

## **Public Comment Analysis**

Date: November 7, 2012

Topic: The Proposed Co-Location and Expansion of Success Academy Charter School – Harlem 5 (84M482) Grades 4-8 with Existing School P.S. 175 Henry H. Garnet (05M175) in Building M175 Beginning in 2013-2014

Date of Panel Vote: November 8, 2012

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### **Summary of Proposal**

On September 20, 2012, the New York City Department of Education (“DOE”) issued a proposal to co-locate and expand Success Academy Charter School – Harlem 5 (84M482, “SA – Harlem 5”) to serve students in fourth through eighth grades in building M175 (“M175”), located at 175 West 134th Street, New York, NY 10030, in Community School District 5, beginning in 2013-2014. SA – Harlem 5 is an existing public charter school currently serving students in kindergarten through third grades in building M123 (“M123”), located at 301 West 140th Street, New York, NY 10030 in Manhattan’s Community School District 5. SA – Harlem 5’s kindergarten through third grades are currently co-located in M123 with P.S. 123 Mahalia Jackson (05M123, “P.S. 123”), a zoned school serving students in kindergarten through eighth grades and which offers a pre-kindergarten program. If this proposal is approved, SA – Harlem 5 would expand to serve grades four through eight in M175, where it would be co-located with P.S. 175 Henry H. Garnet (05M175, “P.S. 175”), a zoned district elementary school serving students in kindergarten through fifth grades and which offers a pre-kindergarten program. P.S. 175 is currently co-located in M175 with Harlem Children’s Zone Promise Academy Charter School I (84M284, “HCZ PA I”), a public charter school currently serving students in kindergarten through third grades. HCZ PA I will be moving to a private space located in District 5 in 2013-2014, thereby creating space for SA – Harlem 5 to co-locate grades four through eight with P.S. 175 in M175 beginning in 2013-2014. 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.

The kindergarten and first grades of SA – Harlem 5 have been co-located with P.S. 123 in M123 since September 2010. On April 28, 2011, the Panel for Educational Policy (“PEP”) approved the amended proposal to extend the co-location of SA – Harlem 5 with P.S.123 in M123 for the 2011-2012 school year, and expand SA – Harlem 5 to serve kindergarten through second grade, as well as a self-contained special education class. On April 26, 2012, the PEP approved the amended proposal to extend the co-location of SA – Harlem 5 with P.S. 123 in M123 and expand SA – Harlem 5 to serve kindergarten through third grades, including one self-contained special education class, indefinitely.

As set forth above, the DOE proposes to expand SA – Harlem 5 to include fourth through eighth grade students in M175. Because of insufficient space in M123 to accommodate SA – Harlem 5’s fourth through eighth grade students, the DOE identified a separate building in which SA – Harlem 5 could serve those students. If this proposal is approved, beginning in 2013-2014, SA – Harlem 5 will enroll fourth grade student continuing from SA – Harlem 5 at M123, as well as fifth and sixth grade students from SA – Harlem 5’s feeder schools: Success Academy Charter School – Harlem 1 (84M351, “SA – Harlem 1”); Success Academy Charter School – Harlem 2 (84M384, “SA – Harlem 2”); Success Academy Charter School – Harlem 3 (84M385, “SA – Harlem 3”); and Success Academy Charter School

– Harlem 4 (84M386, “SA – Harlem 4”). All SA – Harlem 5’s feeder schools will serve students in kindergarten through eighth grade at full scale. As they expand to their full grade span of grades four through eight in 2015-2016, and in subsequent years, SA – Harlem 5 will enroll fourth grade students continuing from SA – Harlem 5 at M123, as well as fifth, sixth, seventh, and eighth grade students from one of SA – Harlem 5’s feeder schools: SA – Harlem 1, SA – Harlem 2, SA – Harlem 3, and SA – Harlem 4, including continuing students from the fourth grade of SA – Harlem 5 in M175. Ultimately, SA – Harlem 5 would serve 210 – 270 students in fourth through sixth grades in 2013-2014, 280 – 360 students in fourth through seventh grades in 2014-2015, and 350 – 450 students in fourth through eighth grades in 2015-2016.

Students are admitted to SA – Harlem 5’s feeder schools via the charter lottery application process with preference given to (1) returning students, (2) siblings of current or accepted students, (3) ELL students, and (4) applicants who reside within District 5. SA – Harlem 5 sets aside a certain percentage of seats for ELL students that will be relatable to the average ELL percentage at traditional public elementary schools within the City/and or District 5. With respect to the remaining seats and the waitlist, SA – Harlem 5 will provide lottery priority to applicants who reside in District 5.

Success Academy Charter Schools (“SACS”) is a charter management organization (“CMO”) that currently operates 12 public elementary charter schools in New York City. SACS has been authorized by the State University of New York Charter Schools Institute (“SUNY CSI”) to operate six new public elementary charter schools starting in 2013-2014. The four SACS elementary schools that received a Progress Report for the 2010-2011 school year received an overall grade of A. SUNY CSI has authorized SA – Harlem 5 to serve students in kindergarten through fifth grades. The current charter is up for renewal in 2015 (the current charter expires on February 16, 2015), and SACS intends to apply to SUNY CSI before this date for a revision to their charter to expand to serve grades kindergarten through eighth grade. SUNY CSI has the authority to approve or deny this request. Should SUNY CSI deny SA – Harlem 5’s request to expand to serve kindergarten through eighth grades, the DOE would consider alternate options for the space in M175 and, if necessary, propose an alternative option in a new or revised Educational Impact Statement (“EIS”).

The DOE supports SA – Harlem 5’s placement in District 5 and anticipates that it will provide excellent educational opportunities for students. This proposal to expand SA – Harlem 5 to serve students in fourth through eighth grades is intended to increase the number of high-quality middle school seats in District 5 and allow the school to continue providing high-quality educational opportunities for District 5 students and families.

Students are currently admitted to P.S. 175’s elementary grades and pre-kindergarten program according to Chancellor’s Regulation A-101. Admissions methods are detailed in Section III.A of the amended EIS. In the 2011-2012 school year, P.S. 175 served 366 students in kindergarten through fifth grades, and 17 students in one section of full-day pre-kindergarten. According to the 2012-2013 Budget Register Projections, P.S. 175’s enrollment for 2012-2013 is 368 students in kindergarten through fifth grades and 18 students in one section of full-day pre-kindergarten.

The amended EIS and amended Building Utilization Plan (“BUP”) can be found on the Department of Education’s Web site:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Nov2012Proposals>

Copies of the amended EIS and amended BUP are also available in the main office of P.S. 175 and SA – Harlem 5.

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

A joint public hearing regarding the proposal was held at M175 on October 23, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 160 members of the public attended the hearing, and 36 people spoke. Present at the meeting were: District 5 Superintendent Gale Reeves; District 5 Community Education Council (“CEC 5”) Representatives Ayishah Irvin, Ernest Bryan Jr., William Hargraves; P.S. 175 Principal Cheryl McClendon; P.S. 175 School Leadership Team (“SLT”) Representatives Steve Borba, Robert Nick Einenicel, Josefina Pablo, Andrea Fraser, Dianne Roberts, McKyle Clyburn, Jennifer Cuyson, Junior Maynard and Ms. Seck; Maureen Murphy representing SUNY CSI; Jeanine Johnson representing New York State Assemblyman Keith Wright; and Yael Kalban and Meera Jain from the DOE’s Division of Portfolio Planning. Norah Cooney from SACS also attended.

The following comments and remarks were made at the joint public hearing on October 23, 2012:

1. Steve Borba, a member of the P.S. 175 SLT, asserted that:
  - a. P.S. 175 has an amicable relationship with HCZ PA I and is ready to welcome another charter as long as SA – Harlem 5 recognizes P.S. 175’s need to grow.
  - b. SA – Harlem 5 should not be allowed to serve middle school grades at P.S. 175 because it is not yet authorized to do so. SUNY CSI should not allow this if they have not approved the charter renewal and extension.
  - c. The Shared Space Plan should be revised so that each school has its own time in the cafeteria for breakfast.
  - d. The Shared Space Plan should be revised so that the schools are not violating the building capacity law when they are in the cafeteria at the same time; they are expecting to serve 578 students when the cafeteria has a capacity of 325 students.
  - e. On page 14 of the amended EIS, the number of students reported to have Individualized Education Programs (“IEP”) is 8%, and 6% are in self-contained special education classes, but according to P.S. 175’s own records, this is not consistent with the number of students that currently receive an IEP, which is 22.7%.
  
2. McKyle Clyburn, a member of the P.S. 175 SLT, asserted that:
  - a. Co-locating SA – Harlem 5 is in effect trampling the Brown v. Board of Education decision that segregation is unconstitutional because the co-located students will be separate but not equal. The speaker believes the proposal will take liberties away from deserving people.
  - b. Principal McClendon (the principal of P.S. 175) raised test scores and cares about her community. Thus, it is not fair that P.S. 175 was not allowed to expand, but SA – Harlem 5 was given space to enroll out-of-district students.
  - c. Principal McClendon should have been asked what she wanted to do with the extra space; she wanted to open a dental/mental clinic. The speaker finds it immoral that services for underprivileged children were prevented from being opened in the building.
  - d. Charter schools “cherry-pick” the students they want to enroll, and remove students who cannot handle the militaristic learning environment. The speaker understands the business side of charters and believes in free enterprise, but thinks that children are worth more than the \$2,000 payment that charters receive.
  - e. P.S. 30, P.S. 141, and P.S. 123, schools that are co-located with SACS, experienced a steep decline in grades and performance. This data should have been included in the amended EIS, and not doing so was willful omission with the intent to deceive the public.

- f. If public schools have to pay rent for the space they occupy, why don't charters have to pay for their space?
    - g. The speaker heard that SACS has great resources, but the co-located school is pushed out of the space and must enroll students who were removed from the charter school because they take more work.
    - h. The speaker protests the legitimacy of the hearing because the amended EIS does not include all the relevant facts and the DOE is violating the 14<sup>th</sup> Amendment rights of children.
3. Ayishah Irvin, a member of CEC 5, asserted that:
  - a. She is impressed with Principal McClendon, and the sense of community and family at P.S. 175. Principal McClendon should have the opportunity to expand the school.
  - b. Although the Shared Space Schedule is trying to keep them apart, elementary and middle school children should not be in the same building. The younger children will be influenced by the older children, and should not have to be confined to certain spaces in the building.
4. William Hargraves, a member of CEC 5, asserted that:
  - a. This joint public hearing has nothing to do with education; it has everything to do with money. It is a political game. Charter schools get a lot of money for each child they enroll.
  - b. How many of these hearings have resulted in the school that wanted to co-locate not being approved? At how many of these hearings have you shut the door to Success? Probably less than 1%; it's a sham.
  - c. Where is the impact statement that explains the poor grades and performance after co-location if these schools received high grades before co-location?
  - d. District 5 schools P.S. 123, P.S. 149, and P.S. 241 are co-located with SACS, and these charter schools have "sucked the life out of" these district schools. He does not want the best for SACS' students at the expense of district students.
  - e. P.S. 175 wanted to grow, but it was denied. How is it fair that SACS gets space to open six new schools next year?
5. Ernest Bryant, a member of CEC 5, expressed that:
  - a. In District 5, P.S. 175 is second in math and fifth in ELA. This is the school in Harlem that has shown the parents, kids, and community that it can succeed, and will continue to succeed if given the space to grow.
  - b. HCZ PA I is moving out to their own building, but they have offered something to P.S. 175, such as tutoring and the opportunity to participate in their programs. SACS has only taken and drained the life out of the co-located schools. If SACS wants to occupy space, stop taking and bring something to the table.
6. Cheryl McClendon, P.S. 175 Principal, asserted that:
  - a. P.S. 175 has not been afforded equity, and she is appealing to the PEP for equity, civility and respect.
  - b. Asbestos abatement on P.S. 175's floors has not been completed, and the DOE said that it was not that bad and would not be completed. This situation is affecting the health of P.S. 175 students and staff.
  - c. This will not distract P.S. 175 from its mission to serve children. We are here to support our students.

- d. After co-location, P.S. 175 will be marginalized and will lose some of its more than 25 programs that are integral to the school.
7. Jeannine Johnson, representing New York State Assemblyman Keith Wright, asserted that:
    - a. The building utilization rates are ridiculous. There is no way the school can accommodate more students when it is 138% utilized.
    - b. The DOE justifies this proposal by stating that SACS has different class sizes or no special programming.
  8. Multiple commenters stated that this co-location will cause the current school to lose space and have less access to shared spaces such as the gym and cafeteria.
  9. Multiple commenters stated that they would prefer that P.S. 175 expand to serve middle school students rather than bring in another school.
  10. Multiple commenters stated that P.S. 175 is more than a school; it is a center with strong support from the community. It provides many opportunities for students and families outside of the classroom.
  11. Multiple commenters stated that they are impressed with the curriculum, culture, atmosphere, and energy of P.S. 175, and its teachers and staff. Teachers love their students and will fight for them.
  12. One commenter asserted that he agreed with SLT member McKyle Clyburne and fundamentally protests the legitimacy of the hearing because the amended EIS does not include all of the relevant facts, and the DOE is violating the 14<sup>th</sup> Amendment rights of children.
  13. Multiple commenters stated that they do not want elementary school-age children mixing with middle school-age children.
  14. Multiple commenters asked why P.S. 175 can't expand if it is doing a good job and Principal McClendon is committed to her students.
  15. One commenter asked what the benefit would be to P.S. 175 after the co-location.
  16. Multiple commenters stated that the Shared Space Schedule needs to have P.S. 175's input, rather than telling the school to re-adjust and accommodate SA – Harlem 5.
  17. Two commenters stated that P.S. 175 does a good job educating students with special needs and should be allowed to continue offering these services.
  18. One commenter stated that the building utilization rate will be more than 100% if SA – Harlem 5 moves in, which would make it difficult for P.S. 175 to grow. If they take up the space, where do P.S. 175 students go?
  19. Multiple commenters asserted that P.S. 175 offers so many things to its students, including trips to Ramapo camp, a dance program, Wellness in the Schools, programming from the NYC Department of Transportation teaching students about safety on the streets, a garden, collaboration with Teachers College, field trips, grants that bring technology into the classroom, such as iPads and SmartBoards, and hands-on learning programs.
  20. One commenter expressed that she had a hard time getting her five children into a school. P.S. 175 is the only school that she has had success with, and she wants them to remain at P.S. 175.
  21. One commenter asserted that the blue shirts worn by P.S. 175 supporters symbolize what is happening in M175 -- unity, oneness and collaboration.
  22. One commenter expressed that P.S. 175 teachers are highly qualified professionals who are dedicated to teaching. Many have masters' degrees, and some have two masters' degrees. Many of the P.S. 175 teachers have become principals in other schools.
  23. One commenter said the amended BUP is deceiving because older children take up more space and the amended BUP does not account for this.

24. One commenter stated that things that make P.S. 175 a family may not continue after co-location because of space issues.
25. Two commenters stated that any scheduling issues between the co-located schools can be worked out.
26. One commenter stated that her daughter was zoned for P.S. 175, but she had a choice and sent her daughter to SACS. Everyone should learn to respect each other's choices and mindsets.
27. One commenter stated that charter schools are public schools.
28. One commenter stated that her children are learning something new every day at SACS. They learn how to respect their elders and keep eye contact with their teachers.
29. One commenter stated that there is no co-location with SACS, rather there is segregation. Space is not shared equitably.
30. Two commenters stated that parents should know the truth; SACS does not communicate or share, it divides and conquers.
31. One commenter stated that despite limited funding, P.S. 175 has supported the community, and many schools have copied P.S. 175's academic and character models. The school is an integral part of the community and is capable of succeeding on its own.
32. One commenter stated that there has been a spike in enrollment at P.S. 175 from accepting students who have been turned away by charter schools. The school teaches all students, not just to pass a test, but to be successful in life.
33. One commenter asked why the final vote is not being held in the school but in Astoria, Queens.
34. One commenter asked why there was not advance notification about accommodating Eva Moskowitz's school.
35. One commenter stated that rooms that are not being used will be given to P.S. 175, but will eventually be taken back by the charter school.
36. Two commenters stated that they chose to work at P.S. 175 because of their desire to educate. Former students have told them: "I didn't realize how much you cared and supported us, thank you."
37. One commenter said that because of co-location with SACS, P.S. 123 has been designated a Priority School by the New York State Education Department; it used to be an A school.

*Comments not Directly Related to this Proposal*

38. One commenter stated that SACS has no regard for student education.
39. One commenter asserted that it is confusing for elementary school-age students to share facilities with high school-age students.
40. One commenter stated that SACS is a "super charter" and has too much power because of Eva Moskowitz's political background.
41. One commenter stated that Mayor Bloomberg bought another term and election and is taking over our schools. Mayoral control should end and be replaced with a Board of Education that represents the people and takes back our school and community.
42. One commenter stated that the DOE lied to the school board when M175 used to house I.S. 275 and told them it was underutilized when the building and classrooms were overcrowded.
43. One commenter asked how is there a proposal to put a new SACS in the Washington Irving campus through 2017 when it is currently 2012.
44. One commenter stated that attacking the amended EIS and amended BUP will be successful. New York State Assemblyman Keith Wright's office will support parents fighting against the proposal.
45. One commenter asserted that in over 100 years, no law has been passed that benefits public school, but many laws have been passed that are in favor of charter schools.

46. One commenter stated that P.S. 30 received \$875,000 for a new playground, but there was no shared decision making about what to use this money for.
47. One commenter stated that co-locating SACS in P.S. 30 has hit them hard, but they are surviving. SACS has taken up a majority of the building, and many of P.S. 30's services had to be combined to fit in a classroom. P.S. 30's physical education teacher is teaching in the hallway.
48. One commenter said that because of co-location, P.S. 123 doesn't have space to serve students with IEPs. Teachers College Reading and Math Buddies program stopped because SACS took the space they operated in.

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

During the public comment period, in total, one comment was received via email regarding the proposal.

49. One commenter asked if the DOE had held a meeting, besides the CEC meeting and joint public hearing, to notify the community that another charter school is taking space in P.S. 175.

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

Comments 25 - 28 are in favor of the proposal and do not require a response.

Comments 1(a), 2(b,c), 3(a), 4(e), 9, and 14 contend that the available space in M175 should be utilized for P.S. 175 to expand to serve middle school grades and to continue to offer their partnerships and programs.

P.S. 175 applied in March 2011 for a grade expansion to serve kindergarten through eighth grades beginning in the 2012-2013 school year. At that time, space was not available in M175 because the school continued to be co-located with HCZ PA I, and the application for expansion was denied. The school has not submitted another application for a grade expansion since the denial of its March 2011 application.

Furthermore, the decision to approve or deny grade expansion applications is dependent on several factors beyond the immediate availability of space in the building, including demand and performance. As stated in the EIS, this proposal is not anticipated to impact the existing partnerships and programs currently offered at P.S. 175.

Comment 1(b) questions how SUNY CSI can allow SA – Harlem 5 to serve middle school students when their charter does not yet authorize it.

As described in the amended EIS, SA – Harlem 5 will enroll middle school students articulating from SA – Harlem 1, 2, 3 and 4. SA – Harlem 1 is currently authorized to serve middle school students; SA – Harlem 2, 3, and 4 will apply to SUNY CSI in 2013, to expand their charters to serve middle school students, and SA – Harlem 5 will apply to expand its charter in 2015. Should SUNY CSI deny SA – Harlem 5's request to expand to serve kindergarten through eighth grades, the DOE would consider

alternate options for the space in M175 and, if necessary, propose an alternative option in a new or revised EIS.

Comment 23 asserts that the BUP does not account for the allocation of space based on the physical size of elementary and middle school students.

As described below, the BUP allocates classrooms based on the grade levels served, as well as the number of class sections each school is expected to serve each year. DOE buildings across New York City are frequently used to house students of different grade levels. Several buildings that have typically housed high school students now serve elementary and middle school students, and vice versa. In addition, M175 has housed middle school students in the past.

Comment 2(f) suggests that SACS should pay for occupying space in public schools.

SACS operates public charter schools that are available for all residents of New York City. 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 charge public charter schools for space in DOE buildings, because it is a public school. The DOE does not lease space directly for charter schools; a charter interested in private space would have to acquire or lease that space with private funds.

Comments 7(a,b), 8, 16, 18, 24, 29, and 35 relate to the process by which space is allocated to schools and shared space scheduling.

There are currently hundreds of schools in buildings across New York 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 Citywide Instructional Footprint (the “Footprint”), described below, is applied to both DOE and public charter schools to ensure equitable allocation of classroom, resource and administrative space.

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

The 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 is determined by the Principal based on enrollment, budget, and student needs; there is a standard guideline of target class size (i.e., number of students in a class section) for each grade level. At the middle school and high school levels, the Footprint assumes every classroom is programmed during every period of the school day except one lunch period. The full text of the Footprint is available at [http://schools.nyc.gov/NR/ronlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011\\_FINAL.pdf](http://schools.nyc.gov/NR/ronlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf).

The amended BUP details the number of class sections each school is expected to program each year 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 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 amended BUP also sets forth a proposed Shared Space Schedule for the co-located schools for the 2013-2104 school year. The final Shared Space Schedule will be decided upon by the Building Council, which is comprised of principals and charter leaders of impacted schools, if this proposed co-location is approved by the PEP. If the principals and charter leaders 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>.

Comments 7(a) and 18 express concern about the building utilization rate.

As discussed in the amended BUP, while the anticipated utilization rate is in excess of 100%, both schools will receive space that meets both of their instructional needs, and the building has space to accommodate P.S. 175 and grades four through eight of SA – Harlem 5. Although a utilization rate in excess of 100% may suggest that a building will be over-utilized or over-crowded in a given year, this rate does not account for the fact that rooms may be programmed for more efficient or different uses than the standard assumptions in the utilization calculation, as described above. In addition, charter school enrollment plans frequently contemplate larger class sizes than target capacity, as well as school models that permit greater space efficiency, contributing to building utilizations above 100%.

Comments 1(c) and 1(d) specifically question the proposed Shared Space Schedule with respect to time in the cafeteria for breakfast.

As described above, the Building Council will determine the final Shared Space Schedule, and may choose to schedule breakfast in such a way that schools do not overlap in the cafeteria. As stated in the amended BUP, traditionally not all students have opted to participate in the breakfast program at M175. The proposed breakfast scheduled contemplates the schools overlapping for only 15 minutes out of the total of 30 minutes allocated to each school for breakfast.

Comment 1(e) questions the enrollment and IEP statistics reported in the amended EIS.

On page 14 of the amended EIS, the percent of P.S. 175 students reported to have IEPs is 8%, and 6% are in self-contained special education or integrated co-teaching classes. These enrollment figures in the amended EIS use the October 31, 2011 Audited Register data, which may differ from the school’s self-reported statistics. Per the 2011 Audited Register, the table below details the number of P.S. 175 students who have IEPs and are in self-contained or integrated co-teaching classes as a percentage of total enrollment.

<b>2011 Audited Register</b>	<b>Number of Students</b>	<b>Total Enrollment</b>	<b>Percentage of Total Enrollment</b>
<b>IEP</b>	32	383	8%
<b>SC/ICT</b>	22	383	6%

Comment 2(a) claims that the co-location is “trampling” the Brown v. Board of Education decision.

The DOE proposes co-location in public school buildings of district schools and charter schools to ensure that we are using our existing capital in the most efficient manner possible so that students and families in every community have access to high-performing educational options. Although individual buildings may

house multiple district and/or charter school organizations, these school options are available to all students. Charter schools admit students by lottery and give priority to students who reside in the community school district where it is located. Students are not admitted based on race.

Comments 2(e), 4(c,d), 5(b), 6(d), and (17) state that co-locating with SACS will negatively impact space, enrollment registers, Progress Report grades, test scores, and programming at district schools.

As stated in the EIS, the proposed co-location is not expected to impact future student enrollment, instructional programming, or the admissions process at P.S. 175. P.S. 175 will not experience any material decrease in space or resources as a result of this co-location. P.S. 175 has been successfully co-located with another charter school, HCZ PA I, for several years, and we do not anticipate that the replacement of HCZ PA I with SA – Harlem 5 will negatively impact the school.

With regard to comment 6(d), the DOE does not anticipate that any of P.S. 175's current programs will be affected by this co-location.

With regard to comment 17, the DOE does not anticipate that special education programming at P.S. 175 will be affected by this co-location.

Comment 32 assert that there has been a spike in P.S. 175's enrollment and attributes this change to the impact of charter schools.

Like schools across the city, P.S. 175's enrollment has fluctuated from year to year due to a wide variety of factors, increasing in some years and decreasing in others.

Comments 2(h) and 12 argue that the joint public hearing violates the 14<sup>th</sup> Amendment rights of children.

The DOE appreciates all feedback from the community regarding a proposal. In accordance with New York Education Law § 2590-h and Chancellor's Regulation A-190, when the amended EIS and amended BUP were issued, they were made available to the staff, faculty and parents at P.S. 175 and SA – Harlem 5, on the DOE's Web site, and in each school's respective main office. In addition, the DOE has dedicated a proposal-specific website and voicemail to collect feedback on this proposal. Furthermore, all schools' staff, faculty and parent communities were invited to the joint public hearing to solicit further feedback, as is required by the New York Education Law and Chancellor's Regulations. Although the DOE recognizes that people in the community may have strong feelings against this proposal, the DOE believes that, if this proposal is approved, the school communities at P.S. 175 and SA – Harlem 5 will be able to create productive and collaborative partnerships. Therefore, the DOE does not believe this violates the 14<sup>th</sup> Amendment rights of children of the impacted schools.

Comments 5(a), 6(c), 10, 11, 19 - 22, 31, and 36 express several reasons why P.S. 175 is an excellent school, has qualified and dedicated teachers who love their students, and is seen as a community center in Harlem, and do not require a response.

Comment 15 asks what will be the benefit of co-location.

Roughly half of our schools share space in a building. Because of co-locations, we are able to use our limited facilities efficiently while simultaneously creating additional high-quality options for New York City families. This is necessary when we have scarce facilities and a demand for more high-performing options.

Comments 2(g), 6(a), and 30 concerns the availability of resources for DOE schools and the contention that charter schools have an inequitable access to additional space and resources.

With regard to the distribution of space, as discussed above, the DOE applied the Footprint to allocate a total room count to each organization in M175. 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 "funnel" resources away from DOE schools, it should be noted that charter schools receive public funding based on their student enrollment, as do DOE schools. To the extent that a student opts to attend a charter school rather than a particular zoned DOE school, that zoned DOE school's enrollment may decline, resulting in less per student funding. However, this very same result occurs whenever a student decides to attend a choice, unzoned DOE school, rather than his or her zoned school. In this regard, the impact of a parent selecting a charter school is no different than the impact of a parent selecting an alternative DOE school. The DOE believes the ability for parents to choose where they wish their child to attend school is of paramount importance, and is committed to increasing the options available to families.

Comment 4(a) pertains to the approval process for this proposal. No decisions have been made regarding this proposal. The PEP will vote on this proposal on November 8, 2012. All community feedback received during the public comment period has been included in this Analysis of Public Comment, which is provided to the PEP prior to their vote.

Comment 4(b) pertains to the approval process for all proposals. While many proposals have been posted and later withdrawn before the PEP vote based on public feedback, the PEP has not voted down any proposals.

Comment 6(b) discusses the asbestos in M175, specifically on the first floor, which is occupied by P.S. 175. The Division of School Facilities visited M175 and determined that the floors are in satisfactory condition and that asbestos abatement is not urgent.

Comments 3(b) and 13 discuss placing middle school students in a building with elementary students. Due to space limitations, it is not unusual for varying grade levels to be co-located together. Many school buildings house elementary and middle schools, or grades K-8 of one school organization, and there are even successful examples of K-12 buildings or campuses in New York City.

These examples include:

- Leadership Prep Bedford Stuyvesant Charter School, an elementary school, which shares a building with the Academy of Business and Community Development, a school serving sixth through twelfth grades;
- The Julia Richman Educational Complex, which houses four small high schools, a K-8 school, and a District 75 program;
- Brooklyn Collegiate: A College Board School, which serves sixth through twelfth grade, and shares a building with Achievement First Brownsville Charter School, which currently serves kindergarten through third grade;
- 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;
- P.S. 241, which shares a building with SA – Harlem 4, another elementary school, and with Opportunity Charter School, which serves sixth through twelfth grade in District 3; and

Comment 2(d) asserts that SACS has higher performing students because it is able to ‘select’ its own students.

Public Charter 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. With specific regard to SACS, SACS does not ‘select’ its own students. Students are admitted via the charter lottery application process with preference given to (1) returning students, (2) siblings of current or accepted students, (3) ELL students, and (4) applicants who reside within the district. In contrast, screened schools are able to select their students based on academic achievement, attendance, teacher recommendation, and/or admissions tests. Zoned schools admit students based on home address, which is frequently correlated with income and parental education levels.

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 each charter school individually to obtain an application. Many schools also post applications on their websites.

Furthermore, charter schools serve the communities they reside in. Students are admitted to charter schools through an application lottery that gives preference to students who live in the community school district in which the charter school is located.

Comment 33 questions why the final vote is being held at Astoria, Queens.

The PEP meets regularly throughout the year in sites across the city. These sites are determined in advance of the posting of the proposals on which the PEP will vote and are dependent on space availability. Given that the PEP votes on multiple proposals impacting schools across the five boroughs at each meeting, it cannot hold each vote in the impacted district or borough.

Comments 34 and 49 suggest that the DOE did not adequately engage with the community before this proposal was posted. The DOE provided notice to all requisite stakeholders as required by law, and has, and will continue to listen to community feedback consistent with Chancellor’s Regulation A-190. The DOE began discussions regarding this proposal with Principal McClendon and the school’s Child First

Network and cluster several months in advance of posting the original and amended EIS and original and amended BUP describing the proposal, and met with the P.S. 175 SLT and Network Leader on September 24, 2012, shortly after the original EIS and original BUP were posted. As described above, more than 100 members of the public collectively attended the joint public hearing concerning the proposal, and the DOE received comment via its dedicated email address. This Analysis of Public Comments received is provided to the PEP prior to its determination regarding this proposal.

Comment 37 suggests that a co-location can cause a school to be included on the list of “Priority” schools. New York State identifies a list of schools known as Priority schools, which are based on schools’ student performance data: four-year graduation rates (under 60 percent) in high schools and a student growth formula from state test scores in elementary and middle schools that places the schools in the bottom 5 percent of schools statewide, per guidelines set by the federal government. There is no connection to whether schools are subject to co-locations. P.S. 175 is currently co-located with another charter school and is not on the Priority list.

Comments 38 - 48 are not directly related to the proposal and thus do not require a response.

### **Changes Made to the Proposal**

In response to public feedback, the DOE has amended the BUP for this proposal to include the number of self-contained sections at P.S. 175 in the 2014-2015 school year, and amended the EIS to update references to the amended BUP. These changes do not significantly revise the proposal itself.