



**Dennis M. Walcott**  
*Chancellor*

### **Public Comment Analysis**

Date: February 29, 2012

Topic: The Proposed Re-Siting of Bronx Success Academy 2 (84X494) to School Building X055 and Co-Location with P.S. 55 Benjamin Franklin (09X055), Beginning in the 2012-2013 School Year

Date of Panel Vote: March 1, 2012

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### **Summary of Proposal**

The New York City Department of Education (“DOE”) is proposing to re-site Bronx Success Academy Charter School 2 (84X494, “BSA 2”), an existing public charter school, which is currently located in school building X146 at 968 Cauldwell Avenue, Bronx, NY 10456, in Community School District 8 (“District 8”). BSA 2 is currently co-located in building X146 with P.S. 146 Edward Collins (08X146, “P.S. 146”), an existing zoned elementary school serving students in grades kindergarten through five and offering a full-day 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, libraries, and cafeterias.

If this proposal is approved by the Panel for Educational Policy (“PEP”) for 2012-2013, BSA 2 will vacate its space in building X146, in District 8, and be re-sited into building X055, located at 450 Saint Paul’s Place, Bronx, NY 10456, in District 9. BSA 2 currently serves kindergarten, first, and second grades in building X146 and if this proposal is approved, it will grow to serve kindergarten through fourth grades in building X055. BSA 2 will be co-located with P.S. 55 Benjamin Franklin (09X055, “P.S. 55”), an existing zoned elementary school serving students in grades kindergarten through five and offering a full-day pre-kindergarten program.

Currently, in addition to P.S. 55, building X055 also houses a middle school, Mott Hall III (09X128, “Mott Hall”). However, in a separate Educational Impact Statement (“EIS”), also posted on January 12, 2012, the DOE has proposed to re-site Mott Hall to building X110, also in District 9, for the 2012-2013 school year. The EIS describing the proposed re-siting of Mott Hall can be found on the DOE’s Web site at:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Mar12012Proposals.htm>.

If the proposal to re-site Mott Hall to building X110 is approved, Mott Hall will vacate its current space in building X055, making it available for BSA 2 to occupy. If that proposal is approved, BSA 2 will move in for 2012-2013. The DOE will eventually propose a new use of the space in building X146 that BSA 2 will be vacating, which would be the subject of a new EIS and would be presented to the PEP for a vote.

According to the 2010-2011 Enrollment, Capacity, Utilization Report (the “Blue Book”), building X055 has the capacity to serve 1,363 students. Currently, the building serves 1,078 students, yielding a target utilization rate of 79%. If this proposal is approved, in 2012-2013, the first year of the proposed co-location, BSA 2 will serve approximately 375-425 students in kindergarten through third grades. BSA 2 will then add one grade in the 2013-2014 school year and serve approximately 465-530 students in kindergarten through fourth grades. At that time, building X055 is projected to serve approximately 1,131-1,256 students enrolled in P.S. 55 and BSA 2, yielding an estimated target utilization rate of 83-92%. Thus, the building has sufficient space to accommodate the proposed co-location of BSA 2’s kindergarten through fourth grades with P.S. 55.

This proposal will not affect P.S. 55’s instructional programming, admissions, partnerships, or extra-curricular offerings. In addition, this proposal is not expected to have an impact on P.S. 55’s pre-kindergarten program, which will continue to be offered subject to continued funding and demand.

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

The DOE held two Joint Public Hearings regarding this proposal. The first hearing took place at building X055 on February 15, 2012, and the second hearing took place at building X146 on February 16, 2012. At those hearings, interested parties had an opportunity to provide input on the proposal. Approximately 210 members of the public attended the February 15th hearing and 22 people spoke.<sup>1</sup> Also present at the meeting were: Dolores Esposito, District 9 Community Superintendent; Barbara Martoral, District 9 Family Advocate; Marilyn Espada, President of Community Education Council (“CEC 9”); Carmen Ramos and Nora Mercado, CEC 9 representatives; Vanessa Bangser, Principal of BSA 2; Luis Torres, Principal of P.S. 55; Lavinia Colon, Samantha Fonseca, Ebony White, Jennifer Rios, and Todd Robinson from P.S. 55’s School Leadership Team; William T. Martin representing Assemblyman Eric Stevenson’s Office; Tom Franta, representing the State University of New York; and Amanda Cahn, Rosa Fernández, and Keisha Mosquera from the DOE Division of Portfolio Planning.

No members of the public attended the February 16th hearing. The following officials were present: Timothy Behr, District 8 Community Superintendent; Vanessa Bangser, Principal of BSA 2; Janet Sanderson, Principal of P.S. 146; and Rosa Fernández from the DOE Division of Portfolio Planning; and Helen Tsang from the DOE Office of Public Affairs. Bob Franklin, CEC

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<sup>1</sup> This hearing also served to discuss another proposal posted on January 12, 2012, to re-site Mott Hall from its current location in building X055 to building X110. All public comments at the hearing were directed to this BSA 2 re-siting proposal.

President for District 8, confirmed prior to the hearing that he would attend, but was unable to do so.

**The following comments and remarks were made at the February 15th Joint Public Hearing**

1. William T. Martin from Assemblyman Eric Stevenson's Office stated that the re-siting of BSA 2 has already been decided by the DOE. He further stated that all children in the community should be given the same opportunity to excel academically and that children are not a "lottery prize."
2. CEC 9 President Marilyn Espada asked why P.S. 55's shared space schedule had been pushed back for breakfast, lunch, backyard access, and use of the auditorium. She stated that P.S. 55 students should have first priority. She also stated that charter schools push out students with IEPs.
3. Multiple commenters expressed concern about the breakfast schedule for P.S. 55 students. They were concerned that P.S. 55's current schedule has been changed due to BSA 2's entry into the building. P.S. 55 students currently eat breakfast at 7:15 a.m. and they would no longer be able to do so because BSA 2 students would be in the cafeteria during that time. This is inconvenient for parents who drop off their children at 7:15 a.m. and leave to be at work by 8:00 a.m.
4. Multiple commenters stated that charter schools do not enroll children with disabilities, English Language Learner students, and students with behavioral problems. They also stated that charter schools do not serve students from the same community and as such they should not be sharing space with district schools in DOE buildings.
5. A commenter spoke in support of the proposal stating that BSA 2 does not intend to take over all of the space in the building and that the BSA 2 community is willing to collaborate with P.S. 55 to make the co-location work.
6. A commenter asked what was going to happen to P.S. 55 children when the school is closed.
7. Multiple commenters asked why P.S. 55 was not expanding and receiving more classrooms, which would be preferable to bringing in another school into the building. They also stated that P.S. 55 has overcrowded classrooms and that having additional space would alleviate those problems.
8. A commenter stated that even though the charter school would be sharing P.S. 55's resources, it has refused to share its curriculum with P.S. 55.
9. A commenter who runs an after-school program for P.S. 55 students stated that years ago the school had the lowest proficiency rate in reading in the entire State and that the school has turned around and hopes that the proposal to co-locate another school in the building does not interfere with the progress made.

## **Summary of Issues Raised in Written and/or Oral Comments Submitted to the DOE**

The DOE received one written comment through the dedicated e-mail address for this proposal and no comments were received via telephone.

10. A commenter expressed support for the proposal.

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

- Comment 1 speculates that a decision has already been made about the proposal. However, no decision has been reached about this proposal. The PEP will make a decision about this proposal on March 1, 2012. All public comments received at the joint public hearings or through the dedicated e-mail address and phone number for the proposal will be taken into consideration by the PEP in reaching a decision.
- With regard to the portion of comment 2 contending that P.S. 55's schedule in the auditorium, library, and gymnasium has been pushed back to later in the day: As indicated in the Building Utilization Plan ("BUP") annexed to the proposal, the proposed times allocated to P.S. 55 and BSA 2 in the gymnasium, auditorium, and library are based on each school's enrollment and grades served. The total amount of time allocated to each school in the proposed shared space schedule is solely based on the proportional enrollments of the schools. The schools can make different decisions about how to use those spaces and can make changes to the proposed schedule based on their programmatic needs, provided the Building Council comes to an agreement of the final Shared Space Plan collaboratively.
- Comments 2 and 3 contend that P.S. 55's current schedule in the cafeteria during breakfast time has been pushed back to accommodate another school. As indicated in the BUP, the shared space schedule is a proposed one, and is flexible. The DOE expects that the schools will work out their schedules based on their programmatic needs as long as the Building Council comes to an agreement about the final schedule. Specifically, the BUP allocated times in the cafeteria for breakfast for each school based on the capacity of the cafeteria, each school's projected enrollment for next year, and their respective school day start times, based on the Office of Pupil Transportation's bus schedule for a regular school day.

The proposed breakfast schedule allocated one 30-minute period daily in the cafeteria for breakfast to each school. Because BSA 2's school day starts before that of P.S. 55, at 7:45 a.m., BSA 2 was allocated an earlier breakfast time, from 7:15 a.m. to 7:45 a.m. In the same manner, because P.S. 55's school day starts at 8:50 a.m., the DOE allocated the school a 30-minute breakfast period from 8:15 a.m. to 8:45 a.m. As mentioned earlier, the schools are free to deviate from this proposal and plan for a different use of the cafeteria based on their programmatic

needs, provided the Building Council comes to an agreement about the final schedule.

- In response to comments 2 and 4 contending that charter schools do not serve students with disabilities, English Language Learners (“ELLs”), and students with behavioral problems, and that charter schools do not serve students from the community: Like other district DOE schools, charter schools serve students with disabilities, ELLs, and students with behavioral problems. In the Bronx, for example, 81% of charter school students qualify for free or reduced-price lunch, 11.1% have Individualized Education Programs (“IEPs”), 9.3% are ELLs, 43.6% scored proficient on their English Language Arts State exam, and 68.9% scored proficient on their Mathematics State exam. The ethnic/racial breakdown of students attending charter schools Citywide according to Automate The Schools (“ATS”), as of December 16, 2011, is as follows: 52.6% Hispanic, 43.1% Black, 1% White, 1.2% Asian, and 2.1% Other.

BSA 2 serves this population just like other district or charter schools in the Bronx. Currently, 8% of BSA 2 students have IEPs, 13% of BSA 2 students are ELLs, and 88% of BSA 2 students qualify for free or reduced-price lunch.

Charter schools do serve the communities they reside in. Students are admitted to charter schools through an application lottery that gives preference to students who live in the community school district in which the charter school is located.

Currently, BSA 2 gives priority to students who reside in District 8, as it is located in that district. If this proposal is approved, and BSA 2 moves to District 9, BSA 2 would give priority to District 9 students for kindergarten next year and beyond. BSA 2 provides lottery preferences in the following order:

- Returning students;
- Siblings;
- Applicants zoned to attend failing schools<sup>2</sup> and/or applicants who are deemed ELL students who reside in the Community School District (“CSD”) of the location of the charter school (“in-district”);
- Applicants zoned to attend failing schools and/or applicants who are deemed ELL students who do not reside in the CSD of the location of the charter school;
- Other applicants who reside within the CSD of the location of the charter school (“in-district”); and
- Other applicants who reside outside of the CSD of the location of the charter school (“out-of-district”).

The DOE has been advised that Success Charter Network plans to seek authorization from the State University of New York to change the lottery for BSA 2 to provide preferences for:

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<sup>2</sup> A “failing school” is defined as a school that received a letter grade of “D” or “F” in the Student Performance section of the DOE’s Progress Report for the preceding academic year.

- Returning students;
- Siblings of current or accepted students;
- ELL students (prioritizing in-district ELLs before out-of-district ELLs); and
- Applicants who reside in-district.

If this authorization is sought and approved, BSA 2 will set aside a percentage of seats for ELL students that will approximately correspond to the average ELL percentage at traditional public elementary schools within the City and/or the CSD in which the school is located. With respect to the remaining seats and the wait list, BSA 2 will provide lottery priority to in-district applicants, with any further remaining seats going to out-of-district applicants.

- Comments 5 and 10 are in support of the proposal and therefore do not require a response.
- With regard to comment 6 stating that P.S. 55 will close: The DOE has not proposed to phase out or close P.S. 55. P.S. 55 will remain open under this proposal and will continue to serve the students in its zone.
- Comment 7 expressed concern about available space in the building and the DOE's reason for allocating that space to another school: Building X055 is currently underutilized at 79% of target capacity. The DOE has proposed to re-site Mott Hall to building X110. BSA 2 would backfill the space vacated by Mott Hall, if Mott Hall's re-siting is approved. In 2013-2014, when BSA 2 is at scale, there are projected to be 1,131-1,256 students served in the building, yielding a projected target utilization rate of 83-92%. Under this proposal, P.S. 55 will continue to receive its baseline of instructional and administrative rooms per the Footprint. The Footprint allocates space to schools based on enrollment, instructional programming, and grade levels served.

With Mott Hall in the building, there are 8 full-size rooms and 2 quarter-size rooms in excess after each schools has received its baseline footprint allocations. When Mott Hall moves out and BSA 2 moves in, during the first year of implementation, there would still be 3 full-size rooms and 2 quarter-size rooms in excess, after both P.S. 55 and BSA 2 have received their respective baseline footprint allocations. During that year, the excess space will be allocated equitably between the schools based on their relative enrollments. When BSA 2 is at scale in the building, in 2013-2014, there will be 2 quarter-size rooms in excess of the footprint allocations; however, P.S. 55 will still have its share of the instructional and administrative rooms based on the Footprint. The DOE believes that the space allocated to P.S. 55 under the Footprint is appropriate to meet its instructional needs.

Although comment 7 alleged that P.S. 55's classrooms are overcrowded, it should be noted that the school's classes are currently below the contractual maximum class size limit and it is expected that they will continue to be below these limits as their total enrollment is not anticipated to increase in the near future.

- With regard to comment 8 concerning shared resources: The DOE encourages co-located schools to collaborate, especially if they serve the same grade levels. The principals of P.S. 55 and BSA 2 have already indicated that they look forward to working together to make the co-location a successful one for all school communities and to share best practices.
- With regard to comment 9 concerning the proposal's impact on P.S. 55: The DOE does not anticipate that the proposed re-siting of BSA 2 to building X055 will affect P.S. 55's instructional programming, admissions, partnerships, or extra-curricular offerings. Therefore, there is no reason to think that a co-location will impact P.S. 55's ability to build upon past successes.

### **Changes Made to this Proposal**

- No changes have been made to this proposal.