

Public Comment Analysis¹

Date: March 8, 2013

Topic: The Proposed Co-location of a New District High School, 02M135, with High School of Graphic Communication Arts (02M625), Business of Sports School (02M393), Urban Assembly Gateway School for Technology (02M507), and Success Academy Charter School – Manhattan 2 (84MTBD) in School Building M625, Beginning in 2013-2014, and New Public Charter School Success Academy Charter School – Manhattan Middle School (84MTBD), Beginning in 2015-2016

Date of Panel Vote: March 11, 2013

Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to open and co-locate 02M135, a new district high school, in school building M625 (“M625”) beginning in the 2013-2014 school year. M625 is located at 439 West 49th Street, New York, NY 10019 within the geographical confines of Community School District 2 (“District 2”). The proposed new high school, 02M135, will offer a rigorous academic program with a career and technical education component that will prepare students for post-secondary education and work. If this proposal is approved, 02M135 will be co-located with the following schools: High School of Graphic Communication Arts (02M625, “Graphics”), an existing school that currently serves students in grades nine through twelve; Business of Sports School (02M393, “BOSS”) an existing high school that serves students in grades nine through twelve; Urban Assembly Gateway School for Technology (02M507, “Gateway”), an existing high school currently serving students in grades nine through ten; and Success Academy Charter School – Manhattan 2 (84MTBD, “SA - Manhattan 2”), which will open in September 2013 with kindergarten and first grade and is phasing in one grade per year. Gateway is phasing in to serve grades nine through twelve and will reach full scale in the 2014-2015 school year. Those proposals can be found on the DOE’s Web site: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>.

On February 5, 2013, this proposal was amended to update the eligibility status of 02M135 for School Improvement Grant funding. That change did not substantially revise the proposal.

Additionally, M625 houses two community-based organizations (“CBOs”), SPARK Drug Prevention and the Association of Progressive Dominicans, and an Alternative Learning Center (“ALC”), which provides an educational setting for students in grades nine through twelve who are on a Superintendent’s suspension for up to 90 days. This proposal is not expected to impact

¹ 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. Any additional comments will be addressed in an amended Public Comment Analysis which will be made available to the PEP before it votes on this proposal.

the continued siting of the CBOs. This proposal is also not anticipated to impact the ALC since in the 2013-2014 school year, the ALC will re-locate to building M859 (“M859”), located at 512 West 182nd St, New York, NY 10033 within the geographical confines of Community School District 6.

In a separate Educational Impact Statement (“EIS”) also posted on January 18, 2013, the DOE is proposing to phase out and eventually close Graphics after an extensive review of data and community feedback indicating that the school is unable to turn around despite numerous efforts to improve instruction and school organization. This EIS can be accessed on the DOE’s web site at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>.

If the Panel for Education Policy (“PEP”) approves the proposal to phase out Graphics, the school will no longer admit new ninth-grade students after the end of this school year. However, Graphics will continue to serve students currently enrolled in the school. During the 2013-2014 school year, Graphics will serve students in tenth through twelfth grade. The school would serve one less grade in each subsequent year until it completes its phase-out and closes at the end of the 2015-2016 school year.

In the event that the phase-out of Graphics is not approved, the DOE would re-examine the availability of space in the building and may, as appropriate, revise its proposal to co-locate 02M135 in M625. Such a revised proposal would be described in a revised EIS.

In another separate EIS, the DOE has proposed to site Success Academy Charter School – Manhattan Middle School (“SA - Manhattan MS”) in building M625 beginning in the 2015-2016 school year. That proposal will be voted on by the PEP in March 2013.

The proposed opening and co-location of 02M135 in M625 is part of the DOE’s central goal of creating new school options that will better serve future students and the community at large. 02M135 would offer a rigorous academic program with a career and technical education component that would be open to students through the Citywide High School Admissions Process and would have a limited unscreened admissions method giving priority to students residing in Manhattan. (Detailed information about the High School Admissions Process and the proposed school’s admissions criteria can be found in Section III.A of this proposal.)

According to the 2011-2012 Enrollment, Capacity, Utilization Report (“Blue Book”), M625 has a target capacity of 2,247 students. During the current 2012-2013 school year the building serves only 1,963 students, yielding a building utilization rate of 87%.

If this proposal is approved, 02M135 would open during the 2013-2014 school year, when it would serve approximately 105-115 students in the ninth grade. 02M135 would gradually phase in by adding one grade per year. The school is expected to reach full scale in 2016-2017 and would serve approximately 420-460 students in grades nine through twelve.

In 2021-2022, once Graphics has completed its phase-out, the ALC has moved out of the building, and 02M135, Gateway, SA - Manhattan MS and SA-Manhattan 2 have reached their full scale enrollment, it is projected that there will be approximately 2,108 - 2,426 students served in M625, thereby yielding an estimated utilization rate of 94% - 108%.

Background on the DOE's Decision-Making Process

The DOE strives to ensure that all students in New York City have access to a high-quality school at every stage of their education. Continuing to allocate space and resources to schools that are unable to significantly improve student performance is neither efficient nor equitable. As detailed in the EIS posted on January 18, 2013, the DOE has concluded that phasing out Graphics is appropriate due to the school's history of poor performance and inability to quickly improve to support student outcomes.

The DOE is proposing to replace a portion of the seats lost through the phase-out of Graphics by adding a new school in the M625 building. 02M135 would offer a rigorous program with a career and technical education ("CTE") component designed to equip students with the skills necessary to achieve post-secondary success. The new school's CTE component is described in greater detail below. The DOE believes that co-locating a new high school in M625 would create a better educational option in the community.

Summary of Comments Received

A joint public hearing regarding this proposal was held at building M625 on February 26, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 85 members of the public attended the hearing, and 20 people spoke. Present at the meeting were Brendan Lyons, principal of the High School for Graphic Communication Arts and member of the school's leadership team ("SLT"); Josh Solomon, Principal of the Business of Sports School and member of the school's SLT; April McKoy, principal of the Urban Assembly Gateway School for Technology and member of the school's SLT; James Kelleher, SLT member at the Business of Sports School; Marisol Bradbury, Community District 2 High School Superintendent; Shino Tanikawa, president of Community Education Council 2 ("CEC 2"); Eric Goldberg, member of CEC 2; and Paola DeKock, president of the Citywide Council of High Schools.

Below is a summary of the comments received:

1. A representative for Assembly Member Linda Lowenthal asserted the following:
 - a. Charter school co-locations in district 2 are disruptive.
 - b. Charter schools do not necessarily provide a high-quality education.
 - c. Charter schools are not using private space even as class sizes are high and Catholic schools are closing.
 - d. The proposal will result in overcrowding.
 - e. More community input is needed.
2. A member of BOSS's SLT asserted the following:

- a. The schools' enrollment projections will lead to overcrowding.
 - b. The shared space plan does not include adequate time for students in the cafeteria and library, and BOSS and Gateway will not be able to have lunch periods in the cafeteria.
 - c. Success Academy will need more space and more shared spaces.
 - d. The multi-purpose room will not be used by the high schools even though Success Academy will use spaces shared with the high schools.
 - e. The proposals should have been discussed with everyone in the area.
 - f. The proposal to phase out Graphics indicates that the DOE has given up on the school.
 - g. Traffic patterns will be difficult with so many students in the building.
3. Shino Tanikawa, president of the Community Education Council for District 2 ("CEC 2"), asserted the following:
- a. The closure of schools is an admission of the DOE's failure.
 - b. Space available in this building should have used the space to create a community school or program that could help Graphics.
 - c. She is wary of co-locations since there is no previous agreement before principals have to work together in a shared building.
 - d. Co-locations result resource imbalances between district and charter schools.
 - e. Charter schools should collaborate with district schools, but co-locations have resulted in divisions among parents.
 - f. She is concerned that Success Charter does not exist, and grade expansion for middle schools has not been submitted yet.
 - g. The capacity of the building should be aligned to the capacity of the cafeteria.
4. Eric Goldberg, member of CEC 2, asserted that the proposal reserves space for a school that does not yet exist.
5. Mark Landis, UFT District Leader, asserted the following:
- a. Co-locations are unnecessary and disruptive.
 - b. The charter co-location proposals take seats away from needy district schools.
 - c. Charter schools should be housed in private space.
 - d. Charter schools do not lead to better outcomes than traditional public schools.
 - e. The DOE should put a moratorium on charter school co-locations until the impact of charter co-locations is addressed.
6. Paola DeKock, member of the Citywide Council on High Schools, asserted the following:
- a. The DOE is not interested in saving Graphics.
 - b. The DOE made uncoordinated attempts to transform Graphics and stood by during the rough start that Graphics had at the beginning of the school year.
 - c. The EIS does not provide enough information about the new school, 02M135; will the school have equipment? What classes will the school offer? Does the school plan to seek state certification to confer CTE diplomas?
 - d. There is no proof that small themed schools will work better than large schools like Graphics.
7. Jeannie LaContie, a member of Graphics' SLT and UFT leader, asserted the following:
- a. She is opposed to the phase-out of Graphics.

- b. She is opposed to the co-location of SA – Manhattan MS.
 - c. The co-location proposal will have a negative impact on space in the building.
 - d. There is a need for elementary seats but not middle school seats.
 - e. The DOE should support and embrace students rather than proposing to phase out Graphics.
8. Alice O’Neil, Manhattan High School Representative for the UFT, asserted the following:
- a. She is concerned that the cafeteria will be overcrowded.
 - b. She opposes charter co-locations.
9. A representative from the Council of Supervising Administrators asserted the following:
- a. Phasing out schools is incredibly difficult for students.
 - b. Phasing out schools is an untested way of turning schools around.
10. Multiple commenters expressed opposition to the proposal to co-locate SA – Manhattan MS in M625.
11. One commenter noted that a Success Academy school has been named a Blue Ribbon School.
12. One commenter asserted that concerns around co-location are overstated and that the SA – Manhattan MS co-location could work well in the building.
13. Multiple commenters asserted that educational choices are important for the community.
14. One commenter asserted that some schools have been closed even though they served their students well.
15. One commenter asserted that Success Academy encouraged students with special needs to leave the school.
16. One commenter asserted that by proposing Graphics for phase-out, the DOE is telling students that they are failures and they have bad teachers.
17. One commenter asserted that co-locating lower grades with high school grades can provide valuable opportunities for older students to mentor younger students.
18. One commenter expressed concerns about dwindling opportunities for CTE instruction.

The DOE did not receive any comments through its feedback email address.

The DOE received a number of comments which do not directly relate to the proposal. Those comments are summarized below.

19. One commenter asserted that the Brandeis campus has two separate and unequal cafeterias.
20. One commenter asserted that the DOE is sacrificing schools for politics.

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

Comments 1(a)-(c), 2(c), 2(d), 3(b), 3(f), 4, 5(c), 5(d), 7(b)-(d), 10, 11, 12, 13, 15 and 17 relate, in whole or in part, to the proposed co-location of the middle school grades of Success Academy Charter School – Manhattan 1 (84MTBD), Success Academy Charter School – Manhattan 2 (84MTBD) and Success

Academy Charter School – Upper West (84M523), collectively known as Success Academy Charter School – Manhattan Middle School (84MTBD) in building M625 in the 2015-2016 school year. Those comments, or the relevant portion of those comments, are responded to in the Public Comment Analysis for that proposal, available at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>

Comments 2(f), 3(a), 6(a), 6(b), 7(a), 7(e), 9(a), 9(b), 14, and 16 relate to the proposed phase-out of High School of Graphic Communication Arts in 2013-2014 and are responded to in the Public Comment Analysis for that proposal, available at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>

Comments 1(a), 3(c), 3(e), 5(a), 5(b), 5(e), 8(b), and 10 express opposition to the DOE's policy of co-locating multiple school organizations in a single school building. Roughly half of our schools share space in a building. Co-locations allow us to use our limited facilities efficiently while simultaneously creating additional educational options for New York City families. This is necessary because we have scarce resources and a demand for more options.

Comments 1(d), 2(a), 2(g), 3(g) and 7(c) express concern that the proposals will result in overcrowding in and around building M625. Although a utilization rate in excess of 100% may suggest that a building will be over-utilized or over-crowded in a given year, this rate does not account for the fact that rooms may be programmed for more efficient or different uses than the standard assumptions in the utilization calculation.

The Building Utilization Plan describes the allocation of space for each of the organizations in M625 for the duration of the proposal. In each year of this proposal, every school in the building is allocated a number of rooms that meets or exceeds their baseline allocation of space.

In addition, charter school enrollment plans are frequently based on larger class sizes than target capacity, contributing to building utilizations above 100% while not impacting the utilization of the space allocated to the traditional public school.

In response to concerns about traffic patterns outside the school building, it should be noted that the DOE is not required to conduct traffic impact studies for the placement of schools in existing DOE buildings. However, based on experience with similar co-locations in other buildings, the DOE does not anticipate issues arising as a result of increased traffic, should this proposal be approved by the Panel for Educational Policy.

Comments 2(b-d) and 8(a) express concerns about the use of shared spaces in the building. The Building Utilization Plan puts forth a proposed shared space schedule for the co-located schools that is feasible and demonstrates that the co-located schools may be treated equitably and comparably in the use of shared spaces. The final shared space schedule will be collaboratively drafted by the Building Council if the proposed co-location is approved by the Panel for Education Policy.

The proposed shared space plan, which allocates time in shared spaces based on projected enrollment in the 2015-2016 school year, does not change the high schools' existing access to many shared spaces. Success Academy is not allocated time in shared spaces such as the exercise room, weight room, science lab, and the existing cafeteria and gymnasium. Success Academy will use a multi-purpose room to replace access to some of those spaces. As described on page 6 of the Building Utilization Plan, the sixth floor of the building will be comprised solely of shared spaces that will serve the high schools in M625.

Comments 1(e) and 2(e) express concerns about opportunities for the community to provide feedback on the proposals. Consistent with our approach last year and our desire to incorporate school and community input in our decision-making process, in October and November we had conversations with 60 struggling schools (58 district schools and 2 public charter schools) that were identified for an intensive support plan or intervention. In these conversations we shared information about school performance and spoke with the community about their reflections of the school's strengths and weaknesses. This engagement is above and beyond what is mandated by State law.

This is the third year that the DOE has used the early engagement process to learn more about the most struggling schools before proposing interventions, including phase-out.

The goal for these engagement meetings was to begin or renew conversations with schools and their communities about their performance and the resulting actions we may take to improve it. We gathered feedback – to understand what's working, what's not working, and what the community has to say about it – before making a decision about whether the school should be given an intensive support plan or phased out and replaced with a new option that can better support student success.

Superintendents met with the school leadership team, staff and parents to explain the Department of Education's thinking on why the school is considered struggling and what particular factors show this to be the case.

We also distributed reports for each school that summarized school performance, school supports, and potential action steps. These are easy-to-understand summaries that were handed out at our early engagement meetings and are posted on our website.

Again, all of this happened prior to a decision about whether a school will be proposed for phase out, closure or truncation.

When the Educational Impact Statements and Building Utilization Plan for M625 were issued, they were made available to the staff, faculty and parents at the impacted schools, on the DOE's Web site, and in each school's respective main office. In addition, the DOE dedicated a proposal-specific website and voicemail 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 people in the community may have strong feelings against this proposal, the DOE believes that, if this proposal is approved, the school communities at M625 will be able to create productive and collaborative partnerships.

Comment 3(d) expresses concerns about resource imbalances between district and charter schools. 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. 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). However, pursuant to Chancellor's Regulation A-190, the Chancellor or his/her designee must first authorize in writing any proposed capital improvement or facility upgrade in excess of five thousand dollars, regardless of the source of funding, made to accommodate the co-location of a charter school within a public school building. For any such improvements or upgrades that have been approved by the Chancellor, capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter school within the public school building.

Comments 6(c) and 6(d) express concerns about the new high school proposed for M625. The EIS for the new high school provides ample information about the new school including its projected enrollment and planned offerings. New schools in New York City are largely defined by the vision of the principal, and the new high school proposed for M625 is no exception. The DOE cannot yet provide an exact list of the classes the new school will offer, as the specific slate of offerings will be developed and determined by the schools leadership team. We anticipate those offerings will change and evolve in response to student needs and demands. The new school at M625, like all new CTE schools, is expected to seek state certification to confer CTE diplomas in time for their first graduating cohort. The Office of Space Planning will work with the school to ensure it has proper equipment to support its CTE programming.

Comment 18 expresses concern about opportunities for Career and Technical Education ("CTE") instruction. The DOE is committed to providing students across the city with access to CTE instruction. Both of the high schools co-located with Graphics offer CTE instruction and the new high school proposed for M625, The Urban Assembly School for Emergency Management, will offer CTE pathways in emergency management, response and recovery and emergency technology and communications. In addition, the DOE has proposed to open two more CTE high schools in the fall of 2013. Stephen T. Mather Building Arts & Craftsmanship High School will offer CTE pathways in carpentry, masonry, decorative finishes and landscaping in partnership with the National Park Service, and The Urban Assembly School for Global Commerce will offer CTE pathways in global commerce.

Comments 19 and 20 are unrelated to this proposal and do not require a response.



Changes Made to the Proposal

No changes have been made to this proposal in response to public comment.