



Analysis of Public Comment

Date: April 19, 2010

Topic: Extension of the Co-Location of PAVE Academy Charter School (84K651) and P.S. 15 Patrick F. Daly (15K015) in School Building K015

Date of Panel Vote: April 20, 2010

Summary of Proposal

PAVE Academy Charter School, an existing school serving grades K-2, is currently co-located in school building K015 with P.S. 15 Patrick F. Daly, an existing school serving grades Pre-K-5. PAVE opened in the K015 building in September 2008 and is currently in the process of phasing in one grade level per year until it reaches its intended grade scale of K-8, pending renewal of the school's charter in 2013. As of 2008, the school was scheduled to remain in the building until the end of the 2009-2010 school year, at which time it planned to move into a private facility.

Due to a delay in the plans for PAVE's private facility, the DOE proposed to extend the co-location of PAVE and P.S. 15 in K015. On December 11, 2009, the Department of Education issued an educational impact statement on this proposal. The educational impact statement indicated that PAVE would remain in K015 until the end of the 2014-2015 school year if construction of its private facility had not been completed by that time. A joint public hearing was held on the proposal on January 19, 2010. After receiving feedback from the public and further consideration, the DOE amended the proposal to allow PAVE to remain in the building until the end of the 2012-2013 school year, rather than until the end of the 2014-2015 school year.

At its January 26, 2010 meeting, the Panel for Educational Policy voted to approve the proposal to extend the co-location until construction of PAVE's private facility is complete; however, the resolution on which the Panel voted did not indicate that the co-location would terminate at the end of the 2012-2013 school year. The DOE decided to resubmit the proposal to the Panel for a new vote. While the DOE did not make any substantial revisions to the proposal, it took the opportunity to revise the educational impact statement to include additional information and accept further public comment before the Panel votes on the corrected resolution at its April 20, 2010 meeting.

The DOE is optimistic that PAVE's private facility will be completed by the conclusion of the 2012-13 school year and that PAVE will vacate K015 at that time. PAVE has already identified a site for the school in Red Hook and is in contract to purchase that site. If PAVE's facility is not completed by that time, the DOE will re-evaluate the space available in K015 to determine whether there is adequate space for PAVE to continue adding grades at that site. In the event that continued co-location is necessary and sufficient space to expand the grades served by PAVE in the building is available, the DOE will set forth a proposal to further extend the co-location in a separate educational impact statement that would be submitted to the Panel for Educational Policy for approval. If the PAVE site is not completed and sufficient space for continued co-location does not exist in K015, the DOE will investigate other sites for the school pending completion of its private facility.

Based on analysis of projected combined enrollment levels over the next two years, the DOE proposes for PAVE to remain in the K015 building through the 2012-13 school year. The current utilization of the building is only 73 percent, with PS 15 at full scale (including pre-K) and PAVE serving students in grades K-2. Over the next two years, PAVE will gradually grow to serve third- and fourth-grade students, and the projected combined enrollment in K015 will result in a utilization rate of 91 percent during the 2012-13 school year if this proposal is approved.

The K015 building has a target capacity of 726 students. Projected enrollment of PAVE for the 2012-13 school year is 267-277 students, and projected enrollment at P.S. 15 for the 2012-13 school year is 370-420 students, yielding projected combined enrollment between 637 and 697 students. Enrollment levels at P.S. 15 have remained very stable for years, with total enrollment at the school decreasing by only 10 students since 2007. No P.S. 15 students will be displaced by this proposal, and both schools will have adequate space to meet the needs of all students, including those with special needs.

Summary of Comments Received at the Joint Public Hearings

The first joint public hearing for the proposal released on December 11, 2009 was held at K015 on January 19, 2010, and all interested parties had an opportunity to provide input on the proposal.

Forty-three members of the public spoke in opposition to proposal. Their concerns were as follows:

- Thirty-three percent of the students at P.S. 15 receive special education services and the DOE's Instructional Footprint does not accurately account for the space required to provide services such as speech, occupational therapy and physical therapy;
- There is a potential for P.S. 15 to lose space currently dedicated to enrichment programs such as music and partnerships with Good Sheppard Services and the Lutheran Medical Center;
- PAVE made a commitment to move out of the building after two years and is now requesting an extension;

- P.S. 15 has already had to give up rooms forcing related service providers to share space throughout the day;
- The DOE is pitting two schools against each other and creating animosity which is unproductive in a learning environment.
- The DOE should have performed a walk-through of the K015 building before publishing the Educational Impact Statement.

Thirteen members of the public spoke in favor of the proposal noting that:

- PAVE is committed to raising millions of dollars to build a new school facility in Red Hook;
- PAVE has identified a property, and received approval on its application to the DOE's and School Construction Authority's Charter Facility Matching Grant Program;
- PAVE parents are very satisfied with the instruction, sense of community, and stability their children experience at PAVE;
- Parents of PAVE students who receive special education and English language learner services at PAVE spoke in support of the school and noted that they are satisfied with the services their children receive.
- The PAVE community did an analysis of rooms within K015 that showed that there was sufficient space within the building for PAVE and P.S. 15's continued co-location.

A joint public hearing regarding the revised proposal was held at K015 on April 14, 2010. All interested parties had an opportunity to provide input on the proposal. Approximately 122 people attended the hearing.

Council Member Sara Gonzalez, 38th District Brooklyn, submitted testimony that was read at the joint public hearing. Her testimony stated that the PAVE and P.S. 15 co-location is a large concern for her constituents. The DOE initially assured the P.S. 15 community that PAVE would leave P.S. 15 within two years. The DOE's educational impact statement changed the terms of the agreements and does not provide real assurances that PAVE will not remain at P.S. 15 indefinitely. She also noted that she has serious reservations and concerns that P.S. 15 students with special needs will not get the services they require and deserve.

Six members of the public spoke in support of the proposal noting that:

- Many of the families who attend PAVE do not have the opportunity to send their children to P.S. 15 because they do not live in the P.S. 15 zone. PAVE provides an option that parents are happy with and children love. Parents are happy with the curriculum, faculty, and administration at PAVE.
- A representative from Civic Builders, a nonprofit facilities developer that works with 12 high-performing charter schools in New York City, confirmed that they are working with PAVE on the construction of its facility. Civic Builders is committed to completing the project on time and has just completed the construction of a 700 seat facility at 510 Waverly Avenue, Brooklyn in 3.5 years.
- PAVE parents have no intention to invade P.S. 15 and take over the building. They need the opportunity to continue to exist while their building is being constructed.

- PAVE students do receive special education services.

Thirty three members of the public spoke in opposition to the proposal citing the following concerns:

- The DOE missed the deadline to submit proposals for a significant change in building utilization because the amended Educational Impact Statement was not posted until March 26, 2010, which is less than 6 months from the start of the 2010-2011 school year.
- PAVE should not have been approved for funding under the DOE's and School Construction Authority's Charter Facility Matching Grant Program because it does not meet the criteria outlined in the Request for Qualifications and Proposal.¹
- PAVE does not have a proven track record of success and its Quality Review scores were omitted from the Educational Impact Statement.
- According to an evaluation of the K015 facility by Mary Filardo, the Director of the 21st Century School Fund, requested by the Campaign for Fiscal Equity, there is only the equivalent of one full size and one half size classroom in the K015 building that could be used by PAVE without negatively impacting P.S. 15.
- Civic Builders has never managed a ground up construction project and the building cannot be completed in the 3 year timeframe.
- There should be a cap in the number of years PAVE can remain in the K015 building.
- P.S. 15 cannot function in the 27 full size and 4 half size classrooms allocated per the DOE Instructional Footprint.
- The DOE inaccurately states that enrollment at P.S. 15 has remained constant over the past four years.

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

A total of approximately 415 oral and written comments regarding this proposal have been received; comments were received from PAVE and P.S. 15 parents and teachers, members of the PAVE Board of Trustees, anonymous commenters, and City Council Member Sara M. Gonzalez. Approximately 153 e-mails and 93 phone calls were received in opposition to the proposal. Approximately 73 e-mails, no phone calls, and 96 letters were received in support of the proposal. Those in opposition to the proposal, stated their belief that PAVE's presence creates overcrowding and a noisy environment in P.S. 15, opposed the presence of a charter school in the building, and expressed concern over possible class size increase due to PAVE's presence. Council Member Gonzalez opposes the proposal and stated that the DOE had originally agreed that PAVE would be co-located with P.S. 15 only for two years, and the Educational Impact Statement makes no claims about the length of PAVE's co-location with P.S. 15. Individuals in support of the proposal expressed PAVE's need to remain in the building until its new building is constructed.

¹ Proposals are evaluated based on the capacity need and the educational need for high quality instructional options in the target district or neighborhood, relative to overall City need.

Written and oral comments in opposition to the proposal can be summarized as follows:

- PAVE's presence creates overcrowding and a noisy environment in P.S. 15.
- A charter school should not be sited in the building.
- Class size at P.S. 15 could increase due to PAVE's presence in the building.
- The DOE had originally agreed that PAVE would be co-located with P.S. 15 only for two years, and the educational impact statement makes no claims about the length of PAVE's co-location with P.S. 15.
- The transcript from the January 19, 2010 joint public hearing was not posted on the PEP website.
- Because the original EIS was amended on January 26, 2010, the DOE violated the Education Law.
- The summary of public comments published on the DOE's website on January 26, 2010 was inadequate.
- There is no justification for spending \$26 million in City funds to build a \$40 million building in a neighborhood that currently has existing capacity.
- The Campaign for Fiscal Equality conducted an independent assessment of the K015 building and submitted a report finding that K015 has only 1.5 available rooms, the classrooms and cluster spaces in the K015 building are on the small size based on square footage and the proposed extended co-location could result in overcrowding.
- P.S. 15 parents and teachers submitted a document stating that the educational impact statement released on December 11, 2009 contained errors, miscalculations, faulty reasoning, and incorrect statistics and reflected favoritism toward PAVE Academy. They criticized utilization figures, enrollment figures, and issues related to sharing space. They submitted a room distribution document showing which rooms P.S. 15 had already lost to PAVE.
- The DOE is putting charter schools in disadvantaged communities where they believe people cannot defend themselves.
- PAVE should lease space rather than build its own new facility.

Those in favor of the proposal noted that:

- PAVE needs to remain in the building until its new building is constructed; and
- Opponents of the continued co-location believe PAVE Academy does not serve District 15 residents; however, two-thirds of PAVE Academy students reside within Red Hook and 85 percent are District 15 residents. Some also claim that the space allocation is unfairly biased against P.S. 15. However, PAVE is using 157% of its allocated space while P.S. 15 used 58% of its available space. Finally, the letter notes that PAVE Academy is under contract to purchase a property on Henry Street within Red Hook. PAVE has already raised half of its money (\$13 million) for the new construction.

In addition to suggesting that PAVE cap its enrollment, the other alternative to the proposal to extend the co-location of PAVE in the K015 building was to move PAVE to the 15K027 building, another school facility located in the Red Hook community, and move the Red

Hook Neighborhood School (a new zoned elementary school that opened in the 2009-2010 school year in the K027 building) to the K015 building.

A total of three petitions were circulated opposing the extended co-location of PAVE with P.S. 15.

One petition was received which stated the following:

Background: PAVE Academy Charter School is currently occupying space in P.S. 15K The Patrick F. Daly School in Brooklyn. When PAVE founder, Spencer Robertson, first approached the school community about his plan to open a charter school in the P.S. 15K building, he stated that it would only be for two years and that PAVE Academy would leave at the conclusion of the 2009-2010 school year. This original agreement has since been altered. The PAVE Academy Charter School is planning on occupying space at P.S. 15K beyond June 2010. This extended occupation will have a negative impact on the P.S. 15K school community and the students of P.S. 15K will feel the repercussions of such an action for years to come.

Petition Statement: We, the undersigned, demand that PAVE Academy vacate P.S. 15K The Patrick F. Daly School at the conclusion of the 2009-2010 school year.

The petition was signed by 1,141 people.

Another petition stated:

I believe that PAVE Academy should be held to their agreement to leave P.S. 15 by June 2010.

I believe that parents, educators and elected officials must all have a say in the way our schools are run.

I believe the DOE formula for shared space should reflect the reality of our public school populations and should accommodate all students and their needs equitably.

The petition was signed by 70 people.

In addition, a petition was circulated through the website www.ipetitions.com. The petition stated: "Keep Pave Academy Charter School to the 2 Year Agreement". The petition was signed by 305 people.

In total, 1,516 petition signatures were obtained which opposed PAVE's extension in the K015 building.

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

As noted above, at its January 26, 2010 meeting, the Panel for Educational Policy voted to approve the proposal to extend the co-location until construction of PAVE's private facility is complete. The resolution on which the Panel voted, however, did not indicate that the co-

location would terminate at the end of the 2012-2013 school year. The DOE has decided to resubmit the proposal to the Panel for a new vote. While the DOE has not made substantial revisions to the proposal, it took the opportunity to revise the educational impact statement to include additional information and accept further public comment before the Panel votes on the corrected resolution at its April 20, 2010 meeting. The DOE published and filed the revised educational impact statement on March 26, 2010, more than 15 days prior to holding a second joint public hearing on April 14, 2010. On April 9, 2010, the March 26, 2010 educational impact statement was amended to include information about the January 2010 walkthrough by the DOE's Chief Achievement Office, Students with Disabilities and English Language Learners (the "Chief Achievement Office").

Many comments expressed concern that the extended co-location of PAVE and P.S. 15 will have a negative impact on P.S. 15's ability to serve its special education students. Commenters also expressed that the DOE should have made a site visit before they published the EIS. The Brooklyn Director of Space and Facilities Planning did a walk-through of the K015 building and completed a building survey output report in the 2007-2008 school year, before PAVE was sited. His report was used to generate the data in the Educational Impact Statement. Additionally, principals are asked to complete a building survey report each year to detail how they are programming their space. The Office of Portfolio Planning also referred to this document when composing the Educational Impact Statement. Another walk-through took place on April 12, 2010 with the Director of Space and Facilities Planning, the principals of PAVE and PS 15, a representative from the building council, the PS 15 Network Leader, representatives from the District 15 CEC, Office of Portfolio Planning and the Office and Public Affairs, and a representative from the Brooklyn Borough President's Office.

Under the current shared space plan, P.S. 15 uses 38 full-size rooms and six half-size rooms. PAVE currently uses seven full-size rooms and two half-size rooms. As PAVE expands over the course of the next three years, rooms will need to be reallocated and P.S. 15 will need to operate closer to the standard instructional footprint allocation. However, there is more than adequate space in the building for both schools to serve their students, including Pre-K students and those students who require special education and related services. In allocating space, self-contained classrooms and Pre-K classrooms are allocated according to the number of classes that the school serves. While self-contained classes could be served in half-size rooms, P.S. 15 will continue to be able to serve their self-contained sections in full-size classrooms.

While the Footprint sets forth a minimum space allocation and DOE space planners will work with the schools to determine exactly how the rooms in the building will be allocated, school leaders are empowered to make decisions about how to utilize the space allocated to the school. Each principal, therefore, must make decisions about how and where students will be served within the space allocated to the school. The DOE, however, will provide support to the schools to ensure that they use the space efficiently to maximize capacity to support student needs and maintain appropriate delivery of special education and related services to students. In particular, school leaders will have an opportunity to draw upon the expertise and guidance of the Chief Achievement Office, which is dedicated to promoting positive educational outcomes for students with disabilities. Although the percentage of students receiving special education and related services at P.S. 15 is greater than the District 15 average, given that there is more

than adequate space in the building for both schools to operate through the 2012-2013 school year, the DOE does not anticipate the extension of this co-location will adversely impact the ability of P.S. 15 or PAVE to serve its students who require special education and related services.

Representatives from the Chief Achievement Office visited P.S. 15 to assess if space constraints at P.S. 15 would prevent P.S. 15 from administering interventions to students receiving Special Education Teacher Support Services (“SETSS”). The Special Education team determined that P.S. 15 will have enough space to work with SETSS students, but to alleviate P.S. 15’s concerns, will provide guidance to the school on how best to supply services these students, (such as moving to in-class SETSS). As always, the Chief Achievement Office will continue to work with P.S. 15 and the school’s Network Leader to ensure that the needs of all of its students are met.

Parents of students at P.S. 15 claimed that by 2012 P.S. 15 will have lost 50% of its schools facilities to PAVE. This is inaccurate. The K015 building has a total of 46 full size classrooms and 9 half size classrooms. By 2012 PAVE will require 15 full size and 2 half size classrooms. This is less than 1/3 of the total number of classrooms in the K015 building.

Members of the P.S. 15 community wondered whether PAVE really has plans for a new facility. Some believe that PAVE will remain in the K015 building permanently. The proposed location of PAVE within the K015 will remain temporary; this proposal is merely an extension of the existing, temporary arrangement. On December 15, 2009, PAVE was informed by the DOE and the School Construction Authority that its application to the Charter Facilities Matching Grant Program was accepted. The DOE has approved the application for matching funding of up to 67 percent of approved capital-eligible costs which shall not exceed \$25,933,333. PAVE has identified a site for its facility in Red Hook and is in contract negotiations to purchase that site.

Members of the public expressed skepticism regarding the proposed timeline for the construction of PAVE’s private facility and the ability of Civic Builders, a nonprofit facilities developer that works with 12 high performing charter schools in New York City, to manage a construction project of this magnitude. Civic Builders just completed a project with Achievement First Endeavor at 510 Waverly Avenue in Brooklyn. The Achievement First Endeavor site was purchased in December 2006 and the school moved into the facility in February 2010. The Achievement First Endeavor site has the capacity to serve over 700 students, while the PAVE facility is being designed to serve only 400 students.

A member of the public also suggested that PAVE lease space rather than build a new building. Civic Builders has partnered with PAVE and looks at all possible options including leasing space. The use of leased space will not necessarily result in a shorter timeline for project completion given the need to negotiate a lease and build out the space in a way that is suitable for a school. The completed site-specific due diligence and design work done to date indicate that switching sites at this point in the process would only add time (most likely a year) to the construction schedule. Civic Builders conducted an extensive search for sites in Red Hook and the site on Henry Street was identified as the best site.

Members of the public expressed the opinion that PAVE should not have been approved for funding under the DOE's and School Construction Authority's Charter Facility Matching Grant Program because it does not meet the criteria outlined in the RFQ&P. The goal of the Charter Facility Matching Grant Program is to help stimulate the supply of high performing quality charter schools in New York City and facilitate the development of innovative and effective educational options. Proposals are evaluated for need, including both capacity need in the target geography at the proposed grade level and educational need for high quality instructional options in the target district or neighborhood relative to overall City need. There are currently 10 elementary school buildings in District 15 that are operating at over 100% utilization. This year, kindergarten enrollment in two elementary schools was capped and students were sent to other schools in the district. While the schools in the Red Hook Neighborhood have available capacity, students throughout District 15 are given priority in PAVE's lottery. The construction of PAVE's facility through the Charter Facility Matching Grant will create 400 new K-8 seats for District 15 students. Furthermore, while the academic performance of P.S. 15 has been strong, the academic performance of the other Red Hook school serving elementary grades, P.S. 27, was not. P.S. 27 began to phase out in the 2009-2010 school year. PAVE was opened in 2008 to provide families another educational option for their children. PAVE is the only elementary or K-8 charter school option in District 15.

Some members of the public expressed concern that PAVE's Quality Review score was omitted from the Educational Impact Statement and that PAVE does not have a proven track record of success. Charter schools do not receive Citywide Quality Review scores. A report from the DOE's Annual Site Visit from 2008-2009 was written and posted on the DOE's website. The purpose this report is to generate an onsite assessment of the learning environment to determine organizational strengths and areas for development. Though this report follows the same structure as the Citywide Quality Review no overall score is given. The 2008-2009 Annual Site Visit report is from PAVE's first year of operation. Non-charter public schools do not begin to receive Quality Reviews until their first cohort of students has graduated. PAVE currently serves students in grades K-2 and therefore does not have results from the NY State ELA and Math tests. PAVE is in good standing with its authorizer, the New York City Department of Education and has made adequate progress toward its academic goals based on the 2008-2009 Terra Nova tests (as reported in the PAVE Academy Charter School Annual Report).

Members of the P.S. 15 community expressed their concern that the DOE committed to site PAVE in the P.S. 15 building for two years and now is going back on its word by extending the timeline. PAVE has committed to developing a private facility plan from the beginning. The school initially requested two years of incubation space in Red Hook and has now asked for an extension of the two-year timeframe in order to complete the construction of its new facility.

Some members of the community claim that enrollment at P.S. 15 has increased by 10% in the past year and stated their concern that PAVE's grade reconfiguration in the K015 building will limit the ability of P.S. 15 to expand its enrollment and impact the school's ability to provide enrichment programs and additional services. Based on the October 31st Audited Registers Pre-K-5 enrollment at P.S. 15 was 389 students in 2008 and was 390 students in 2009. P.S. 15 requested and received funding for an additional full-day Pre-kindergarten class for the 2009-2010 school year and added 18 seats to their pre-kindergarten program. Even with the increase

in the number of students enrolled in pre-kindergarten, enrollment at P.S. 15 only increased by one student between 10.31.2008 and 10.31.2009.

During the 2008-2009 school year the P.S. 15 zone contained a total of 470 K-5 students. Just 68 percent (266) of these students attended P.S. 15 while the remaining 204 students zoned to P.S. 15 opted to attend school elsewhere. Even if all students currently zoned to P.S. 15 attended the school, the K015 building would remain underutilized (65 percent utilized). Average class size at P.S. 15 is 18.8 students (excluding self-contained classes) and average class size at PAVE is 22.0 students. The projected number of rooms required by P.S. 15 and PAVE takes into account the average class size of each school. While class size is determined by a number of factors including: school budgets, programming, and instructional need, the extended co-location of PAVE and P.S. 15 will not require either school to increase class size.

For the 2010-2011 school year, P.S. 15 opted to participate in Phase 1 of the DOE's Special Education Reform program. As part of Phase 1, P.S. 15 will begin working with their community in the near future to refine instructional programs to meet the needs of students with IEPs as part of the school's overall instructional plan. Further, like general education registration, P.S. 15 will only enroll new special education students if they reside within the P.S. 15 elementary school zone and students will not transfer outside of their zone because of IEP changes unless the student has a demonstrated need for a highly specialized program. This means that the number of special education students enrolled at P.S. 15, and the programs that the school develops to serve these students, may change.

In their Powerpoint presented at the Joint Public Hearing on April 14, 2010, members of the PS 15 SLT stated that PS 15 was forced to give up a designated science lab and enrichment rooms as a result of its co-location with PAVE. They claimed that PS 15 is the only school in District 15 without a designated science room. The DOE empowers principals to make decisions on how to program space. Every elementary school is allocated cluster rooms. P.S. 15 can designate one of those cluster rooms as a science lab if it chooses. P.S. 15 can also choose to reallocate administrative spaces for instructional use. As outlined by the SLT in its Powerpoint presentation, currently PS 15 is using full size classrooms for full time use as book storage, a PTA room, guidance and parent coordinator room, teachers cafeteria, school based support team and other non-instructional purposes.

The report produced by the 21st Century School Fund concluded that "it may be possible to free up space equivalent to 1 classroom and one half classroom without having a negative effect on P.S. 15." However, the report does not offer a recommended footprint or rationale in support of this finding. The DOE's Instructional Footprint was developed by the School Construction Authority, the Office of Portfolio Planning, and the Division of Teaching and Learning to apply a standard for the minimum number of rooms a school should be allocated based the grade level and number of classes the school serves. The DOE Instructional Footprint is applied to over 400 buildings throughout New York City that house co-located schools. In addition, the report does not discuss how the rooms are programmed or the amount of periods a particular room is used per day. Both of these factors could lead to more efficient programming of spaces so that students can be served. The report does not investigate how administrative spaces could be repurposed to serve instructional needs, aside from acknowledging that "student

support space . . . for guidance, records, and a Public Health nurse may be a little on the high side.” Class size at PAVE and P.S. 15 (22 students and 18 students respectively) is well below the 25 student capacity the full size classrooms in the K015 building were designed to serve.

The impact of the continued co-location on additional enrichment programs and non-mandated services should not be significant. As previously noted, the space allocated to Good Sheppard Services and Lutheran Medical will not be impacted. While the DOE does not anticipate any significant impact, any decision to make changes to these non-mandated programs or services or to discontinue certain programming or extra services for students is at the discretion of the school’s principal.

Some parents are worried that P.S. 15 is being targeted for closure. Currently, P.S. 15 does not meet the criteria for closure consideration under the Chancellor’s accountability criteria.

- P.S. 15 received an “A” on its 2007, 2008, and 2009 Progress Reports.
- P.S. 15 received a score of “Proficient” on its 2008 Quality Review.
- P.S. 15 is a school “In Good Standing” per the State and Federal accountability criteria.

Members of the Red Hook community expressed their concern that the students who attend PAVE come from outside the community and that PAVE is not a neighborhood school. Sixty-eight percent of students attending PAVE are zoned to Red Hook elementary schools. Admission to PAVE is via lottery, but PAVE gives priority to students who are residents of District 15.

Some commenters claim that the DOE did not publish the transcript of the joint public hearing and has, therefore, violated the law. Some also noted that the amendment made to the proposal prior to the January 26, 2010 Panel for Educational Policy meeting was substantial and the DOE, therefore, should have issued a revised educational impact statement. The DOE, however, disagrees with any claim that it has failed to comply with legal requirements. In reducing the maximum amount of time that PAVE could remain in the K015 building by two years, the DOE did not substantially revise the extended co-location proposal. However, even if it could be deemed a substantial revision, because the Panel for Educational Policy did not vote on the proposal as it had been presented in the educational impact statement, the DOE has since issued a revised educational impact statement, held another joint public hearing, and accepted additional public comment on the proposal. Moreover, with respect to the transcript of the hearing, although recording and/or transcription of joint public hearings is not required by law, the DOE recorded the January 19, 2010 hearing and provided transcription of the April 14, 2010 hearing at the request of the CEC.

The claim that the DOE is targeting a disempowered community for charter schools is unfounded.

The DOE has chosen not to accept the proposal to cap enrollment at PAVE Charter School and prohibit the school from accepting a new class in kindergarten via lottery in the 2010-2011 school year. There is high demand for the school and sufficient space to accommodate their growth.

The DOE has chosen not to accept the suggested alternative to move PAVE to K027 and to move the Red Hook Neighborhood School from K027 to K015 because it would require rezoning and subject students to additional moves. The Red Hook Neighborhood School is a zoned elementary school. The K015 building is located one mile away from K027. Relocating the Red Hook Neighborhood School to the K015 building would require students zoned to the Red Hook Neighborhood School to attend school in a building located outside of their zone. The move of Red Hook Neighborhood School would impact pupil transportation and require a school to move in its second year of operation. The DOE makes every attempt to avoid the re-location of zoned schools given the impact it has on the surrounding neighborhood and school community. Moreover, those who favor the move of Red Hook Neighborhood School to the K015 building rather than the extension of PAVE's co-location with P.S. 15 assert that there is not sufficient space for PAVE in the building. However, placing the 250 Red Hook Neighborhood School students in the building would increase the utilization of K015 similar to the utilization increase caused by the siting of PAVE in the building. Accordingly, the DOE does not believe the alternative proposal is in the best interest of students.

A copy of the revised educational impact statement for this proposal can be obtained at http://schools.nyc.gov/NR/rdonlyres/BD228776-71B2-459E-93C9-BCEEE02F65F5/80802/K015_PAVE_RevisedEIS_Final_4910.pdf.