



Public Comment Analysis

Date: November 16, 2011

Topic: The Proposed Opening and Co-location of KIPP NYC Washington Heights Charter School (84MTBD) with Existing Schools M.S. 319 (06M319), M.S. 324 (06M324), and P.S. 138M (75M138) in Building M090

Date of Panel Vote: November 17, 2011

Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to open and site the middle school grades 4-8 of KIPP NYC Washington Heights Academy Charter School (84MTBD, “KIPP NYC Washington Heights Academy”), in Building M090 (“M090”), located at 21 Jumel Place, New York, NY 10032, in Community School District 6 beginning in 2012-2013. KIPP NYC Washington Heights Academy would be co-located in M090 with two existing district middle schools serving grades six through eight, M.S. 324 Patria Mirabal (06M324, “M.S. 324”), M.S. 319 Maria Teresa Mirabal (06M319, “M.S. 319”) and P.S. 138M (75M138, “P138M@M090”), a District 75 program serving students who are autistic, mentally retarded, or have multiple handicaps. 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.

Both M.S. 319 and M.S. 324 admit students in sixth grade through the District 6 Middle School Choice Application Process, and are unscreened district choice middle schools. M.S. 319 also offers a Spanish dual-language program, which is screened for language requirements. P138M serves 475 students in grades K-12, spread across seven locations. P138M@M090 served approximately 60 students in grades 6-8 in the 2010-11 school year.

KIPP NYC Washington Heights Academy will be a new public charter school that will serve students in the fourth through eighth grades at scale in M090. The charter for this school was authorized by the New York State Education Department (“SED”) in September 2011. Under this charter, KIPP NYC Washington Heights Academy is approved to serve grades K-12. However, this proposal deals only with grades 4-8 of KIPP NYC Washington Heights Academy. If this proposal is approved, KIPP NYC Washington Heights Academy would begin serving 80-90 fifth graders in the M090 building in 2012-13. In the 2013-2014 school year, KIPP NYC Washington Heights Academy would expand to serve

approximately 75-85 students in sixth grade. In 2014-15, KIPP NYC Washington Heights Academy would expand to serve approximately 75-85 students in seventh grade. In 2015-16, the final year of expansion, KIPP NYC Washington Heights Academy would serve approximately 70-80 students in eighth grade and add approximately 90-120 students in fourth grade. At that point, KIPP NYC Washington Heights Academy would serve approximately 390-460 students in fourth through eighth grade.

While KIPP NYC Washington Heights Academy is phasing in, it would enroll fifth-grade students through a lottery, giving preference to students who qualify for free and reduced price lunch residing in District 6. However, once KIPP NYC Washington Heights Academy reaches full scale, it intends to admit fourth grade students who articulate from KIPP S.T.A.R. elementary charter school (84M726), a K-3 school also operated by the KIPP Charter Management Organization (“CMO”), which opened this year in District 6. KIPP NYC Washington Heights Academy would then use its lottery only to fill any remaining seats.

M090 has the capacity to serve 1,776 students. In 2010-11, the building only served 1,124 students, yielding a utilization rate of just 63%. This includes the two existing middle schools, the eighth grade of M.S. 321 Minerva (06M321), which fully closed in June 2011, and P138M@M090. Currently, the building serves approximately 1,135 students, yielding a utilization rate of 64%. If this proposal were approved, KIPP NYC Washington Heights Academy would be co-located with M.S. 319 and M.S. 324, as well as the District 75 program. Once KIPP NYC Washington Heights Academy has completed its expansion, there will be approximately 1,636 students served in the building by M.S. 319, M.S. 324, P138M, and KIPP NYC Washington Heights Academy, yielding a building utilization rate of 92%.

The DOE believes in KIPP’s record of success and supports the permanent placement of a KIPP charter school in District 6 in order to continue providing excellent educational opportunities for students and families. In 2010-11, 39% of students enrolled in the middle grades at KIPP Infinity, located in District 5, were District 6 students.

I. Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at building M090 on November 1, 2011. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 285 members of the public attended the hearing, and 49 people spoke. Present at the meeting were Community School District 6 Superintendent Elsa Nunez; District 6 Community Education Council (“CEC 6”) President Judith Amaro; CEC 6 Representative Bryan Davis; M.S. 319 Principal Ysidro Abreu; M.S. 319 School Leadership Team (“SLT”) Representative Tiffany Braby; M.S. 324 Principal Janet Heller; M.S. 324 SLT Representative Crystal Ringer; and Sarah Morgredge, representing New York City Councilmember Robert Jackson. The principal of P138M was invited and committed to attend the hearing, but was unexpectedly unable to attend.

The following comments and remarks were made at the joint public hearing on November 1, 2011:

Comments supporting the proposal

1. Several parents of KIPP students expressed that they are very appreciative of KIPP and that their children have been successful. They asserted that KIPP teachers are available to parents and students 24/7 and that they are very supportive and believe in their children.
2. Several commenters noted that their children have IEPs and special needs and asserted that KIPP welcomed them and supports their needs.
3. Several commenters asserted that charter schools are public schools and as such, are open to all students and are free.
4. Several commenters expressed their desire for their children and other children in District 6 to have access to KIPP.
5. Several commenters noted that there is space in M090 and that KIPP does not want to take over the building or kick out the other schools. They expressed respect for the existing schools and stated that simply want to provide another option for families in Washington Heights.
6. Several commenters asserted that KIPP admits students via lottery and that only a name and address are needed to enter the lottery, meaning students get in by luck.
7. Several commenters stated that KIPP schools have been successful and earned grades of A and B on the Progress Report.
8. Daniel Swersky, the leader of the proposed new KIPP NYC Washington Heights Academy, expressed his appreciation for the passion of everyone who came out for the hearing on both sides. He stated that he wants to build a community together and looks forward to collaborating in order to meet the needs of all students in Washington Heights.
9. A former student of Mr. Swersky's expressed that as his teacher, he taught him respect and to have goals for himself. He stated that he had been a bad student before having Mr. Swersky as a teacher, and that he was the best teacher he ever had and wishes he had a teacher like him today.
10. A teacher at KIPP S.T.A.R. elementary asserted that she teaches English Language Learners ("ELL") and students with special needs. She stated that KIPP S.T.A.R. is 23% ELL, 9% students with special needs, and that the school is looking to increase those numbers. The commenter expressed that KIPP puts all its students on a track to succeed and that they want their students to attend middle school here in their community.
11. One commenter noted that many children in her daughter's class at a KIPP school come from Spanish speaking homes.
12. One commenter urged the community to let KIPP in and see how it works, and asserted that if the school is bad, it should then be closed. The commenter noted that there was previously another school in the building that closed and that the "A" grades of the existing schools won't change if KIPP comes in.
13. The principal of KIPP S.T.A.R. elementary school, also located in District 6, noted that she sees students whom she taught at P.S. 8 who are now at M.S. 319 and M.S. 324 in the M090 building. She stated that she works with the principal at P.S. 115 (where KIPP S.T.A.R. is co-located) to make sure both schools excel. She expressed that she wants students in Washington Heights to have many different places to attend school and wants a KIPP middle school for her elementary students to attend

14. A KIPP teacher stated in Spanish that she grew up very poor and could not speak English but she worked hard. Now she is a teacher at KIPP, and stated that she would never teach in an organization that doesn't accept students who are of Spanish heritage.
15. A KIPP parent expressed that there has to be mutual respect. KIPP supporters have not interrupted the hearing and they have not been disrespectful. The commenter stated that adults are supposed to instruct their children; she has seen parents yelling and disregarding other people. This is about quality education. She asserted that KIPP supporters are not here to be argumentative, and those who oppose KIPP have done nothing but blatantly disregard the other side.

Comments opposing the proposal

16. Several commenters, including parents, teachers, and students at the existing schools in M090, asserted that there is not enough space in the M090 building for KIPP. The commenters expressed concern that they will need to start lunch in the morning in order for every school to have time in the cafeteria and that the other schools will not be able to continue their existing programs if KIPP takes away space.
17. Several commenters stated that KIPP should find space in another building that does not have strong schools like M090.
18. Several commenters asserted that KIPP has enough money to rent or build its own space.
19. Several commenters expressed their support for the existing schools in the M090 building. They stated that these schools earn “A” grades on their Progress Reports and that they have historically served this community well.
20. Several commenters expressed the opinion that M.S. 319 and M.S. 324 are better than charter schools and that charter schools are no better than traditional public schools.
21. Several commenters asserted that KIPP does not serve ELLs or students with disabilities. They further asserted that the schools in the M090 building serve these populations very well.
22. Several commenters expressed concern that if KIPP moves into the building, it will negatively impact the existing schools.
23. One commenter stated that although KIPP may be a good school, he believes they try to break the union, which protects teachers from manipulation.
24. One commenter stated that no one should make money from public education.
25. One commenter suggested that KIPP performs well because it picks which students it will take and doesn't accept ELLs, students with special needs, or students with behavior problems.

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

No comments have been submitted to the DOE outside of the Public Hearing.

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

I. Comments Received at the Joint Public Hearing

Support for the co-location of KIPP NYC Washington Heights Academy in M090

Comments 1-15 support the proposal and do not require a response.

Space

With respect to comment 16, the DOE seeks to fully utilize all its building capacity to serve students. For purposes of space allocation, 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. Building M090 is currently underutilized due to the closure of a school that previously shared the building. Therefore, the DOE believes there is sufficient space for the co-location of KIPP NYC Washington Heights Academy.

The Building Utilization Plan 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 comments 17 and 18, 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.

Quality

With respect to comments 17, 19, and 20, the DOE agrees that M.S. 319 and M.S. 324 are high-quality schools, as are KIPP charter schools. The DOE's decision to issue this proposal was not based on the quality of the existing schools in the building. The purpose for this proposed co-location is to increase the number of high-quality options available to families in District 6.

With respect to comment 22, M090 previously housed an additional middle school until it closed in June 2011, and the existing schools continued to perform at high levels throughout the time that school operated in the building. Similarly, as stated in the Educational Impact Statement, the proposed co-location of KIPP in M090 is not expected to impact future student enrollment, instructional programming, or the admissions process to the schools currently co-located in the building.

Charter Enrollment

With respect to comments 21 and 25, public charter schools, including the KIPP schools, run a lottery in order to admit students fairly if the number of students who apply for admission to a class is greater than the number of seats available in that class. Lotteries select students randomly from among the applicant pool. Charter schools cannot turn away any students who are accepted via the lottery. This is similar to the way unscreened schools like M.S. 319 and M.S. 324 admit their students.

Application rules, procedures, and deadlines for charter schools vary, but most charter schools accept applications for the following school year until April 1 and conduct admissions lotteries during the second week of April. Interested parents should contact KIPP individually to obtain an application. Many schools also post applications on their websites.

Furthermore, KIPP NYC Washington Heights Academy will serve the community in which it is located. The application lottery will give preference to students who live in District 6, and in particular, those who qualify for free or reduced price lunch.

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. Based on data reported by KIPP, the percent of students with IEPs at the existing KIPP schools in Manhattan exceed the percent of students with IEPs in District 5. The schools have only a slightly lower percent of ELLs than the District. KIPP S.T.A.R.'s data does include its kindergarten, which opened in District 6 this year, but 80% of its students are served in its middle school in District 5.

Geographic District	School DBN	School Name	ELL %	District 5 ELL %	IEP %	District 5 IEP %
5	84M336	KIPP INFINITY CHARTER SCHOOL	9%	11%	14%	10%
5/6	84M726	KIPP S.T.A.R. CHARTER SCHOOL	7%	11%	17%	10%

Charter Funding

With respect to comment 24, 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. 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). Like all Public Charter school, KIPP NYC Washington Heights Academy will be free-of-charge. Additionally, the KIPP CMO is a non-profit organization.

Charter Staffing

With respect to comment 23, while teachers at charter schools are not required to participate in a union, they are permitted to do so as long as they follow the procedures set out in state law. The decision to unionize is left to the staff in a charter school.

II. Written and/or Oral Comments Submitted to the DOE regarding the proposal

No comments have been submitted to the DOE outside of the Public Hearing.

Changes Made to the Proposal

No changes have been made to the proposal in response to public feedback.