



Public Comment Analysis

Date: January 31, 2011

Topic: The Proposed Co-location of a New Public Charter School, Success Academy Charter School, with Existing Schools in the Brandeis Educational Campus

Date of Panel Vote: February 1, 2011

Summary of Proposal

Success Charter Network, a Charter Management Organization that operates seven public charter schools in New York City, has been approved by its charter authorizer, SUNY, to open a new public charter school in Community School District 3 in Manhattan.

This is a proposal to site the new public charter school Success Academy Charter School (“SACS”) in the Brandeis Educational Campus, Building M470 (“M470” or the “Brandeis Campus”), where it would co-locate with Louis D. Brandeis High School (03M470, “Brandeis High School”), The Urban Assembly School for Green Careers (03M402, “Green Careers”), The Global Learning Collaborative (03M403, “Global Learning”), Innovation Diploma Plus (03M404, “Diploma Plus”), and Frank McCourt High School (03M417, “Frank McCourt”). A “co-location” means that two or more school organizations are located in the same building, often sharing large, common spaces like the auditorium, gymnasium, and cafeteria.

The Brandeis Campus is located at 145 West 84th Street, New York, NY, 10024 in Community School District 3. The Brandeis Campus currently houses five high schools. One of the five, Brandeis High School, is in the process of phasing out and is scheduled to close in June 2012.

The four other high schools are phasing into the Brandeis Campus. Green Careers is a Career and Technical Education demonstration school site that opened in September 2009 and currently serves grades nine and ten, with between 100-125 students per grade. Long term, it will serve grades nine through twelve. Global Learning opened in September 2009 and currently serves grades nine and ten, with between 100-125 students per grade. Long term, it will serve grades nine through twelve. Innovation Diploma Plus is a transfer high school that opened in September 2009, serving grades nine through twelve, with 150 overage and under-credited students. At scale, it will serve approximately 250 students. The Frank McCourt School is a screened school that has a particular focus on writing that opened in September 2010 with ninth grade and will serve grades nine through twelve, with between 100-125 students per grade.

The Brandeis Campus has been identified as an under-utilized building, meaning it currently has at least 300 seats available and will have at least 300 seats available within the next three years as Brandeis High School phases out. When each of the high schools at Brandeis Campus is at scale, the total high school enrollment in the building is expected to be 1,525-1,600 students, with the target capacity of the building being 2,148 students. Thus, there is sufficient space within the Brandeis Campus to house an additional school, and the DOE has always anticipated adding a fifth school to the campus.

In 2011-2012, the first year of the proposed co-location, SACS would enroll students in Kindergarten and first grade. SACS would then add one grade of approximately 84 students each year until 2015-2016, when it would serve a total of approximately 481 students. Combined with the high schools, total enrollment at the Brandeis Campus with all schools at full scale would be approximately 2,000-2,100 students. Families residing in District 3 will be given preference for admission to SACS. The Department of Education (“DOE”) supports opening an additional Success Academy public charter school in District 3 as a way to increase access to high-quality schools for District 3 families.

Summary of Comments Received at the Joint Public Hearings

A joint public hearing regarding this proposal was held at Brandeis Educational Campus on January 25, 2011. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 371 members of the public attended the hearing, and 112 people spoke. Present at the meeting were Manhattan High Schools Superintendent Elaine Gorman; District 3 Community Education Council President Noah Gotbaum; Rachel Dahill Fushell, Academic Dean of Global Learning Collaborative representing the School Leadership Team; Lisa Steglich, a representative of the Frank McCourt School Leadership Team; John Englert, co-chair of the Citywide Council on Special Education; Ellen McHugh, member of Citywide Council on Special Education; Paola Dekoeck, representing Citywide Council for High Schools; Harvey Lichtman, a teacher from Brandeis High School representing the School Leadership Team; Rick Sherwin, a representative of the Global Learning Community School Leadership Team; Elizabeth Rose and Gaby Fighetti from the Division of Portfolio Planning. Eva Moskowitz from Success Charter Network also attended.

The following comments and remarks were made at the joint public hearing:

1. Noah Gotbaum, president of Community Education Council 3 asserted that:
 - a. District 3 is overcrowded. The DOE has never previously offered the Brandeis campus as an option to relieve that overcrowding. There is not enough space in District 3. When the DOE co-locates charters with district schools, it pushes out district students.
 - b. At PS 149 and Wadleigh Secondary School, Success Network pushed out district students. At PS 149, students receive therapy in hallways and cannot use the gym because Harlem Success Academy is in the building.
 - c. The Brandeis campus recently underwent a \$22 million renovation. Recently-created science rooms, hallways, and closets will be renovated into classrooms.

Mr. Gotbaum expressed the opinion that this is wasteful and reflects poor planning.

- d. The District 3 community does not want or need a new elementary school. Existing elementary schools are high quality. Parents want more resources and less overcrowding in public schools.
 - e. District 3 received a federal magnet grant to upgrade and integrate schools. The DOE is undermining this grant by providing space and funds to a charter school to recruit students away from the schools that the federal government is funding an effort to recruit students to attend.
2. Rachel Dahill Fushell, a representative of the Global Learning Collaborative School Leadership Team, shared an anecdote about students at her school. She noted that students from the schools on the campus are reprimanded if they move into space designated for other the schools. She also asserted that:
- a. The four high schools on the campus have built a strong collaboration. The schools share resources such as science laboratories, ceramic and dance studios, music rooms, the cafeteria, gymnasias, and other athletic facilities. The schools also share resources such as paper for bulletin boards and a laminating machine. Students participate in extracurricular activities such as attending a Model United Nations conference together.
 - b. The schools have been told that if the new school comes into the building, it will not be part of that collaboration because it is an elementary school which needs to remain separate. This undermines the strong collaboration the schools have established. The schools on the campus had hoped that another organization would join them and be part of that collaboration.
 - c. Global Learning Collaborative is participating in Phase One of the special education reform. To be successful in this effort, the school requires more space than has been allotted. Students require space for emotional, social, and intellectual growth. This requires an easy, comfortable environment, not overcrowded, chaotic rooms and hallways.
 - d. Though the numbers may indicate that this campus has room for an additional school, based on the idiosyncratic needs of students, this numerical calculation does not work.
 - e. A DOE representative told the schools at a meeting that they were being asked to do the impossible. Instead of asking this, the DOE should help the schools and students be successful.
3. Rick Sherwin, a representative of the Global Learning Community School Leadership Team asserted that:

- a. Community Board 7, Community Education Council 3, and many elected officials oppose this colocation. The community does not want this colocation; it will be dangerous. If this colocation is approved, this hearing means nothing.
 - b. \$22 million were spent to renovate this campus for high schools. Renovating the campus to fit an elementary school is a waste of money. How much will it cost to renovate the campus for an elementary school?
 - c. The building is already confined. There is not extra space. Where will the one thousand new students go?
 - d. The DOE walk through labeled science labs, music rooms, art rooms, and a theater as classrooms that can be used for the new school. These are not classrooms; the existing schools need them for their designated purposes.
 - e. One of the schools on the campus is a transfer school with students up to 20 years old. It is not a good idea to put these students in the same building with young elementary school students. Two of the schools are participating in Phase One of the special education reform. The campus has a higher enrollment of special education students than other schools do. The schools welcome these students and it is the schools' mission to serve them. But, they need space.
 - f. The existing schools need to grow into full capacity in their building before another school organization is added.
 - g. Teachers in schools colocated with charter schools say that colocation leads to unequal treatment, including being moved into inferior space.
4. Lisa Steglich, a representative of the Frank McCourt School Leadership Team, asserted that:
- a. The Educational Impact Statement (EIS) contains numerous errors, including: a kitchen and a dance studio are counted as regular classrooms; the number of students at Brandeis High School is listed as 600, but 800 actually attend; and specialty rooms are listed as regular classrooms.
 - b. The EIS does not address the issue of flow management and control of different student populations.
 - c. The EIS states that space will not be taken away from existing schools. But each year, existing schools have received additional classrooms. If this stops happening, space will be taken away.
 - d. The DOE developed this proposal based on a walk through of the building. This walk through was subjective and has insufficient detail. Why doesn't the DOE use the facilities survey which is objective and much more detailed?
 - e. The EIS states that Success Academy students will not have to go through scanners. This sends a message that Success Academy students are privileged and trustworthy and other students are not.

- f. Demand for schools in the building is higher than demand for Success Academy. Success Academy receives about 3 applications for each seat, while Frank McCourt receives about 9 and Global Learning Collaborative receives about 8.
 - g. In a time of tight budgets, why spend public school dollars converting a high school to an elementary school?
 - h. The DOE will build a separate cafeteria for Success Academy. This is an admission that high school and elementary school students should not mix.
 - i. Spaces such as the ceramic studio and kiln, black box theater, lighting and sound control room, science labs, and music rehearsal rooms will be threatened.
 - j. The DOE has told principals their schools will receive \$500,000 in matching funds if a charter school is colocated with them. But the EIS states that the DOE will decide if the schools qualify for the match after the project is complete. This is a conflict.
5. John Englert, co-chair of the Citywide Council on Special Education, asserted that:
- a. The EIS does not address educational issues, including scheduling, equipment, programs, activities, testing accommodations, and social interactions between students with disabilities and their peers.
 - b. The DOE states that if the proposal is approved specific room allocations will be made by the Office of Space planning in conjunction with the building council. A draft building utilization plan has been provided. However, reconfiguration of classroom space without redesign of mechanical systems can lead to air quality control and ventilation issues, jeopardizing the health and safety of children.
 - c. The proposal does not address time it takes students to travel through overcrowded halls in the building.
 - d. Rooms are not designated for the delivery of special services.
 - e. The DOE targets 28 students per classroom, not 20 which is acceptable for K-3.
 - f. Why didn't the DOE consider space of nearby Catholic schools which are closing: St. Joseph, Holy Family, and All Saints?
 - g. This plan has been developed without consideration for children's education and safety. The community needs to hold the DOE accountable.
6. Ellen McHugh, asserted that:
- a. Students with low incidence disabilities, such as deaf students, are underrepresented in the population of charter school students with disabilities. The law states that charter schools must provide the full range of supports and services for students with disabilities to succeed.
 - b. Students with disabilities are often discriminated against and segregated.
7. Paula Dekock, a representative of the Citywide Council on High Schools, asked:

- a. Why is the \$22m that was spent on this school for high school students now being used for non-HS students?
 - b. Current high schools need space for things like extracurriculars, sports, labs, and CTE space. Why take space away from this?
 - c. Why take HS seats away at all? We need more good HS seats across the city.
 - d. Why do potential charter parents want to come to a school meant for HS students?
8. Harvey Lichtman, a teacher delegate from Brandeis HS, asserted that:
 - a. The Brandeis SLT opposes this collocation
 - b. If SA8 is collocated here, the DOE will cut the budgets and staffing of the other schools in the building
 - c. Charter schools represent a privatization of public education, and he opposes charter schools in general.
9. Noah Gotbaum, president of Community Education Council 3 asserted that:
 - a. What level of outrage and comment does the DOE need to hear to know that the community is opposed to this proposal?
 - b. Knowing the district is overcrowded and that the school is prioritizing ELL and children from at risk schools, how does this address the needs of the community? And how does the DOE define a “failing school” for this purpose?
 - c. Typically, as a charter school grows into a building, the district schools shrink. This would displace high need students already in schools in the building.
10. Eva Moskowitz, founder of Success Network, asserted that:
 - a. The goal of this school is to increase choice, regardless of whether it is a district or a charter school.
 - b. The new school will focus on critical thinking, science, reading and writing, and field studies.
11. Robert Gottheim, a representative from US Congressman John Nadler, read a statement from the Congressman:
 - a. This proposal will not address overcrowding in the district, nor will it bring new resources to struggling schools.
 - b. This will divert resources and will require additional costs to retrofit the building for K students
 - c. We should not collocate K and HS students
12. Jared Chausow, a representative for State Senator Tom Duane, read a statement from the Senator:

- a. We should use the space in this building to expand one of the high schools in the building, or to create another high school serving the community.
- b. This proposal would take away space from existing schools and would cause strife and disruption as the schools fight for scarce resources
- c. Success Network has bad relations with other schools that they share buildings with, including at PS 149 and 241.
- d. Mixing high school and kindergarten students is dangerous to the students and would cost extra money to retrofit the building. These modifications would limit the current schools ability to work together to share and exchange space
- e. Success's desire to grow could threaten further capital investment in the building
- f. Success's lottery preferences would mean that the school does not serve students from District 3. In addition, because demand is so high for Success schools, local families would have a low chance of getting access to the school.
- g. The DOE should instead promote the district choice schools, or schools that are part of the federal magnet grant.

13. City Councilmember Gale Brewer asserted that:

- a. This building is meant for high school students, and it is unfair for high school and kindergarten students to come through different entrances and only one through metal detectors.
- b. The current high schools need to grow, for extracurriculars and sports
- c. Success's preference for ELL and "at risk" students will not solve the overcrowding problem in the district
- d. The district needs more high school seats. The space should be used for that.

14. Sophia Raheem, representing Councilmember Inez E. Dickens, stated:

- a. Opposed to this collocation and other collocations because schools need room to grow for things like the Arts.
- b. This would create inequity in resources, as Success could solicit additional funds for things like smartboards, while the DOE schools would be subject to city constraints
- c. Success should find private facilities with its private endowment, such as leasing one of the closing Parochial Schools.

15. Lauren Schuster, representing Assemblymember Linda Rosenthal, stated:

- a. The district is overcrowded, and it is irresponsible to allocate space to an elementary charter school. This would not address the overcrowding problem
- b. It is dangerous to put kindergarten students in a building with students 18-20 years old

- c. Success charter gives preference to ELL and “at risk” students from out of district over in-district students, which will worsen the seat shortage
 - d. Addressing the district seat shortage is not part of the school’s plan, as laid out in its charter
 - e. Current diagnosis of the space is incorrect, and in a recent walkthrough community leaders noted that several rooms were mis-categorized
 - f. The West Side community is opposed to this proposal, and the community board voted unanimously to oppose it
 - g. Parents on the West Side are satisfied with the schools they have and want them expanded, rather than have charter schools brought in
16. Multiple commenters stated that there is not enough space in the building for another school, and it will cause overcrowding in the school building.
 17. Multiple commenters stated that the school is dangerous, and that it is not a good idea to mix elementary and high school students
 18. Multiple commenters stated that this colocation will cause current schools to lose space, programs, and teachers, and will cause current schools to have less access to shared space such as the gym and cafeteria
 19. Multiple commenters stated that they would prefer the current schools to expand rather than bring in another school
 20. Multiple commenters stated that this colocation would require the school to be retrofitted for younger students, and the current high schools would lose access to space
 21. Multiple commenters stated that the district has a space shortage, and this does not provide a solution for the need for more district seats. The seats are needed for district seats
 22. Multiple commenters stated that Success will not serve District 3 students because of the preferences in its lottery, and so will exacerbate space problems in the district
 23. Multiple commenters stated that Success Network schools have not been good neighbors in other co-locations throughout the city, and would not likely be in this situation either.
 24. Multiple commenters stated that Success Network is an educational benefit to the community, and would increase the number of high-quality seats in the community
 25. Noah Gotbaum stated, in response to a question, that he would not support a Success network high school in this building because in other colocations in the city they have squeezed out kids in the current schools.
 26. Carmen Valcasero, an SLT member from Frank McCourt, stated that their children have a right to be in the building and use the resources of the building, and the charter school does not
 27. Multiple commenters stated that the presence of Success would create additional choice for district 3 residents, which they desire

28. Multiple commenters stated that the Department of Education is simply imposing its will over the opinions of the community
29. Multiple commenters stated that Success schools have a track record of high achievement
30. Multiple commenters stated that Success schools do not have self contained classes, that they do not accept students that need those services, or that they counsel out students with special needs
31. One commenter stated that Success schools do not accept students with behavioral issues
32. Multiple commenters stated that there is no problem putting elementary and high school students in the same building, and that private schools do it all the time
33. One commenter stated that rezoning and the federal magnet grant has created uncertainty in the district, and that adding a charter would create an inflexible school that cannot adapt to the needs of the community
34. One commenter stated that a Success elementary school is collocated with a high school in another building, and there are no problems
35. One commenter stated that Success was supposed to change its charter in the Fall to say it would prioritize district students, but it has not done that.
36. Multiple commenters stated that Success students would have preference for District 3 seats when the move from 5th to 6th grade, and there is not room to accommodate them. There is hardly room to accommodate all of the district 3 students that will be seeking 6th grade then
37. Multiple commenters stated that the district needs middle and high school seats, not elementary school seats.
38. One commenter stated that hundreds of parents want this school in their community, as evidenced by the hundreds of students who have already applied for the lottery
39. One commenter stated that there are plenty of other high quality elementary school options in district 3, and so this choice is not needed
40. One commenter stated that this co-location will increase congestion in the neighborhood, including more buses idling on the street during the day
41. One commenter asked how many special education students are actually served by Success
42. One commenter stated that the DOE formerly said that Brandeis was not suitable for an elementary school, and so it put PS 452 in a middle school building. Why is this case different?
43. One commenter stated that it is unfair that charter schools can determine their own admissions criteria
44. One commenter stated that the Success told him if a student receives a seat in the lottery but does not accept a spot, then the school does not pull from the wait list but from somewhere else
45. Multiple commenters stated that it is unfair that the high school students would have to go through the scanners, but the Success students would not

46. One commenter stated that every school in the district is opposed to this collocation, because they know that it means eviction for district schools
47. One commenter stated that charter schools drive a wedge between community members, and between the resources of schools
48. One commenter stated that Success schools have better resources than the district schools they are co-located with, which is unequal and unfair
49. One commenter stated that the community was not consulted on this decision
50. One commenter state that the preference for ELL students is going to negatively affect dual language programs across the city that need these students to implement their model
51. One commenter stated that choice in this instance is bad because choice for one person precludes choice for another person
52. One commenter stated that this proposal is way to get Success access to one of the nicest buildings in the district
53. One commenter stated that Success appears to have discriminatory hiring practices
54. One commenter stated that Success students come in already at or near grade level, because the school gets to select its students

The DOE received comments at the Joint Public Hearing which did not directly relate to the proposal.

55. One commenter stated that district schools are just as orderly and high-quality as Success schools claim to be
56. One commenter stated that the DOE phased out PS 241 only to make room for Success several years ago in another building
57. One commenter stated that Success plans to add a 6-8 school afterwards, and there is no room for that in district 3
58. One commenter stated the solution to the space shortage would be to build new schools

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

59. New York State Assembly Member Daniel O'Donnell expressed his opposition to the proposal based on following reasons: it is in violation of the intent and spirit of the law passed in 2010 by the New York State Legislature that requires advanced public notice of potential co-locations; the retrofitting needed to accommodate a K-5 student population would represent an inappropriate expenditure and misuse of financial resources; and a co-location would potentially interfere with the growth and success of the schools currently thriving at Brandeis.
60. The Global Learning Collaborative held a town meeting on January 25, 2011 and submitted a statement opposing the proposed co-location. Reasons given included:
 - a. Brandeis campus was built to hold a pre-determined number of students.
 - b. Concern for how age-diverse groups of students will fit together and move with safety and ease.

- c. Special needs populations need space beyond the current determination of the number of rooms and types of space listed in the BUP.
61. Approximately 303 comments were received in opposition to the proposed co-location. Reasons given were:
- a. The campus is unsuitable for elementary school students and remodeling would be expensive.
 - b. Existing High schools should have the option to expand in the future.
 - c. Parents chose the schools in Brandeis campus specifically because the building wasn't overcrowded.
 - d. The number of rooms outlined in the Building Utilization Plan is incorrect.
 - e. New Charter School would funnel resources from the existing schools.
 - f. New Charter School gives priority admission to students "at risk" from within and then outside of District 3 before admitting students not at risk from within the district.
 - g. Middle and high schools seats will be lost.
 - h. Music rehearsal rooms, ceramic studio, dance studio and black box theatre in the building should not count as classrooms.
 - i. Overcrowding is a serious and long-term issue in District 3.
 - j. District 3 has zero priority high school seats compared to other districts.
 - k. Safety concerns regarding big age gap among the students.
 - l. Co-locating Success charter schools with other public schools have resulted in negative impact on all schools.
 - m. Special Education students need space for development.
 - n. Publicly funded facilities should be dedicated to public schools.
 - o. Charter school buses would cause street congestion in the neighborhood.
 - p. Charter schools discourage children with special needs from applying.
 - q. Community leaders are all against the proposal
 - r. The charter school claims it is recruiting English Language Learner students but doesn't even have promotional material printed in Spanish. This is not a school for the whole community.
 - s. Success Charter has enough funds to waste on relentless solicitations via robo-calls and mailings.
62. Approximately 10 comments were received in support of the proposed co-location. Reasons given were:
- t. More options for the parents.
 - u. There is currently lack of space at P.S. 9; the charter school would alleviate overcrowding in one school.
63. One commenter raised concerns that the PEP would only see the public comments analysis 24 hours before the vote and with all the other proposals that the comments will not be taken into consideration.
64. One commenter questioned why the PEP members had a pre-meeting to discuss the proposals without receiving community input.
65. The DOE has received approximately 968 copies of an online petition opposing the co-location citing the overcrowding issues in the Southern part of District 3, the lottery preference of the charter school, and issues with co-locating an elementary school with high schools.

66. One Commenter expressed support for the proposal, but asked that there be a separate dedicated entrance for SACS to ensure the K-5 children are kept separate from high school students during drop offs and pickups.
67. Public Advocate for the City of New York Bill de Blasio wrote a letter to the DOE, expressing the following concerns:
- a. Although the Department of Education attempted to engage the school community and have made significant strides in the engagement process, the meetings were rushed and the school community's valid concerns were not reflected in the process and the EIS.
 - b. Charter School would not help address current overcrowding or the need for increased classroom space.
 - c. Students will be admitted to the charter school through the citywide lottery, which will bring additional students into an already overcrowded district.
 - d. DOE will have to modify the recent renovations at Brandeis to adjust for elementary school students.
 - e. 5 year old children and 19 year old students in a single building raises serious safety concerns and requires a plan for addressing security needs.
 - f. Brandeis High School will lose valuable space such as classrooms, a kitchen and a dance studio.
 - g. If these questions are not answered, the PEP should vote against the proposal.
68. Recording Secretary, Paola de Kock, of Citywide Council on High Schools expressed her opposition to the proposal, citing that the Brandeis campus should be reserved to serve the community it was designed for, high school students in District 3.
69. Council Member Melissa Mark-Viverito expressed her opposition to the proposals to co-locate charter schools in District 3 based on the lack of long term plan in place, engagement in extensive community dialogue, and development of comprehensive community impact statement.
70. CEC 3 Resolution titled "CEC 3 Resolution Against Proposed and Future Charter Co-Locations in District 3 Including the Establishment of Upper West Success Academy in the Brandeis High School Complex, and Harlem Success Academy I Middle School at P.S. 149 and Wadleigh Secondary" was submitted. Following points were made:
- a. District 3 has a range of good to excellent zoned and district schools, all of which require additional resources.
 - b. District 3 has numerous choice schools.
 - c. District 3 has been awarded a federal magnet grant, which attract students from across the district.
 - d. DOE's calculations project fewer than 300 district-wide elementary and middle school seats available by September 2012.
 - e. DOE has failed to provide long term plan on how to accommodate District 3 students over the next five years.
 - f. Success Charter co-locations have been uniformly terrible.
 - g. Success Charter Schools enroll and educate far lower percentages of the most needy and at risk children including ELLs.

- h. CEC3 resolved that;
 - i. The PEP denies the votes on co-locations.
 - ii. There be a freeze on Charter co-locations and expansions in District 3 until DOE provides District 3 Community with adequate facilities and resources for existing schools.
 - iii. The Comptroller conduct an audit to reconcile DOE capacity and utilization statistics with experiences and observations of parents, educators, and CECs.

71. Community Board 7 submitted a Resolution expressing opposition to the proposal, citing severe overcrowding and substantial expense that would be required to retrofit a high school building to serve kindergarteners as main reasons

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

Comments 10, 24, 27, 29, 32, 34, 38 and 62 are in favor of the proposal and do not require a response.

Comments 1(a), 3(c-g), 4(a-d,i), 5(a-e), 7b-d, 8, 9(c), 12(a), 13(b), 14(a), 15(e), 16, 18, 60(a, c) and 61 (b, d, h, m, o) all 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 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.

As mentioned, the Instructional 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/8CF30F41-DE25-4C30-92DE-731949919FC3/87633/NYCDOE_Instructional_Footprint_Final9210TNT.pdf

In the case of a charter co-location, the Building Utilization Plan (“BUP”) attached to the EIS details the number of class sections each school is expected to program each year through 2015-

2016 and allocates the number of classrooms accordingly. The assignment of specific rooms and location for each in the building, including those for use in serving students with IEPs or special education needs, will be made in consultation with the Principals of each school and the Office of Space Planning if this proposal is approved. The BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location.

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 attached to the Building Utilization Plan and available at <http://schools.nyc.gov/community/campusgov>.

In order to meet the baseline allocation of classrooms for each school, rooms that are currently shared among the High Schools would be assigned to individual schools. The high schools can continue to share these spaces, as their schedules allow. Shared spaces would continue to include: the cafeteria, auditorium, 3 gymnasiums, library, dance studio, garden, and play ground.

The DOE verified the amount of space available in the building through a walkthrough performed by Richard Bocchicchio, Manhattan Director of Space Plannin. The DOE believes that the walkthrough properly identified the available space in the building.

Comments 4j, 11a, 12b,g, 13c, 14b-c, 17, 26, 46-49, and 61e address the belief that charter schools have an inequitable access to additional space and resources.

With regard to the distribution of space, as discussed above, the DOE applies the Citywide Instructional Footprint to allocate a total room count to each organization as they phase into the Brandeis campus. The assignment of specific rooms and 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.

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, to the extent a charter school funds any capital expenditure or facility upgrade on its dedicated space in excess of \$5,000, in accordance with Chancellor's Regulation A-190, it must be approved in advance by the DOE, and the DOE must then ensure that an equal amount of capital expenditures or facilities upgrade expenditures are made on each co-located DOE school. In M470, we do not anticipate that SACS would require additional work beyond the work described within the BUP as part of the campus restructuring effort (also described below).

Comments 1c, 3b, 4g, 7a, 11b, 12e, 20, 59, 62a, 67d, 71 relate to the campus restructuring that has been proposed for the Brandeis campus and how it is unfair that 1) these funds are being distributed only as a result of a charter school being proposed to phase into the campus, 2) these funds are proposed to support the restructuring of an elementary school and not a high school

and 3) funds would be used to “retro-fit” the building for elementary students and investment in new science labs would be lost.

The DOE’s proposal to fund a restructuring of this campus is not related to the proposal to locate SACS in the Brandeis campus. The restructuring work would have moved forward regardless of whether or not another school (elementary, middle or high) phased into the building. Further, restructuring work that has already been completed will not be lost as a result of this co-location. The following is a list of projects at the Brandeis campus that have been completed by the School Construction Authority (“SCA”) since 2001. The total is substantially below \$22 million, and most of this spending appears unrelated to work to restructure the school for multiple organizations.

Project	Date Completed	Const. Est.
Program Accessibility	Jun-01	\$293,000
Emergency Lighting	Mar-04	\$132,000
Science Lab	Sep-05	\$4,300,000
Climate Control	Feb-06	\$800,000
IP Surveillance Cameras	Aug-06	\$276,000
FY05 Music Room	Oct-06	\$170,000
Exterior Modernization	May-07	\$9,600,000
Walk-In-Freezer Replacement	Sep-07	\$295,000
Total		\$15,866,000

The additional restructuring work to be undertaken to support a fifth school in the building includes: the conversion of administrative space to create 4 additional full size classrooms and 2 additional half size classrooms. A portion of this work would be undertaken for the 2011-2012 school year, the remainder would be done once Brandeis High School has closed. Once this work is complete M470 will have a total of 81 full size classrooms (including 3 full size science labs and 7 full size science demonstration classrooms), 16 half size classrooms and the equivalent of 10.5 full size designed administrative spaces.

The only work being undertaken specifically related to the co-location of an elementary school is the conversion of four classrooms that are currently being used for records storage into an additional cafeteria facility, as noted in the EIS.

Comments 1a,d, 8, 9, 11, 12f, 13d, 15, 21, 22, 25, 35, 36, 43, 44, 61b-c,f,g-j,n, 65, 67b,c, 71 relate to the claim that available space in Brandeis should not go to SACS and should instead be utilized to alleviate overcrowding and waitlists in District 3.

Fundamentally, the proposal to open SACS, an elementary school which will serve grades K-5 at scale, is intended to provide a high performing option for parents of District 3 who are currently dissatisfied with their elementary school options. By recruiting heavily from District 3 (which Success Charter Network has already been doing), the intended outcome is to reduce overcrowding and waitlists in this district by providing a high quality elementary school from an organization with a track record of success. The DOE agrees this intent would be addressed more directly by revising the lottery preference for this school to provide absolute preference to

District 3 students, and is speaking to Success Charter Network to urge this change. SACS's authorizer, SUNY, would have to approve any change to SACS's charter, meaning the DOE cannot unilaterally impose this change.

Comments 1e and 33 relate to whether this proposal impacts the Magnet grant applications submitted for District 3.

The DOE believes that the proposal to locate SACS should not affect the Magnet grant applications. Those applications were for select schools within the District, none of which are located in the Brandeis campus or impacted by this proposal. The granting authority has not indicated that it believes the grant is jeopardized by the proposal.

Comments 6, 13, 15, 30, 31, 41, and 61p relate to the argument that public charter schools (in this case, Success Charter Network schools) do not serve students with special needs.

Under recent amendments to state law, public charter schools must 1) serve all students who are admitted through their lotteries, and 2) serve a % 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. The actual number of students with IEP's served by existing Success Academy schools varies by school.

Comments 2, 7, 12, 13, 19, 37 61g,j, 68 argue that the available space in the Brandeis campus should be utilized to increase the number of high school seats in Manhattan / District 3, or specific high schools currently located in the Brandeis 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 greatly enhance a critical need in District 3: quality elementary school seats. Within any district or borough, there are other competing priorities – and in the case of Manhattan, another priority is to increase the number of quality high school seats. The DOE does not believe this proposal will impede the Department from increasing quality high school seats in other buildings around the city. The DOE, as it has done, will continue to work towards improving its portfolio of high school seats in Manhattan and all boroughs.

Comments 4e, 13a, and 45 state that it is unfair that the SACS students do not have go through the scanners at the Brandeis campus.

As a part of this proposal, SACS students will enter the building through a separate entrance without scanners. 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 Success Academy Charter School would be required to enter through scanners.

Comment 4f makes the claim that Success Charter Schools are not in as high demand as the high schools in the Brandeis Campus.

While comparing a high school demand to an elementary school's demand is not entirely relevant, Success Charter Network schools are amongst the highest in demand schools citywide. Typically, each Success Charter Network school receives 10 applications for every available seat.

Students applying to high school are instructed to list 12 schools on their applications; this results in many high schools receiving substantially more applications than they have seats available.

Comment 8 asserts that charter schools represent the privatization of education.

Charter schools are public schools available for all residents of New York City. They are publicly funded in a similar manner as district schools, but are operated by external organizations. Each school is governed by an independent board of directors. Under recent amendments to New York state law, for-profit entities may not operate new charter schools in the state.

Comments 5f and 13 state 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 where there is space available to do so.

Comments 12c, 23 and 61,1 state that Success Charter Network schools have not demonstrated a willingness to work collaboratively with other schools with which they share buildings.

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.

Comments 28, 50, 59, 67, 69 state that the DOE did not fully engage with the community and/or did not comply with State law regarding any proposals that require a change in the utilization of space.

The DOE believes that SACS will provide a much-needed high-quality elementary school to District 3 residents. It provided notice to stakeholders as required by the law, and has and will continue to listen to community feedback as part of Chancellor's Regulation A-190. The DOE had previously considered an alternate location for SACS, and adjusted its plans as a result of community feedback. The Panel for Educational Policy will make the final determination regarding this proposal.

Comment 39 states that there are more than enough high quality elementary schools in District 3.

District 3 has a number of high performing elementary schools such as PS 199 and PS 87. Historically, many families from outside these zones were able to apply to attend through the

District 3 Lottery (and previously through direct application to the schools). Recent housing growth and demographic changes have resulted in overcrowding at these schools, and they no longer accept students living outside their zones. The DOE opened a new school, P.S. 452, and the CEC recently approved rezoning to help address the overcrowding in the part of the district. However, in spite of the other District 3 schools, several Gifted & Talented programs and choice programs. There is still concern among families in the area that there may not be enough seats, and that the quality of other schools in District 3 are not at the same level of performance.

Comments 40 and 61o states that opening Success Academy 8 on the Brandeis Campus will increase congestion in this area of the Upper West Side in District 3.

The DOE does not anticipate that this proposal would lead to any complications related to increased congestion (pedestrian or automobile).

Comment 50 states that Success Academy's preference to admit English Language Learners will negatively impact dual language programs across this district and borough.

ELL students should be provided choices as to their preferred academic environment just as native English speakers are. As previously stated, the DOE supports revising the lottery preference for SACS to give absolute preference to District 3 students.

Comment 51 asserts that school choice in this instance is 'bad' because choice for one family precludes choice for another.

The DOE is proud to oversee a school system where many of its schools provide choice admissions process to parents and their children. In this case, siting SACS in Brandeis does not preclude choice for high school families who wish to apply to any of the four schools phasing-in to Brandeis. The enrollment at these schools would not increase above their current plans if SACS were not sited in the building.

Comments 44 and 54 assert that Success Charter Network has higher performing students because it is able to 'select' its own students.

Public charter schools are not able to select their own students but rather must admit students through a lottery process. Lotteries select students randomly from among applicant pool. In contrast, screened schools such as Frank McCourt High School, are able to select their students based on academic achievement, attendance, teacher recommendation, and admissions tests, and zoned schools admit students based on home address, which is frequently correlated with income and parental education levels.

Comment 63 notes that the Panel for Educational Policy only reviews comments 24 hours in advance of the Panel vote date.

Per state law, this is what is required of the Panel and the DOE. The DOE is required to summarize and respond to all comments received up until 24 hours before the scheduled Panel vote, meaning that the comments and the DOE's responses cannot be complete until that time.

Comment 64 asks why Panel members had a ‘pre-meeting’ about this proposal prior to receiving the community’s input.

It is in the discretion of Panel for Educational Policy (PEP) members to meet and communicate regularly in advance of joint public hearings and the PEP voting dates. Each Panel Member must work hard to understand the facts and nuances of the various Educational Impact Statements.

Comments 3a, 9a assert there is sufficient community opposition to this proposal that the DOE should withdraw the proposal.

The DOE acknowledges there is community opposition to this proposal. There are times when the DOE and community members differ in their opinions about specific projects. Parents of rising Kindergarten students have spoken in support of this proposal.

Comments 3e, 11c, 12d, 15b, 17, 60b, 62k, 65,67e question placing elementary students in a building with high schools. Comment 66 supports the proposal and requests a separate entrance for elementary and high school students, which is being planned as part of this proposal. While not common, the DOE does have successful examples of K-12 buildings or campuses.. One example is Leadership Prep Bed Stuy, an elementary school, which shares a building with a 6-12. Other examples include the Julia Richman Educational Complex, which houses four small high schools, a K-8, and a D75 program (this campus was planned to include elementary in its initial design); HSA 4, an elementary school, which co-locates with Opportunity Charter School serving grades 6-12 in District 3; and M013 in District 4, which houses an elementary school, a middle school, and a high school. There are also numerous private schools citywide that operate K-12 in a single building.

Comment 53 asserts Success Charter Network follows discriminatory hiring practices. The DOE does not have authority over SCN’s hiring, but is unaware of any history or allegations of discrimination.

Long-term Planning/Other District 3 Schools

Comments 65,69 and 70 express several reasons for opposition addressed in the sections above, and also raise the need for more resources for other District 3 schools, and long-term capacity planning for District 3 needs.

The co-location of a public charter school does not impact the resources available to other District 3 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 3 students helps address District 3 needs by utilizing previously under-utilized capacity.

The DOE reviews enrollment projections, capacity, and utilization annually. Should this analysis indicate a need, the DOE may propose amendments to the Capital Plan to address changes in capacity need.

Changes Made to the Proposal

As a result of public feedback, the DOE will continue to recommend that Success Charter Network to apply for a revision to its lottery preference in order to more directly address the overcrowding near the Brandeis Campus and address community concerns about future middle school capacity. The DOE recommends SACS provide absolute preference to District 3 students.