

Public Comment Analysis

Date: January 15, 2013
Topic: The Proposed Co-location of Citizens of the World Charter School New York 2 (84KTBD) in Building K221 and Building K892 with Existing School P.S. 221 Toussaint L'Ouverture (17K221) Beginning in the 2013-2014 School Year
Date of Panel Vote: January 16, 2013

Summary of Proposal

In an Educational Impact Statement (“EIS”) and Building Utilization Plan (“BUP”) posted on November 29, 2012, the New York City Department of Education (“DOE”) proposed to open a new public charter school, Citizens of the World Charter School New York 2 (84KTBD, “Citizens”) in building K221 (“K221”) and building K892 (“K892”), which are located at 791 Empire Boulevard, Brooklyn, NY 11213, in Brooklyn’s Community School District 17, beginning in the 2013-2014 school year.¹ K221 and K892 currently house P.S. 221 Toussaint L’Ouverture (17K221, “P.S. 221”), an existing district elementary school that serves kindergarten through fifth grade students and offers two sections of full day pre-kindergarten. K221 serves as the school’s main building and K892 is a mini-school building attached to the main building and serves as an annex. If this proposal is approved, Citizens will be co-located in K221 and K892 with P.S. 221. The DOE does not anticipate that this proposal will affect P.S. 221’s pre-kindergarten program, which will continue to be offered, subject to funding and demand.

In the summer of 2010, the State University of New York Charter Schools Institute (“SUNY CSI”) authorized Citizens’ charter to serve students in kindergarten through fifth grades. Citizens will partner with Citizens of the World Charter Schools, a national network of charter schools. Citizens will open with kindergarten and first grade in 2013-2014 and will add one grade each year until it serves students in kindergarten through fifth grade in 2017-2018. The school will admit students via the charter lottery application process, with a preference given to District 17 residents.²

According to the 2011-2012 Enrollment Capacity Utilization Report (“Blue Book”), K221 and K892 have the combined capacity to serve a total of 1,031 students.³ In 2012-2013, P.S. 221 is serving 481 students in kindergarten through fifth grade and 36 students in pre-kindergarten,⁴ yielding a building utilization rate of 50%.⁵ This means that the building is “underutilized” and has space to accommodate additional

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, and cafeterias.

² For more information about the charter school lottery application process, please consult the DOE’s directory of NYC Charter Schools, which can be accessed on the DOE’s website:
<http://schools.nyc.gov/community/planning/charters/For+Parents/default.htm>.

³ K221 has the capacity to serve 794 students and K892 has the capacity to serve 237 students, for a total of 1,031 students. All references in this document to capacity and utilization refer to the combined capacity and utilization of both K221 and K892.

⁴ Based on 2012-2013 Unaudited Register (as of October 26, 2012).

⁵ All references to building utilization rates in this document are based on target capacity data from the 2011-2012 Blue Book and enrollment data from the 2012-2013 Unaudited Register (as of October 26, 2012). This methodology is consistent with the manner in which the DOE conducts planning and calculates space allocations and funding for all schools. In determining the space allocation for co-located schools, the Office of Space Planning will conduct a detailed site survey and space analysis of the building to assess the amount of space available in the building.

students.⁶ If this proposal is approved, in 2017-2018, once Citizens' kindergarten through fifth grades have fully phased in and the school has reached full scale, Citizens is projected to serve 342-432 students, and P.S. 221 is projected to serve 450-510 kindergarten through fifth-grade students and 36 pre-kindergarten students, for a total of 828-978 students, yielding a building utilization rate of approximately 80%-95%.⁷

Copies of the EIS describing this proposal and the accompanying BUP are available in the main offices of P.S. 221. It is also available on the DOE's website at:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Jan2013Proposals.htm>.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held on January 10, 2013 at K221. Participants had the opportunity to provide input on the proposal.

Approximately 60 members of the public attended the hearing, and 12 people spoke. Present at the meeting were Community School District 17 Superintendent Buffie Simmons; District 17 Community Education Council ("CEC 17") President Claudette Agard; Clara Kirkland, Principal of P.S. 221; Ms. Scott, a representative from the United Federation of Teachers and the School Leadership Team ("SLT"); Ms. Scantlebury, a representative of the PTA and School Leadership Team; CEC members Kenneth Wright; Maureen Murphy representative from SUNY CSI; Barbara Sherman, a representative from New York City Council Member Letitia James' office; and Meg Barboza and Lauren Spillane from the Division of Portfolio Planning.

The following comments and remarks were made or submitted at the Joint Public Hearing on January 10, 2013:

The DOE received written and/or oral comments which do not directly relate to the proposal and therefore, will not be addressed. Those comments are summarized below.

1. CEC President Claudette Agard submitted a statement to the SUNY CSI representative about the CEC's feelings on this proposal. She stated:
 - a. The CEC does not support this co-location because it will deprive P.S. 221 of space.
 - b. This proposal does not address the demand for middle schools.
 - c. This proposal does not give the district school space in line with Chancellor's regulation or Footprint.
 - d. P.S. 221 will not be able to grow or help its kids develop socially and academically if this proposal is approved.
 - e. The DOE did not engage in meaningful outreach with Citizens.
 - f. There was no real engagement and District 17's needs were not assessed or taken into account.
 - g. Enrollment numbers not correct in the proposal.

⁶ The 2011-2012 Under-Utilized Space Memorandum and List was published on the DOE's website on October 24, 2012. It can be accessed at: <http://schools.nyc.gov/NR/rdonlyres/6D8EA76A-82FA-4740-9ED1-66BCABEE8BFB/130053/UnderutilizedSpaceMemorandumUpdated011218.pdf>.

⁷ All projections referenced for Citizens for the 2013-2014 school year and beyond reflect the charter school's authorized enrollment pursuant to its charter application.

- h. Pre-kindergarten is not addressed.
 - i. Citizens' charter application is for kindergarten through fifth grade, but the plan is kindergarten through twelfth grade. What is the real long term plan for this school?
 - j. District 17 was not included in the initial charter application because District 17 was not the district of choice. There is nothing in this charter that is tailored for District 17 because the charter did not want to be located here.
 - k. The speaker suggested that the charter will not fill seats within the district so enrollment numbers would be met by recruiting students who live outside the district.
2. Principal Clara Kirkland noted that the school had lost teachers the previous year and because teachers left, the school lost a lot of partnerships. Although the school did decline in terms of rating, staff and administrators are working hard and the school will rise again. She further stated:
- a. Citizens' is not a good fit for this building because the school needs space to serve the children.
 - b. This co-location will deprive my school of resources. We currently have a green house, a keyboard room, arts, computer room. We should not have to give these rooms up because of the co-location.
 - c. We serve a lot of special needs students and need the resources to do so.
 - d. The school has worked to develop a schedule that allows for targeted intervention. Without space, how will the school be able to do this?
 - e. The school applied to have three more pre-kindergarten sections. There is a need for additional pre-kindergarten in this neighborhood, and she hopes that this co-location would not deprive her of the desire to serve additional pre-kindergarten students.
3. Ms. Scantlebury, an SLT member, explained that she has two sons, one who is in middle school and one who is in second grade at the school. She stated that the school has a warm and family-oriented environment. She stated:
- a. A new school would not fit with our culture because our students do not know these people.
 - b. Our kids are used to a certain standard and a new school will take this space away.
4. Ms. Scott, an SLT member, stated that a co-location proposal will not work because of the community, the environment, and the culture that P.S. 221 has worked very hard to develop. She stated that she has been at the school since Principal Mellie Pilgrim was principal of the school. She also described how the school had lost 10 teachers in one school year, but even though the community lost these teachers, we will educate these students. She described how hard the P.S. 221 community works to educate their children. She also noted that the school lost 20,000 worth of books in a flood, but we got together as a school community and we did what we had to do. We have role models who will come back and thank us. We have Yale graduates and graduate from other colleges all over. She also asserted that:
- a. Although all of the school's classrooms may not be full, we utilize them and having another school co-located in the building with us will limit us. This co-location is not a good fit for the building.
5. Barbara Sherman, a representative from New York City Council member Letitia James' office stated that she is here to represent teachers and families who are affected by another misguided proposal. She asserted that:
- a. Citizens is a brand new charter chain from California that has no right to operate in New York.

- b. Citizens wanted to be located in District 14, but did not get a building in District 14. Why does the school want to be located in District 17? The school has not done any outreach to explain why it wants to be located in this district.
 - c. Citizens has never met with families, principals, the community, or the people they intend to share the building with. This is not aligned with the SUNY review process.
 - d. There is no demand for charter schools in District 17.
 - e. The District needs more pre-school, after-school, and gifted and talented programs. This is not what the community wants.
 - f. Citizens' financial health is questionable. The charter school depends on significant financial support from families of about \$1,300. This degree of fundraising is not sustainable.
 - g. The school also relies on Teach For America teachers who are not educated. A school needs well-trained teachers with labor credentials.
 - h. This proposal represents the privatization of education.
6. Tara Phillips, a Senior Director of Community Outreach from Citizens, stated that Citizens does want to work with the community. She stated that Citizens could not do outreach in the community because the DOE requires that charter schools wait until a proposal is voted on by the PEP before doing direct outreach to a school community. We are not a for profit organization and we are not looking to destroy any schools. She stated that she is a parent, a Brooklyn native, and is here because she cares about kids and education. She stated that Citizens has a lot of work to do in District 17 and they want to work with the community.
 7. Kate Sobel, a founding board member of Citizens, stated that she lives in Bed Stuy and has witnessed the neighborhood change. Parents are starting to choose different options for their students and Citizens wanted to provide students with one of the best options. She feels very fortunate that the school has been given proposed space and wants to work with P.S. 221 to help build on the culture that is already present at the school.
 8. A commenter asserted that:
 - a. She is tired of Citizens' fluffiness and wants to hear more about the curriculum and planning.
 - b. Will Citizens enroll special education children?
 - c. She has seen co-locations occur before and the money always goes to the school that is moving in. This is separate and unequal.
 - d. She does not believe in the charter school system.
 9. A commenter from the Coalition of Public Education asserted that:
 - a. Bloomberg has an agenda to open as many charter schools as possible before he leaves office.
 - b. Bloomberg always targets really nice and functioning schools.
 - c. At these hearings, it is always the same situation. The elected official, community members, and SLT are always against the proposals, but Bloomberg's agenda is always approved. The Office of Portfolio Management is the agent that does this work. Bloomberg appoints 8 people to the PEP.
 - d. If we look at the first year of enrollment for this proposal, Citizens is given 8 rooms, which would mean the school would have an average class size of 19. P.S. 221 is given 23 rooms, which would indicate the school would have an average class size of 24. How is this fair?
 10. A commenter noted that she once supported charter schools, but after a negative experience she does not believe in them. She explained that her son graduated from P.S. 221, went to an independent school, and is now going to a specialized High School. His success is because of P.S. 221. She asserted that:

- a. The DOE should use the funding and help P.S. 221 grow instead of co-locating a charter school in the building. If P.S. 221 had all the funding, every child would get the education that they needed.
11. One commenter asked what the atmosphere in the cafeteria would be like if the schools have to share space in there.
12. Another commenter noted that she had two children who attended the school and she now has a granddaughter who attends the school. She asserted that:
 - a. This co-location process is unfair.
 - b. She has concerns about shared spaces and which schools will have priority in the spaces.
 - c. Her tax money is going to charter schools when it should be going to district schools.
13. A parent spoke in support of P.S. 221. She is very proud of the school and happy that they tutor the students for free.
14. A commenter asserted that:
 - a. Co-locating Citizens in the building is a conflict of interest because the application states that the school will target students who are eligible for free and reduced lunch, which is a similar population to P.S. 221.
 - b. Citizens can't grow to serve kindergarten through twelfth grades on the fourth floor of the building.
 - c. Citizens is not welcome here.
 - d. Data that the DOE uses in the EIS is not correct. There is a higher number of special education students at the school. The DOE took away rooms intended for these special education students in the proposal.
 - e. P.S. 221 teachers have written grants to receive funding for a new computer lab and a new library. If Citizens has to share space, they will be taking away from these spaces.
 - f. The school is in a pilot program, "Hip to be Healthy." Principal Kirkland was able to funnel money back into the school because our students now grow and sell their own food.
15. One commenter asserted that the community needs to know more about Citizens.
16. Kenneth Wright, a representative of the CEC, relayed comments from the Citizens of the World Hearing in District 14 that indicated that elected officials were against that proposal. He noted that Citizens has not done any meaningful engagement. He asserted that:
 - a. There is space in the building, but Citizens has not offered the community anything. This could have been a middle school siting.
 - b. Portfolio did not engage with Principal Kirkland, parents, or the community.
 - c. Citizens has not proven that they can provide high quality seats.
 - d. The DOE does not try to build on what is already located in the community and does not engage the community efficiently.
17. A commenter asserted that:
 - a. We will not welcome this charter school.
 - b. There are dedicated and hardworking teachers here at P.S. 221.
 - c. Charter schools are for-profit schools.
 - d. District 17 is overloaded with charter schools.
 - e. Charter schools are not nurturing schools, they are just for profit.

Summary of Issues Raised in Written and/or Oral Comments
Submitted to the DOE regarding the Proposal

18. A commenter left a message in support of the Citizens co-location in District 17.
19. A commenter sent the DOE a collection of research and new articles about the disproportionate amount of funding received by charter schools in comparison to public schools. These research

articles also discussed the performance of charter schools and Mayor Bloomberg's education policies.

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

Comments 6, 7, and 18 are in favor of the proposal and do not require a response.

Comments 9(a), 9(b), 9(c), and 19 are not directly related to the proposal and thus do not require a response.

Comments 1(a), 5(e), 5(h), 8(a), 8(d), 10(a), 13, 14(c), 14 (f), 17(a), 17(b), 17(d) , 5(g) and 19 voice general opposition to the proposal and charter schools in general. The DOE notes that there is a need for increased educational options for students in Brooklyn, including those students located in District 17. The DOE strives to ensure that all students in New York City have access to various educational options at every stage of their education. This proposal aims to provide a new option for these students.

Comments 1(e), 1 (f), 1(j), 5(b), 5(c), 15, 16(b), and 16(d) state that Citizens did not engage the community about a siting in District 17 and/or Citizens did not want to be located in the district.

The DOE notes that Citizens submitted a charter application to SUNY CSI to open two new charter schools in New York City and initially targeted outreach in Community School District ("CSD") 14 in Brooklyn. Once it became apparent that Citizens would be proposed for co-located in CSD 17, Citizens extended engagement to District 17 by meeting with the Community Education Council for District 17 and Community Superintendent Buffie Simons. Citizens also anticipates that it will conduct further engagement and recruitment of prospective students in District 17 by using a variety of methods. These methods may include, but are not limited to:

- Posting fliers and other printed materials throughout the CSD(s) the school intends to serve (the fliers will be primarily in English, but may also include other dominant languages spoken in the CSD)
- 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 grade(s) of the charter school.

Thus, contrary to the commenters' suggestions that Citizens does not want to be located in District 17, Citizens remains enthusiastic about the opportunity to share space with P.S. 221 in the district.

Comment 5 (c) states that Citizens did not adhere to the SUNY review process.

The proposal to establish the Citizens of the World Charter School New York 2 was submitted to the State University of New York Charter Schools Institute on February 29, 2012 in response to the SUNY

CSI's Request for Proposals. After submitting the application, Citizens underwent a rigorous review process with the authorizer, which included capacity interviews and an application hearing. In June 2012, based on its reviews and findings, SUNY CSI authorized Citizens of the World 2 to open in Brooklyn in September 2013.

Comments 1(h) and 2(e) states that pre-Kindergarten was not addressed in the EIS for this proposal.

The DOE notes that pre-Kindergarten was addressed in the EIS, on page 1. As noted in the EIS, subject to demand and funding, P.S. 221 will continue to offer two sections of full-day pre-kindergarten. Decisions about any school's ability to offer pre-kindergarten are assessed based upon funding, demand, and available space. Any request to increase pre-kindergarten seats at P.S. 221 would be assessed based upon these factors.

While the DOE recognizes that P.S. 221's administration requested to increase pre-Kindergarten seats, the DOE notes that at this time there is no plan to increase pre-kindergarten seats at P.S. 221. If this co-location proposal is approved, in the final year of the proposal there will not be excess space in the building. However, if enrollment is lower than projected at either school, the DOE will reassess the administration's request to add additional pre-kindergarten sections at that time.

Comments 1(i) and 14(b) imply that Citizens intends to serve kindergarten through twelfth grade students in buildings K221 and K892.

As noted in the EIS, pursuant to its charter application, Citizens will enroll 342-432 kindergarten through fifth grade students at full scale in the 2017-2018 school year. Thus, the DOE has not suggested that Citizens will serve kindergarten through twelfth grade students in the buildings, nor is Citizens authorized to serve that grade span.

This EIS only proposes to allow Citizens to serve kindergarten through fifth grade in buildings K221 and K892. Citizens is currently only authorized to serve those grades. In the future, Citizens intends to apply to expand its charter to eventually serve 6-12th grade as well. If Citizens' expansion request is approved by SUNY and if Citizens desires to site its additional middle school and high school grades in public space, e.g. K221 and K892, such a proposal would first have to be approved by the DOE. Citizens will be required to submit an application to the DOE for use of available space, if any available space exists. Any resulting proposal involving a significant change in school utilization will be the subject of a future EIS in accordance with Chancellor's Regulation A-190. Thus, at this point there is no authorization or no plan that would allow for Citizens to serve kindergarten through twelfth in K221 and K 892.

Comments 5(a) and 5(f) states that Citizens' financial health is not stable and that it is a brand new charter school from California.

At the outset, the DOE notes that it is not responsible for determining whether a charter school network is financially stable, rather this is authority and review is the sole responsibility of the charter school authorizer, which in this case is SUNY CSI. SUNY CSI has reviewed the Citizens of the World Charter Schools' proposed fiscal and operating plans for each year of the proposed charter terms and all supporting evidence. SUNY CSI has also reviewed the Citizens of the World Charter Schools' business plans to determine whether it could fully support its existing schools and all proposed new schools. Because the Citizens of the World Charter Schools is a start-up organization, there are no audited financial statements available for review. SUNY CSI accepted unaudited financial statements with the understanding that as an additional assurance and term of the charter agreement, SUNY CSI will receive a

certification from an independent accountant that such statements have been reviewed and accurately state the fiscal condition of the Network. After reviewing all of the documentation, SUNY CSI has determined that Citizens of the World Charter Schools budgets and fiscal plans are sound and that there are sufficient start-up funds available to operate all existing and proposed charter schools.

For more information, please refer to the Citizens of the World Charter Schools charter application which may be found at

<http://www.regents.nysed.gov/meetings/2012Meetings/July2012/SUNYChartersSummary.pdf>

Comments 1(k) and 14(a) assert that Citizens and P.S. 221 are targeting students from the same population and that Citizens will have to recruit students from outside the district.

As stated in the EIS, Citizens will give preference to students in the following order of priority:

- Students returning to the school in its second and subsequent years of operation,
- Siblings of enrolled students, and
- Students residing in District 17.

Therefore, based on the priority structure outlined above, Citizens will not offer priority to students who are eligible for free or reduced price lunch. In any case, even if Citizens offered such priority, the DOE believes that parents and families should have multiple options. Citizens would provide another educational option for students residing in District 17. The DOE does not anticipate that this co-location would affect P.S. 221's ability to enroll and recruit students from the district.

Charter schools maintain the right to advertise their programs and recruit students to apply for entry through the schools' blind lottery processes, which are typically held in April. Citizens may choose to recruit students who live outside District 17, but these students would not receive priority in the lottery structure outlined above.

Comments 1(d), 3(a), 4 and 14(e) relate to the culture of P.S. 221 and the special programs or initiatives the school has created.

If this co-location proposal is approved, P.S. 221 and Citizens will share space within the K221 and K892 buildings. The DOE does not anticipate that the co-location of Citizens would have any negative effect on the partnerships, programming or current school culture that exists at P.S. 221.

To the extent that parents are worried that this co-location proposal will affect the culture of P.S. 221, the DOE notes that parents may actively take a role in ensuring that does not happen. For example, parents can become involved in their Parent/Parent-Teacher Association (PA-PTA) Parents may work with school administrators to ease the transition and assist with outreach in the community regarding the proposal.

The DOE expects that P.S. 221 and Citizens will collaborate to create a culture of respect as Citizens phases in. P.S. 221 and Citizens are expected to work together on campus decisions through the K221 and K892 Building Council and Shared Space Committees. The DOE also notes that there are many successful examples of schools sharing space throughout the city as space is scarce in the City. The DOE reiterates that it does not anticipate that this proposal will have an impact on P.S. 221's programs, nor does it propose any changes to the extracurricular programs currently offered at P.S. 221 in the EIS. If this proposal is approved, P.S. 221 could continue to offer programs based on student interests, available resources, and staff support for those programs. The proposed co-location will not impact those

opportunities, but it may change the way those programs are configured. For example, some activities may need to share classroom space or the scheduling of these activities may change as a result of greater demands on the available space during or after school hours. Students will continue to have the opportunity to participate in a variety of programs, though the specific programs offered at a given school are always subject to change. That is true for all City students as all schools annually modify program offerings based on student demand and available resources.

Comments 1(a), 1(d), 2(b), 2(c), 2(d), 2 (f), 3(b), 4(a), 14(d), 14(e) suggest that space will be taken away from P.S. 221 as a result of this proposal, and assert that students will be negatively affected by this proposal. The comments further suggest that P.S. 221 will lose vital rooms, such as those used for special education instruction and resource rooms, and that P.S. 221 will lose rooms that it used for a “greenhouse” or “computer room.”

As stated in the Building Utilization Plan (“BUP”), P.S. 221 is currently using 24 full-size spaces, 2 half-size spaces, and 1 quarter-size space in excess of its respective baseline and adjusted Footprint allocations, some of this space will be allocated to Citizens for the 2013-2014 school year if this proposal is approved. P.S. 221 will be allocated less excess space over time as Citizens phases in; however, all schools will continue to receive their respective baseline and adjusted Footprint allocations. After all schools have received their respective baseline and adjusted Footprint allocations, excess rooms will be distributed equitably by the Office of Space Planning based on the physical location of the available space in relation to the location of each school within the building and on the enrollment of the schools. These decisions will be made in consultation with the Building Council.

Once Citizens is at full scale in 2017-2018, P.S. 221 will be allocated 25 full-size, 6 half-size, 1 quarter-size, and 1.5 full-size equivalent rooms of designed administrative spaces. This allocation is 1 quarter-size space in excess of P.S. 221’s adjusted baseline footprint. Citizens will be allocated 24 full-size and 2 half-size spaces, which is equal to its baseline footprint allocation. The allocation of space for Citizens does not include any excess space. Once Citizens is at full scale, Citizens is projected to serve 342-432 students, and P.S. 221 is projected to serve 450-510 kindergarten through fifth-grade students and 36 pre-kindergarten students, for a total of 828-978 students, yielding a building utilization rate of approximately 80%-95%.

The DOE acknowledges that the allocation of rooms in the BUP for P.S. 221 may require P.S. 221 to change the way in which it programs its extracurricular activities or programs, but it reiterates that space is scarce in New York City. Because of the space constraints and the demand for additional educational options, the DOE must utilize all available space. As discussed above, P.S. 221 was using a large amount of excess space in the building previously and this proposal will require P.S. 221 to utilize less excess space in the future. The DOE does not believe that this proposal will preclude P.S. 221 from offering extracurricular activities or programs, such as computer programs, but it may require that these activities be scheduled in a different manner. Moreover, the DOE notes that during and after the anticipated phase in of Citizens, P.S. 221 will continue to receive its baseline space allocation in accordance with the Footprint.

In regards to the comment that this proposal will not allow for P.S. 221 to serve its students with disabilities, the DOE notes that in the BUP, P.S. 221 has been allocated five half-size rooms to meet the needs of its self-contained special education sections and has been provided with resource rooms to deliver additional services to students with disabilities.

Each principal, therefore, must make decisions about how and where students with disabilities will be served within the space allocated to the school. The DOE, however, will provide support to the schools to

ensure that the schools use space efficiently in order to maximize capacity to support student needs and maintain appropriate delivery of special education and related services to students. Where appropriate, school leaders will have an opportunity to draw upon the expertise and guidance of the Office of Special Education, which is dedicated to promoting positive educational outcomes for students with disabilities.

Comments 17(c) and 17(e) assert that Citizens is a for-profit corporation.

Citizens of the World Charter Schools is a national network of charter schools. Citizens of the World Charter Schools is a national non-profit organization based in California that will partner with Citizens if this proposal is approved. Thus, Citizens is not a “for-profit” corporation.

Furthermore, if this proposal is approved, Citizens would be a public charter school, like all approved charter schools in New York City. Charter schools receive public funding pursuant to a formula created by the state legislature, and overseen by the New York State Education Department. The DOE does not control this formula, and the funding formula for charter schools is not affected by the approval or rejection of this proposal.

Comments 5(a) and 16(c) assert that Citizens is not a high performing charter school.

The DOE seeks to fully utilize all of its buildings and seeks to maximize capacity to further provide students with additional school options. Two Citizens schools currently operate in California. Citizens of the World Charter School Hollywood (CWCH) is in its third year of operation, currently serving students in kindergarten to third grade. Results from the California Standards Test (CST) recently became available in August 2012 for the 2011-2012 school year, during which year the charter school served K-2. The following tables present comparisons between CWCH and the Los Angeles Unified Schools district (LAUSD). All numbers represent the percentage of students who met the proficiency standard by scoring at the Proficient or Advanced levels. All categories of students at CWCH are outperforming their peers in the local district, including students who qualify for Free and Reduced Lunch (FRL). Based on this performance, the DOE is confident that Citizens would offer students and families in District 17 with an additional educational option that meets the district’s needs.

| | | ELA | Math |
|--|-------|------------|-------------|
| All Students | CWCH | 79 | 92 |
| | LAUSD | 55 | 57 |
| FRL | CWCH | 73 | 87 |
| | LAUSD | 52 | 51 |
| English Language Learners (“ELL”) | CWCH | 83 | 100 |
| | LAUSD | 45 | 41 |

Comment 8(b) concerns the extent to which charter schools serve students with special needs or ELL students.

The DOE notes that under recent amendments to state law, public charter schools must 1) serve all students who are admitted through their lotteries, and 2) serve a percentage of Special Education and ELLs 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. Citizens must admit all students according to its lottery preferences, and may not turn away a student because of language ability, behavioral problems or services required by an IEP.

The charter authorizer is responsible for determining the school's compliance with its charter.

Comments 8(c), 12(c) and 19 pertain to the funding of charter schools.

With regard to funding and other resources, charter schools receive public funding pursuant to a formula created by the state legislature, and overseen by the New York State Education Department. The DOE does not control this formula, and the funding formula for Citizens 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).

With respect to concerns that charter schools “funnel” resources away from DOE schools, it should be noted that charter schools receive public funding based on their student enrollment, as do DOE schools. To the extent that a student opts to attend a charter school, rather than a particular zoned DOE school, that zoned DOE school's enrollment may decline, resulting in less per student funding. However, this very same result occurs whenever a student decides to attend a choice, unzoned DOE school, rather than his or her zoned school. In this regard, the impact of a parent selecting a charter school is no different than the impact of a parent selecting an alternative DOE school. The DOE believes the ability for parents to choose where they wish their child to attend school is of paramount importance, and is committed to increasing the options available to families.

Comments 1(b), 5 (d), and 16 (a) pertain to the proximity of other elementary schools to P.S. 221 and/or assert that District 17 does not need a new elementary school, but needs additional high quality middle school options.

The DOE is committed to providing a portfolio of high quality school options to students and families. Part of this strategy involves opening new public schools – both charter and non-charter – each year. The DOE agrees that District 17 may need additional high-quality middle school options, as well as elementary school options. This proposal in no way precludes the DOE from future actions designed to respond to this additional demand. Furthermore, the DOE will continue to work with existing public schools in District 17 to support and strengthen these schools for District 17 students and families. The DOE also notes that there are several elementary schools in the district that received an “A” or “B” on the 2012 Progress Report and that there are excess seats available in the district. However, the DOE is committed to providing a portfolio of various school options to students and families. The DOE believes Citizens will provide such an option for District 17 students and families.

Comment 9(e) states that Citizens will have smaller class sizes than P.S. 221.

When planning how space is allocated in a building, the Footprint sets forth the baseline number of rooms that should be allocated to a school based on the grade levels served by the school and number of classes per grade. For existing schools, the Footprint is applied to the current number of sections per grade, assuming class size would remain constant. The number of class sections at each charter or district 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. More information can be found in the Instructional Footprint, which is available at http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf.

Comment 1(g) suggests that the projected enrollment in the EIS is incorrect for P.S. 221.

The EIS projects future enrollment for P.S. 221 based on the current enrollment of the entry point grade at P.S. 221 and assumes that the same number of students will articulate up and that there is stable incoming enrollment at the entry point grade each year. Enrollment projections for both general education and special education students are based on historical trends and the 2013-2014 Unaudited Register. Therefore, there is nothing that currently leads us to believe that the proposed co-location will have an impact on P.S. 221's enrollment, or that the projections are incorrect in the EIS.

Comment 5(h) asserts that charter schools represent the privatization of education.

Charter schools are public schools available to all residents of New York City. They are publicly funded in a similar manner as district schools, but are operated by external organizations. Each school is governed by an independent board of directors. Under recent amendments to New York state law, for-profit entities may not operate new charter schools in the state.

Comments 11 and 12(b) concern questions regarding the usage of shared spaces.

The BUP includes a **proposed** shared space schedule for the co-located schools. The final shared space schedule will be finalized by the Building Council if this proposed co-location is approved by the PEP. Principals of the co-located schools sit on the Building Council and are free to deviate from the proposed plan and create a shared space schedule as long as it is agreed upon by both parties. The proposed shared space schedule in the BUP demonstrates that all schools will receive time in the cafeteria and gymnasium, as well as in the other shared spaces, to serve their students based on their school's enrollment.

To the extent that the commenters are suggesting that in the future students will have to share time in the ceramics room or the greenhouse room, the DOE notes that these spaces are not considered shared spaces. If in the future the principal wishes to continue to offer these extracurricular programs or activities, those programs and activities would have to be scheduled in the allocation of space provided to P.S. 221 in the BUP.

If the Building Council is 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>.

Changes Made to the Proposal

No changes have been made to this proposal.