Department of Education
Dennis M. Walcott, Chancellor

Public Comment Analysis[1]

Date: November 7, 2012
Topic: The Proposed Opening and Co-location of Achievement First Aspire Charter School (84KTBD) with Existing School P.S. 202 Ernest S. Jenkyns (19K202) in Buildings K202 and K958 Beginning in the 2013-2014 School Year
Date of Panel Vote: November 8, 2012

Summary of Proposal

In an Educational Impact Statement ("EIS") and Building Utilization Plan ("BUP") posted on September 24, 2012, the New York City Department of Education ("DOE") proposed to open a new public charter school, Achievement First Aspire Charter School (84KTBD, "AF Aspire"), and site it in buildings K202 ("K202") and K958 ("K958"), located at 982 Hegeman Avenue, Brooklyn, NY 11208, in Community School District 19 beginning in 2013-2014. AF Aspire will serve students in kindergarten through fifth grade, and intends to expand to serve students in kindergarten through eighth grades.[2]

If this proposal is approved, AF Aspire will be "co-located" in K202 and K958 with P.S. 202 Ernest S. Jenkyns (19K202, "P.S. 202"), an existing DOE school that currently serves students in kindergarten through eighth grade ("K-8") and offers a full-day pre-kindergarten program.[3] 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.[4] 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.

In a separate EIS published on September 24, 2012, the DOE has proposed to gradually truncate the middle school grades of P.S. 202. This EIS resulted from a school initiated truncation request. If the truncation proposal is approved by the Panel for Educational Policy ("PEP"), P.S. 202 will no longer enroll sixth grade students after the conclusion of the 2012-2013 school year. One middle school grade will then be truncated in each subsequent year. In the 2013-2014 school year, P.S. 202 will serve students in kindergarten through fifth grade and seventh through eighth grade. In the 2014-2015 school year, P.S. 202 will serve students in kindergarten through fifth grade and eighth grade. After June 2015, P.S. 202 will no longer serve middle school students.

With regard to the proposal to open and co-locate AF Aspire, it is assumed that the proposal to truncate P.S. 202 will be approved by the PEP. However, 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 describing the opening and co-location of AF Aspire and the accompanying BUP will be revised as necessary.

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[1] 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.

[2] As explained further below, pursuant to its charter, AF Aspire is currently authorized to serve students in kindergarten through fifth grade. AF Aspire has informed DOE that it intends to apply to amend its charter and expand its grade span to serve kindergarten through eighth grade.

[3] 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.

[4] These TCUs currently house P.S. 202's art room and parent center.

Department of Education
Dennis M. Walcott, Chancellor

In Summer 2010, AF Aspire's charter was authorized by the State University of New York Charter Schools Institute ("SUNY CSI") to serve students in kindergarten through fifth grade. AF Aspire will be managed by Achievement First Schools ("Achievement First"), a Charter Management Organization ("CMO"). AF Aspire will open with kindergarten and first grade classes in 2013-2014, and will add one grade each year until it serves students in kindergarten through fifth grade in 2017-2018. The school will admit students via the charter lottery application process, with preference given to District 19 residents.[5] AF Aspire has informed the DOE that it intends to apply to SUNY CSI to expand its grade span to serve students in kindergarten through eighth grade, reaching full scale in 2020-2021. 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.

K202 and K958 have the capacity to serve a total of 1,432 students. In 2012-2013, P.S. 202 is projected to serve 866 students.[6] This yields a projected utilization rate of approximately 60%.[7] If this proposal and the proposal to truncate are both approved, in 2020-2021, once AF Aspire's kindergarten through eighth grades have fully phased in and the school has reached full scale, AF Aspire is projected to serve 653-799 kindergarten through eighth grade students , and P.S. 202 is projected to serve 570-630 kindergarten through fifth grade students and 54 pre-kindergarten students, for a total of 1,277-1,483 students, yielding a projected building utilization rate of approximately 89%-104%.[8] The DOE does not anticipate that the proposed co-location will affect the pre-kindergarten program at P.S. 202.

Copies of the EIS describing this proposal and the accompanying BUP 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 truncate P.S. 202 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.

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[5] For more information about the charter school lottery application process, please consult the DOE's directory of NYC Charter Schools, which can be accessed on the DOE's website: http://schools.nyc.gov/community/planning/charters/For+Parents.

[6] Based on the 2012-2013 Budget Register Projections

[7] All references to building utilization rates in this document are based on capacity data from the 2010-2011 Blue Book and enrollment data from the 2012-2013 budgeted enrollment projections. This methodology is consistent with the manner in which the DOE conducts planning and calculates space allocations and funding for all schools. In determining the space allocation for co-located schools, the Office of Space Planning will conduct a detailed site survey and space analysis of the building to assess the amount of space available in the building.

[8] 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 are frequently based on larger class sizes than target capacity, contributing to building utilizations above 100% while not impacting the utilization of the space allocated to the traditional public school. The Building Utilization Plan, which is available at http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Nov2012Proposals, sets forth the baseline number of rooms to be allocated to each school pursuant to the Footprint as well as the total number rooms in a building to provide a more complete picture of the availability of space in a building.

202 School Leadership Team ("SLT"); Cyndi Proctor, a representative from 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.

<u>The following comments and remarks were made or submitted at the Joint Public Hearing on October 25, 2012:</u>

1. 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. 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.
    f. A K-8 charter will eventually need space and there will not be space with a K-8 already in the building.
    g. Co-locations bring out nepotism, communism, and Big Brother.
2. Erica Perez, a member of CEC 19, stated that:
    a. People are holding signs tonight about wanting options. P.S. 202 wants options.
    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. New York City Council Member Charles Barron asserted that:
    a. 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.
    b. When it comes to these buildings, the decisions have already been made by the DOE.
4. 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.
5. 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. P.S. 202 has nothing against charter schools, we just do not want one in this is building.
    b. P.S. 202 wants its funding back.
6. One commenter stated the charter school should secure its own building.
7. Multiple commenters stated that they were parents of students who attended Achievement Fist 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.
8. Multiple commenters stated that Achievement First serves students with Individualized Educational Plans ("IEPs") well.
9. Multiple commenters stated that students in East New York deserve options near them.
10. 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.
11. One commenter expressed that:
   a. 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.
12. 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.
13. One commenter stated that the DOE is leaving P.S. 202 with nothing.
14. One commenter stated that the Boar d of Education 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.
15. One commenter expressed support for co-locations. While hearings can be intense, co-location ends up working.
16. One commenter stated he did not want his school, P.S. 202, to be closed. The commenter submitted written comments.
17. 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.
18. 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.
19. Multiple commenters stated they wanted to save their school and that the charter school should not be allowed to open
20. 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.
21. One commenter stated that there is no room in the building for another school.
22. One commenter expressed the belief that charters are the best option.
23. 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.
24. One commenter stated that SMART boards do not close the achievement gap. Charters are public schools and receive less money than district schools.
25. 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.”
26. Multiple commenters stated their children attend Achievement First schools and receive the best education. More families should have this option.
27. 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.

Department of Education
Dennis M. Walcott, Chancellor

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.

28. 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.
29. 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. She sat in SLT meetings last year and she knows what P.S. 202 wants: truncation with amendment.
    c. Everyone should be pro-children, not pro-public or pro-charter school.
30. New York State Assembly Member 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.
31. New York City Council Member 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. 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.
    d. 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.
    e. 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.
32. 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.
33. Ms. Haywood, a member of the SLT, asserted that the problem is not with the parents of the charter school, but with the DOE.
34. 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. A truncation with amendments is wanted.
35. One commenter expressed that a truncation with amendments is wanted.

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

36. Four comments were received in opposition to the proposed co-location. Reasons given were:
    a. The charter school is stupid.
    b. The DOE should provide proper funding and sufficient resources to P.S. 202 instead of budget cuts.
    c. The TCUs are dangerous. They were originally designed for three years of use and are about 12 years old.
    d. There are several parents of Achievement First schools who have pulled their children out due to the repressive disciplinary style of Achievement First.

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. 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.

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

Comments 7, 8, 9, 15, 22, 23, 24, and 26 are in favor of the proposal and do not require a response.

Comments 1(c) and 21 concern the space allocations to P.S. 202 and AF Aspire and contend that there is no space for an additional school.

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.

The Citywide Instructional Footprint (the "Footprint") is the guide used to allocate space to all schools based on the number of class sections they program and the grade levels of the school. The number of class sections at each school are determined by the Principal based on enrollment, budget, and student needs; there is a standard guideline of target class size (i.e., number of students in a class section) for each grade level. At the middle school and high school levels, the Footprint assumes every classroom is programmed during every period of the school day except one lunch period. The full text of the Instructional Footprint is available at http://schools.nyc.gov/NR/rdonlyres/8CF30F41-DE25-4C30-92DE-731949919FC3/87633/NYCDOE_Instructional_Footprint_Final9210TNT.pdf

The BUP details the number of class sections each school is expected to program each year through 2020-2021 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.

With respect to concerns that there is no space to co-locate an additional organization, as indicated in the EIS, according to the 2010-2011 Enrollment Capacity Utilization Report (the "Blue Book"), K202 and K958 have the capacity to serve a total of 1,432 students. In 2012-2013, P.S. 202 is projected to serve 866 students. This yields a projected utilization rate of approximately 60%. This means that the building is "underutilized" and has space to accommodate additional students. If this proposal and the proposal to truncate are both approved, in 2020-2021, once AF Aspire's kindergarten through eighth grades have fully phased in and the school has reached full scale, AF Aspire is projected to serve 653-799 kindergarten through eighth grade students , and P.S. 202 is projected to serve 570-630 kindergarten through fifth grade students and 54 pre-kindergarten students, for a total of 1,277-1,483 students, yielding a projected building utilization rate of approximately 89%-104%.

As described in more detail in the Blue Book, which is available at http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Enrollment/2011-2012_Classic.pdf, a building's target utilization rate is calculated by dividing the aggregated enrollment of all the school organizations in the building by the aggregated "target capacities" of those organizations. Each school organization's "target capacity" is calculated based upon the scheduled use of individual rooms as reported by principals during an annual facilities survey, the DOE's standards for goal classroom capacities (which are lower than the United Federation of Teachers contractual class sizes and differ depending on grade level), and the efficiency with which classrooms are programmed (i.e., the frequency with which classes are scheduled in a given classroom).

Comment 1 (f) suggests that there is not enough space for AF Aspire to serve kindergarten through eighth grades if P.S. 202 also serves grades kindergarten through eighth grades

As stated in the EIS, for the purposes of describing the proposal to open and co-locate AF Aspire, it is assumed that the proposal to truncate P.S. 202 will be approved by the PEP. However, 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. Furthermore, if the proposal to truncate is not approved, this EIS and the accompanying BUP will be revised as necessary.

Comments 1 (b) 6, and 17 suggest AF Aspire should open in private space rather than be co-located in K202 and K958:

The DOE seeks to provide space to high quality education options for all students, regardless of whether they are served in DOE or public charter schools. We welcome public charter schools to lease or provide their own space, but will offer space in DOE schools where it is feasible to do so. The DOE does not lease space directly for charter schools; a charter interested in parochial school space would have to acquire or lease that space with private funds.

Comment 1 (d) and 10 (a) concern the extent to which charter schools serves students with special needs or English Language Learners, and contend that these students are expelled from charter schools.

Under recent amendments to state law, public charter schools must 1) serve all students who are admitted through their lotteries, and 2) serve a percentage of Special Education and English Language Learners comparable to the district average. Charter schools which fail to meet the special education and or ELL targets set by their authorizer risk being closed or having their renewal applications rejected. AF Aspire

must admit all students according to its lottery preferences, and may not turn away a student because of language ability, behavioral problems or services required by an IEP.

The charter authorizer is responsible for determining the school's compliance with its charter.

Comment 18 suggests charter schools are not high performing options.

The Center for Research on Education Outcomes ("CREDO"), in a 2010 report, concluded that, on a school-by-school comparison, 51% of New York City Charter Schools demonstrated academic growth in math that was statistically larger than students would have achieved in traditional public schools. In reading, the report found that 29% of charter schools are showing statistically significant gains. Furthermore, the report found that charter school students make substantial gains in both reading and math in their second year enrolled in a charter school, and this impact stays positive and significant through their third year of attendance. The report also found that Blacks and Hispanics enrolled in charter schools do significantly better in charter schools in both reading and math growth. In both cases, these students' math results are stronger than reading, but both are comparatively stronger than what their scores would have been had they enrolled in regular public schools. Finally, according to the report, charter schools demonstrated strong performance across the range of starting scores, which indicates that charter schools are overall successful at improving student achievement regardless of academic background.

The DOE also points out that a 2009 report on New York City charter schools by Caroline M. Hoxby, Sonali Muraka, and Jenny Kang indicates that charter school students scored almost as well as students in the Scarsdale school district in the suburbs north of New York City on New York State Math and English Language Arts assessments. The study also found students were more likely to earn a state Regents diploma, given to higher-achieving students, the longer they attended charter schools.

Comments 1 (a), 4 (c), 5 (b), 12 (d), and 36 (b) assert that P.S. 202 should have funding and resources restored.

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 DOE had a budget surplus, a school with declining student enrollment would still receive less per pupil funding each year enrollment falls.

The DOE acknowledges the decline in student enrollment at P.S. 202. 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 primarily a function of student enrollment, and is affected by how principals allocate their resources

Comment 4 (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.

Comments 13 and 14 suggest P.S. 202 will have inequitable access to funding and other resources in comparison to AF Aspire.

The proposed opening and co-location of AF Aspire will not leave the P.S. 202 without resources. P.S. 202 will continue to receive support from its Superintendent and the Children First Network.
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).

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.

Comments 27 (b) and 36(d) suggest that charter schools, including schools managed by Achievement First, make a practice of using corporal punishment. Corporal punishment is illegal in New York State. Moreover, the New York State Commissioner of Education requires all public and charter schools to report all complaints of corporal punishment. The DOE's Office of Portfolio Management has not received any formal complaints about corporal punishment at AF.

Comments 2 (b) and 27 (a) concern the enrollment patterns and space allocation to P.S. 202, suggesting the co-location of AF Aspire will take seats away from P.S. 202.

The proposed co-location will not take seats away from P.S. 202. The EIS projections and space allocations are based on the current enrollment of the entry point grade and assume that the same number will age up and that there is stable incoming enrollment at the entry point. Therefore, there is nothing that currently leads us to believe that the proposed co-location will have an impact on P.S. 202's enrollment.

Comments 1 (e), 4 (a), and 12 (b) regard the decline in staffing positions at P.S. 202.

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. 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 declines. Therefore, the decline in staffing positions is a reflection of budget register projections and the need for staffing positions.

Comments 20 and 36 (c) asserts that the TCUs should not be included in the proposal and contends that absent the capacity of the TCUs, there is not enough space for the co-location of AF Aspire in K202.

First, TCUs do not have an expiration date. Second, K202 remains an under-utilized building, absent the capacity of the TCUs. Without the TCUs included in the calculated utilization rate, K202 is 71% utilized. This means that the building is "underutilized" and has space to accommodate additional students.

Finally, in the event that the TCUs become unusable, while there would be sufficient space to accommodate the two organizations, the DOE would revisit the planned enrollment size of AF Aspire. As such the EIS and BUP would be revised as necessary.

Comment 3 (b) asserts that the decision to co-locate AF Aspire in K202 and K958 has already been made. This comment is incorrect. Pursuant to Chancellor's Regulation A-190, all significant changes to school utilization, including the opening and co-location of AF Aspire in K202 and K958, require approval of the PEP, which is scheduled to consider this proposal on November 8, 2012.

Comments 1(g), 2 (a), 5 (a), 11 (a), 12 (a), 12 (c) 19, 25, and 36 (a) voice general opposition to the proposal. The DOE notes there is a need for increased options for students in the Brooklyn, including those students in District 19. The DOE strives to ensure that all students in New York City have access to a high-quality school in an appropriate environment at every stage of their education. This proposal aims to provide a new high quality option for these students.

Comment 3 (a) states AF Aspire will need to work collaboratively with P.S. 202 and community leaders. The DOE expects and anticipates AF Aspire and P.S. 202 will work collaboratively to build a strong work relationship through the Building Council and Share Space Committee. As indicated in the original BUP, if disputes should arise, school leaders are encouraged to engage in the dispute resolution measures set forth in the Campus Policy memo available at:
http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo.htm.

Comment 16 suggests that the DOE is closing P.S. 202.

The DOE has not proposed to phase out and close P.S. 202. Rather, the DOE has proposed to open and co-locate AF Aspire. Furthermore, the DOE recognizes the proposal to truncate the middle school grades of P.S. 202; however, the DOE has not proposed to truncate P.S. 202 in order to site an additional school organization. As stated in the EIS, DOE believes that there is sufficient space for the proposed co-location regardless of whether the PEP approves this proposed grade truncation. However, 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. Furthermore, if the proposal to truncate is not approved, the EIS and the accompanying BUP will be revised as necessary.

Comment 10(b) addresses staff compensation at AF Aspire.

The DOE determines staffing for DOE schools and compensation, including pensions, for DOE school staff, based in part on collective bargaining with unions, including the United Federation of Teachers. The DOE does not determine staffing and compensation, including pensions, for charter school staff. In the case of AF Aspire, compensation is determined by Achievement First, AF Aspire's CMO.

Comments 28 (a), 29 (a, b, c,), 30 (a, b, c, d), 31(a, b, c, d, e), 32, 33, 34 (a, b), 35, and 37 do not relate directly to the proposed grade truncation and, therefore, have not been addressed.

Department of Education
Dennis M. Walcott, Chancellor

Changes Made to the Proposal

No changes have been made to this proposal.