Dennis M. Walcott
Chancellor

Public Comment Analysis[1]

Date: March 8, 2013

Topic: The Proposed Expansion of the Co-Location of Bronx Global Learning Institute for Girls Charter School (84X389) with Performance School (07X385), a New Elementary School (07X359), and a New Site of a District 75 Program (75X017) Beginning in 2013-2014

Date of Panel Vote: March 11, 2013

Summary of Proposal

In an Educational Impact Statement posted on January 22, 2013 the New York City Department of Education ("DOE") proposed to expand the grades served in building X156 ("X156") by Bronx Global Learning Institute for Girls (84X389, "BGLIG"), from kindergarten through fifth grades to kindergarten through eighth grades. BGLIG is an existing charter elementary school currently serving female students in kindergarten through fifth grades in the X156 building, located at 750 Concourse Village West, Bronx, NY 10451 in Community School District 7 ("District 7"). BGLIG is currently co-located with Performance School (07X385, "Performance School"), an elementary school serving students in kindergarten through fifth grades and offering a pre-kindergarten program. 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.

If this proposal is approved, BGLIG will expand to serve students in kindergarten through eighth grades in building X156 by phasing in middle school grades beginning in the 2013-2014 school year. In 2013-2014 BGLIG will serve students in kindergarten through sixth grades and will continue to add one grade level each year until it reaches full scale, serving kindergarten through eighth grades in the 2015-2016 school year. BGLIG enrolls kindergarten and first grade students through a lottery, giving preference to students who reside in District 7.

BGLIG is chartered by the DOE, which has already approved BGLIG's request to expand its charter from serving kindergarten through fifth grades to kindergarten through eighth grades. The New York State Board of Regents is expected to give final approval of this charter expansion in Spring 2013. Should the Board of Regents not finalize the charter expansion, the DOE will consider alternate options for the space in X156 and, if necessary, propose an alternative option in a new or revised Educational Impact Statement ("EIS") and Building Utilization Plan ("BUP").

[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. 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.

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In a separate EIS, also posted on January 22, 2013, the DOE is proposing to gradually phase-out and close Performance School because of its poor performance and inability to improve quickly to better support student needs. If the phase-out proposal is approved, Performance School will no longer admit kindergarten, first-, and second-grade students after the conclusion of the 2012-2013 school year. One grade will then be phased-out each subsequent year, and Performance School will close in June 2016.

In another EIS posted on January 22, 2013, the DOE proposed to co-locate a new elementary school (07X359) and add a new site, P017X@X156, of an existing District 75 program (75X017) that will provide self-contained classes, in building X156. In the 2013-2014 school year, 07X359 will serve kindergarten, first-, and second-grade students who would have otherwise attended Performance School if it were not being phased out. 07X359 will then expand by one grade each year until it reaches full scale in 2016-2017 and serves students in kindergarten through fifth grades. 07X359 will also offer a pre-kindergarten program beginning in 2013-2014, subject to continued demand and funding. If approved, P017X@X156 will serve students in four self-contained classes when it opens in 2013-2014; it will continue serving that number of students until 2016-2017, when more space will become available in X156 and the program will begin serving five sections of students in the building.

The phase-out proposal and the co-location proposal can both be found here: http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm. The proposal to expand BGLIG is not contingent upon the proposals to phase-out Performance School or the proposal to open and co-locate 07X359 and the District 75 program because there is currently excess space in the building, as indicated in the BUP.

On November 26, 2012, the District 7 Community Education Council ("CEC") voted to implement an unzoning of the elementary schools in District 7 in order to provide greater access to educational opportunities for District 7 families and to create a process that allows families to choose schools that reflect their individual preferences. This means that there will no longer be zoned elementary schools in District 7; rather, families will have the opportunity to rank their preferences among all elementary schools in the district, similar to the Middle School Choice process. If the proposal to co-locate 07X359 (and P017X@X156) in X156 is approved, 07X359 will participate in the District 7 Elementary School Choice Admissions Process.

According to the 2011-2012 Enrollment, Capacity, Utilization Report (the "Blue Book"), X156 has the capacity to serve 976 students. Currently, the building serves 867 students, yielding a building utilization rate of 89%. If this proposal is approved, BGLIG will add sixth grade in 2013-2014 and will continue to add one grade each subsequent year until it reaches full scale in 2015-2016, serving approximately 405-495 students in kindergarten through eighth grades. If this expansion proposal, the proposal to phase out Performance School, and the proposal to co-locate 07X359 and a new site of an existing District 75 program in building X156 are approved, X156 is projected to serve approximately 911-1,066 students from BGLIG, 07X359, and P017X@X156 in 2016-2017, yielding an estimated building utilization rate of 93%-109%. As described below, the DOE believes there is sufficient space in building X156 to accommodate all schools over the course of all proposals.

Given the availability of space in BGLIG's current location, building X156, the DOE is proposing to expand the co-location of BGLIG in X156 to include sixth through eighth grades and to continue at that grade span in X156 thereafter. This proposed expansion will allow students currently enrolled in kindergarten through fifth grades the opportunity to continue their education at BGLIG and will create additional middle school seats for District 7 students.

Copies of the EIS and BUP are also available in the main offices of Performance School and BGLIG.

Summary of Comments Received at the Joint Public Hearings

A joint public hearing regarding this proposal was held at the X156 building on February 25, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 45 members of the public attended the hearing, and 8 people spoke. Present at the meeting were District 7 Community Superintendent Yolanda Torres; BGLIG Principal, Cekua Domenech; Performance School Princpal, Frank Hernandez; Bronx Borough President Office Representative, Erica Veras; Community Education Council ("CEC") 7 President, Neyda Franco, and CEC 7 Representative Tracy Woodall; and Jillian Roland, Jean-Pierre Jacquet, 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. Neyda Franco, CEC 7 president:
    a. Voiced concern about co-locating multiple school organizations in one building and its impact on the students served in the building.
    b. Voiced concern about the space layout of the organizations in the building and wanted to ensure the space was being planned in a way that creates a positive environment for all students served in co-located school organizations.
    c. Voiced concern about how Performance School's self-contained students will be served if this proposal is approved.
    d. Voiced the importance of input from all community members (parents, teachers, students, staff) in creating co-location proposals.
    e. Raised concern about this co-location proposal, and its related phase-out proposal, increasing the class sizes in the organizations in the X156 building.
2. Tracy Woodall, a representative of CEC 7:
    a. Encouraged increased parental involvement in their children's schools and more involvement in the larger District 7 community.
    b. Stated that the CEC is open to parental involvement and can assist in providing answering any questions parents might have regarding their children's education.
3. Many comenters noted the successes and achievement of the students, staff, and teachers at BGLIG. These commenters also voiced support for the proposal to expand the grades served by BGLIG.

4. Several commenters voice opposition for the proposal to expand the grades served by BGLIG.
5. One commenter stated that this proposal to expand the grades served by BGLIG, as well as the proposal to phase out of Performance School, will have a negative impact on the surrounding Bronx community.
6. One commenter raised concern about the shared space schedule, particularly the early time period in which some students eat lunch.
7. One commenter asked why each school organization is given a separate lunch period and do not share lunch periods with one another.
8. One commenter voiced concern about sharing the library among the three school organizations and claimed that the charter school does not contribute to the library so should not be able to utilize its resources.
9. One commenter acknowledged that this building is the only barrier-free elementary school building in the district and voiced concern that BGLIG does not serve students with special needs or physical disabilities who require the barrier-free environment provided at building at X156.
10. One commenter claimed that BGLIG discriminates against students on the basis of gender, special needs, socio-emotional needs, and physical disabilities despite being housed in the district's only barrier-free elementary school building..
11. Several commenters raised concern about the admissions process for charter schools.
12. Several commenters raised concern that the co-location could negatively impact the students in the X156 building.

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

13. One commenter raised concern about the elementary application that was publicized recently in connection to the elementary choice process that will be in effect next year.
14. One commenter claimed that parental involvement and community presence at joint public hearings has no impact on whether or not the DOE decides to phase out a school.
15. One commenter raised concern about the number of schools located in the few blocks surrounding Performance School and voiced concern about the general safety in the area.
16. One commenter stated that phase-out proposal disproportionately impact people of color and communities that are socio-economically disadvantaged.
17. One commenter stated that Mayor Bloomberg is just closing all these schools so he can run for president.

There were no written and/or oral comments submitted to the DOE regarding the proposal

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

Comments 1(a) and 12 raise concerns about the practice of co-locating multiple schools in one building and voices concern about the impact on the students served in the 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 – with 33% of all DOE buildings housing 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 Performance School, BGLIG, 07X359, and P168X@X156 will be able to create a collaborative and mutually respectful environment for all students, staff, and faculty members in building X156.

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.

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

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 X156 building.

Comments 1(b),1(c), and 1(e) pertain to the space allocation provided to each organization if this expansion proposal is approved.

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.

The BUP details the number of class sections each school is expected to program each year and allocates the number of classrooms accordingly. Because space allocation is guided by the number of class sections each school serves, in response to comment 1(e), the DOE anticipates all schools should have sufficient space to meet their needs and will not need to increase their class sizes to serve all of their students.

The assignment of specific rooms and location for each in the building, including those for use in serving students with IEPs or other special education needs, such as students requiring self-contained settings as mentioned in comment 1(c) above, 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.

Comment 1(d) pertains to community input regarding co-location proposals.

The DOE appreciates all feedback from the community regarding a proposal. 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 email address 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 25, 2013, as well as through voicemail and email since the proposal was posted on January 14, 2013. Parent feedback is incorporated throughout this document, which is presented to the PEP to help inform their decision about this proposal.

Comments 2(a) and 2(b) pertain to parental involvement in the District 7 community.

The DOE acknowledges the efforts being made by District 7 families as well as the District 7 CEC. The DOE encourages continued parental participation in the school community and district.

Comment 3 voices support for the proposal and requires no response.

Comments 4 and 5 voice opposition to the proposal to expand the grades served by BGLIG.

The DOE recognizes the important role that schools play in their communities and knows that schools throughout the city are not just educational institutions, but rich and tight-knit communities. The DOE expects that BGLIG will be fully engaged with its community and responsive to the community's needs, serving a vital role as an anchor for the community. Contrary to the concerns raised in comment 5, the DOE believes the expansion of the co-location of BGLIG will benefit the community.

The DOE supports parent choice and strives to ensure that all families have access to high-quality schools that meet their children's needs. The proposed expansion of the grades served by BGLIG in X156 from grades kindergarten through five to grades kindergarten through eight is intended to meet those goals by ensuring access to an additional middle school option for students in District 7. The DOE expects that the expansion of BGLIG will create additional high-quality seats for students and will allow students currently enrolled in elementary grades at BGLIG the opportunity to continue their education there, should they elect to do so.

Comments 6 and 7 raise concerns about the shared space schedule and the early time period in which some students are scheduled to eat lunch; one comment also raises concern about why each organization has been given distinct time periods in the cafeteria.

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 Educational Policy.

Generally, co-located organizations have elected to have each shared space allocated to each organization individually to meet its programmatic and curriculum needs. Should school organizations opt to share spaces during the same time period, or reschedule their lunch periods, they could elect to do so pending agreement by the Building Council.

Comment 8 pertains to the library's shared space schedule and voices opposition to BGLIG's use of the library, claiming that BGLIG did not contribute any resources to the library.

The BUP attached to the proposal to expand the grades served by BGLIG includes a shared space schedule that proposes each organization be allocated time in library based on the relative projected enrollment. In the current proposed space schedule, BGLIG is allocated the largest amount of time in the library based on its projected enrollment (10 hours weekly). Performance School is allocated 7 hours and 30 minutes weekly, 07X359 is allocated 5 hours weekly, and P017X@X156 is allocated 2 hours and 30 minutes weekly.

Each school organization in the X156 building pays the librarian on a per session basis. Additionally, at the Building Council meeting held on March 8, 2013, both BGLIG and Performance School agreed to contribute books toward the library and agreed that all students will have access to the library and will be able to check out books.

The DOE encourages that all students in a co-located situation have access to the library where possible. Should conflict arise regarding the scheduling of library space time, as mentioned above in response to comments 1(a) and 12, 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.

Comment 9 voices concern that BGLIG does not serve students with special needs or physical disabilities despite being in a barrier-free building.

Contrary to claim made by commenter 9, pursuant to state law, public charter schools such as BGLIG 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 Individualized Education Plan ("IEP").

Comments 10 and 11 state that X156 is the only barrier-free elementary building in District 7 and contend that BGLIG should not be given space in this building, alleging that BGLIG's admissions practices are concerning and discriminatory.

While it is true that BGLIG is only open to admission for female students, all age-appropriate female students in District 7, including students with IEPs as described in the preceding answer, have the opportunity to enter the charter application lottery process to enroll in BGLIG for kindergarten and first grades in August of 2013 (and if the proposal to expand BGLIG is approved, children may enter the charter application lottery for kindergarten and first grade. Should seats become available, BGLIG may enroll additional students who were waitlisted during the charter application lottery process). BGLIG provides lottery preferences in the following order:

- Returning Students;
- Siblings of Currently Enrolled Students (residing within and outside of District 7)
- ELL Students (residing within and outside of District 7)
- Students Residing in District 7
- Students who Reside Outside of District 7

The DOE would like to note that 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.

Changes Made to the Proposal

No changes have been made to this proposal.