

Public Comment Analysis¹

Date: March 8, 2013

Topic: 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), with Existing Schools High School of Graphic Communication Arts (02M625), Business of Sports School (02M393), Urban Assembly Gateway School for Technology (02M507), the Elementary Grades of SA – Manhattan 2, and a New District High School, 02M135, in School Building M625, Beginning in the 2015-2016 School Year

Date of Panel Vote: March 11, 2013

Summary of Proposal

On January 18, 2013, the New York City Department of Education (“DOE”) issued an Educational Impact Statement (“EIS”) proposing to open and co-locate the middle school grades of Success Academy Charter School – Manhattan 1 (84MTBD, “SA – Manhattan 1”), Success Academy Charter School – Manhattan 2 (84MTBD, “SA – Manhattan 2”) and Success Academy Charter School – Upper West (84M523, “SA – Upper West”), collectively known as Success Academy Charter School – Manhattan Middle School (84MTBD, “SA – Manhattan MS”), in school building M625 (“M625”) beginning in the 2015-2016 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”). If this proposal is approved, SA – Manhattan MS 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 serving students in grades nine through ten which is in the process of phasing in to serve grades nine through twelve and will reach full scale in 2014-2015; and the elementary grades of SA – Manhattan 2, which will open in September 2013 with kindergarten and first grade.

Additionally, M625 currently houses an Alternative Learning Center (88M992, “ALC”), which provides an educational setting for students in grades nine through twelve who are on a

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.



Dennis M. Walcott, Chancellor

Superintendent's suspension for up to 90 days. In the 2013-2014 school year, the ALC will relocate to building M859 ("M859"), located at 512 W 182nd St, New York, NY 10033 within the geographical confines of Community School District 6. This proposal is not anticipated to impact the ALC in any way, as the ALC will have moved out prior to the start of the proposed co-locations.

On December 20, 2012, the Panel for Education Policy ("PEP") approved a proposal to co-locate SA – Manhattan 2 in M625 with Graphics, BOSS, and Gateway beginning in the 2013-2014 school year.

M625 also houses two community-based organizations ("CBOs"), SPARK Drug Prevention and the Association of Progressive Dominicans. This proposal is not expected to impact the continued siting of the CBOs.

In a separate Educational Impact Statement ("EIS") 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>

In a separate Educational Impact Statement ("EIS") also posted on January 18, 2013, the DOE is proposing to co-locate a new district high school, 02M135, in M625 beginning in the 2013-2014 school year. 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 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 grades and will reduce enrollment by one grade level per year until it completes its phase-out and closes at the completion of the 2015-2016 school year.

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

If this proposal is approved, beginning in the 2015-2016 school year, SA-Manhattan MS will enroll, subject to availability of seats, fifth grade students continuing from SA – Upper West, located at 145 West 84th Street, New York, NY 10024 in District 3. Beginning in 2017-2018, SA – Manhattan MS will enroll, subject to availability of seats, fifth grade students continuing from SA-Manhattan 2. Additionally, SA – Manhattan MS may enroll fifth through eighth grade students from SA - Manhattan 1, which will open in September 2013 with kindergarten and first

grade.

SA – Manhattan MS would serve 75-90 students in fifth grade in 2015-16, 175-210 students in fifth through sixth grades in 2016-2017, 275-330 students in fifth through seventh grades in 2017-2018, and 400-480 students in fifth through eighth grades in 2018-2019.

SA – Manhattan 1, SA – Manhattan 2, and SA – Upper West have all been authorized by The State University of New York Charter Schools Institute (“SUNY CSI”), their charter authorizer, to serve students in grades kindergarten through five. Prior to the expiration of SA – Manhattan 1’s, SA – Manhattan – 2’s and SA – Upper West’s charters, SACS intends to apply to SUNY for a revision to their charters to expand to serve kindergarten through eighth grades. SUNY CSI has the authority to approve or deny these requests. Should SUNY CSI deny these requests to expand SA – Manhattan 1, SA – Manhattan 2 and SA – Upper West to serve kindergarten through eighth grades, the DOE would consider alternate options for the space in M625 and, if necessary, propose an alternative option in a new or revised EIS and Building Utilization Plan (“BUP”).

SA – Manhattan 1 and SA – Manhattan 2 will admit students in kindergarten through third grade via their charter lottery application process. SA – Upper West admits students in kindergarten through third grade via its charter lottery application process.

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, SA – Manhattan MS will open during the 2015-2016 school year, when it will serve approximately 75-90 students in the fifth grade. SA – Manhattan MS will gradually phase in by adding one grade per year. The school is expected to serve its full grade span beginning in 2018-2019, though its enrollment is not projected to stabilize until 2021-2022, when all grades will serve the same number of sections. In 2021-2022, SA – Manhattan MS will serve approximately 500-600 students in grades five through eight.

In 2020-2021, once Graphics has completed its phase-out, the ALC has moved out of the building and all schools in M625 have reached full scale and stable 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%.

SACS currently operates 12 public elementary charter schools in New York City. The four SACS elementary schools that received a Progress Report for the 2010-2011 school year each received an overall grade of A.

The DOE supports the co-location of SA – Manhattan MS in M625. This proposal is intended to increase the number of high-quality middle school seats and options in District 2 and could allow SACS to continue providing high-quality educational opportunities for students and families

through multiple stages of their children’s education.

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.



**Department of
Education**

Dennis M. Walcott, Chancellor

- 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 6(c) and 6(d) relate to the proposed co-location of a new district high school, 02M135 in building M625 in the 2013-2014 school year 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 2(f), 3(a), 6(a), 6(b), 7(a), 7(e), 9(a), 9(b), 14, 16 and 18 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 11, 12, 13 and 17 are in support of this proposal and do not require a response.

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



Dennis M. Walcott, Chancellor

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(b) and 5(d) express skepticism that charter schools lead to better outcomes than district schools. Based on New York City Charter School Center findings, NYC charter schools have outperformed the citywide district averages in ELA and Math proficiency on statewide exams each year from 2009-10 through 2011-12. In terms of academic growth, from 2010-11 to 2011-12, NYC charter school students' ELA proficiency increased by seven percentage points (from 44.5% in 2010-11 to 51.5%), four points greater than the increase in traditional district schools (44.0% to 46.9%). NYC charter performance increased by three points in Math (from 68.4% to 72.0%), on par with district school students' increase (from 57.4% to 60.0%).

NYC charter schools have also performed better than traditional public schools on the NYC Progress Report, earning a higher percentage of As, and a higher average percentile rank than district schools. On the 2011-12 Progress Report, close to half (46%) of all charter schools received an A grade, compared to only 25% of public schools citywide. In addition to receiving higher overall grades, NYC charters also scored better in each subcategory: Progress, Performance, and Environment.

Stanford University's Center for Research on Education Outcomes (CREDO), in a 2013 report, found that the typical student in a New York City charter school gains more learning in a year than his or her district school peer, amounting to about one more month of learning in reading and five more months of learning in math. In addition to analyzing the city-wide trends, the study included a spotlight on Harlem charter schools. The results for the typical student in a Harlem charter school (about 25 percent of the city's charter students) were even more pronounced in math on average gaining seven more months than his or her district school peer, but less than a full additional month in reading.

The report concluded that, on a school-by-school comparison, 63% of New York City Charter Schools demonstrated academic growth in math that was statistically larger than students would have achieved in traditional public schools. In reading, the report found that 22% of charter schools are showing statistically significant gains. Furthermore, the report found that charter school students make substantial gains in both reading and math in their second year enrolled in a charter school, and this impact stays positive and significant through their third and fourth year of attendance. The report also found that Blacks and Hispanics enrolled in charter schools demonstrated significantly stronger gains in Math than in traditional public schools. Furthermore, charter school students with disabilities or students eligible for free or reduced price lunch demonstrated stronger gains in Reading and Math than students in traditional public schools. Finally, according to the report, charter schools demonstrated strong performance in Math across the range of starting scores, which indicates that charter schools are overall successful at improving student achievement regardless of academic background.

Comments 1(c) and 5(c) suggest that charter schools should find private space. The DOE seeks to provide space for additional education options for all students, regardless of whether students are served in DOE or public charter schools. We welcome public charter schools to lease or provide their own space, but we will offer space in DOE buildings where it is feasible to do so. The DOE does not lease space directly for charter schools; a charter school interested in parochial school or other space would have to acquire or lease that space with private funds.

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.

Comments 3(b), 3(f), 4, 7(b) and 10 express opposition to the proposal to co-locate SA – Manhattan MS in M625. The DOE acknowledges there is community opposition to this proposal. There are times when the DOE and certain members of the community differ in their opinions about specific projects. However, it is apparent that a significant number of community

members support the co-location of SA-Manhattan MS as evidenced by the many comments supporting this proposal made by families of current Success Academy elementary school students.

In response to concerns that SA-Manhattan 1, SA-Manhattan 2 and SA-Upper West have not yet been approved to expand to serve students in middle school grades, the DOE states in the EIS for this proposal that should SUNY CSI deny these requests to expand SA – Manhattan 1, SA – Manhattan 2 and SA – Upper West to serve kindergarten through eighth grades, the DOE would consider alternate options for the space in M625 and, if necessary, propose an alternative option in a new or revised EIS and Building Utilization Plan (“BUP”).

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.

Comment 7(d) questions the need for middle school seats at Graphics. The DOE closely monitors the need to create additional elementary, middle and high school seats across the city and believes that this proposal will meet a critical need by adding quality middle school seats. Within any district or borough, there are always multiple priorities – and in the case of District 2, another priority has been to increase the number of elementary school seats. The DOE does not believe this proposal will impede the Department from increasing elementary capacity in District 2. The DOE is excited to have three new elementary buildings opening in District 2 in the next three years: PS 281 in the fall of 2013; the new school at Foundling Hospital in the fall of 2014; and The Peck Slip School in the fall of 2015. We continually assess the need for capacity at every level and will continue to monitor the need for elementary seats in District 2.

Comment 15 suggests that Success Academy encourages students with special needs to leave their schools. In May 2010 the Charter Schools Act was amended to expressly require that charter schools demonstrate good faith efforts to attract and retain English Language Learners (“ELLs”), students with disabilities, and students eligible for free or reduced lunch at rates comparable to those of the Community School District.



Dennis M. Walcott, Chancellor

The DOE's annual Progress Report compares school performance with the 40 schools serving the most similar student populations. The Progress Report also provides "extra credit" to schools that succeed at helping ELL and Special Education students achieve. Thus, the incentive is for schools to serve its ELL and Special Education students well, and a school is not advantaged by having a lower enrollment of ELL and Special Education students.

Pursuant to state law, public charter schools must 1) serve all students who are admitted through their lotteries, and 2) serve a percentage of special education and English Language Learner ("ELL") students comparable to the district average. Charter schools which fail to meet the special education and/or ELL targets set by their authorizer risk being closed or having their renewal applications rejected. Charter schools must admit all students according to their lottery preferences, and may not turn away a student because of language ability, behavioral problems, or services required by an IEP. In addition, the charter law requires charter schools submit a variety of information, including attrition rates to their authorizer and to the State on August 1st, for the preceding school year. This information is typically available that Winter/Spring.

We have not been made aware of any specific incidents of SCN encouraging students with special needs to leave. If any such concerns are brought to the attention of us or the school's authorizer, they will be looked into.

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.