

Public Comment Analysis¹

Date: March 8, 2013

Topic: The Proposed Grade Expansion of the Co-Location of Harlem Village Academy Leadership Charter School (84M335) to Include Grades 3 and 4 in Building M045 Beginning in 2015-2016

Date of Panel Vote: March 11, 2013

Summary of Proposal

The Department of Education (“DOE”) is proposing to expand the grades served in building M045 (“M045”) by Harlem Village Academy Leadership Charter School (84M335, “HVA Leadership”). HVA Leadership is an existing public charter school currently serving students in kindergarten and fifth through twelfth grades in two separate locations and has been approved to phase in first and second grades by 2014-2015. This proposal would expand the grades served by HVA Leadership in M045 to include third and fourth grades, expanding the grades served by HVA Leadership at M045 from kindergarten through second and fifth through eighth to kindergarten through eighth grade by the 2016-2017 school year.

In 2012-2013, HVA Leadership’s kindergarten and fifth through eighth grade students are served in building M045 at 2351 1st Avenue New York, NY 10035 in Community School District 4 (“District 4”). Students in the ninth through twelfth grade are served in private space located at 413 East 120th Street New York, NY 10035. If this proposal is approved, HVA Leadership will serve students in kindergarten through eighth grade in M045 at full scale. HVA Leadership would continue to serve its high school students in its private space. This proposal is not expected to impact HVA Leadership’s high school programs at that location.

HVA Leadership’s kindergarten and middle school grades are co-located in M045 with an existing district middle school, M.S. 45/S.T.A.R.S. Prep Academy (04M045, “M.S. 45”) serving students in grades six through eight, and a district high school, Coalition School for Social Change (04M409, “Coalition”) serving students in grades nine through twelve. A “co-location” means that two or more school organizations are located in the same building and may share common spaces like auditoriums, gymnasiums, and cafeterias.

In a separate Educational Impact Statement (“EIS”) published on January 14, 2013, the DOE is proposing to close M.S. 45 because of its low performance and its inability to turn around quickly to better support student needs. If that proposal is approved, M.S. 45 will close at the end of the 2012-2013 school year. Current sixth and seventh grade students, and current eighth grade students who do not meet promotional standards at the end of the school year, will be offered

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

seats at other District 4 middle schools or at middle schools in their district of residence. Current eighth grade students who meet promotional standards at the end of the school year will be supported through the Citywide High School Admissions Process to select a high school.

For the purposes of this EIS describing the proposal to expand the co-location of HVA Leadership, it is assumed that the proposal to close M.S. 45 will be approved by the Panel for Educational Policy (“PEP”). If this proposal is approved and the proposal to close M.S. 45 is not approved, this EIS and the accompanying Building Utilization Plan (“BUP”) will be revised as necessary.

HVA Leadership is managed by Harlem Village Academies, a charter management organization (“CMO”) that operates Harlem Village Academy Charter School (84M709), located at 244 West 144th Street, Manhattan, NY 10030, in addition to HVA Leadership. HVA Leadership was approved by its charter authorizer, the State University of New York Charter Schools Institute (“SUNY CSI”) to open in 2005. HVA Leadership is currently authorized to serve students in kindergarten through second grade and fifth through twelfth grade. HVA Leadership has informed the DOE that it intends to apply to SUNY CSI to expand its grade span to serve students in kindergarten through twelfth grade, reaching full scale in 2016-2017. Only SUNY CSI has the authority to approve or deny that request. Should SUNY CSI deny HVA Leadership’s request to expand, or if HVA Leadership fails to make this request, HVA Leadership will only serve its currently approved grade spans of K-2 and 5-12.

On April 26, 2012, the PEP approved a proposal, originally published on February 29, 2012 and amended on March 26, 2012, for HVA Leadership to begin enrolling kindergarten students for the 2012-2013 school year, and to expand to serve students in kindergarten through second grade along with its fifth through eighth grade program in M045. The approved proposal stated that the DOE would consider available options for siting HVA Leadership’s third and fourth grades for 2015-2016 and beyond and would propose any re-sittings or co-locations in a future EIS, subject to approval by the PEP. After completing the evaluation, the DOE has determined that M045 is the most appropriate space to expand HVA Leadership’s third and fourth grades and is thus issuing this proposal.

M045 has been identified as an under-utilized building. According to the 2011-2012 Enrollment, Capacity, Utilization Report (“Blue Book”), M045 has a target capacity of 1,204 students. During the current 2012-2013 school year the building serves only 941 students, yielding a building utilization rate of 78%, demonstrating that the building is “under-utilized” and has space to accommodate additional students.

M.S. 45 currently has a screened admissions method (admissions procedures are discussed in more detail in Section III. below) and admits sixth-grade students through the District 4 Middle School Choice Process. The school is open to students and residents of District 4. Coalition has an Educational Option (“Ed. Opt.”) program with a humanities and interdisciplinary focus and admits students through the High School Admissions Process. The school gives first priority to Manhattan and Bronx students or residents, and gives secondary priority to New York City residents. HVA Leadership currently admits kindergarten students and fifth grade students via



Dennis M. Walcott, Chancellor

the charter school lottery application process, with preference to District 4 residents and students who are eligible for free or reduced-price lunch.

If this proposal is approved, in 2016-2017, once M.S. 45 has closed and HVA Leadership is at full scale, it is projected that there will be approximately 1,055 - 1,235 students served in M045, yielding an estimated building utilization rate of approximately 88% - 103%. As discussed in section III.B and in the attached BUP, the building has sufficient space to provide Coalition and HVA Leadership with space in excess of their baseline room allocations. Therefore, M045 has the capacity to accommodate Coalition along with the proposed expansion of HVA Leadership to serve grades three and four in addition to its currently authorized grade span. For the 2012-2013 school year, M045 also houses one Community Based Organization (“CBO”), El Faro Beacon, and the office space of Community Education Council 4 (“CEC 4”). This proposal is not expected to impact the siting of either the CBO or CEC 4.

The DOE does not anticipate that this proposal will affect student enrollment, the admissions process or instructional programming at Coalition.

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. In determining the optimal way to distribute space to schools and to maintain quality educational options, the DOE is proposing to expand the elementary grades of HVA Leadership, which would allow HVA Leadership to serve students at every stage of their primary-grade education in District 4.

The DOE has provided more detail on the decision to close M.S. 45 in a separate EIS, which can be found on the DOE’s Web site at:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>

Summary of Comments Received

A joint public hearing regarding this proposal was held at building M045 on February 20, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 60 members of the public attended the hearing, and 27 people spoke. Present at the meeting were Melissa Harris, facilitator and Deputy Chief Operating Officer of the DOE; Marc Sternberg, Deputy Chancellor and Chancellor’s Designee for this hearing; Donald Conyers, Senior Supervising Superintendent and Acting Superintendent for District 4; Hector Nazario, president of the Community Education Council for District 4 (“CEC 4”); Alexa Sorden, principal of M.S. 45 S.T.A.R. Academy and member of the school’s leadership team; John Sullivan, principal of Coalition High School and member of the school’s leadership team; a representative for Harlem Village Academy Charter Schools; Marina Cofield, network leader for M.S. 45; and Jennifer Peng and Drew Patterson of the Office of Portfolio Management.

Below is a summary of the comments received:

1. Hector Nazario, president of CEC 4, asserted the following:
 - a. There is a lack of community input in these proposals.
 - b. Closure and the proposed charter school expansion do not meet the needs and concerns of the community right now, but might meet the needs and concerns of the community five or six years from now.
 - c. There are seats that the children from M.S. 45 can go to in District 4, but there is a chance that those parents will again be in the situation of not knowing where their child will go to school the year after that.
 - d. M.S. 45 has been “capped” for three and a half years. The enrollment decrease and low level of enrollment was due to the lack of seats being offered at M.S. 45. He has asked the network if they knew that the school was being capped.
2. Lynn Sanchez, on behalf of Assembly member Robert Rodriguez, asserted the following:
 - a. Since September, when the new principal started at M.S. 45, there have been many positive changes in the school and evidence suggests that progress is being made.
 - b. M.S. 45 has one of the most high-needs student populations in District 4, and there is concern about their peer index.
3. City Councilmember Melissa Mark-Viverito asserted the following:
 - a. She is philosophically opposed to the concept of closing schools and the DOE should invest in schools rather than shutting them down.
 - b. M.S. 45 should be given an opportunity to change and show improvement.
 - c. The new principal is very well received and should have more than one year’s time to see the impact.
 - d. This proposal is due to the actions of previous school administrations.
 - e. 29% students with disabilities and 25% English Language Learner students mean that this school has a very high needs student population. Schools that are closed serve the highest needs populations.
 - f. There have been limited and no meaningful efforts to get community input.
 - g. The DOE presented multiple action plans to the District 4 community and immediate closure was not listed as an option during early engagement.
 - h. This closure pits schools and communities against one another.
 - i. M.S. 45’s last quality review says that the school had multiple positive aspects.

- b. The current administration should be given more time to lead the school.
10. One commenter asserted that the main reason that schools are closed is due to standardized testing scores, and those scores are now being used to control our schools and decide issues.
 11. Multiple commenters asked what supports have been offered to M.S. 45 before this proposal.
 12. One commenter asserted that resources would be taken away from the school's students and this proposal would dislocate them.
 13. One commenter asserted that there is not an F grade for M.S. 45 and that the DOE is failing schools.

The DOE received a number of comments via phone.

14. Approximately 52 comments were received in support of this proposal.

The DOE received a number of comments via email.

15. One commenter expressed general opposition to the proposed closure of M.S. 45.
16. Approximately ten emails were received in support of this proposal.

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

Comments 1c, 1d, 2a, 2b, 3a, 3b, 3c, 3d, 3e, 3h, 3i, 4, 6, 7a, 7b, 7c, 7e, 7f, 8a, 8b, 9a, 9b, 10, 11, 12, 13, and 15 relate, in whole or in part, to the proposed closure of M.S. 45 / S.T.A.R.S. Prep Academy (04M045) following the 2012-2013 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 14 and 16 are in support of this proposal and do not require a response.

Comments 1a, 3f, and 3g concern community engagement during the investigation and proposal process.

Consistent with our approach last year and our desire to incorporate school and community input in our decision-making process, in October and November, the DOE had conversations with 47 struggling schools (41 district schools and 6 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 closure.



Dennis M. Walcott, Chancellor

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 proposed for closure.

Superintendent Luz Cortazzo met with M.S. 45’s school leadership team, staff and parents throughout the month of October 2012 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 closure.

When the Educational Impact Statements and Building Utilization Plan for M045 were issued, they were made available to the staff, faculty and parents at the impacted schools, on the DOE’s website, and in each school’s respective main office. In addition, the DOE dedicated a proposal-specific website as well as email address and phone lines 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 people in the community may have strong feelings against this proposal, the DOE believes that, if this proposal is approved, the school communities at M045 will be able to create productive and collaborative partnerships.

Comments 7d, 1b, 3j, 5, and 8c relate to charter schools’ enrollment of students with disabilities and English Language Learners.

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.

Charter schools in New York City recruit prospective students using a variety of methods. These may include, but are not limited to:

- Posting fliers and other printed materials throughout the district the school intends to serve (primarily in English but may also include Spanish)
- Reaching out to local community organizations, centers, and/or faith-based organizations
- Holding open houses or information sessions
- Mail campaigns
- Advertising in local media (newspapers, radio)
- Contacting local elected officials and community boards
- Setting up a school website with school and application information



Dennis M. Walcott, Chancellor

- Visiting “feeder schools,” daycare centers, or schools that serve grades that feed into the intake grade of the charter school

Additionally, per amendments to New York State charter law in 2010, charter schools “shall demonstrate good faith efforts to attract and retain a comparable or greater enrollment of students with disabilities or ELLs; and students who are eligible applicants for the free and reduced price lunch program when compared to the enrollment figures for such students in the school district in which the charter school is located.”

Furthermore, 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.

Comment 8d does not relate directly to the proposal and, therefore, has not been addressed.

Changes Made to the Proposal

No changes have been made to the proposal in response to public feedback.