



Dennis M. Walcott  
Chancellor

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

Date: March 8, 2013

Topic: The Proposed Expansion of the Co-Location of Success Academy Charter School – Bronx 1 (84X493) with M.S. 203 (07X203), The Urban Assembly Bronx Academy of Letters (07X551), and P168X (75X168) in Building X183, Beginning in 2014-2015

Date of Panel Vote: March 11, 2013

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### **Summary of Proposal**

On January 14, 2013, the New York City Department of Education (“DOE”) issued an Educational Impact Statement (“EIS”) proposing to expand the grades served in building X183 (“X183”) by Success Academy Charter School – Bronx 1 (84X493, “SA – Bronx 1”), from kindergarten through fourth grades to kindergarten through eighth grades. SA – Bronx 1 is an existing public elementary charter school currently serving students in kindergarten through third grades in the X183 building, located at 339 Morris Avenue, Bronx, NY 10451 in Community School District 7 (“District 7”). In 2013-2014, SA – Bronx 1 will serve kindergarten through fourth grades, pursuant to a previously approved proposal.

SA – Bronx 1 is co-located with M.S. 203 (07X203, “M.S. 203”), a middle school serving students in sixth through eighth grades, The Urban Assembly Bronx Academy of Letters (07X551, “Bronx Letters”), an existing secondary school serving students in sixth through twelfth grades, and a District 75 program (75X168, “P168X”) that provides both self-contained and inclusion classes for students in kindergarten through eighth grades in X183. 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 EIS published on January 14, 2013, the DOE proposed to gradually phase out and eventually close M.S. 203 because of its low performance and inability to improve quickly to better support student needs. If the phase-out proposal is approved, M.S. 203 will no longer admit sixth-grade students after the conclusion of the 2012-2013 school year. One grade will then be phased out each subsequent year. During the 2013-2014 school year, M.S. 203 will serve students in seventh and eighth grades and, in 2014-2015, it will serve students in eighth grade. M.S. 203 will close in June 2015.

M.S. 203 offers a humanities-focused program that is academically screened. Bronx Letters’ middle

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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.

school is a limited unscreened district choice middle school that admits students in sixth grade through the District 7 Middle School Choice Process. Bronx Letters' high school admits students in ninth grade through the Citywide High School Admissions Process and through a limited unscreened admissions method. P168X, the District 75 program, serves students in both an inclusion program and self-contained classes. These students are placed based on individual student needs and recommended special education services. SA – Bronx 1 enrolls kindergarten students through a lottery, giving preference to students who reside in District 7, and sets aside a certain percentage of seats for English Language Learner (“ELL”) students.

SA – Bronx 1 has been co-located with M.S. 203, Bronx Letters, and P168X in building X183 since September 2012 when it was re-sited and began serving kindergarten through third grades in the building, with approval to expand to serve kindergarten through fourth grades in 2013-2014. If this proposal is approved, and SA -Bronx 1 receives authorizer approval, SA-Bronx 1 will expand to additionally serve fifth through eighth grades, by adding one grade in each subsequent year until the school reaches full scale, serving kindergarten through eighth grades in the 2017-2018 school year.

Success Academy Charter Schools (“SACS”) is a charter management organization (“CMO”) that currently operates 12 public elementary charter schools in New York City. SACS has been authorized by SUNY to operate six new public elementary charter schools starting in 2013-2014. The four SACS elementary schools that received a Progress Report for the 2010-2011 and 2011-2012 school years received an overall grade of A. The State University of New York (“SUNY”) Charter Schools Institute has authorized SA – Bronx 1 to serve students in kindergarten through fifth grades. The current charter is up for renewal in 2014-2015 and SACS intends to apply to SUNY before this date for a revision to their charter to expand to serve grades kindergarten through eighth grades in the X183 building. SUNY has the authority to approve or deny this request. Should SUNY deny SA – Bronx 1’s request to expand to serve kindergarten through eighth grades, the DOE would consider alternate options for the space in X183 and, if necessary, propose an alternative option in a new or revised EIS and Building Utilization Plan (“BUP”).

The DOE supports SA – Bronx 1’s placement in District 7 and anticipates that it will provide excellent educational opportunities for students. This proposal to expand SA – Bronx 1 to serve students in fifth through eighth grades is intended to increase the number of high-quality elementary and middle school seats in District 7 and allow the school to continue serving its students beyond the fourth grade.

According to the 2011-2012 Enrollment, Capacity, Utilization Report (the “Blue Book”), X183 has the capacity to serve 1,519 students. Currently, the building serves 1,390 students, yielding a building utilization rate of 92%. If this proposal is approved, SA - Bronx 1 will add a fifth grade in 2014-2015 and one grade in each subsequent year until it reaches full scale in X183 in 2017-2018, when it will serve approximately 730-820 students in kindergarten through eighth grades. If this proposal and the proposal to phase out M.S. 203 are both approved, X183 is projected to serve approximately 1,458-1,654 students from SA – Bronx 1, Bronx Letters, and P168X in 2017-2018, yielding an estimated building utilization rate of 96%-109%.

Building X183 has sufficient space to provide all schools with at least their baseline room allocations, under the Citywide Instructional Footprint, despite the possibility of a utilization rate over 100%. 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. 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 district school. Therefore, the X183 building has the capacity to accommodate M.S. 203 as it phases out, Bronx Letters, P168X, and SA - Bronx 1 over the course of the

proposed grade expansion.

Copies of the EIS and BUP are also available in the main offices of M.S. 203, P168X, Bronx Letters, and SA – Bronx 1.

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

A joint public hearing regarding this proposal was held at the X183 building on February 14, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 100 members of the public attended the hearing, and 33 people spoke. Present at the meeting were M.S. 203 Principal William Hewlett Jr.; M.S. 203 School Leadership Team (“SLT”) Representatives: Laurie Moss, Mr. Torres, and Dean Gross; Bronx Letters Principal Jeffrey Garrett; P168X Principal Maureen Fullerton; District 7 Community Superintendent Yolanda Torres; Community Education Council for District 7 (“CEC 7”) Representatives Neyda Franco, Tracy Woodall and Cynthia Cordo; Vice President of the United Federation of Teachers (“UFT”) Richard Farcus; Council of School Supervisors and Administrators (“CSA”) Bronx Field Director Stephen Bennett; DOE Deputy Chancellor Marc Sternberg; DOE Office of the Chancellor Representative Melissa Harris; DOE Deputy Press Secretary Devon Puglia; and Miriam Sondheimer, Yael Kalban and Stephanie Crane from the DOE’s Division of Portfolio Planning.

### **The following questions, comments, and remarks were made at the joint public hearing:**

1. Many commenters voiced general opposition to the proposal to expand SA – Bronx 1, indicating they felt the expansion would negatively impact M.S. 203 and Bronx Letters.
2. Many commenters stated that there is not enough space available for SA – Bronx 1 to expand.
3. Many commenters stated that the X183 building is overcrowded.
4. Many commenters voiced opposition to the re-allocation of space that is currently allocated to Bronx Letters or M.S. 203.
5. A member of the Bronx Letters SLT acknowledged the importance of giving schools equal proportions of space in the X183 building and negotiating building space in a way that positions schools for success.
6. One commenter stated that the Building Utilization Plan states that Bronx Letters will receive 28 full-size rooms while SA – Bronx 1 will receive 32 full-size rooms and stated that this allocation seems unfair.
7. A member of the Bronx Letters SLT acknowledged the strong, collaborative relationships among the leaders of the three schools co-located in the X183 building and said that these strong relationships will continue.
8. One commenter expressed concern about how the phase-out of M.S. 203 and expansion of SA – Bronx 1 could negatively impact the relationships among the co-located schools.
9. Neyda Franco, CEC 7 president and president of the Parent Association of Bronx Letters,
  - a. Voiced general opposition to the proposal.
  - b. Stated that the co-location of three schools in one building has impacted her children socio-emotionally and educationally. She further noted that the division of the schools within the building negatively impacts the feeling of community in the building.
  - c. Voiced support for the teachers and staff in the X183 building.
  - d. Voiced opposition to taking more space away from the schools in the X183 building.
10. One commenter voiced concern that the co-location created an unsafe environment in building X183.
11. Many commenters raised concern about overcrowded hallways.

12. Many commenters stated how one of the school organizations in the building uses the dance room for classes and this prevents Bronx Letters from being able to use the dance room for dance and other arts-related activities.
13. Many commenters voiced concern about how Bronx Letters lacks access to the art room
14. One commenter voiced concern that this co-location could impact Bronx Letters' access to the library and asked that this proposal not take the library space away from Bronx Letters.
15. One commenter voiced concern that government classes are taught in science lab classrooms.
16. One commenter voiced concern about Bronx Letters needing to offer speech services in the hallway.
17. Many commenters raised concern about the current shared space schedule, particularly how it concerns use of the cafeteria, auditorium, and lunchroom; these commenters also raised concern about how the schedule will be impacted if the proposal for the expansion of SA – Bronx 1 is approved.
18. One commenter stated that the co-location has caused and will continue to cause Bronx Letters to offer fewer electives and this has required students to scramble to obtain all their necessary credits.
19. One commenter voiced concern that the co-location will negatively impact students' test scores and the overall performance of the school.
20. One commenter voiced concern that this co-location could lead to the phase-out of Bronx Letters.
21. Many commenters stated that Bronx Letters has grown in enrollment since it opened.
22. One commenter stated her belief that the proposals for the phase-out of M.S. 203 and the expansion of SA – Bronx 1 will impact enrollment at Bronx Letters.
23. One commenter voiced concern about the ventilation in the newly constructed rooms in Bronx Letters.
24. Many commenters voiced general opposition to charter schools.
25. Multiple commenters stated the belief that charter schools are not public schools and the lottery process is not a fair way of admitting students. Many commenters stated that the admissions processes for charter schools are unclear and allow charter schools to screen out students.
26. One commenter stated that while she supports charter schools, there are discrepancies in the resources available and believe all students should have equal access to support and resources throughout the district.
27. One commenter stated her belief that the DOE held this joint public hearing on Valentine's Day to deter community members from attending.
28. Multiple commenters stated that they felt as though Bronx Letters had no input in this proposal and should have been more thoroughly engaged in the creation of this proposal.
29. One commenter stated that the PEP always votes in favor of the proposals presented to communities and questioned the efficacy of the public hearing process.
30. Many commenters noted that M.S. 203 was a replacement for a school that was previously phased out from the building and inquired as to how this intervention would be different and more successful than the previous one, with one commenter wondering specifically whether this replacement plan will involve more than just staff-based changes.

**The following questions, comments, and remarks were made at the Joint Public Hearing and are not related to the proposal**

31. One commenter stated that a teacher left the school as a result of the previous co-location proposal.
32. One commenter noted the socio-economic disparities in the Bronx and the prevalence of homeless shelters in the community.
33. One commenter noted the many administrative changes that have taken place at Bronx Letters.

34. One commenter stated that there is money to be made in privatizing education and cited the salaries of Eva Moskowitz and former DOE Chancellor Joel Klein.
35. One commenter stated that many students come to school with medical issues and that the DOE should create wrap-around services at our schools to meet the medical needs of students.
36. One commenter advocated for all community members to get involved in the next mayoral election since it will likely impact the education system in New York City.
37. One commenter voice general opposition to mayoral control of the education system in New York City.

**No Written and/or Oral Comments Were Submitted to the DOE**

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

Comments 1, 2, 3 and 9(a) voice general opposition to the proposal to expand SA – Bronx 1 and raise concern about the impact of the expansion on the co-located schools; these comments also suggest that there is not enough space available in the X183 building for the expansion of SA – Bronx 1.

SA – Bronx 1 has been co-located with M.S. 203, Bronx Letters, and P168X in building X183 since September 2012 when it was re-sited and began serving kindergarten through third grades in the building, with approval to expand to serve kindergarten through fourth grades in 2013-2014. While some community members may object to this proposal, the DOE supports SA – Bronx 1's placement in District 7 and anticipates that it will provide excellent educational opportunities for students. This proposal to expand SA – Bronx 1 to serve students in fifth through eighth grades is intended to increase the number of high-quality elementary and middle school seats in District 7 and allow the school to continue serving its students beyond the fourth grade.

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.

According to the 2011-2012 Enrollment, Capacity, Utilization Report (the "Blue Book"), X183 has the capacity to serve 1,519 students. Currently, the building serves 1,390 students, yielding a building utilization rate of 92%. If this proposal is approved, SA - Bronx 1 will add a fifth grade in 2014-2015 and one grade in each subsequent year until it reaches full scale in X183 in 2017-2018, when it will serve approximately 730-820 students in kindergarten through eighth grades. If this proposal and the proposal to phase out M.S. 203 are both approved, X183 is projected to serve approximately 1,458-1,654 students from SA – Bronx 1, Bronx Letters, and P168X in 2017-2018, yielding an estimated building utilization rate of 96%-109%.

As detailed in the BUP, the DOE believes that building X183 can provide all schools with sufficient space, despite the possibility of a utilization rate over 100%. 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. 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 district school. Therefore, the X183 building has the capacity to accommodate M.S. 203 as it phases out, Bronx Letters, P168X, and SA - Bronx 1 over the course of the proposed grade expansion.

Comments 4, 5, 6, and 9(d) pertain to the re-allocation of space in building X183, question the method by which the DOE determines how to allocate space to each school organization in the building, and emphasize the importance of allocating space in a way that positions all schools to be successful.

When multiple school organizations are sharing space in one building, the allocation of classroom, resource, and administrative space is guided by the Citywide Instructional Footprint (the “Footprint”) which is applied to all schools in the building. The DOE seeks to fully utilize all its building capacity to serve students. The DOE does not distinguish between students attending public charter schools and students attending district schools. In all cases, the DOE seeks to provide high quality education and allow parents/students to choose where to attend school.

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 of the school. The number of class sections at each school is determined by the principal based on enrollment, budget, and student needs; there is a standard guideline of target class size (i.e., 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 one 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 BUP attached to this proposal details the number of class sections each school is expected to program each year and allocates the number of classrooms accordingly. As mentioned above, the allocation of space is largely determined by the number of class sections each school serves. Commenter 6 expressed concern about the allocation of 32 full-size rooms to SA – Bronx 1 while Bronx Letters is allocated 28 full-size rooms in several years of this proposal. These room allocations occur in the 2015-2016, 2016-2017, and 2017-2018 school years. In each of these years, SA – Bronx 1’s enrollment is greater than Bronx Letters and therefore SA – Bronx 1 is allocated more space because it serves a greater population of students. Further, the proposed BUP is based upon the current space allocations in the X183 building to provide consistency and allow for the allocation of contiguous space to each school organization where possible.

The assignment of specific rooms and location for each school in the building, including those for use in serving students with IEPs or other special education needs, will be made in consultation with the principals of each school and the Office of Space Planning if the proposal is approved. The BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location.

Comments 7 and 8 pertain to the relationship between the leaders of the co-located organizations and the potential negative impact this expansion proposal could have on those relationships and the overall collaboration between the school organizations.

As per the Campus Policy Memo 2011, co-located schools on campuses must actively participate in a Building Council, which is a campus structure for administrative decision-making for issues impacting all schools in the building. Only principals and charter school leaders serve on the Building Council. The Building Council meets at least once a month to discuss and resolve issues related to the smooth daily operation of all schools in the building and the safety of the students they serve. The Building Council principals and charter school leaders, where applicable, communicate their decisions campus-wide to staff, students and parents, especially for issues of safety, shared space, campus schedules, split-staff agreements and extended facility use.

A Shared Space Committee will also be established by the principals of the schools at campuses where charter schools are co-located in a public school building with one or more non-charter schools or

District 75 schools, as set forth in Chancellor’s Regulation A-190. The Shared Space Committee will be comprised of the principal, a teacher, and a parent of each co-located school. With respect to a non-charter school’s teacher and parent members, such Shared Space Committee members shall be selected by the corresponding constituent member of the School Leadership Team of the school. Charter school leaders will work with their constituencies to select the parent and teacher representing that school. Shared Space Committee agendas and minutes will be shared with the Building Council.

If conflicts emerge and progress is impaired, the Building Council will follow the dispute resolution procedures outlined in the Campus Policy Memo available at the following link: <http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo>.<http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo.htm>.

The DOE anticipates that all school organizations will work collaboratively in order to ensure the safety of all students and to create a supportive learning environment for everyone in the X183 building.

Comments 9(b) and 10 pertain to safety concerns and the potential negative impact of the co-location on students in the X183 building.

Given the finite number of buildings available in New York City, the DOE attempts to use all of its school buildings as efficiently as possible. Co-location is therefore very common in New York City schools. 33% of all DOE buildings house more than one school organization, as there are not sufficient school buildings to allow each school organization to operate within its own building. A co-location means that two or more school organizations are located in the same building. While they share common spaces like auditoriums, gymnasiums, and cafeterias, each school is allocated particular classrooms and spaces for its own students’ use. The DOE is confident that M.S. 203, SA – Bronx 1, and Bronx Letters will be able to create a collaborative and mutually respectful environment for all students, staff, and faculty members in building X183; more information about how schools work together to share space is included in the above response to comments 7 and 8.

Additionally, 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 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 principal(s) when it identifies the need for additional security measures.

Furthermore, the DOE makes available the following supports to schools relating to safety and security:

- Providing “Best Practices Standards for Creating and Sustaining a Safe and Supportive School,” as a resource guide;
- Reviewing and monitoring school occurrence data and crime data (in conjunction with the Criminal Justice Coordinator and the New York Police Department);
- Providing technical assistance via the Borough Safety Directors when incidents occur;
- Providing professional development and support to Children’s First Network Safety Liaisons;
- Providing professional development and kits for Building Response Teams; and
- Monitoring and certifying School Safety Plans annually.

Comment 9(c) voices support for the teachers and staff in the X183 building.

The DOE acknowledges and commends the students, staff, leadership, and partners in building X183 for their hard work and dedication.

Comments 11 – 17 pertain to the use of specific spaces in the building (dance room, art room, library, science labs, etc) and overcrowding in the hallways.

The BUP provides a proposed shared space schedule for the co-located organizations in which it allocates time for each organization in the gymnasiums, dance room, cafeterias, and library.

There is one gymnasium in the building, which is partitioned into two separate gym spaces (noted as Gym 1 and Gym 2 in the proposed Shared Space Schedule). In the proposed schedule, Bronx Letters is allocated a large amount of time in gymnasium space and in the dance room (30 hours weekly for each), due to its enrollment. P168X is also allocated 30 hours weekly, even though it has the smallest enrollment in the building, because the school has special needs relating to the provision of the District 75 services: P168X requires gym space and in the dance room to provide physical and occupational therapy services. SA-Bronx 1 is allocated 27 hours and 30 minutes weekly, and M.S. 203 is allocated 15 hours weekly. Because the proposed allocations have been devised with regard to the schools' enrollments and special needs, the DOE believes that the proposed allocation is equitable and feasible. In response to comment 12, Bronx Letters will have access to the dance room to be used as needed for arts-related activities.

There is one main cafeteria in the X183 building, which has the capacity to serve 550 students. In addition to the main cafeteria, there is a small cafeteria that has previously only been used by staff of the three currently co-located schools. The DOE has proposed that this cafeteria be used by the District 75 program for one period each day. The total time allocated to each organization in the cafeteria is primarily 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: M.S. 203 has been allocated a 30-minute period daily in the main cafeteria, SA-Bronx 1 has been allocated one 55-minute period daily in the main cafeteria, Bronx Letters has been allocated one 80-minute period daily in the main cafeteria and P168X has been allocated one 1 hour and 35-minute period daily in the small cafeteria from 11:35 a.m. to 1:10 p.m.

The DOE proposes that the library be allocated to all schools based on the relative projected enrollment for each school. In the proposed plan, Bronx Letters is allocated the largest amount of time in the library based on its projected enrollment: 10 hours weekly. SA-Bronx 1 is allocated 8 hours and 45 minutes weekly, P168X is allocated 5 hours weekly, and M.S. 203 is allocated 3 hours and 45 minutes weekly. Thus, in response to comment 14, the DOE anticipates that Bronx Letters will have ample time in the shared library.

As to the concern raised about overcrowded hallways and the usage of hallways for special education services, the DOE will follow up with the Division of School Facilities, the Office of Space Planning, and the Building Council to investigate the concerns raised here.

The Building Council is free to deviate from the proposed Shared Space Plan to accommodate specific programmatic needs of all groups within each school as is feasible and equitable, provided that the Building Council comes to an agreement on the final Shared Space Plan collaboratively. This agreement could result in the current schools in the building changing their use of the shared space once SA-Bronx 1 expands in the building.

Comment 17 pertains to the current shared space schedule and how it will be impacted if the proposal for the expansion of SA – Bronx 1 is approved.

As described in greater detail above, the BUP sets forth a **proposed** shared space schedule for the co-located schools for 2013-2014 that the DOE believes is feasible and demonstrates that the co-located schools can 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 PEP; the schools are free to deviate from this schedule if they are dissatisfied with any changes from the current schedule.

Comments 18 – 21 pertain to the impact of the co-location on Bronx Letters' programming and the overall performance of Bronx Letters; one comment expresses concern that this proposal could lead to the phase-out of Bronx Letters.

The DOE does not anticipate that this proposal will affect the instructional programming, elective offerings, or curriculum at Bronx Letters. The DOE believes that all schools in the building, including Bronx Letters, will be able to meet the instructional needs of their students within their space allocations.

As described in detail above, in all cases where schools are co-located, the DOE uses the Footprint to assess the minimum amount of space each school needs to operate successfully. As indicated in the BUP, each school has a footprint allocation of classroom and administrative space. These allocations are based on the number of class sections they program and the grade levels they serve. The Footprint also accounts for rooms for special education and other related services such as speech therapy. Accordingly, this proposal will not affect the schools' ability to serve their self-contained special education students.

Nor does the DOE anticipate that the proposed co-location of SA – Bronx 1 will impact the extra-curricular programs or partnerships at Bronx Letters. Bronx Letters will continue to offer extra-curricular programs based on student interests, available resources, and staff support. The proposed co-location will not impact those 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 subject to change based on student demand and available resources.

The DOE does not believe that this co-location will impact the relationships between students and teachers. Additionally, the DOE does not anticipate that this proposal will impact the educational outcomes of students, including overall school performance. The DOE anticipates that all school organizations will work collaboratively in order to ensure the most safety of all students, and work together to create a supportive learning environment for all students served in the X183 building.

Comments 21 and 22 contend that enrollment growth has taken place at Bronx Letters over the past few years, and concern the potential impact of the expansion proposal on the enrollment at the co-located organizations.

This proposal takes into account the unaudited enrollment of Bronx Letters (as of October 26, 2012) and as indicated in the response to comments 4, 5, 6, and 9(d) regarding space allocation, each school's enrollment is considered in the allocation of space in this proposal.

The DOE does not anticipate that this proposal will impact the enrollment at the co-located organizations in this building. Should enrollment significantly change, the Building Council will work with the office of space planning to ensure each school continues to receive at least its baseline footprint allocation of space.

Comment 23 raises concern about the way the new construction in the X183 building impacted the ventilation in certain classrooms.

Upon consultation with various community stakeholders and an assessment of the co-location proposal approved during the 2011-2012 school year, the DOE began facilities upgrades to building X183. This included construction to increase the number of available instructional spaces within the existing building. The DOE will be following up with the Division of School Facilities to investigate the concerns raised at this joint public hearing regarding ventilation in the newly constructed classrooms.

Comment 24 voices general opposition to charter schools.

SA – Bronx 1 has been co-located with M.S. 203, Bronx Letters, and P168X in building X183 since September 2012 when it was re-sited and began serving kindergarten through third grades in the building, with approval to expand to serve kindergarten through fourth grades in 2013-2014. If this proposal is approved, and SA-Bronx 1 receives authorizer approval, SA-Bronx 1 will expand to additionally serve fifth through eighth grades, by adding one grade in each subsequent year until the school reaches full scale, serving kindergarten through eighth grades in the 2017-2018 school year.

Success Academy Charter Schools (“SACS”) is a charter management organization (“CMO”) that currently operates 12 public elementary charter schools in New York City. SACS has been authorized by SUNY to operate six new public elementary charter schools starting in 2013-2014. The four SACS elementary schools that received a Progress Report for the 2010-2011 and 2011-2012 school years received an overall grade of A. The DOE supports SA – Bronx 1’s placement in District 7 and anticipates that it will provide excellent educational opportunities for students. This proposal to expand SA – Bronx 1 to serve students in fifth through eighth grades is intended to increase the number of high-quality elementary and middle school seats in District 7 and allow the school to continue serving its students beyond the fourth grade.

Further, based on New York City Charter School Center findings, NYC charter schools have outperformed the citywide district averages in English Language Arts (“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, overall, charter schools are successful at improving student achievement regardless of academic background.

In addition, a 2009 report on New York City charter schools by Caroline M. Hoxby, Sonali Muraka, and Jenny Kang indicates that “on average, a student who attended a charter school for all of grades kindergarten to eight would close about 86 percent of the achievement gap in math and 66 percent of the "Scarsdale-Harlem" achievement gap in English,” while students who attended a traditional public school for all of grades kindergarten to eight would “not close the "Scarsdale-Harlem" achievement gap by much” (The Scarsdale-Harlem achievement gap is a term used to compare achievement levels of students from one of the most affluent New York suburbs, Scarsdale, with those of students in Harlem). The study also found that charter students were 7% more likely to earn a state Regents diploma (given to higher-achieving students) for each year they attended that charter school, versus a traditional public school, in the suburbs north of the City on New York State Math and ELA assessments. The study also found students were more likely to earn a state Regents diploma, given to higher-achieving students, the longer they attended charter schools.

Comment 25 concerns the admissions process for charter 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 ELL, 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.

In the case of SA – Bronx 1, if the co-location expansion proposal is approved, all age-appropriate students in District 7 will have the opportunity to enter the charter application lottery process to enroll in SA - Bronx 1 for kindergarten through third grade in August of 2013. SA - Bronx 1 provides the following lottery preferences: (1) siblings of current or accepted students; (2) ELL students; and (3) applicants who reside within District 7.

SA – Bronx 1 sets aside a certain percentage of seats for ELL students that is relatable to the average ELL percentage at traditional public elementary schools within the City and/or District 7. With respect to the remaining seats and the wait list, SA – Bronx 1 provides lottery priority to in-district applicants, with any further remaining seats to go to out-of-district applicants.

Further, if this proposal is approved, and SUNY approves SA – Bronx 1’s expansion, students who have planned to attend the school for kindergarten through fourth grades will have the option of continuing at SA – Bronx 1 through eighth grade. It is anticipated that the fourth through eighth grades of SA – Bronx 1 in X183 will enroll students articulating from its lower grades.

With respect to the portion of the comment relating to confusion about charter admissions processes, charter schools work to raise awareness about their school and their admissions methods in a variety of ways. These may include, but are not limited to:

- Posting fliers and other printed materials throughout the community school district the school intends to serve (primarily in English but may also include other dominant languages spoken in the community school districts)
- 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
- Visiting “feeder schools,” daycare centers, or schools that serve grades that feed into the intake grades of the charter school

The DOE also tries to make information about charter lottery application process available through the DOE’s Directory of NYC Charter Schools, which can be accessed on the DOE’s Web site: <http://schools.nyc.gov/community/planning/charters/For+Parents>.

Comment 26 concerns the resources provided to charter schools, and the discrepancies in funding and support between charter schools and district schools.

Charter schools receive public funding for general education students 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 charter schools 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).

The DOE notes that in accordance with New York State Charter Schools Act of 1998 (as amended), any proposed capital improvements or facility upgrades in excess of five thousand dollars, regardless of the source of funding, that is made to accommodate the co-location of a charter school within a public school building, must first be approved by the Chancellor. The Act states: “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 noncharter public school within the public school building. For any capital improvements or facility upgrades in excess of five thousand dollars that have been approved by the Chancellor, regardless of the source of funding, made in a charter school that is already co-located within a public school building, matching capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter public school within the public school building within three months of such improvements or upgrades.”

Comment 27 concerns the scheduling of this joint public hearing.

The DOE coordinated with the CEC and the leadership of the co-located schools to schedule the Joint Public Hearing in advance of the posting of the EIS and BUP. The DOE offered multiple dates in its

communications with the principals, SLTs, and CEC, and February 14<sup>th</sup> was agreed upon as a date that all stakeholders had the necessary availability.

Comment 28 and 29 concern the ability of Bronx Letters to provide input on this proposal and the efficacy of the public hearing process; these comments also speculate that a decision about this proposal has already been made.

The DOE appreciates all feedback from the community regarding a proposal. Historically, the DOE has both revised and withdrawn phase-out proposals in the past based on community feedback received.

When an EIS is issued, it is made available to the staff, faculty and parents at all the impacted schools, on the DOE's Web site, and in each school's respective main office. In addition, the DOE dedicates a proposal-specific Web site and phone line with voicemail to collect feedback on this proposal.

In the case of this proposal, the DOE solicited feedback from parents through the Joint Public Hearing held on February 14, 2013, as well as through voicemail and email since the proposal was posted on January 14, 2013. Community feedback is incorporated throughout this document, which is presented to the PEP to help inform its decision about this proposal. While some parents disagree with the proposal, the DOE believes it is the right decision for students.

The proposal for the expansion of SA – Bronx 1 has not yet been decided and consistent with practice for proposals regarding significant change in school utilization, the PEP only votes on these proposals after collecting and reviewing public comment. The PEP vote regarding this proposal will be held on March 11, 2013 at 6:00 PM at Brooklyn Technical High School located at 29 Fort Greene Pl, Brooklyn, NY 11217.

Comment 30 pertains to the interventions that have previously taken place at M.S. 203, how these phase-out and grade expansion proposals differ from prior interventions, and how they will help the school community to improve.

While M.S. 203 was opened as a replacement for a middle school that had previously struggled to serve its students effectively, we count on each of our schools to provide a high-quality education to its students—and we hold all schools to the same high standard. If a school isn't getting the job done for students—whether it was opened as a replacement for a previously struggling school or not—we are compelled to take serious action to ensure its students don't fall even further behind.

This year, the DOE is proposing to phase out or close 22 schools. Additionally, the DOE has proposed to truncate the middle school grades at 2 schools, after which the schools will continue to serve students in either elementary or high school grades. Of these 24 schools proposed for phase-out, closure, or truncation, 3 were opened under this Administration (since 2002). These 3 schools represent less than 1% of the schools opened since 2002. Our new schools are overwhelmingly getting the job done for students, and when they aren't, and a school is struggling, we follow the same process to phase out and make plans for new school options.

The DOE notes that comment 30 somewhat misunderstands the DOE's plans for use of the X183 building. The DOE is not making staff-based changes to the school or developing a new district middle school to replace M.S. 203; rather, SA-Bronx 1 will expand to serve middle school grades. The DOE supports the proposed expansion of the grades served by SA - Bronx 1 in X183 from grades kindergarten through four to grades kindergarten through eight. SACS, which manages SA-Bronx 1, operates 12 public elementary charter schools in New York City and the four SACS-operated elementary schools that received a Progress Report for the 2010-2011 and 2011-2012 school year all received an overall grade of A. Accordingly, the DOE anticipates that the expansion of SA - Bronx 1

will create additional high-quality seats for students and allow students currently enrolled in the school the opportunity to continue their education there through middle school, should they elect to do so.

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

No changes have been made to this proposal.