



Analysis of Public Comment

Date: April 19, 2010

Topic: Proposed Co-location of Two Grade Levels of Harlem Success Academy 5 Charter School with P.S. 123 in School Building M123

Date of Panel Vote: April 20, 2010

Summary of Proposal

In the 2010-2011 school year, Harlem Success Academy 5 (hereinafter referred to as “HSA 5”), a new charter school that will serve students in grades K-1 in 2010-2011 and, pending renewal of its charter in 2015, serve grades K-8 at scale in 2016-2017, will open and be housed in school building M123 (“M123”), located at 301 West 140 Street, Manhattan, in Community School District 5. It will co-locate with P.S. 123 Mahalia Jackson (05M123, “P.S. 123”), an elementary/middle school currently serving grades PK-7 and phasing-in to serve grades PK-8. In the 2010-2011 school year, P.S. 123 will be fully phased in and will serve grades PK-8. P.S. 123 is currently co-located with Harlem Success Academy 2 HSA 2 (“HSA 2”) in M123. Before the start of the 2010-2011 school year, HSA 2 will re-locate to the M030 building. The re-location of HSA 2 was approved by the Panel for Educational Policy (“PEP”) at the February 24, 2010 meeting. The space made available in M123 by the re-location of HSA 2 will enable P.S. 123 to complete its grade expansion and for two grade levels of HSA 5 to be housed in M123.

The 2008-2009 target utilization rate of M123 was 74%, and its target capacity was 1,006. M123 has the capacity to serve P.S. 123 at full organizational capacity and two grade levels of HSA 5. Before the 2011-2012 school year, the Department of Education (“DOE”) will assess the available space in M123 to determine whether there is sufficient space for HSA 5 to continue to add additional grades in M123. If the DOE determines that there is available space in the building for HSA 5 to continue adding additional grades, the DOE will propose any continued expansion of HSA 5 in M123 in a separate educational impact statement. If sufficient space for HSA 5’s continued phase-in does not exist in the M123 building, alternative siting options for HSA 5’s six remaining grade levels will be explored.

This proposal addresses the need to expand access to high quality elementary school options in the Harlem community.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing was held at M123 on April 12, 2010, and all interested parties had an opportunity to provide input on the proposal. Two hundred and ninety-eight members of the public attended the hearing. Council Members Inez Dickens and Robert Jackson, representatives of Manhattan Borough President Scott M. Stringer, Assembly Member Keith LT Wright, State Senator Bill Perkins, representatives of the District 5 Community Education Council, representatives of the P.S. 123 School Leadership Team, and eighty members of the public spoke. Seventy speakers opposed the proposal, stating that:

- M123 currently lacks the capacity to serve P.S. 123 and HSA 2, and the building will be further overcrowded if HSA 5 is co-located with P.S. 123 in M123, particularly after P.S. 123 has completed its grade expansion;
- P.S. 123 has lost access to needed cluster rooms as a result of its co-location with HSA 2;
- M123 is not an appropriate site for HSA 5 because there are potential safety concerns arising from P.S. 123's middle school students interacting with and using the same facilities as HSA 5's elementary school students;
- M123 cannot house both HSA 5 and HSA 2, and there is uncertainty whether HSA 2 will be re-sited in M030;
- P.S. 123 and CEC 5 have expressed concern that they were not engaged in the development of the proposal;
- P.S. 123 previously had requested a gifted and talented ("G&T") program and to increase their enrollment, and would prefer to grow to fill the underutilized space at M123 themselves, rather than co-locate with another school; and
- There are too many Harlem Success Academies in the community

Eight members of the public spoke in favor of the proposal, noting that:

- HSA 5 is welcome because parents have called for school choice, particularly in District 5;
- The two proposed grade levels of HSA 5 will include fewer students than HSA 2, which is currently co-located with P.S. 123; and
- The demand for seats at Harlem Success Academies 1, 2, 3 and 4 is extremely high, with nearly 3,600 students on the combined waitlist for the four schools.

Speakers opposed to the co-location proposed that HSA 5 be housed in a private facility.

Summary of Issues Raised in Written and Oral Comments and Significant Alternatives Suggested

Three written comments and no oral comments regarding this proposal have been received. The written comments opposed the proposal and expressed concern that co-locating HSA 5 with P.S. 123 would result in overcrowding in P.S. 123's classes. One written comment was from Inez E. Dickens, Majority Whip in the 9th District of Manhattan. She opposes the co-location of HSA 5 and P.S. 123 arguing that her community is oversaturated with Harlem

Success Academies. The letter maintains that space should not be taken from P.S. 123. Another comment was from the P.S. 123 Parent Association.

The P.S. 123 Parent Association submitted the following questions on April 12, 2010:

1. Now that KAPPA II will not be leaving P.S. 30, where is HSA 2 going to go? Will HSA 2 retain any classrooms in P.S. 123 for the 2010-2011 school year?
2. Which space will be allocated to P.S. 123 and which to HSA 5? What is the exact classroom by classroom breakdown, including specific room numbers? In the last major change in space utilization at P.S. 123, specific room numbers were not given and important spaces for P.S. 123 were lost, including an art room, a music room, a special-ed classroom and a dance room. We would like a specific breakdown to ensure which classrooms will be lost or gained before the PEP vote.
3. Will HSA 5 get all of the renovated space in the building that HSA 2 is moving out of?
4. The DOE notice states that the school is at 74% utilization right now. Why do we have students sharing chairs and packed in classrooms like sardines if we are at 74% utilization?
5. Why does the DOE allow charter schools, mainly Harlem Success Academies, ample space for their school when traditional public school children are taught in areas unfit for teaching, such as overcrowded classrooms?
6. Considering that P.S. 123 is an “A” school by your own measure, why have you not decided to expand P.S. 123’s elementary school to serve District 5, instead of bringing in a brand new school? Why did you choose not to build on the success of the current school in P.S. 123?
7. Since P.S. 123 is expanding this year to 8th grade, what rooms will be added to P.S. 123’s current space to accommodate this growth? How is it possible that HSA 5’s future expansion, past 2010-2011 school year, will be at all possible with the expansion of P.S. 123?

A response was submitted via email on April 18, 2009 and it is attached as an Appendix to this Analysis of Public Comment.

No significant alternatives were proposed.

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

In response to the comments received via e-mail regarding the impact on P.S. 123’s space and submitted directly to the DOE by the P.S. 123 Parent-Teacher Association, the educational impact statement was amended on April 9, 2010 to include additional information clarifying how the DOE determines target capacity, target utilization, and the citywide instructional footprint (the “Footprint”), as well as greater detail on room allocation, P.S. 123’s instructional programming, and P.S. 123’s special education population.

The DOE received comments expressing concern about the potential for overcrowding as a result of the proposed co-location. However, there is sufficient space in the building for P.S. 123 to operate at its full grade scale of PK-8 and for HSA 5 to serve two grade levels, without

overcrowding. The M123 building has the capacity to serve 1,006 students. The 2010-2011 projected enrollment for P.S. 123, grades PK-8, is 674, and the projected enrollment of HSA 5 is 180 students, for a total projected enrollment of 854 students. Therefore, in the 2010-2011 school year, the M123 building will be operating by approximately 152 seats under capacity. The projected building utilization rate for 2010-2011 is 85%.

M123 has 56 full size rooms and 6 half size rooms based on the facilities room survey. P.S. 123 currently has 32 sections of students, including 3 Pre-K classes, 25 general education/collaborative team teaching sections and 4 self-contained sections. The school is currently using a total of 37 full size and 4 half size classrooms serving grades PK-7. In 2010-2011, when it reaches its full grade scale, P.S. 123 is projected to have 36 sections of students, including 3 Pre-K classes, 29 general education/collaborative team teaching sections and 4 self contained sections. According to the Footprint, P.S. 123 should be allocated a minimum of 36 full size classrooms, 4 full size cluster rooms and 4 half size resource/administrative rooms for a total of 40 full size rooms and 4 half size rooms. P.S. 123 will also be allotted a middle school science lab.

Many people at the public hearing stated that P.S. 123 would lose cluster space such as a computer lab, art and music rooms because of this co-location. P.S. 123, however, will not lose cluster rooms as a result of the co-location. The P.S. 123 principal will determine how to use the cluster rooms allocated to the school, which could include using the rooms for art, music or computer technology.

The minimum number of full size classrooms required for HSA 5 to serve students at its projected enrollment of 180 students in 2010-2011 is 12 according to the Footprint. This allocation assumes 9 sections of students being served in 9 full size classrooms, 2 cluster / resource rooms, and 1 administrative room. This is based on projected enrollment and will be verified with a survey of the building. The four additional full size classrooms and two half size classrooms that exist in the M123 building above the minimum room allocation required by P.S. 123 and HSA 5 will be allocated between the two schools based on the percentage of total students in the building served by each school.

Furthermore, HSA 5 will require less space than HSA 2 at M123. HSA 2 currently enrolls 362 students and occupies 19 full size classrooms, whereas, in 2010-2011, enrollment at HSA 5 will be approximately 180 students and HSA 5 will require a minimum of 12 full size rooms. P.S. 123 will, therefore, gain a minimum of three additional classrooms in the 2010-2011 school year, which will enable the school to complete its PK-8 grade expansion. Even with the increase in enrollment at P.S. 123 after it completes its grade expansion and the siting of HSA 5 in the building, total enrollment in the M123 building will decrease by approximately 127 students next year. If it is determined that there is not enough available space at M123 to permit HSA 5 to continue its phase-in, alternative siting options will be explored.

Regarding concerns about co-locating middle school students with elementary school students, we have numerous schools that have middle school and elementary schools located in the same building. Given the space constraints and the desire for choice there are different grade levels sharing space across the city. In District 5, there are eight schools where middle schools

students share with elementary school students and we have not seen an increase in safety concerns.

Speakers at the joint public hearing expressed concern over whether HSA 2 will actually vacate the M123 building and move to M030 because the planned phase-out of the one of the schools in M030, KAPPA II, is the subject of pending litigation. HSA 2 will, in fact, relocate to the M030 building pursuant to a proposal which was approved at the February PEP meeting. There will be sufficient space to house HSA 2 in M030 even if KAPPA II remains open for the 2010-2011 school year.

Regarding the comments about P.S. 123's ability to grow by adding a G&T program or increasing its general enrollment, there is not sufficient demand for a second G&T program in District 5 currently, so it is not possible to honor the request to add a G&T class. In addition, we have not seen a growth in P.S. 123's enrollment. Since 2004, the enrollment at P.S. 123 has declined by over 150 students even with the increased grade levels served. P.S. 123 currently has 68 Kindergarten students for the 2009-2010 school year and as of April 14, 2010, there were only 54 applicants for Kindergarten, only 30 of which are zoned to P.S. 123 for the 2010-2011 school year.

Regarding comments about a lack of sufficient public engagement around the proposal, numerous meetings were held last year with HSA 2 and P.S. 123 around the space allocation plan at M123. Current space allocations were agreed to in a memo from Deputy Chancellor John White sent in June of 2009. In this memo, Mr. White stated, "By September 2010 HSA 2 will either vacate the M123 facility or relocate enough of its school to accommodate planned growth at P.S. 123." Consistent with this, HSA 2 is in fact, relocating to the M030 building in September 2010 and the smaller space allocation required by HSA 5 accommodates the planned growth at P.S. 123.

The DOE rejects the proposed alternative to site HSA 5 in a private facility. Charter students are public school students, and all public school students have a right to be educated in publicly owned space.

The proposal will be presented to the Panel for Educational Policy as it is currently posted. A copy of the educational impact statement for this proposal can be obtained at http://schools.nyc.gov/NR/rdonlyres/BD228776-71B2-459E-93C9-BCEEE02F65F5/80805/M123_HSA5amendedEIS_Final_4910.pdf.

APPENDIX

Questions Submitted by P.S. 123 Parent Association and Response by the DOE

- 1. Now that KAPPA II will not be leaving P.S. 30, where is HSA 2 going to go? Will HSA 2 retain any classrooms in P.S. 123 for the 2010-2011 school year?**

HSA 2 will still be moving into the P.S. 30 building. The PEP approved that co-location at the February 24 meeting. Even if KAPPA II does not begin the planned phase-out next year, based on projected enrollment for all the schools, there will be sufficient space for KAPPA II, P.S. 30, P.S. 138 and HSA 2 in the M030 building next year.

- 2. Which space will be allocated to P.S. 123 and which to HSA 5? What is the exact classroom by classroom breakdown, including specific room numbers? In the last major change in space utilization at P.S. 123 specific room numbers were not given and important spaces for P.S. 123 were lost, including an art room, a music room, a special-ed classroom and a dance room. We would like a specific breakdown to ensure which classrooms will be lost or gained before the PEP vote.**

In a memo dated July 9, 2009, specific room numbers were given regarding the space allocation for the 2009-2010 school year. The allocation continued to provide sufficient classrooms for cluster spaces including art and music. The M123 building has 56 full size rooms. P.S. 123 is currently using a total of 37 full size classrooms serving grades PK-7 and HSA 2 is currently using a total of 19 classrooms. Based on the projected enrollment HSA 5 would require 12.5 full size classrooms which is less than their current allocation of 19 full size classrooms. So P.S. 123 should, in fact, acquire additional classrooms this year based on the projected enrollment. A final space plan will not be completed until after the PEP vote because we want to ensure that both principals are involved in the planning. Based on the current configuration of the building the least disruptive placement would have HSA 5 occupying 12.5 of the classrooms currently occupied by HSA 2.

- 3. Will HSA 5 get all of the renovated space in the building that HSA 2 is moving out of?**

Based on their projected enrollment HSA 5's footprint would be 12.5 rooms therefore it will not get all of the renovated space which HSA 2 currently occupies (19 full size rooms).

- 4. The DOE notice states that the school is at 74% utilization right now. Why do we have students sharing chairs and packed in classrooms like sardines if we are at 74% utilization?**

The 74% utilization is for the 2008-2009 year which is the most recent blue book calculation. This year there are 981 students in the building and the 2008-2009 target capacity was 1,006. P.S. 123 currently has 29 general education sections and according

to the latest class size report the average class size is 22.5 students per class. Given the space in the building the students should not have to share chairs and there should be sufficient space in the building. Next year the total enrollment in the building will decline based on the projected enrollment of both schools.

- 5. Why does the DOE allow charter schools, mainly Harlem Success Academies, ample space for their school when traditional public school children are taught in areas unfit for teaching, such as overcrowded classrooms?**

The DOE does not believe that any children should be served in space that is unfit for teaching. Walk-throughs were conducted in the building prior to the final allocation of space for the 2009-2010 school year and all space that was designated for instructional purposes was adequate for teaching.

- 6. Being that P.S. 123 is an “A” school by your own measure, why have you not decided to expand P.S. 123’s elementary school to serve District 5, instead of bringing in a brand new school. Why did you choose not to build on the success of the current school in P.S. 123?**

We applaud P.S. 123’s success. We believe in choice and have seen demand for Harlem Success increase. There are currently 3,600 students on the combined waitlist at HSA 1, 2, 3 and 4. Harlem Success Academies received 7,000 applications this year for 1,100 available seats. We want to provide all students with high quality options.

- 7. Since P.S. 123 is expanding this year to 8th grade, what rooms will be added to the P.S. 123’s current space to accommodate this growth? How is it possible that HSA 5’s future expansion, past 2010-2011 school year, will be at all possible with the expansion of P.S. 123?**

The specific rooms allocated to P.S. 123 will be assigned during a space walk through with both school leaders. There will be sufficient space to accommodate the growth and P.S. 123 will be getting a dedicated science lab. The educational impact statement proposing the siting of two grades in P.S. 123 and does not propose an expansion beyond two grades. If it is determined that there is sufficient space for HSA 5 to continue to phase-in additional grades, the DOE will submit another educational impact statement regarding any further expansion.