



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

Date: March 8, 2013  
Topic: The Proposed Re-siting and Co-location of The UFT Charter School (84K359) in Building K292 with Existing School J.H.S. 292 Margaret S. Douglas (19K292) Beginning in the 2013-2014 School Year  
Date of Panel Vote: March 11, 2013

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**Summary of Proposal**

The New York City Department of Education (“DOE”) is proposing to re-site the sixth through eighth grades of the UFT Charter School (84K359, “UFT Charter”), an existing public charter school, to building K292 (“K292”), which is located at 300 Wyona Street and 301 Vermont Street, Brooklyn, NY, 11207, in Community School District 19 (“District 19”) beginning in the 2013-2014 school year. UFT Charter currently serves students in kindergarten through twelfth grade across two separate sites. In one location, building K166 (“K166”), located at 800 Van Siclen Avenue, Brooklyn, NY 11207, also in District 19, UFT Charter serves students in grades six through twelve. In another location, K292, UFT Charter serves students in kindergarten through fifth grade. If this proposal is approved, sixth through eighth grade students would no longer be served in K166 at the conclusion of the 2012-2013 school year. Beginning in 2013-2014, UFT Charter would serve students in kindergarten through eighth grade at K292, while continuing to serve ninth through twelfth grade students at K166. UFT Charter’s kindergarten through fifth grades are currently co-located with J.H.S. 292 Margaret S. Douglas (19K292, “J.H.S. 292”), an existing district middle school that currently serves students in sixth through eighth grades. If this proposal is approved, UFT Charter’s kindergarten through eighth grade students would be co-located with J.H.S. 292. UFT Charter admits kindergarten students through the Charter lottery process and will continue to do so.

On January 23, 2013, the Building Utilization Plan (“BUP”) was amended to correct a typographical error contained in the original BUP published on January 18, 2013. This amendment does not significantly revise the proposal itself.

UFT Charter’s sixth through twelfth grades are currently co-located in building K166 with J.H.S. George Gershwin (19K166, “J.H.S. 166”), an existing district middle school that currently serves sixth through eighth grade students. J.H.S. 166 admits students through the District 19 Middle School Choice Process, offering priority to students who reside in the K166 residential zone and then using a limited unscreened admissions method. J.H.S. 292 also admits students through the District 19 Middle School Choice Process, offering priority to students who reside in the K292 residential zone and then using an unscreened admissions method. J.H.S. 292 also offers an Honors Program, which admits students using a screened admissions method.

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<sup>1</sup> The DOE will continue to accept comments concerning this proposal up to 24 hours prior to the Panel for Educational Policy’s (“PEP”) vote on March 11, 2013. Those additional comments will be addressed in an amended Public Comment Analysis which will be provided to the PEP before it votes on this proposal.

According to the 2011-2012 Enrollment Capacity Utilization Report (the “Blue Book”), building K292 has the capacity to serve a total of 1,730 students. In 2012-2013, J.H.S. 292 is serving 761 sixth through eighth grade students and UFT Charter is serving 455 kindergarten through fifth grade students in building K292. This yields a building utilization rate of approximately 70%. This means that the building is “underutilized” and has space to accommodate additional students. If this proposal to re-site and co-locate UFT Charter’s sixth through eighth grades to K292 is approved, in 2013-2014, once UFT Charter is re-sited to K292, UFT Charter is projected to serve 710-800 kindergarten through eighth grade students in K292, and J.H.S. 292 is projected to serve 735-765 sixth through eighth grade students, for a total of 1,445-1,565 students, yielding a projected building utilization rate of approximately 84%-90%.

Building K292 also houses the District 19 Food Office. The DOE does not anticipate that the proposed co-location will affect the continued siting of or space allocations for the District 19 Food Office.

The details of this proposal have been released in an EIS and BUP which can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.html>. Copies of the EIS and BUP are also available in UFT Charter and J.H.S. 292’s main offices

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

A joint public hearing regarding this proposal was held on February 21, 2013 at K166. Participants had the opportunity to provide input on the proposals involving K166. Approximately 87 members of the public attended the hearing, and 14 people spoke. Present at the meeting were Community School District 19 Superintendent Joyce Stallings-Harte; District 19 Community Education Council (“CEC 17”) President Erika Perez and CEC 17 member Joyce French; Maria Ortega, Principal of J.H.S. 166; a representative from the Council Of School Supervisors and Administrators; Gregory Grant, a representative of the Parent Teacher Association (“PTA”) and School Leadership Team; Liz Genco representative from SUNY CSI; New York City Council Member Charles Barron; Deputy Chancellor David Weiner; Senior Director of School and Community Support Olivia Ellis from the Department of Education; and Carrie Marlin and Lauren Spillane from the Division of Portfolio Planning.

A second joint public hearing regarding this proposal was held at building K292 on February 17, 2013. At that hearing, interested parties had an opportunity to provide input on the proposed re-siting and co-location of UFT Charter’s sixth through eighth grades to K292. Approximately 300 members of the public attended the hearing and 70 people spoke. Present at the meeting were: Community School District 19 Superintendent Joyce Stallings-Harte; Community Education Council 19 (“CEC 19”) Representative Kathleen Boatwright; J.H.S. 292 School Leadership Team (“SLT”) Representative Olivia McInnis; J.H.S. 292 Principal Gloria Williams-Nandan; UFT Charter SLT Representative Chester Campbell; UFT Charter Principal Michelle Bodden-White; and Lily Haskins and Gabrielle Wyatt from the Division of Portfolio Planning.

The following comments and remarks were made or submitted at the Joint Public Hearing on February 21, 2013:

1. Gregory Grant, a representative of the School Leadership Team and PTA stated:
  - a. We do not have a choice of which students we accept. Other schools get to handpick their students.
  - b. We get students from our feeder schools who have low scores and we have six months to improve their scores.
  - c. Every year, we are faced with the same challenges but the DOE has not helped us.
  - d. We lost a lot of qualified teachers who are either tired and chose to move on or are scared of the school being shut down.

- e. We should have the chance to start on an even playing field.
  - f. We are still here working and we will continue to educate children.
2. Erica Perez, representative from CEC 19, stated that she is sad to sit here and see a school that is successful be attacked with the rest of her community. She further stated:
- a. The school received a 95% pass rate on the Regents, so how is this considered a failing school?
  - b. 265 students at the school are overage, which creates a lot of challenges. This is an unfair disadvantage when it comes to state testing.
  - c. The overage population is challenging. These are students who know they do not belong in Junior High School anymore. We deal with a lot of drop-outs and this school to prison pipeline needs to stop.
  - d. Charter schools will not accept these students because they are overage.
  - e. We should build a D79 program at the junior high school level and deal with keeping these students out of the penal system.
  - f. There are 395 students in the school and 28% of the students are special education students. This creates a very challenging environment and no one is taking into account that these students have nowhere else to go.
3. Principal Maria Ortega explained how she has been with the school for nine years and had been trained by the Leadership Academy. She explained that because of the location of J.H.S. 166, the school faces many large community issues like drugs and gang violence. She further stated:
- a. We are a zoned school who accepts all of the students that are sent here. These students deserve all of the same opportunities.
  - b. The percentage of special education students has increased over the years. Our school now has 28% of students who are special education students. This takes a lot of time and resources to support these students.
  - c. 28% of the students at J.H.S. 166 have IEPS, while most other schools have 12%-15% of their students with IEPS.
  - d. We prepare our students for life by focusing them on ideas and concepts.
  - e. All of the increased programs at J.H.S. 166 have taught our students new ways of learning and how to avoid violence.
  - f. We have increased the performing arts programs at J.H.S. 166. We now have a chorus, a glee club, instrumentals, drama, theater, martial arts, and other programs.
  - g. The school has implemented a positive behavior support system where the students can earn Gershwin bucks.
  - h. Overage students are not accepted at other schools in New York City.
  - i. There are attendance issues with students who receive full-fare or half-fare metro cards. Students who receive half-fare metro cards have trouble attending school.
  - j. This has been a challenging environment to work in because our targets move each year. We have been a restart model, a turnaround model, and are now being proposed to phase-out. We need to be given a chance to improve and gain support from the DOE.
4. New York City Council Member Charles Barron spoke about the progress that J.H.S. 166 has made. He stated that:
- a. There are D and F schools that are not being phased-out, but we are a C school.
  - b. We should have a meeting with the Chancellor to take about our plans to improve this school.
  - c. We need to make sure that every school receives support and proper resources to educate children.
  - d. The mayor is trying to privatize education.
  - e. We are not anti-charter, and every parent deserves a choice. The Mayor is manipulating charter and district parents to be at odds with each other.

- f. This plan to have four schools in one building does not make sense. It will cause overcrowding in the school.
  - g. The students should not have lunch time scheduled at 10:00am, nor should the students share spaces with each other.
  - h. This school has the essential qualities of a strong school and it belongs to the community.
  - i. Public Charters are not like public schools. The charters take the cream of the crop from public schools and then evaluate the students differently and kick out the students who do not fit the model.
5. Three speakers spoke in support of the Achievement First co-location. The speakers believe that Achievement First will be a good partner and has seen co-location work at other schools.
  6. One speaker spoke in support of the Achievement First co-location, noting that Achievement First helped his child with special needs. The speaker noted the co-location will work and the schools will be great partners.
  7. One speaker spoke in support of Achievement First co-location in District 19. The speaker noted that District 19 needs more options and that Achievement First will create strong partnerships with the community.
  8. A member of the J.H.S. 166 SLT spoke in support of the school and noted the following:
    - a. NYC schools are getting defunded and this is not fair.
    - b. If the community came together, we have the ability to save our school.
  9. A parent from J.H.S. 166 spoke in support of the school, and noted the following:
    - a. She does not understand why the school is being proposed for phase-out.
    - b. She noted that the teachers here treat their students like their own children.
    - c. The school should receive more money to be successful.
  10. A representative from the Council of School Supervisors and Administrators (“CSA”) spoke personally in support of Principal Ortega and the District 19 community. The representative that recited a response on behalf of CSA. The response noted that:
    - a. The schools proposed for phase-out do not fit a pattern. It seems the DOE picked these schools as if they were playing Russian Roulette.
    - b. The DOE is closing schools to open up more charter schools
    - c. Low performing students are housed in warehouse schools. This is a failing strategy for turning schools around.

Additionally, two questions were submitted in writing to the DOE at the Joint Public Hearing:

11. What happened in the case of equity funding for schools?
12. If the proposed phase-out is passed, how do we know the replacement plan will provide a better option for students?

The following comments and remarks were made or submitted at the Joint Public Hearing on February 27, 2013:

13. Gloria Williams-Nandan, Principal of J.H.S. 292, stated the following:
  - a. J.H.S. 292 likes its current co-location with the elementary school.
  - b. Adding 300 to 400 students to the building is a recipe for disaster.
  - c. Middle school students are territorial and there will be fights between students.
  - d. K292 will be overcrowded and not conducive to learning.
  - e. I have a dream that there will be equity after this hearing and that J.H.S. 292’s programs will be allowed to flourish.
  - f. SUNY voted yesterday on the renewal of UFT Charter School’s charter. While the elementary school received good reviews and the high school is on the track for progress, the middle school is a failing school. If the UFT Charter middle school grades were to stand alone, it would not have been approved for renewal by the state.

- g. The DOE is placing a failing school here in order to undermine our performance.
  - h. The middle school will disrupt the current co-location.
  - i. The state gave at least 10 reasons why UFT Charter is a failure and yet it was given a reprieve.
  - j. Say no to the relocation because J.H.S. 292 has shown constant progress.
  - k. J.H.S. 292 is the only middle school in District 19 in good standing.
  - l. The DOE has consistently placed charter schools in failing buildings.
  - m. At present, we use approximately 50 rooms. Next year, we will go down to 25. How is that fair? How will we teach out students?
  - n. Teachers cannot go to their union because the union is trying to co-locate here.
  - o. 750 students will be housed on one floor. Think about the overcrowding.
14. Olivia McInnis, representative from the J.H.S. 292 SLT, stated the following:
- a. The SLT is protesting the proposed re-siting and co-location.
  - b. There will be challenges in using shared spaces.
  - c. The student body will experience a diminished quality of education.
  - d. If the proposal is not going to be pulled, we ask that the middle school grades of UFT Charter be gradually phased in.
  - e. Staff and transportation will be impacted, even though the DOE says there will be no impact. Our staff will be stressed due to the loss of rooms and dismissal time will be chaotic. Our custodial staff will be stressed due to the maintenance of the restrooms.
  - f. Lunches are currently chaotic and the proposal will make this worse.
  - g. School safety is extremely important, especially because of the known gang activity. To add 400 students with known ties to gangs is a direct threat.
  - h. We demand the DOE increases the number of safety agents assigned to J.H.S. 292.
  - i. Arts and extracurricular programs will be lost.
15. Michelle Bodden-White, Principal of UFT Charter, stated the following:
- a. UFT Charter has enjoyed a positive and productive relationship with J.H.S. 292.
  - b. When UFT Charter first opened in K292, there were questions about space and safety, but look how far the two schools have come. We can continue to have a positive co-location as long as there is communication.
  - c. The shared space schedule may or may not be the best for us, but we should give it a try.
  - d. It is our goal to bring the level of achievement in the middle school grades up by re-siting them here.
16. Chester Campbell, representative from the UFT Charter SLT, stated the following:
- a. Parents of the elementary school feel the DOE will do this because there is space here.
  - b. The parents are supportive of gradually phasing in middle school grades.
17. Several commenters stated opposition to the proposal because of UFT Charter's performance and recent charter renewal.
18. Several commenters stated the proposal would result in overcrowding and lack of movement for students from room to room.
19. Multiple commenters stated J.H.S. 292 has large class sizes.
20. Several commenters were opposed to the proposal because J.H.S. 292 is the top middle school in District 19.
21. Multiple commenters questioned the public input process, stating the decision was already made.
22. One commenter stated the following:
- a. Will there be more students per classroom than currently?
  - b. Why didn't the UFT consult with the J.H.S. 292 teachers they represent?
  - c. Why do charter schools have the best technology?
  - d. Why do charter schools have two teachers per room?
  - e. The UFT has not represented its members at J.H.S. 292 because of this proposal. We have filed a complaint with the National Labor Relations Board.

- f. Was a deal made with the UFT to pass the teacher evaluation if its middle school was re-sited?
- 23. Several commenters stated the proposal would eliminate the performing arts program at J.H.S. 292.
- 24. Multiple commenters stated it was inequitable for J.H.S. 292 to lose rooms, while UFT Charter gained rooms because both schools will be the same size in 2013-2014.
- 25. One commenter stated the following:
  - a. J.H.S. 292 teachers will leave as a result of the overcrowding and loss of classrooms.
  - b. The Footprint does not require that every teacher has his or her own room.
- 26. Several commenters stated safety concerns about the proposed re-siting, specifically an increase in gang activity and student fights.
- 27. Several commenters stated J.H.S. 292 would have access to one floor.
- 28. Multiple commenters stated the re-siting will negatively impact J.H.S. 292's academic programs, such as Gifted and Talented.
- 29. Multiple commenters suggested the re-location and co-location of additional students will be a fire hazard.
- 30. One commenter stated public schools are supposed to be free, but the DOE is turning them into charter schools.
- 31. Several commenters stated adding students of the same age group will cause issues.
- 32. Several commenters stated the proposed shared space schedule will not work.
- 33. One commenter stated K292 was not underutilized.
- 34. One commenter stated the proposal will have a negative impact on students with IEPs.
- 35. One commenter asked the DOE to restore J.H.S. 292's budget.
- 36. Several commenters stated they did not want J.H.S. 166 to be re-sited.
- 37. One commenter stated UFT Charter should be allowed to flourish and grow.
- 38. One commenter stated the administration can make the proposal work.
- 39. Several commenters stated J.H.S. 292 should be given the space to grow.

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

- 40. The DOE received a petition from students of J.H.S. 292 stating opposition to the proposal due to the following issues:
  - a. Instructional time will be affected based on teachers having to move from classroom to classroom to teach.
  - b. Overcrowding in the hallways, cafeteria, and shared spaces will lead to an increase in student conflict and a decrease in physical safety.
  - c. Extra-curricular activities will be limited due to the lack of space.
  - d. Teachers, administrators, and other support staff may become discontent with the environment, leading to possible turnover.
  - e. The reputation of J.H.S. 292 as a school in good standing may be affected negatively.
  - f. The proposal will lead to the degradation of the condition of the classrooms.
  - g. The proposal will lead to a loss of school pride.
- 41. The DOE received a letter from J.H.S. 292's Parent Teacher Association stating opposition to the proposal due to the following reasons:
  - a. The proposal provided incorrect data because the DOE states in the EIS "projected utilization rates for 2012-2013 and beyond provide only an approximation of a building's usage because each of the factors underlying target capacity may be adjusted by principals from year to year to better accommodate students' needs." Therefore, the DOE states that the data is only an approximation and does not accurately reflect J.H.S. 292's utilization rate.

- b. According to the proposal, UFT Charter's enrollment rate doubles with the introduction of its middle school and has projected enrollment increases in the elementary grades, while J.H.S. 292 remains the same, and does not have any projected increase of enrollment. On the contrary, J.H.S. 292 enrollment rate will more than likely increase in the following two ways: (1) more students will enroll in the Honors Program, or (2) J.H.S. 292 will serve more over-the-counter students. With the increase in enrollment on both sides, UFT Charter and J.H.S. 292, there will be overcrowding.
  - c. J.H.S. 292's budget will be impacted. The EIS does not mention whether the budget of J.H.S. 292 is impacted, rather there is a link to the Fair Student Funding ("FSF") Guide and Memoranda. Under the FSF, J.H.S. 292 would receive funding based on their students not the total number of students in the building. J.H.S. 292, as a hosting school will have increased needs due to the additional UFT Middle School.
  - d. The proposal states that DOE does not anticipate changes in school supervisory or administrative positions or personnel. However, staff may leave J.H.S. 292 due to the stress of losing twenty-one rooms and working in an overcrowded building, as well as other challenges. The DOE is assuming that all staff will remain.
  - e. The DOE states that transportation itself will not be affected. However, our concern is the arrival and departure of more school buses coming in as result of the additional students. Currently, the Wyona Avenue entrance & Vermont entrance experience congestion in the morning and afternoon due to school buses, cars, and taxis dropping off and picking up students. The increase in school bus congestion will possibly lead to more traffic safety issues surrounding the school building.
  - f. The DOE's plan to add 400 more students into the building will increase the number of unsanitary conditions managed by the current staff.
  - g. According to the proposal, the cafeteria has capacity of 600 but there are only enough tables to service 450 students. J.H.S. 292 will be starting at a deficit with no promise of funding.
  - h. Currently, when UFT Charter exits the cafeteria, about 300-350 students from J.H.S. 292 must stand in the hallway as food services sets up for the next lunch period. Students often wait for 15-20 minutes of their lunchtime in the hallways.
  - i. To propose adding 400 students who have their different ties to different gangs and area associations in East New York is a threat to the safety of the K292 building. We demand a guaranteed that DOE will increase school safety agents.
  - j. The DOE proposed protocol is to have the safety committee & building response team in place to address security concerns. However, the process to make immediate changes in security are vague and does not give a quick turnaround time in which a solution can be given to the school under the proposed plan of building safety & security.
  - k. The DOE unfairly and inaccurately shows data demonstrating no increase in enrollment.
  - l. The DOE unfairly and inaccurately assumes no increase in interest in J.H.S. 292's programming.
  - m. If the DOE approves this proposal, we ask to annually phase in the UFT Middle School grades of 6-8 into the building of J.H.S. 292.
  - n. Over-crowdedness in J.H.S. 292 is a valid concern with this proposal. Overcrowding has led to more disruptive student behavior, low student performance, decreased effectiveness of instructions, and low staff morale.
42. The DOE received a petition from J.H.S. 292's Parent Teacher Association stating opposition to the proposal based on the following reasons:
- a. There will be overcrowding in classrooms and shared spaces.
  - b. There are no assurances that J.H.S. 292 will have an increase in school safety agents, custodial staff, or food service staff.

- c. If the DOE approves this proposal, we ask to annually phase in the UFT Middle School grades of 6-8 into the building of J.H.S. 292.
43. The DOE received a written response in opposition to the proposal based on the following reasons:
- a. Re-location poses greater security concerns.
  - b. Performing arts classes at J.H.S. 292 will be severely impacted.
  - c. Many people opposed the proposal at the hearing.
  - d. The DOE should consult with stakeholders.
44. The DOE received approximately 172 letters stating the following:
- a. J.H.S. 292 is opposed to the proposal.
  - b. Students do not understand the politics behind the proposal.
  - c. J.H.S. 292 is consistently successful.
  - d. J.H.S. 292 will be reduced to one floor.
  - e. The BUP is not an equitable or unbiased division of space.
  - f. J.H.S. 292 will have to eliminate programs.
  - g. Students will have to share space.
  - h. UFT Charter is in low academic standing.
  - i. The proposal will have a negative impact on students' education.
45. The DOE received a written response stating opposition to the proposal based on the following reasons:
- a. J.H.S. 292 will be placed on one floor.
  - b. The building will be overcrowded.
  - c. UFT Charter does not have high expectations for their teachers.
  - d. J.H.S. 292 is a successful school and is well organized.

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

Comments 1 (a, b, c, d, e, f), 2 (a, b, c, d, e, f), 3 (a, b, c, d, e, f, g, h, i, j), 4 (a, b, c, d, e, f, g, h, i), 5, 6, 7, 8 (a, b), 9 (a, b, c), 10 (a, b, c), 11 and 12 are related to separate proposals involving K166 and do not require a response.

Comments 13 (a), 15 (a, b, c, d), 37, and 38 are supportive of the proposal and therefore do not require a response.

Comments 13 (b, g, h, j, l), 14 (a), 20, 40 (e, f, g), 43 (c), and 44 (a) state general opposition to the proposal.

While some members of the J.H.S. 292 community object to the possibility of re-siting and co-locating UFT Charter School's sixth through eighth grades, the DOE is committed to providing a portfolio of high quality school options to students and families. 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 UFT Charter's sixth through eighth grades with a new permanent co-location, which will allow the space that these grades currently occupy at K166 to be backfilled with a new high quality option. It will also allow the UFT Charter School to serve its grades 6-8 with its grades K-5 as a K-8 school.

Comments 13 (c), 14 (g), 26, 40 (b), 41 (i, j), 43 (a) relate to concerns about safety in K292 and the surrounding community.

Pursuant to Chancellor's Regulation A-414, every school/campus is mandated to form a School Safety Committee, which is responsible for developing a comprehensive School Safety Plan that defines the normal operations of the site and what procedures are in place in the event of an emergency. The School Safety Plan is updated annually by the Committee to meet the changing security needs, changes in organization and building conditions and any other factors; these updates could also be made at any other time when it is necessary to address security concerns. The Committee will also address safety matters on an ongoing basis and make appropriate recommendations to the Principals when it identifies the need for additional security measures.

If this proposal is approved, the Office of Safety and Youth Development ("OSYD") will conduct an initial Safety Task Force meeting with the principals of the schools co-located in K292 and the various units of the NYPD, including personnel from the 75th Precinct, and the Transit, Housing, and Gangs Units in order for the relevant parties to meet, to share arrival and dismissal schedules of the schools, and to discuss any safety concerns the principals may have. OSYD will also work with the local Precinct and recommend the establishment of a safe corridor for students during dismissals, if necessary.

Additionally, the Borough Safety Director will assist the campus principals with any safety concerns, internally and externally, and will provide additional support when available. OSYD will regularly monitor the campus schools' DOE incident data and the NYPD building crime data for spiking trends. When there is evidence of spikes in incidents and crime, OSYD will schedule a review of the data with representatives from all the co-located schools and follow up with a safety walk or a full comprehensive safety assessment to identify areas of concern and re-establish safety and security systems for the campus, as appropriate.

Comments 13 (d), 18, 41 (n), and 45 (b) assert K292 will be overcrowded as a result of the proposal.

As stated in the EIS, K292 has the capacity to serve a total of 1,730 students. In 2012-2013, 1,216 students are being served in K292. This yields a utilization rate of 70%. This is one indicator that the building is "underutilized" and has extra space to accommodate additional students.

If this proposal is approved UFT Charter would serve kindergarten through eighth grade students in K292 beginning in 2013-2014. In 2013-2014, UFT Charter is projected to serve 710-800 kindergarten through eighth grade students, and J.H.S. 292 is projected to serve 735-765 sixth through eighth grade students, for a total of 1,445-1,565 students, yielding a projected building utilization rate of approximately 84%-90%. Thus, there is sufficient space at K292 to serve J.H.S. 292 and UFT Charter's kindergarten through eighth grades.

Comments 13 (f, i), 17, and 44 (h) are in reference to the decision of the SUNY Board of Trustees to renew UFT Charter School's charter.

On February 26, 2013, following the receipt of SUNY CSI's findings and recommendations regarding UFT Charter School's application for renewal, the SUNY Board of Trustees renewed UFT Charter School's charter for a period of two years. Questions regarding the decision to renew UFT Charter School's charter should be directed to SUNY CSI and the SUNY Board of Trustees.

Comments 13 (m) and 44 (e) are in reference to space allocations.

There are currently hundreds of schools in buildings across the city that are co-located; some of these co-locations involve multiple DOE schools, while others involve DOE schools and public charter schools sharing space. The DOE seeks to fully utilize all of 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 and 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 the school programs and the grade levels served by the school. The number of class sections at each school is determined by the Principal based on enrollment, budget, and student needs and there is a target class size based on the 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 for lunch period. The full text of the Instructional Footprint is available at [http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011\\_FINAL.pdf](http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf).

The Building Utilization Plan (“BUP”) 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. The BUP also provides the number of class sections each school is anticipated to serve in 2013-2014 after the middle school grades of UFT Charter are re-sited. If this proposed co-location is approved, in 2013-2014, J.H.S. 292 will be allocated 29 full-size, 13 half-size, and 1 quarter size rooms, as well as 3.0 full size equivalent spaces (“FSE”) in designed administrative space. The room count includes 4 additional full-size and 1 additional quarter size rooms on top of the school’s baseline footprint. UFT Charter will be allocated 40 full-size and 6 half-size rooms, as well as 2.0 FSE in designed administrative space. This is an adequate amount of space, according to the Footprint, to serve each of the schools’ projected enrollments, based on programming and grades served.

Furthermore, as stated previously and in the EIS, according to the 2011-2012 Enrollment Capacity Utilization Report (the “Blue Book”), building K292 has the capacity to serve a total of 1,730 students. In 2012-2013, J.H.S. 292 is serving 761 sixth through eighth grade students and UFT Charter is serving 455 kindergarten through fifth grade students in building K292. This yields a building utilization rate of approximately 70%. This means that the building is “underutilized” and has space to accommodate additional students. If this proposal to re-site and co-locate UFT Charter’s sixth through eighth grades to K292 is approved, in 2013-2014, once UFT Charter is re-sited to K292, UFT Charter is projected to serve 710-800 kindergarten through eighth grade students in K292, and J.H.S. 292 is projected to serve 735-765 sixth through eighth grade students, for a total of 1,445-1,565 students, yielding a projected building utilization rate of approximately 84%-90%.

Comments 13 (o), 27, 44 (d), and 45 (a) assert J.H.S. 292 will be sited on one floor and there will be overcrowding.

As stated previously, K292 has the capacity to serve a total of 1,730 students. In 2012-2013, 1,216 students are being served in K292. This yields a utilization rate of 70%. This is one indicator that the building is “underutilized” and has extra space to accommodate additional students.

If this proposal is approved UFT Charter would serve kindergarten through eighth grade students in K292 beginning in 2013-2014. In 2013-2014, UFT Charter is projected to serve 710-800 kindergarten through eighth grade students, and J.H.S. 292 is projected to serve 735-765 sixth through eighth grade students, for a total of 1,445-1,565 students, yielding a projected building utilization rate of approximately 84%-90%.

The DOE notes that the assignment of specific rooms and the location of each school in the building will be made by the Office of Space Planning in consultation with the Building Council if this proposal is approved, and therefore no decision has yet been made.

Comments 14 (b, f), 32, and 44 (g) concern questions regarding the usage of shared spaces.

The BUP includes a proposed shared space schedule for the co-located schools. The final shared space schedule will be finalized by the Building Council if this proposed co-location is approved by the PEP. Principals of the co-located schools sit on the Building Council and are free to deviate from the proposed plan and create a shared space schedule as long as it is agreed upon by both parties. The proposed shared space schedule in the BUP does demonstrate that all schools will receive enough time in the cafeteria and gymnasium, as well as the other shared spaces, to serve their students based on the school's enrollment.

If the Building Council is unable to agree upon a schedule for shared spaces, there is a mediation process outlined in the Campus Policy Memo, which is available at <http://schools.nyc.gov/community/campusgov>.

Comment 42 (a) states there will be overcrowding in classrooms and shared spaces.

As stated above, there is sufficient space in K292 for J.H.S. 292's sixth through eighth grades and UFT Charter School's kindergarten through eighth grades. The DOE does not anticipate overcrowding in classrooms or in shared spaces. Moreover, as stated above, the proposed shared space schedule in the BUP demonstrates that all schools will receive enough time in the shared spaces, to serve their students based on the school's enrollment.

The DOE also notes that the number of class sections at each school is determined by the Principal based on enrollment, budget, and student needs and there is a target class size based on the number of students in a class section for each grade level.

Comments 14 (c) and 44 (i) asserts students will experience a diminished quality of education.

As stated in the EIS, the proposed co-location is not expected to impact future student enrollment, instructional programming, or the admissions process for the schools currently co-located in the Building.

Furthermore, while the Footprint sets forth a baseline space allocation, school leaders are empowered to make decisions about how to utilize the space allocated to each 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 the schools use the space efficiently in order to maximize capacity to support student needs and maintain appropriate delivery of special education and related services to students. Where appropriate, school leaders will have an opportunity to draw upon the expertise and guidance of the Office of Special Education, which is dedicated to promoting positive educational outcomes for students with disabilities.

Comments 14 (d), 16 (b), 41 (m), and 42 (c) request that the middle school grades of UFT Charter be gradually phased into K292.

The DOE believes that full implementation of the re-siting and co-location for the 2013-2014 school year is feasible and has no reason to believe a gradual phase-in would provide additional benefit to the impacted schools.

Comments 14 (e), 25 (a), 40 (d), and 41 (d) assert there will be a negative impact on staff as a result of the proposal.

As stated in the EIS, the proposed re-siting and co-location of UFT Charter's sixth through eighth grades to K292 is not expected to change the number of personnel positions assigned to UFT Charter or J.H.S.

292, nor is it expected to significantly alter the duties of current staff in K292. No change in school supervisory or administrative positions at UFT Charter or J.H.S. 292 is expected as a result of this proposal.

Comment 14 (h) demands an increase in safety agents assigned to K292.

As stated previously, the Borough Safety Director will assist the campus principals with any safety concerns, internally and externally, and will provide additional support when needed. OSYD regularly monitors the campus schools' DOE incident data and the NYPD building crime data for spiking trends. If there is evidence of spikes in incidents and crime, OSYD will schedule a review of the data with representatives from the co-located schools and follow up with a safety walk or a full comprehensive safety assessment to identify areas of concern and re-establish safety and security systems for the campus, as appropriate. The actions are taken for any building as needs arise.

Comment 42 (b) states there are no assurances that J.H.S. 292 will have an increase in school safety agents, custodial staff, or food service staff.

The DOE again notes that the proposal is not expected to change the number of personnel positions assigned to UFT Charter or J.H.S. 292, nor is it expected to significantly alter the duties of current staff in K292. With regards to school safety agents, as stated above, the Borough Safety Director will assist the campus principals with any safety concerns, internally and externally, and will provide additional support when needed.

Comments 13 (e), 14 (i), 23, 40 (c), 41 (l), 43 (b), and 44 (f) concern the impact of the proposal on J.H.S. 292's performing arts programming and extra-curricular activities.

The DOE acknowledges that J.H.S. 292 students and parents and the community in general are enthusiastic about the arts programming and extra-curriculars offered at the school. The DOE does not believe the proposal to re-site and co-locate UFT Charter's sixth through eighth grades will diminish the arts programming or the availability of arts programming at J.H.S. 292. The DOE also notes that there are currently two shared spaces used by UFT Charter and J.H.S. 292 related to the performing arts, the auditorium and dance studio. The BUP outlines a proposed shared space schedule for these facilities if the proposal is approved. The Building Council is empowered to make alternative arrangements to the proposal, proportional to the enrollments of each school.

Furthermore, as stated in the EIS, the DOE does not anticipate that this proposal will affect the academic programs, extra-curricular activities, or partnerships offered at J.H.S. 292. J.H.S. 292 would continue to offer extra-curricular programs and sports based on student interests, available resources, and staff support for those programs. The proposed co-location will not impact these opportunities. Students will continue to have the opportunity to participate in a variety of extra-curricular programs, though the specific programs offered at a given school are always subject to change. That is true for any City student as all schools modify extra-curricular offerings annually based on student demand and available resources.

Finally, the DOE notes that the assignment of specific rooms and the location of each school in the building will be made by the Office of Space Planning in consultation with the Building Council and if this proposal is approved and therefore no decision has been made yet.

Comments 16 (a) and 21 suggest a decision has already been made regarding the proposal.

While the DOE supports the re-siting and co-location of UFT Charter's sixth through eighth grades, the DOE notes that no decision has been made on this proposal. Any proposed change to school utilization must be approved by the PEP. Chancellor's Regulation A-190 governs the public review process for proposals for significant changes in school utilization. Significant changes include grade reconfigurations, co-locations, re-sitings, and phase-outs. Pursuant to Chancellor's Regulation A-190, all significant changes to school utilization require approval of the PEP.

The DOE appreciates all feedback from the community regarding this proposal. When the Educational Impact Statement and Building Utilization Plan were issued, they were made available to the staff, faculty and parents at J.H.S. 292 and UFT Charter on the DOE's Web site, and in each school's respective main office. In addition, the DOE has dedicated a proposal-specific website, email address and phone line to collect feedback on this proposal. Furthermore, all schools' staff, faculty and parent communities were invited to the Joint Public Hearing to provide further feedback.

Although the DOE recognizes that some members of the community are in opposition to this proposal, the DOE believes that, if this proposal is approved, the school communities at J.H.S. 292 and UFT Charter will be able to continue a productive and collaborative partnership.

Comments 19 and 22 (a) concern class size at J.H.S. 292.

In New York City, schools are funded 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). 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.

As stated previously, the Footprint is the guide used to allocate space to all schools based on the number of class sections the school programs and the grade levels served by the school. The number of class sections at each school is determined by the Principal based on enrollment, budget, and student needs and there is a target class size based on the 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 for lunch period. The full text of the Footprint is available at [http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011\\_FINAL.pdf](http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf).

The BUP 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. The BUP also provides the number of class sections each school is anticipated to serve in 2013-2014 after the middle school grades of UFT Charter are re-sited.

Comment 22 (c, d) questions the allocation of resources to charter schools.

Charter schools receive public funding based on their student enrollment, as do DOE schools. As stated above, principals have discretion over their budget and make choices about how to prioritize their resources.

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 UFT Charter 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).

Comment 24 concerns the space allocations to both schools.

Although both schools have proposed similar enrollments, the Footprint is the guide used to allocate space to all schools based on the number of class sections the school programs and the grade levels served by the school. The number of class sections at each school is determined by the Principal based on enrollment, budget, and student needs and there is a target class size based on the 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 for lunch period. The full text of the Footprint is available at [http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011\\_FINAL.pdf](http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf).

The BUP 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. The BUP also provides the number of class sections each school is anticipated to serve in 2013-2014 after the middle school grades of UFT Charter are re-sited.

As stated previously, if this proposed co-location is approved, in 2013-2014, J.H.S. 292 will be allocated 29 full-size, 13 half-size, 1 quarter size, and 3.0 full size equivalent spaces (“FSE”) in designed administrative space. The room count includes 4 additional full-size and 1 additional quarter size rooms on top of the school’s baseline footprint. UFT Charter will be allocated 40 full-size, 6 half-size, and 2.0 FSE in designed administrative space This is an adequate amount of space, according to the Footprint, to serve each of the schools’ projected enrollments, based on programming and grades served.

Comment 25 (b) states the Footprint does not require every teacher to have his or her own room.

As stated previously, at the middle school and high school levels, the Footprint assumes every classroom is programmed during every period of the school day except for lunch period. The full text of the Footprint is available at [http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011\\_FINAL.pdf](http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf).

Comment 28 asserts the proposal will have a negative impact on J.H.S. 292’s academic program.

As stated previously and in the EIS, the proposed co-location is not expected to impact future student enrollment, instructional programming, or the admissions process for J.H.S. 292 and UFT Charter School. The DOE also notes that J.H.S. 292 does not provide a Citywide or Districtwide Gifted and Talented program.

Comment 29 suggests the re-siting of additional students will create a fire hazard.

As per the Office of Space Planning, the Certificate of Building Occupancy states that the maximum capacity for building K292 is 2,402 people. Once UFT Charter’s sixth through eighth grades are re-sited and co-located, in 2013-2014, building K292 is projected to serve a total of 1,445-1,565 students, which falls well within safety limits.

Comment 30 asserts charter schools are private schools.

In New York City, all charter schools are public schools. Any child eligible for admission to a district public school is eligible for admission to a public charter school. If the number of applicants exceeds the

number of available seats at a charter school, a random selection process, such as a lottery, must be used. Lotteries select students randomly from among the applicant pool. In contrast, screened schools are able to select their students based on factors including academic achievement, attendance, teacher recommendation, and admissions tests. Zoned schools admit students based on home address, which is frequently correlated with income and parental education levels. Charter schools give preferences to students based on various factors, including, but not limited to, whether the applicant has a sibling already enrolled in the charter school, lives in the charter school's community school district, is an English Language Learner, and/or is eligible for free or reduced price lunches.

Application rules, procedures, and deadlines for charter schools vary, but most charter schools accept applications for the following school year until April 1 and conduct admissions lotteries during the second week of April. Interested parents should contact each charter school individually to obtain an application. Many schools also post applications on their websites.

Comment 31 states concerns about same-grade level co-locations.

With regard to concerns about the proposed same grade levels for the K292 campus, due to space limitations, it is not unusual for similar and varying grade levels to be co-located together. For example:

- The Julia Richman Educational Complex, which houses four small high schools, a K-8 school, and a District 75 program;
- Building M113 currently houses three schools: STEM Institute of Manhattan, a district elementary school, Harlem Success Academy 4, a charter elementary school, and Opportunity Charter School, which serves sixth through twelfth grade in District 3;
- Building M092 currently houses three schools: St. Hope Leadership Academy Charter School, a charter middle school serving students in grades fifth through eighth, P.S. 92, a district elementary school which serves students in grades K-5, and Democracy Prep Charter School, a charter high school serving students in grades nine through twelve.
- Building K324 currently houses three schools: M.S. 267, an existing middle school serving students in grades sixth through eighth, La Cima Charter school, a charter elementary school serving students in grades K-5, and Bedford Stuyvesant Collegiate, an existing charter secondary school, which is currently in the process of growing to serve students in grades 5-12. Members of the building council worked together to secure financing from KaBOOM to resurface the schoolyard and playground for all of the children at K324.

Comment 33 states K292 is not under-utilized. Comment 41 (a) asserts the DOE's utilization formulas are inaccurate and do not reflect J.H.S. 292's utilization of the building.

As stated previously, K292 has the capacity to serve a total of 1,730 students. In 2012-2013, 1,216 students are being served in K292. This yields a utilization rate of 70%. This is one indicator that the building is "underutilized" and has extra space to accommodate additional students.

As described in more detail in the Enrollment, Capacity, Utilization Report (the "Blue Book"), which is available at [http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Enrollment/2011-2012\\_Classic.pdf](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 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).

The most recent year for which target capacity has been calculated for buildings is 2011-2012. As described earlier in this EIS, the DOE's projected utilization rates for the 2012-2013 school year and beyond are based on the 2011-2012 target capacity, which assumes that the components underlying that target capacity (scheduled use of classrooms, goal classroom capacity, etc.) remain constant. Thus, projected utilization rates for 2012-2013 and beyond provide only an approximation of a building's usage because each of the factors underlying target capacity may be adjusted by principals from year to year to better accommodate students' needs. For example, changing the use of a room from an administrative room to a homeroom at the high school level will increase a building's overall target capacity because high school administrative rooms are not assigned a capacity. Holding enrollment constant, this change would result in a lower utilization rate. Similarly, if a room previously used as a kindergarten classroom is subsequently used as a fifth grade classroom, the building's target capacity would increase because we expect that a fifth grade class will have more students than a kindergarten class. This is reflected in the fact that the DOE's goal for maximum classroom capacity is higher for fifth grade classrooms than for kindergarten classrooms. In this example as well, assuming enrollment is constant, the utilization rate would decrease.

Comment 34 asserts the proposal will have a negative impact on students with IEPs.

The DOE believes that this proposal will not result in any change in instruction or services provided to students with IEPs. As stated in the EIS, J.H.S. 292 currently offers Integrated Co-Teaching ("ICT") classes, Self-Contained ("SC") classes, and Special Education Teacher Support Services ("SETSS"). It also has an English as a Second Language ("ESL") program for English Language Learners ("ELLs"). Current students will be able to continue in their existing ICT and SC classes and SETSS will continue to be provided, and students with disabilities will continue to receive mandated services in accordance with their Individualized Education Programs ("IEPs"). Current students at J.H.S. 292 who receive ELL services will continue to receive their mandated services if this proposal is approved.

Comment 35 requests the DOE restores J.H.S. 292's budget.

FSF dollars – approximately \$5.0 billion in the 2012-2013 school year based on projected registers – are used by all district schools to cover basic instructional needs and are allocated to each school based on the number and need-level of students enrolled at that school. All money allocated through FSF can be used at the principals' discretion, such as hiring staff, purchasing supplies and materials, or implementing instructional programs. As the total number of students enrolled changes, the overall budget will increase or decrease accordingly, allowing the school to meet the instructional needs of its student population. In addition to the FSF student-need based dollars a school receives, all schools receive a fixed lump sum of \$225,000 in FSF foundation and \$50,000 in Children First Network Support to cover administrative costs.

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.

Comment 36 states opposition to the re-siting of J.H.S. 166.

The DOE has not proposed to re-site students from J.H.S. 166 to K292. The DOE has proposed to re-site UFT Charter's sixth through eighth grade students currently co-located with J.H.S. 166.

UFT Charter currently serves students in kindergarten through twelfth grade across two separate sites. In one location, building K166, located at 800 Van Siclen Avenue, Brooklyn, NY 11207, also in District 19, UFT Charter serves students in grades six through twelve. In another location, K292, UFT Charter serves students in kindergarten through fifth grade. If this proposal is approved, sixth through eighth grade students would no longer be served in K166 at the conclusion of the 2012-2013 school year. Beginning in 2013-2014, UFT Charter would serve students in kindergarten through eighth grade at K292, while continuing to serve ninth through twelfth grade students at K166.

Comment 39 states J.H.S. 292 should be given space to grow.

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, allocation of classroom, resource, and administrative space is guided by the Footprint, which is applied to all schools in the building.

Nothing leads the DOE to believe that the proposed co-location will have an impact on J.H.S. 292's enrollment. The enrollment projections in the EIS are based on current enrollment at J.H.S. 292 at the entry point grade level, and assume that the same number of students will age up and that there will be stable incoming enrollment at the entry point grade. In addition, the DOE notes that J.H.S. 292 will be receiving 4 additional full-size spaces above its Footprint allocation for the 2013-2014 school year if the proposal is approved.

The DOE also notes that if either school's enrollment were to increase significantly, the DOE would reassess the overall building plan.

Comment 40 (a) states instructional time will be impacted by teachers transitioning to classrooms.

As stated previously, at the middle school and high school levels, the Footprint assumes every classroom is programmed during every period of the school day except for lunch period. As stated in the EIS, the DOE does not believe there will be a negative impact on instructional programming as a result of the proposal.

Comment 43 (d) states the DOE should consult with stakeholders.

The DOE appreciates all feedback from the community regarding this proposal. When the EIS and BUP were issued, they were made available to the staff, faculty and parents at J.H.S. 292 and UFT Charter on the DOE's Web site, and in each school's respective main office. In addition, the DOE has dedicated a proposal-specific website, email address and phone line to collect feedback on this proposal. Furthermore, all schools' staff, faculty and parent communities were invited to the Joint Public Hearings to provide further feedback.

Comments 41 (b, k) argue J.H.S. 292's enrollment projections are inaccurate and do not assume an increased interest in enrollment from the community.

First, nothing leads us to believe that the proposed co-location will impact J.H.S. 292's enrollment. The enrollment projections in the EIS are based on current enrollment at J.H.S. 292 at the entry point grade level, and assume that the same number of students will age up and that there will be stable incoming enrollment at the entry point grade.

Second, UFT Charter School's enrollment in K292 increases due to the re-siting of the middle school grade levels. Finally, as noted previously, the DOE does not believe there will be overcrowding as a result

of the increase in UFT Charter's enrollment. In 2013-2014, UFT Charter is projected to serve 710-800 kindergarten through eighth grade students, and J.H.S. 292 is projected to serve 735-765 sixth through eighth grade students, for a total of 1,445-1,565 students, yielding a projected building utilization rate of approximately 84%-90%.

Comment 41 (c) states J.H.S. 292's budget will be impacted and asserts the school should receive more funding since it is a host site for UFT Charter's kindergarten through eighth grades.

As stated previously, all schools receive FSF funding. The link to the FSF Guide and FY 13 School Allocation Memoranda referred to by the commenter is included in the EIS. As stated in the EIS, the FSF Guide provides additional information on the cost of instruction and how the changes to FSF funding and other school allocations might be impacted as a result of any register changes at UFT Charter or J.H.S. 292. The FSF Guide is available at:

[http://schools.nyc.gov/offices/d\\_chanc\\_oper/budget/dbor/allocationmemo/fy12\\_13/FY13\\_PDF/FSF\\_Guide.pdf](http://schools.nyc.gov/offices/d_chanc_oper/budget/dbor/allocationmemo/fy12_13/FY13_PDF/FSF_Guide.pdf).

The DOE also notes that J.H.S. 292 is not hosting UFT Charter in building K292.

Comments 14 (e) and 41 (e) concerns transportation and the staggering of arrival and dismissal times.

The DOE does not expect the proposal to impact transportation. As stated in the EIS, transportation would continue to be provided according to Chancellor's Regulation A-801:

<http://schools.nyc.gov/NR/rdonlyres/21A1B11A-886B-4F74-9546-E875EE82A14C/40303/A801.pdf>. If this proposal is approved, decisions about arrival and dismissal times and procedures will continue to be decided by the principals of the co-located schools.

Comments 41 (g, h) pertain to the cafeteria.

The commenter states that there are currently enough tables in the cafeteria to accommodate 450 students and implies J.H.S. 292 or UFT Charter School cannot purchase additional tables. As stated in the proposed shared space schedule, the total time allocated to each organization in the cafeteria is based upon each organization's current use of the cafeteria, projected enrollment, capacity of the cafeteria, and grade levels served. Each organization will be able to accommodate its students in the cafeteria within this proposed allocation of time.

According to the DOE School Food Web site, UFT Charter currently uses the cafeteria from 10:55 am until 11:40 am and J.H.S. 292 currently uses the cafeteria from 11:49 am until 12:32 pm. daily.<sup>2</sup> In the proposed plan, to accommodate its enrollment, J.H.S. 292 will be allocated 1 hour and 20 minutes of lunch daily (6 hours and 40 minutes weekly). In the proposed plan, UFT Charter will be allocated 1 hour and 20 minutes of lunch daily (6 hours and 40 minutes weekly). The Building Council is empowered to make alternative arrangements to the proposal, proportional to the enrollments of each school.

With regard to the transitions in between lunch periods, the DOE again notes that the Building Council is empowered to decide collectively upon alternative arrangements that will increase the transition time in between lunch periods.

Comment 41 (f) states the additional students will create unsanitary conditions.

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<sup>2</sup> <http://www.opt-osfns.org/schoolfood/public1/default.aspx>

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. The DOE does not believe there will be any negative impact on sanitation.

Comments 13 (k, n) 22 (b, e, f), 44 (b, c) and 45 (c, d) are unrelated and will therefore not be addressed.

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

No changes have been made to this proposal.