

Public Comment Analysis

Date: January 15, 2013

Topic: The Proposed Co-location of Grades Six Through Eight of Harlem Prep Charter School (84M708) with Existing School P.S. 38 Roberto Clemente in Building M121 Beginning in the 2014-2015 School Year

Date of Panel Vote: January 16, 2013

Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to co-locate grades six through eight of an existing public charter school, Harlem Prep Charter School (84M708, “Harlem Prep”), in building M121 (“M121”) located at 232 East 103 Street, Manhattan, NY 10029, in Community School District 4 (“District 4”) with existing school P.S. 38 Roberto Clemente (04M038, “P.S. 38”) beginning in the 2014-2015 school year.

In the 2012-2013 school year, Harlem Prep serves 480 students across two sites: 320 students in kindergarten through fourth grade are served in a private facility located at 240 East 123rd Street, New York, NY 10035 in District 4; and 160 students in fifth and sixth grade are served in building M099 (“M099”), located at 410 East 100 Street, New York, NY, 10029 in District 4. Harlem Prep’s charter authorizer, the State University of New York (“SUNY”), has approved the school to expand to serve students in kindergarten through eighth grade. A proposal previously approved by the Panel for Educational Policy (“PEP”) on April 26, 2012 described a plan for the two-year temporary co-location of multiple grades of Harlem Prep in M099. In the current 2012-2013 school year, Harlem Prep serves students in fifth and sixth grades in M099. In the 2013-2014 school year, the students currently served by Harlem Prep in M099 will continue in the building as sixth and seventh grade students. Harlem Prep is projected to serve 194-226 students in M099 in the 2013-2014 school year.

If this proposal is approved by the PEP, the sixth through eighth grades of Harlem Prep will be co-located in M121 in the 2014-2015 school year with P.S. 38, an existing zoned elementary school that currently serves students in kindergarten through fifth grade and offers two sections of full-day pre-kindergarten.¹

In the current 2012-2013 school year, P.S. 38 is co-located with DREAM Charter School (84M382, “DREAM”), an existing charter elementary school that currently serves students in

¹ A co-location means that two or more school organizations are located in the same building and may share common spaces like auditoriums, gymnasiums, libraries, and cafeterias.

kindergarten through fifth grade. In the 2013-2014 school year, DREAM will expand to serve students in kindergarten through sixth grade. DREAM will re-locate to a private facility at the conclusion of the 2013-2014 school year, creating space in M121. If DREAM is unable to move into its private facility at the end of the 2013-2014 school year as planned, DREAM will explore options to serve its students in a temporary space. M121 also houses a Community Based Organization (“CBO”), Mount Sinai. This proposal is not expected to impact the continued siting of the CBO.

Harlem Prep will admit students in kindergarten through eighth grades, depending on availability of seats, through a lottery and gives preference first to returning students, second to siblings of students currently enrolled in Harlem Prep and then to students residing in District 4. Building M121 has a target capacity to serve 465 students. In the 2012-2013 school year, M121 serves a total of 584 students, resulting in a utilization rate of 126%.² In 2013-2014, building M121 will serve a total of 596-726 students, resulting in a projected utilization rate of 128% - 156%. In 2014-2015, when DREAM has moved to its private facility and Harlem Prep begins its co-location, M121 would serve approximately 559-694 students, yielding a total utilization rate of 120%-149%. While the current and anticipated utilization rates are in excess of 100%, all schools would receive at least the baseline allocation of space needed to meet their instructional needs. Thus, the building has space to accommodate P.S. 38 and Harlem Prep’s sixth through eighth grades.

Democracy Prep Public Schools (“DPPS”) currently manages a total of four public charter schools in Manhattan. Beginning in the 2011-2012 school year, DPPS began managing Harlem Prep, which was previously called Harlem Day Charter School. DPPS’s previously existing schools, Democracy Preparatory Charter School (84M350, “Democracy Prep”) and Democracy Preparatory Harlem Charter School (84M481, “DP Harlem”), have a strong track record of academic achievement. In 2009-2010, Democracy Prep was the highest rated middle school in New York City on the annual Progress Report, and its Progress Report score has been in the top 13% of middle schools Citywide during all four years that it has received a Progress Report. DP Harlem received an A on its first Progress Report in 2011-2012, scoring in the 95th percentile of all middle schools citywide. Harlem Prep also received an A on its 2011-2012 Progress Report in its first year operating under Democracy Prep Charter Management Organization, a significant improvement from the “D” score it received on its 2010-2011 Progress Report.

The DOE believes in DPPS’s record of success and supports the long-term siting of a charter middle school in District 4 in order to continue providing an additional educational opportunity for students and families.

Summary of Comments Received

² Based on the 2012-2013 Unaudited Register (as of October 26, 2012).

A joint public hearing regarding this proposal was held at building M121 on January 8, 2013. At the hearing, interested parties had an opportunity to provide input on the proposal.

Approximately 130 members of the public attended the hearing, and 23 people spoke. Present at the meeting were Tom Franta, representative for SUNY; Luz Cortazzo, superintendent for Community District 4 (“District 4”); Yvonne Malcolm-Spears, assistant principal of P.S. 38 Roberto Clemente; Lindsey Malanga, principal of Harlem Prep; Drew Patterson and Jennifer Peng of the DOE’s Office of Portfolio Management. CEC 4 had previously confirmed that it would send a representative to the hearing, but no representative attended.

Below is a summary of the comments received:

1. Yvonne Spears, assistant principal of P.S. 38 Roberto Clemente, asserted that if Harlem Prep is co-located at M121, P.S. 38 and Harlem Prep will work together to put children first and have an environment that is conducive to learning.
2. Lindsey Malanga, principal of Harlem Prep, asserted that she is proud and eager to partner with fellow educators in Harlem.
3. Multiple commenters who were parents of students of other Democracy Prep schools asserted the following:
 - a. Democracy Prep is not just a collection of schools, but a community, and they are all committed to being good neighbors.
 - b. The culture of Democracy Prep is a strong, positive one and has influenced its students for the better in aspirations, achievement, and attitudes towards education.
 - c. The Democracy Prep community is hopeful for a positive relationship with P.S. 38 at M121.
 - d. Because many of the parents of both P.S. 38 and Harlem Prep live in the same community, they must share public facilities regardless and schools would fall under that category as well.
4. Multiple commenters who were parents, teachers and administrators of students currently attending Harlem Prep at its current location asserted that:
 - a. The students do not have access to a gym in their present location.
 - b. The staff are excited to share facilities with another school. They would care deeply about the other school and the culture of Harlem Prep is such that they focus on transitions and shared community space.
5. Multiple commenters who were family members of students currently attending P.S. 38 asserted the following:
 - a. Their children do not have access to a gym and proper play time, and the feeling is that M121 does not have the space for a co-location.
 - b. One commenter has younger sisters at P.S. 38 and expressed concern that it will not be safe for her younger sisters to share facilities with middle school age children.

6. Students currently attending P.S. 38 asserted that they do not have enough room in M121 and there needs to be more space for more programs. They lost the music program and one student wished that she could have played an instrument in the music program. The student expressed the opinion that there is not enough room for DREAM Charter School to be in the building and this proposal would hopefully not result in a take-over of P.S. 38.
7. One commenter who is currently a teacher at P.S. 38 asserted the following:
 - a. Any co-location would result in shared spaces, and shared space issues would be amplified due to the older age of Harlem Prep students, specifically, room to room transitions, unsupervised hallway transitions, and shared bathrooms.
 - b. There are models of positive kindergarten through eight co-locations, but the proposed co-location would result in two disjointed schools. The commenter asked what steps will be taken to ensure that the two schools will work collaboratively.
8. Elmer Myers, network leader of P.S. 38, expressed concern about DREAM charter school's private facility being ready by the proposed implementation of this proposal.

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

9. One student transferred from Harlem Day Charter School to P.S. 38 and he appreciates P.S. 38 for its basketball team and its many shows.

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

Comments 1, 2, 3(a-d), and 4(a-b) are in support of this proposal and do not require a response.

Comments 5(a), 6, and 7(a, b) relate to the process by which space is allocated to schools and shared space scheduling.

There are currently hundreds of schools in buildings across the city that are co-located; some of these buildings house multiple DOE schools while others house DOE and public charter schools. In all cases, the Instructional Footprint is applied to both DOE and public charter schools to ensure equitable allocation of classroom, resource and administrative space. 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 DOE

schools. In all cases, the DOE seeks to provide high-quality education and allow parents/students to choose where to attend.

With respect to concerns that M121 has no space, M121 has a target capacity of 465. The concept of “target capacity” is explained below. In 2012-2013, building M121 is serving approximately 584 students from P.S. 38 and DREAM, yielding a utilization rate of 126%. In 2013-2014, the year before this proposal’s proposed implementation, building M121 is projected to serve 596-726 students from P.S. 38 and DREAM, yielding a projected utilization rate of 128-156%. In 2014-2015, the first year of this proposal, building M121 is projected to have a decrease in utilization rates, serving 559-694 students from P.S. 38 and the middle school grades of Harlem Prep, yielding a projected utilization rate of 120%-149%. Furthermore, the DOE verified the amount of space available in the building through a walkthrough and survey by Richard Bocchicchio, Manhattan Director of Space Planning. The space allocation plan in the BUP demonstrates that all schools would receive their baseline footprint allocation of rooms.

Furthermore, DREAM is expected to re-locate to a private facility at the conclusion of the 2013-2014 school year, creating space in M121. Harlem Prep will occupy the same space that DREAM does now.

The Citywide Instructional Footprint (the “Footprint”) is the guide used to allocate space to all schools based on the number of class sections they program and the grade levels of the school. The number of class sections at each school are 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/ronlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf

With regard to comment 6’s concern regarding space, the BUP details the number of class sections each school is expected to program each year through 2014-2015 and allocates the number of classrooms accordingly. The assignment of specific rooms and the location for each in the building will be made in consultation with the Principals of each school and the Office of Space Planning if this proposal is approved. The BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location.

If the Principals are unable to agree upon a schedule for shared spaces, there is a mediation process outlined in the Campus Policy Memo, which is available at <http://schools.nyc.gov/community/campusgov>.

Comments 7(a) and 7(b) also ask about specific shared space issues and the structures that will be put into place for their resolution.

The DOE expects and anticipates all schools in this building will work collaboratively to build a strong work relationship through the Building Council and Shared Space Committee. As indicated in the BUP, if disputes should arise, school leaders are encouraged to engage in the dispute resolution measures set forth in the Campus Policy memo available at: <http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo.htm>.

In any building where more than one school is co-located, the Building Council – consisting of the Principal of each school – meets regularly to address issues related to space allocations and shared space usage. In buildings with a charter school, there is also a Shared Space Committee, which meets at least 4 times per year, and includes a parent and teacher representative from each school. This committee monitors the implementation of the shared space schedule, and identifies areas of concern that can be addressed by the Building Council. According to Chancellor’s Regulation A-190, the shared space committee shall be comprised of the principal (or an assistant principal of the D75 school organization), a teacher, and a parent from each co-located school or D75 school organization. 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 SLT at that school.

The collaboration required and issues addressed by a Building Council do not depend upon the schools serving the same grades. While the elementary school would share fewer spaces with the high schools, there is no reason why the Building Council could not continue to be a collaborative environment in which all schools work together to meet the needs of all students.

Comments 5(b) and 7(a) question placing elementary students in a building with older students.

Due to space limitations, it is not unusual for varying grade levels to be co-located together. There are successful examples of K-12 buildings or campuses in New York City.

These examples include:

- The Julia Richman Educational Complex, which houses multiple small high schools, a K-8 school, and a District 75 program;
- Harlem Success Academy 4, an elementary school, which shares a building with Opportunity Charter School, which serves sixth through twelfth grade in District 3

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. School Safety Plan is updated annually by the Committee to meet the 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.

Comment 6 also asserts that there is a need for more resources for P.S. 38.

The co-location of a public charter school does not impact the way that the DOE makes funds available to P.S. 38 and other District 4 schools. The DOE supports choice over requiring students to attend a school they do not prefer.

The New York City schools are funded through a per pupil allocation. That is, funding “follows” the students and is weighted based on students’ grade level and need (incoming proficiency level and special education/English Language Learner/Title I status). Principals have discretion over their budget and make choices about how to prioritize their resources, including deciding whether to purchase textbooks or invest in books for a new library.

The DOE reviews enrollment projections, capacity, and utilization annually. Should this analysis indicate a new seat need, the DOE may propose amendments to the Capital Plan. Capacity and projected demand are analyzed on a district by district basis, and additional capacity is proposed for each district based on the overall district need.

Comment 8 expresses concern about the timeline for the construction of DREAM Charter School’s private facility.

The DOE has confirmed with DREAM Charter School that if DREAM is unable to move into its private facility at the end of the 2013-2014 school year as planned, DREAM will explore options to serve its students in a temporary space.

Comments 9 does not relate directly to the proposed co-location and, therefore, has not been addressed.

Changes Made to the Proposal

No changes have been made to this proposal.