention that charter schools have preferential access to additional space and resources.

With regard to the distribution of space, as discussed above, the DOE applies the Citywide Instructional Footprint to allocate a total room count to each organization as they operate and, in the case of BOSS, Gateway, and if this proposal is approved, SA – Manhattan 2, as they phase into a building. The assignment of specific rooms and location for each school in the building will be made in consultation with the Principals of each school and the Office of Space Planning if this proposal is approved.

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 SACS 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.

With respect to concerns that charter schools take 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.

Comments 4(e), 4(f), 5(b), 7(f), and 12 relate to the campus construction that has been proposed for the Graphics campus and contend that retrofitting will be necessary to accommodate SACS.

Construction work that has already been completed or is underway will not be jeopardized as a result of this co-location.

The additional restructuring work to be undertaken to support a fourth school in the building includes the conversion of two full-size designed administrative space to become four full-size rooms and a multi-purpose room (slated for use by SACS students for its lunch service and physical education) over three years.

With respect to comments concerning the purported need to retrofit the Graphics Campus to accommodate SACS: As discussed above, the only spaces being renovated specifically for the elementary students is the conversion of two full-size designed administrative space to become four full-size rooms and a multi-purpose room, which will be used by SACS. All eligible capital improvement or facility enhancement work completed by the DOE or the charter school in charter school space will generate matching funds for the co-located district schools. The DOE will meet the matching amount with consideration for principals' requests and prioritization.

Comments 1(a), 1(b), 2(e), 5(c), and 7(a) contend that the available space in the Graphics campus should be utilized to increase the number of high school seats in Manhattan / District 2, or specific high schools currently located in the Graphics Campus.

The DOE closely monitors the need to create additional elementary, middle and high school seats across the city and believes that this proposal will meet a critical need in District 2: additional quality elementary school seats. Within any district or borough, there are other competing priorities. The DOE does not believe this proposal will impede the Department from being able to increase the number of quality high school seats in other buildings around the city. The DOE will continue to work towards improving of the quality of existing high schools and developing new, high-quality high school options in Manhattan and all boroughs.

With regards to comments 3(b), 6(a) and 6(b) it is typical in most co-located buildings for schools to use different entrances such that the elementary school students will not have go

through scanning. In proposing this, the DOE is not favoring one organization over another. It is current NYPD policy that students enrolled in grades kindergarten through five, whether in a DOE school or a public charter school, do not go through scanning. Adults visiting SACS would be required to enter through scanners.

Comment 2(c) suggests that Success Charter Network should open schools in 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. 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 parochial school space would have to acquire or lease that space with private funds.

Comments 7(d), and 18 state that Success Charter Network schools have not demonstrated a willingness to work collaboratively with other schools with which they share buildings, and that co-locations will result in distractions for administrations of co-located schools.

The DOE expects and anticipates SACS and the other high schools in this building will work collaboratively to build a strong work relationship through the Building Council and Shared Space Committee. As indicated in the original and second revised 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>.

In any building where more than one school is co-located, the Building Council – consisting of the Principal of each school – meets regularly to address issues related to space allocations and shared space usage. In buildings with a charter school, there is also a Shared Space Committee, which meets at least 4 times per year, and includes a parent and teacher representative from each school. This committee monitors the implementation of the shared space schedule, and identifies areas of concern that can be addressed by the Building Council. According to Chancellor’s Regulation A-190, the shared space committee shall be comprised of the principal (or an assistant principal of the D75 school organization), a teacher, and a parent from each co-located school or D75 school organization. With respect to a non-charter school’s teacher and parent members, such shared space committee members shall be selected by the corresponding constituent member of the SLT at that school.

The collaboration required and issues addressed by a Building Council do not depend upon the schools serving the same grades. While the elementary school would share fewer spaces with the high schools, there is no reason why the Building Council could not continue to be a collaborative environment in which all schools work together to meet the needs of all students.

Comments 1(g) 5(a), and 19(a) concern the process by which the DOE solicits and receives feedback on proposals for significant changes in school utilization.

The DOE complied with all mandatory disclosure requirements, and voluntarily held an additional engagement meeting with the principals of Graphics, BOSS, and Gateway. The DOE

has and will continue to review community feedback consistent with Chancellor's Regulation A-190.

Consistent with state law, the DOE will provide an analysis of all public comments received at joint public hearings or through the dedicated voicemail number and/or e-mail address up to 24 hours before the scheduled Panel vote.

Comments 1(f), 2(d) and 2(f) state that there are sufficient high quality elementary schools in District 2 and there is not clear interest from District 2 parents for more charter schools.

District 2 has a number of high-performing elementary schools. Regardless, recent housing growth and demographic changes have resulted in enrollment pressures and waitlists at many schools. To address these issues, the DOE has opened and continues to open new district elementary schools. Additional elementary capacity in charter schools is another component of the DOE's strategy to meet the demand for elementary school seats.

Furthermore, several of the comments in support of this proposal were from District 2 parents interested in additional options for their children. District 2 families do have many options for their children, but charter elementary schools are not currently among those options.

Comments 3(a), 7(b), 9(b), 10, and 11 question placing elementary students in a building with high school students.

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.

Pursuant to Chancellor's Regulation A-414, every school/ campus is mandated to form a School Safety Committee, which is responsible for developing a comprehensive School Safety Plan that defines the normal operations of the site and what procedures are in place in the event of an emergency. School Safety Plan is updated annually by the Committee to meet the changing security needs, changes in organization and building conditions and any other factors; these updates could also be made at any other time when it is necessary to address security concerns.

The Committee will also address safety matters on an ongoing basis and make appropriate recommendations to the Principal(s) when it identifies the need for additional security measures.

Furthermore, comments 16(a) and 3(b) assert that there are safety concerns around fire drills.

Every school has a fire safety plan which includes plans for fire drills and evacuations in case of emergencies. BOSS, Graphics, Gateway, and SA – Manhattan 2 should work with the Office of Safety and Youth Development to address any concerns or modify the fire safety plan as needed.

Additionally, the School Safety Committee, described in detail above, 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 principals when it identifies the need for additional security measures.

Finally, several buildings in the city that are co-located with both district and/or charter schools have to make similar plans for fire safety in the face of stairwells, and other building configuration issues. The final decision on how to appropriately plan for these situations resides with the Building Council.

Comments 1(c-e) express several reasons for opposition addressed in the sections above, and also raise the need for more resources for other District 2 schools.

The co-location of a public charter school does not impact the resources available to other District 2 schools, 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.

Co-locating a public charter school that enrolls District 2 students helps address District 2 needs by utilizing previously under-utilized capacity.

The DOE reviews enrollment projections, capacity, and utilization annually. Should this analysis indicate a new seat need, the DOE may propose amendments to the Capital Plan. Capacity and projected demand are analyzed on a district by district basis, and additional capacity is proposed for each district based on the overall district need.

Comments 7(g) and 21 do not relate directly to the proposed co-location and, therefore, have not been addressed.

Changes Made to the Proposal

On September 25, 2012, the DOE substantially revised this proposal in response to public input. This revised EIS corrected performance data listed in Section III.A and in Section IV and changed the reference to Urban Assembly Gateway School for Technology's colloquial name. In addition, the proposed shared space plan in the attached BUP was revised with respect to the building's three physical education spaces.

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