

## **Public Comment Analysis<sup>1</sup>**

Date: November 7, 2012  
Topic: The Proposed Grade Truncation of P.S. 202 Ernest S. Jenkyns (19K202) from K-8 to K-5 Beginning in the 2013-2014 School Year  
Date of Panel Vote: November 8, 2012

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### **Summary of Proposal**

P.S. 202 Ernest S. Jenkyns (19K202, “P.S. 202”) is an existing school located in school buildings K202 (“K202”) and K958 (“K958”), at 982 Hegeman Avenue, Brooklyn, NY 11208, in Community School District 19. In addition to the main K202 building, P.S. 202’s students are also served in transportable class units (K958, “TCUs”) that are located adjacent to K202.<sup>2</sup> P.S. 202 currently serves students in kindergarten through eighth grade and offers a full-day pre-kindergarten program. P.S. 202 serves zoned kindergarten through fifth grade students, while sixth through eighth grade students are admitted through the District 19 Middle School Choice process. P.S. 202 is the only school organization housed in K202 and K958.

The New York City Department of Education (“DOE”) is proposing to implement a gradual “grade truncation” of P.S. 202’s middle school grade levels. If this proposal is approved, following the 2012-2013 school year, P.S. 202 will no longer enroll sixth grade students, while students currently in the sixth and seventh grades will continue at the school for seventh and eighth grade, provided they meet promotional requirements. All current eighth grade students who meet promotional standards will apply to high school through the Citywide High School Admissions Process and enter ninth grade, as planned, in September of 2013.

During the 2013-2014 school year, P.S. 202 will serve students in kindergarten through fifth grade and seventh and eighth grade. During the 2014-2015 school year, P.S. 202 will serve students in kindergarten through fifth grade and eighth grade. After the last class of eighth grade students graduates in June 2015, P.S. 202 will no longer serve any middle school grades. In each of those two years, there may be students who do not meet promotional standards and are required to repeat a grade that the school will no longer serve. The Office of Student Enrollment will work with those families to determine an appropriate placement in the students’ districts of residence. As per Chancellor’s Regulation A-101, these students will have a priority to their zoned school or may be placed in another school in their district of residence. In the unlikely event that there are enough hold-over students in a discontinued grade to maintain a class section, it is anticipated that P.S. 202 will offer that grade to those hold-over students for an additional year.

As is the current case, eighth-grade students in the next two school years who meet promotional standards will apply to high school through the High School Admissions Process. The DOE does not anticipate that the proposed truncation of P.S. 202 will affect its pre-kindergarten program.

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<sup>1</sup> This Analysis of Public Comment reflects those public comments received to date. The DOE will continue to accept public comments until November 7, 2012 at 6 p.m. If any additional comments are received, they will be addressed in an amended analysis.

<sup>2</sup> These TCUs currently house P.S. 202’s art room and parent center.

The principal of P.S. 202 initiated this proposal to truncate in February 2012 through the submission of a Letter of Intent (“LOI”) to the Division of Portfolio Planning (“Portfolio”). Truncating P.S. 202’s middle school grades will allow for the school to more fully focus on serving its kindergarten through fifth grade students.

In a separate EIS and accompanying Building Utilization Plan (“BUP”) posted in September 2012, and which are available at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Nov2012Proposals> and in P.S. 202’s main office, the DOE is proposing to open and “co-locate”<sup>3</sup> a new public charter school, Achievement First Aspire Charter School (84KTBD, “AF Aspire”), with P.S. 202 in buildings K202 and K958. AF Aspire will serve students in kindergarten through fifth grade, and intends to expand to serve students in kindergarten through eighth grade.<sup>4</sup>

Copies of the EIS describing the proposed grade truncation are available in the main office of P.S. 202. It is also available on the DOE’s website at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Nov2012Proposals>.

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

Two joint public hearings regarding this proposal and the proposal to open and co-locate AF Aspire were held on October 25, 2012 at K202. Participants had the opportunity to provide input on both original proposals.

Approximately 216 members of the public attended the hearing, and 48 people spoke. Present at the meeting were Community School District 19 Superintendent Andrea Harris; District 19 Community Education Council (“CEC 19”) Acting President Shamona Kirkland; Caryln Green, representing the P.S. 202 School Leadership Team (“SLT”); Cyndi Proctor, a representative from the State University of New York Charter School Institute (“SUNY CSI”); New York City Council Member Charles Barron; New York State Assembly Member Inez Barron; Sara Kaufman and Jenny Sobelman from the Division of Portfolio Planning; and Erica Perez, a member of CEC 19.

The following comments and remarks were made at the joint public hearing on October 25, 2012:

1. Carlyn Green, representative of the SLT, shared a poem. She also asserted that
  - a. The SLT wants a truncation with amendments so that P.S. 202 can maintain its middle school.

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<sup>3</sup> 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.

<sup>4</sup> While the separate EIS proposes the co-location of AF Aspire’s kindergarten through eighth grade, to date the State University of New York Charter Schools Institute (“SUNY CSI”) has only authorized AF Aspire to serve students in kindergarten through fifth grade. AF Aspire has informed DOE that it intends to apply to SUNY CSI to expand its grade span to include students in sixth through eighth grade, as only SUNY CSI has the authority to approve or deny that request. Should SUNY CSI deny AF Aspire’s request to expand, or if AF Aspire fails to make this request, AF Aspire will only serve its approved grade span of kindergarten through fifth grade. As a result, the DOE would revise the Building Utilization Plan that accompanies the co-location EIS as necessary.

- b. P.S. 202 was an A school five years ago and in those five years, P.S. 202 lost approximately 30 teachers. Therefore, scores naturally decreased at P.S. 202.
2. Erica Perez, representative of CEC 19, stated that:
  - a. She sat in SLT meetings last year and she knows what P.S. 202 wants: truncation with amendment.
  - b. Pushing one school in to push out another does not make sense. This hurts children; P.S. 202 children are being pushed out. Everyone should be treated equally.
3. Ms. Haywood, a member of the SLT, asserted that:
  - a. In the last five years, P.S. 202 lost 30 teachers; what do you expect would happen to our grades?
  - b. Every child's needs are not getting met. Where are the services for the bottom of the class? We received tutoring services for a month before the state tests, but we need more than that. Why do we not have SMART boards?
  - c. Give us back our small class sizes, give us a chance, and let us prove you wrong.
4. Ms. Gonzales, another member of the SLT, thanked P.S. 202 teachers who worked hard to get her daughter to where she is now. She also stated that:
  - a. P.S. 202 wants its funding back.
  - b. A truncation with amendments is wanted.
5. One commenter expressed that a truncation with amendments is wanted.
6. One commenter asserted that:
  - a. She wants to indict the DOE.
  - b. P.S. 202 has lost 30 of its best teachers.
  - c. A superintendent was sent with an agenda to District 19 to find a building and place a charter school in it.
  - d. P.S. 202 wants its resources back.
7. One commenter stated that the DOE is leaving P.S. 202 with nothing.
8. One commenter stated he did not want his school, P.S. 202, to be closed. The commenter submitted written comments.
9. Multiple commenters stated they wanted to save their school and that the charter school should not be allowed to open.

**The DOE received a number of comments at the joint public hearing which do not directly relate to the proposal, and therefore will not be addressed. Those comments are summarized below.**

10. Carlyn Green, representative of the SLT, shared a poem. She also asserted that
  - a. Co-location is a problem and should be addressed after P.S. 202 is provided with resources. A charter school is a band-aid solution to having several teachers excessed from and not enough resources at P.S. 202.
  - b. The charter is an unwanted guest at P.S. 202 and should find its own space.
  - c. P.S. 202 is supposedly under-utilized but it is not.
  - d. Charters do not help students with behavior problems and special needs students.
  - e. A K-8 charter will eventually need space and there will not be space with a K-8 already in the building.
  - f. Co-locations bring out nepotism, communism, and Big Brother.
11. Erica Perez, representative of CEC 19, stated that:

- a. Everyone in the auditorium is segregated; however, P.S. 202 parents were not bused in like the charter school parents. They came in freely with no charter school shirts. No one told them to come.
  - b. People are holding signs tonight about wanting options. P.S. 202 wants options.
  - c. Everyone should be pro-children, not pro-public or pro-charter school.
12. Assemblywoman Inez Barron stated that:
  - a. She has educated in this system for 18 years, teaching pre-kindergarten through eighth grades. She has taught reading and math, volunteered as a parent coordinator, and served as an assistant principal and principal.
  - b. We know education is more than academics. It is also athletics and the performing arts.
  - c. Kids usually see their educators more than their parents because parents are working. We need to create an atmosphere in this building where individuals are respected.
  - d. We might have different positions on how to move forward, but we need to model for our children for how to respect one another. Our children need to see that we respect and listen to one another.
13. Councilmember Charles Barron asserted that:
  - a. No one is against children and our children getting the best education they possibly can.
  - b. When all of our children finish in this system upon graduation, Black or Latino, if they go to a district or a charter high school, only 15 percent are ready for college or a career.
  - c. The principal agrees and the DOE agrees that the charter school is coming here. So what AF Aspire needs to do now is get along with community leaders. Fighting will not get students educated. We need to work together to find out how we will educate all of our children, not some of our children.
  - d. When it comes to these buildings, the decisions have already been made by the DOE.
  - e. We must unite for a quality education and not become divided. There is nothing magic in the word “public,” “charter,” or “private” education. What magic is is smaller class sizes; a curriculum that is culturally relevant for the kids; getting a science lab for the school, which his office secured for P.S. 202, not the DOE; having a cultural and arts program; and having teachers who know how to teach.
  - f. I can organize twice as many parents and we can just fight for the whole semester instead of learn. We have won those battles and gotten other charter schools out of our district. We are not going to give this school over without a fight.
  - g. When it comes to these buildings, the decisions have already been made by the DOE.
  - h. No matter what Eva Moskowitz says, or the t-shirts say, we are not surrendering our school to a charter organization or anyone else who manipulates each other with their money.
14. Ms. Haywood, a member of the SLT, asserted that the problem is not with the parents of the charter school, but with the DOE.
15. C. Gonzales, another member of the SLT, thanked P.S. 202 teachers who worked hard to get her daughter to where she is now. She also stated that:
  - a. The DOE is playing a game with our kids’ emotions. They are fighting outside for a reason.
  - b. P.S. 202 has nothing against charter schools, we just do not want one in this building.
16. Tonya Barrett, a member of the SLT, asserted that if the DOE were here for the kids, it would not be separating the charter and public schools.
17. One commenter stated the charter school should secure its own building.

18. Multiple commenters stated that they were parents of students who attended Achievement First schools and that they have seen Achievement First as great partners in co-located spaces. Co-location allows schools to share best practices and goals.
19. Multiple commenters stated that Achievement First serves students with Individualized Educational Plans (“IEPs”) well.
20. Multiple commenters stated that students in East New York deserve options near them.
21. One commenter stated:
  - a. Students in co-located schools face the most problems. Charter schools kick students out for behavioral issues. Students then return to public schools that eventually become overcrowded.
  - b. Make sure the staff and pensions are equal at both schools in the building.
22. One commenter expressed that a charter school is not needed at P.S. 202. Students need examples like him, who have graduated from P.S. 202 and done well.
23. One commenter stated that the DOE is giving the public school less money than the charter school and that there is no equality. Public education is supposed to be fair and equal to everyone. P.S. 202 does not even have technology.
24. One commenter expressed support for co-locations. While hearings can be intense, co-location ends up working.
25. One commenter stated that P.S. 202 is not underutilized. The DOE included trailers, which expired 10 years ago, in its calculations. The trailers should not be included in a school utilization plan. When the trailers are removed from the calculations, P.S. 202 is not underutilized.
26. Multiple commenters stated that the co-location of AF Aspire would kick P.S. 202 students out of the building. The charter should buy its own building and let P.S. 202 keep its students.
27. One commenter stated that the majority of charter schools are doing no better than public schools and are doing the same or worse. The DOE is not teaching students how to take a test. It is easy to get a “A” or “B” when students are hand-picked.
28. One commenter stated that there is no room in the building for another school.
29. One commenter expressed the belief that charters are the best option.
30. One commenter asserted that the community should not fight against the charter. The building belongs to taxpayers who have the right to see maximum use of the building. There are too many misconceptions about charter schools and the biggest one is the misconception that they are private schools. They are not – there is no exclusion and no tuition.
31. One commenter stated that SMART boards do not close the achievement gap. Charters are public schools and receive less money than district schools.
32. One commenter asserted that if Achievement First parents put more effort into public schools, P.S. 202 would not be failing. Charter schools sound like “separate but equal.”
33. Multiple commenters stated their children attend Achievement First schools and receive the best education. More families should have this option.
34. One commenter asserted that:
  - a. Placing a charter school in the building takes seats away from P.S. 202.
  - b. Charter schools are about corporal punishment and make students afraid to speak up.

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

35. One comment was received stated the DOE should act fast because as a kindergarten through eighth grade school, P.S. 202 has been a failure.

36. One comment was received suggesting the DOE should provide proper funding and sufficient resources to P.S. 202 instead of budget cuts.

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

37. Three comments were received in opposition to the proposed co-location. Reasons given were:
- The charter school is stupid.
  - The TCUs are dangerous. They were originally designed for three years of use and are about 12 years old.
  - There are several parents of Achievement First schools who have pulled their children out due to the repressive disciplinary style of Achievement First.

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

Comment 35 is in favor of the proposal and does not require a response.

Comments 1 (a), 2 (a), 4 (b), and 5 reference the SLT's intention to apply for a grade truncation.

In the Letter of Intent ("LOI") submitted by the principal of P.S. 202 in February 2012 to the Division of Portfolio Planning ("Portfolio"), the SLT requested the truncation of the middle school grades. The LOI states: "We are asking to truncate PS/IS at the fifth grade therefore, making PS/IS 202 a Pre-K – 5 elementary school. Therefore, to be able to use our resources and become more focused on the elementary grade levels, thereby achieving increased learning outcomes; we believe it is necessary to truncate the school. This proposal should not impact the students currently enrolled in grades six through eight. If approved, PS/IS 202 would gradually eliminate services for middle school students, that is, students in grades six through eight." The SLT now indicates its intent was for the grade truncation to result in the separation of P.S. 202 into two separate and distinct schools, one serving kindergarten through fifth grades and one serving sixth through eighth grades. However, regardless of the SLT's intention, it is clear in the LOI that the school applied for a grade truncation, and as a result the DOE reviewed the SLT's request.

After a comprehensive review of P.S. 202 with the goal of determining what would best benefit the P.S. 202 community, the DOE concluded that truncating P.S. 202's middle school grades would allow for the school to more fully focus on serving its kindergarten through fifth grades. The decision to propose a grade truncation does not reflect an assessment by the DOE that P.S. 202's school leadership lacks the capacity to support P.S. 202. Rather, it reflects the DOE's assessment that P.S. 202 lacks the infrastructure to improve quickly to meet the needs of its sixth through eighth grade students and families.

Comments 1 (b), 3 (a), and 6 (b) suggest that P.S. 202's performance declined because of a decline in the number of staffing positions.

The DOE has seen a decline in the number of staffing positions at P.S. 202. However, the decline in staffing positions is a reflection of the declining enrollment trends at P.S. 202.

In New York City, we fund schools through a per pupil allocation. That is, funding "follows" the students and is weighted based on students' grade level and need (incoming proficiency level and special

education/ELL/Title I status). If a school's population declines from 2,500 to 2,100 students, the school's budget decreases proportionally—just as a school with an increase in students receives more money. Even if the Department of Education had a budget surplus, a school with declining student enrollment would still receive less per pupil funding each year enrollment falls.

The number of staffing positions is dependent on budget projections, which is contingent on the number of students enrolled. When student enrollment declines, the allocation of per student funding decreases. Therefore, the decline in staffing positions is a reflection of budget register projections and the need for staffing positions.

The DOE also acknowledges the decline in performance at P.S. 202. Although staffing declined during the same time period, P.S. 202 continued to receive the same per pupil funding proportional to enrollment, as well as support from Children First Network, a team that delivers operational and instructional support directly to schools.

Comments 3 (c), 4 (a), 6 (d), and 36 assert that P.S. 202 should have funding and resources restored.

As noted previously, funding is contingent on student enrollment. P.S. 202's enrollment declined from 2009-2010 to 2011-2012, which impacted P.S. 202's budget. The DOE acknowledges that budget cuts have impacted schools across the City, but budget cuts have not disproportionately impacted schools. For example, in 2010-2011, individual school budgets Citywide were cut by an average of 4%. It should be noted that principals have discretion over their budget and make choices about how to prioritize their resources. Furthermore, class size is a reflection of student enrollment trends, and is affected by how principals program the number of classes needed for each grade.

Comment 3 (b) suggests students are not receiving the necessary resources.

The DOE notes that all schools receive support and assistance from their respective superintendents and Children First Networks. The Children First Network is a team that delivers operational and instructional support directly to schools. The Children First Network and DOE does everything it can to provide schools with leadership, operational, instructional, and student supports. As stated previously, principals have discretion over their budget and make choices about how to prioritize their resources, such as technology.

Comment 7 states that P.S. 202 will be left with no resources as a result of the truncation.

The truncation of P.S. 202 will not leave the school without resources. P.S. 202 will continue to receive support from its Superintendent and the Children First Network.

The DOE acknowledges that the decline in middle school student enrollment will decrease the budget allocation to P.S. 202; however, the budget allocation would continue to support the elementary school grades.

As stated in the EIS, this proposal is not expected to impact initial costs or allocations at P.S. 202. Some current P.S. 202 staff positions may be exceeded due to the declining enrollment associated with the

elimination of the sixth through eighth grade classes at P.S. 202. It is difficult to precisely predict the number of affected positions.<sup>5</sup>

When addressing the proposal's impact on personnel, it is also important to understand that the students who would otherwise have enrolled in P.S. 202's middle school grades may enroll in other schools borough-wide, and those schools might need to hire additional staff. Consequently, this proposal will not necessarily result in a net loss of teaching positions within the Citywide system.

Comment 8 suggests that the DOE is closing P.S. 202, while Comments 2 (b) and 9 imply that the DOE is closing P.S. 202 in order to site an additional school.

The DOE has not proposed to phase out and close P.S. 202. Rather, the DOE has proposed to truncate P.S. 202's middle school grades. Furthermore, the DOE has not proposed to truncate P.S. 202 in order to site an additional school organization. While there are plans to use excess space at K202, as stated in the EIS, if the proposal to truncate is not approved, the DOE still believes there is space for the co-location of AF Aspire with P.S. 202 in buildings K202 and K958. If the proposal to truncate is not approved, the EIS and the accompanying BUP will be revised as necessary.

Comments 6 (a, c) voice general opposition to the proposal. The DOE believes that truncating P.S. 202's middle school grades will allow the school to focus on kindergarten through fifth grade instructional needs, thereby enabling P.S. 202 to improve more quickly.

Comments 10 (a, b, c, d, e, f), 11 (a, b, c), 12 (a, b, c, d), 13 (a, b, c, d, e, f, g, h), 14, 15 (a, b), 16, 17, 18, 19, 20, 21 (a, b), 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 (a, b), and 37 (a, b, c) do not relate directly to the proposed grade truncation and, therefore, have not been addressed.

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

No changes have been made to this proposal.

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<sup>5</sup> Excessing of staff occurs when a school requires fewer positions than the number of staff currently in the license area or job title.