



Public Comment Analysis

Date: February 29, 2012

Topic: The Proposed Co-location of New School P.S. 705 (17K705) and Explore Exceed Charter School (84KTBD) with P.S. 22 (17K022) in Building K022 Beginning in 2012-2013

Date of Panel Vote: March 1, 2012

Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to open and site a new zoned elementary school, P.S. 705 (17K705), and to co-locate a new public charter school, Explore Exceed Charter School (84KTBD, “Explore Exceed”), in school building K022 (“K022”), located at 443 St. Marks Avenue, Brooklyn, NY 11238, in Community School District 17. P.S. 705 would be a DOE zoned elementary school serving kindergarten through fifth grade and would offer a full-day pre-kindergarten program. Explore Exceed would be a public charter school that would serve kindergarten through fifth grade. Currently, K022 houses P.S. 22 (17K022), a zoned elementary school that serves kindergarten through fifth grade and offers a full-day pre-kindergarten program. In a separate Educational Impact Statement (“EIS”) that was published on December 19, 2011, and which is available at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Feb2012Proposals>, the DOE proposed that P.S. 22 gradually phase out and eventually close because of its low performance. The Panel for Educational Policy (“PEP”) approved the proposal to phase out and eventually close P.S. 22 at its meeting on February 9, 2012. If this proposal is approved, P.S. 705 and Explore Exceed will be co-located with P.S. 22 in K022 for three school years while P.S. 22 phases out.

P.S. 22 will no longer admit kindergarten students, offer first, second, or third grades, or offer a pre-kindergarten program after the conclusion of the 2011-2012 school year. Multiple grades will be phased out at P.S. 22 in 2012-2013, the first year of phase-out, and one grade will be phased out in the following year. Therefore, during the 2012-2013 school year, P.S. 22 will only serve students in fourth and fifth grades. In 2013-2014, P.S. 22 will only serve students in fifth grade. The school will close after June 2014.

If this proposal is approved, P.S. 705 will open in K022 as a zoned district elementary school serving the same zone as P.S. 22. In the 2012-2013 school year, P.S. 705 will serve the kindergarten through third grade students who would otherwise have attended P.S. 22 if it were not being phased out. P.S. 705 will then expand one grade each year until it reaches full scale in

2014-2015 and serves students in kindergarten through fifth grade. P.S. 705 will also offer a full-day pre-kindergarten program, subject to continued demand and funding.

Explore Exceed will open in K022 as a public charter school. In the 2012-2013 school year, Explore Exceed will serve kindergarten through third grade students. Explore Exceed will then expand one grade each year until it reaches full scale in 2014-2015 and serves students in kindergarten through fifth grade.

For the 2012-2013 school year, Explore Exceed will accept applications via the charter lottery application process, as mandated by the New York State charter law, for kindergarten through third grade seats. After 2012-2013, Explore Exceed will only accept applications via the kindergarten lottery. However, the school may admit students in other grades from the school's waitlist if seats become available.

Explore Exceed will institute an admissions policy, which is described in greater detail in the EIS, in order to serve students at-risk of academic failure, in particular those students at-risk of academic failure in District 17.

According to the 2010-2011 Enrollment, Capacity, Utilization Report ("Blue Book"), K022 has a target capacity to serve 998 students. However, in 2010-2011 the building served only 478 kindergarten through fifth grade students and 20 pre-kindergarten students, yielding a building utilization rate of 50%. In 2011-2012, K022 serves 412 kindergarten through fifth grade students and 36 pre-kindergarten students, yielding a building utilization rate of 45%. This means that the building is "underutilized" and has extra space to accommodate additional students.

The details of this proposal have been released in an EIS and Building Utilization Plan ("BUP") which can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Mar12012Proposals.htm>.

Copies of the EIS and BUP are also available in P.S. 22's main office.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding the proposed phase-out and eventual closure of P.S. 22 was held at K022 on January 24, 2012. At that hearing, some commenters made comments regarding this proposal to co-locate P.S. 705 and Explore Exceed in K022. Comments made at the hearing regarding the phase-out of P.S. 22 that relate to this proposal are listed below and are included in the analysis of public comment.¹

The DOE held a joint public hearing regarding the proposal to co-locate P.S. 705 and Explore Exceed with P.S. 22 at K022 on February 15, 2012. An analysis of the public comments made at the hearing related to this proposal is also included below. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 76 members of the public

¹ The full analysis of public comment related to the proposal to phase out and eventually close P.S. 22 is available on the DOE's Web site at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Feb2012Proposals.htm>.

attended the hearing, and 8 people spoke. Present at the meeting were: the Chancellor's Designee, Recy Dunn, Executive Director of the Office of Charter Schools; District 17 Community Superintendent, Buffie Simmons; District 17 Community Education Council ("CEC") representative Charmaine Griffith; and P.S. 22 School Leadership Team ("SLT") representative Tameka Carter. Explore Exceed's principal, Curtis Palmore, and State University of New York Charter School Institute representative, Maureen Murphy, also attended the hearing.

The following comments and remarks about the proposal to co-locate P.S. 705 and Explore Exceed in K022 were made at the joint public hearing held on January 24, 2012 to discuss the proposed phase-out and eventual closure of P.S. 22:

1. The CEC representative asked why the proposed new elementary school, P.S. 705, could succeed when P.S. 22 could not.
2. The SLT representative asked how students with special needs will be served at P.S. 705.
3. The SLT representative asked whether P.S. 705 will have a pre-kindergarten program.
4. A commenter opposed the proposal and stated that P.S. 22's special education students would be negatively impacted by the proposed co-location.
5. A commenter opposed the proposal and stated that opening a new school in the building would not mean that the new school could successfully resolve the problems that P.S. 22 faces, such as its student population.
6. A commenter stated that students would not be comfortable at P.S. 705 because the school would have new teachers.

The following questions were asked as part of the question and answer section of the joint public hearing on January 24, 2012.

7. Will students with disabilities be able to enroll in the new school?
8. What are admissions policies for Explore Exceed?
9. Is the building capable of housing two schools that will both serve kindergarten through fifth grade?

The following comments and remarks about the proposal to co-locate P.S. 705 and Explore Exceed in K022 were made at the joint public hearing on February 15, 2012:

10. The CEC representative asked what would make Explore Exceed a better school than P.S. 22 was and how the space in the building would be shared.
11. The SLT representative asked several questions about the proposal:
 - a. How will Explore Exceed enroll its students?
 - b. How will the organizations share the building?
 - c. Will Explore Exceed enroll students with disabilities?
 - d. How would students with Individualized Education Programs ("IEPs") and behavioral problems be treated at Explore Exceed?
 - e. How many seats will be available at Explore Exceed when it opens and when it is at scale?
 - f. How will applications for Explore Exceed be distributed?

- g. How was the principal of P.S. 705 selected?
 - h. When can the community meet the principal of P.S. 705?
 - i. How will the schools aid the students who are currently enrolled at P.S. 22 be aided in transitioning to either Explore Exceed or P.S. 705?
12. Explore Exceed’s principal stated that Explore Exceed will ensure that students’ mandated services will be provided as outlined in their IEPs and that Explore Exceed’s school culture will create a respectful atmosphere for all students.
 13. Multiple commenters relayed their positive experiences with other Explore schools and contended that Explore Exceed would benefit the District 17 community, and specifically, the Canarsie community.
 14. A commenter asked whether parents would need to pay to attend Explore Exceed.
 15. A commenter asked how P.S. 705 and Explore Exceed will ensure that students at P.S. 22 do not feel inferior because they are attending a school that is being phased out.

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

16. A commenter opposed the proposal because opening a new school would create travel inconveniences for parents.

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

- Comments 1, 2, 3, 5, 6, and 7 relate to the proposed new elementary school, P.S. 705. Comments 11(g) and 11(h) relate to the principal of P.S. 705.

P.S. 22 has struggled with low performance despite the considerable support that the DOE has offered to the school. As a result, there is a need to provide better options for families in the community. The DOE supports parent choice and strives to ensure that all families have access to schools that meet their children’s needs. The proposed co-location of P.S. 705 and Explore Exceed is intended to increase the number of elementary schools in District 17.

The DOE counts on each of its schools to provide a high-quality education to its students, and the DOE holds all schools to the same high standard. If a school is not getting the job done for students, whether it was opened recently or not, the DOE is compelled to take serious action to ensure its students do not fall even further behind.

In June 2010 MDRC, an independent research group, issued a report on NYC’s new small schools strategy. MDRC concluded: “it is possible, in a relatively short span of time, to replace a large number of underperforming public high schools in a poor urban community and, in the process, achieve significant gains in students’ academic achievement and attainment. And those gains are seen among a large and diverse group of students — including students who entered the ninth grade far below grade level and male students of color, for whom such gains have been stubbornly elusive.” (MDRC, “Transforming the High School Experience,” June 2010.)

New York City was ahead of the curve in complying with President Obama's call to close or turnaround the lowest 5% of schools nationwide and to provide better options to families. The DOE simply cannot stand by and allow schools to keep failing students. New York City's new schools strategy has helped to deliver on the core promise the DOE make to families to provide *all* students with an excellent education.

These new schools are overwhelmingly getting the job done for students, and when they are not, the DOE follows the same process to phase out and replace that school.

As with all DOE schools, P.S. 705 would serve all types of students, including students with disabilities. If this proposal is approved, P.S. 705 would accept and serve all students currently zoned for P.S. 22, including students who require self-contained special education classes, Integrated Co-Teaching classes, Special Education Teacher Support Services, and English Language Learner services.

In terms of inherent differences between P.S. 22 and the proposed new elementary school, P.S. 705 would be led by a new principal. The Office of New Schools ("ONS") selects new school leaders using a rigorous, four phased process that assesses aspiring principals around core areas of Personal Leadership, Instructional Leadership, Community Leadership, and Student Support.

Once ONS approves new leaders and matches them to school sites, ONS will work with each principal during the New Schools Intensive, an ongoing workshop that equips these leaders with the necessary tools so that they are ready to open a new school. As a part of the New Schools Intensive, ONS leads weekly workshops focused on different aspects of school startup, and matches new leaders with visits to exemplary schools so that these leaders can see, firsthand, examples of existing successful schools that are implementing specific aspects of their school models. ONS also provides a set of deliverables that the new leaders must produce and community engagement that they must see through, in addition to providing them with various other new school start-up tools in an effort to ensure that each new leader is well prepared to open his or her new school come September.

All teachers and administrative and non-pedagogical staff at P.S. 22 will be excessed over the course of the phase-out. This process would take place gradually as student enrollment declines with each successive graduating class. With fewer students, the school's staffing needs will naturally be reduced.

New schools follow the hiring process consistent with the procedures set forth in the collective bargaining agreement between the DOE and United Federation of Teachers. New schools will implement hiring processes that will have an impact on a school that is closing or phasing out, and they shall be required to hire no less than 50% of the most senior qualified staff from the closing or phasing out school, if sufficient number of staff apply, until the impacted school is closed.

Beginning at the end of the winter, and into early this spring, the DOE will provide an opportunity for interested families and local District 17 residents to meet the proposed

new leader of P.S. 705. There will also be information sessions and open houses for P.S. 705, so that families may become informed about the new school and its academic offerings.

As stated in the EIS, P.S. 705 will offer a full-day pre-kindergarten program, subject to continued demand and funding.

- Comment 4 contends that P.S. 22's special education students would be negatively impacted by the proposed co-location.

During P.S. 22's phase-out, the existing Integrated Co-Teaching ("ICT") and self-contained ("SC") special education classes and Special Education Teacher Support Services ("SETSS") will continue to be provided. Students with disabilities will continue to receive mandated services in accordance with their IEPs. Furthermore, P.S. 705 would accept and serve all students zoned for P.S. 22, students requiring SC or ICT classes or SETSS. If students who require SC or ICT classes or SETSS are admitted to Explore Exceed via its charter lottery application process, they will receive mandated services in accordance with their IEPs.

- Comments 8 and 11(a) relate to Explore Exceed's enrollment policies. Comment 11(f) relates specifically to the applications to enroll in Explore Exceed.

As stated in the EIS, for the 2012-2013 school year, Explore Exceed will accept applications via the charter lottery application process, as mandated by the New York State charter law, for kindergarten, first, second, and third grade seats. Applications will be available on Explore Exceed's Web site. The deadline to submit an application for Explore Exceed's lottery has not been set. Details on the application lottery process and how to obtain an application would be forthcoming pending the approval of the proposal to open and co-locate Explore Exceed. After 2012-2013, Explore Exceed will only accept applications for the kindergarten seats. However, the school may admit students in other grades from the school's waitlist if seats become available.

Explore Exceed will institute the following admissions policy in order to serve students at-risk of academic failure, in particular those students at-risk of academic failure in District 17. Students at-risk of academic failure are defined to be either: (1) students attending or zoned to attend a public elementary school that is being phased out, (2) students attending or zoned to attend a public school that that has received a "D" or an "F" on the DOE's Progress Report in the school year prior to the lottery due to poor academic performance, (3) Schools Under Registration Review ("SURR") by the State Education Department, or (4) schools subject to restructuring under the federal No Child Left Behind Act.

The Explore Exceed lottery will prioritize applicants in the following order:

First priority in the lottery will go to students who reside in the Community School District of location of the charter school, which in this case is District 17, *and* who are at-risk of academic failure.

Second priority in the lottery will go to students who do not reside in the Community School District of location of the charter school *and* who are at-risk of academic failure.

Third priority in the lottery will go to students who reside in the Community School District of location of the charter school, but are not at-risk of academic failure.

Last priority in the lottery will go to students who do not reside in the Community School District of location of the charter school, and are a not at-risk of academic failure.

- Comments 9, 10, and 11(b) relate to how space would be shared in K022 between P.S. 705 and Explore Exceed. The BUP that accompanies the EIS describes in detail the proposed space allocation in K022 amongst P.S. 22, P.S. 705, and Explore Exceed as P.S. 22 phases out and as P.S. 705 and Explore Exceed phase in. The BUP also includes a proposed shared space schedule for the 2012-2013 school year. The BUP can be found in P.S. 22's main office and on the DOE's Web site at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Mar12012Proposals.htm>.
- Comment 10 relayed a concern about how Explore Exceed would succeed. The DOE is proposing Explore Exceed's co-location in K022 to provide an additional elementary school option that would serve the families of District 17. The Explore Charter Schools Network ("Explore Schools"), which will manage Explore Exceed, is a charter management organization that seeks to provide students with the academic skills and critical-thinking abilities necessary to graduate from high school and succeed in college. It was approved by its authorizer, the State University of New York Charter School Institute to open a new public charter elementary school in District 17, 18, 19, or 23.² Explore Schools seeks to provide students in under-served communities with academic skills and critical-thinking abilities they need to succeed in a college preparatory high school. Explore Schools is a network of three public schools in Brooklyn that currently serve over 1,000 kindergarten through eighth grade students:³ Explore Charter School (84K704, 15 Snyder Avenue in District 17), Empower Charter School (84K742, 801 Park Place in District 17), and Excel Charter School (84K379, 1077 Remsen Avenue in District 18). In the 2010-2011 school year, Explore Schools' students outscored their community school district peers in both English Language Arts and math on the New York State assessments.

² Explore Exceed is currently authorized by its charter authorizer, SUNY, to serve kindergarten through sixth grade students, but the DOE anticipates that Explore Exceed will apply for a grade expansion to serve kindergarten through eighth grade in the future. In this proposal, Explore will reach full scale in K022 when it serves fifth grade in 2013-2014. If Explore Exceed's application to serve middle school grades is approved, the DOE would evaluate the space available in K022 and other District 17 locations and would issue a new Educational Impact Statement ("EIS") for siting the middle school grade levels, based on the most appropriate space available for the 2015-2016 school year and beyond. The DOE is considering all long-term options to accommodate the anticipated growth of Explore Exceed. This may include requesting Explore to revise its enrollment plan and/or leaving the elementary grade levels in K022 and placing other grades in a different location.

³ Based on the 2011-2012 audited register.

The DOE believes Explore Schools' record of success supports the permanent placement of an Explore charter school in District 17 in order to provide additional educational opportunities for students and families.

- Comments 11(c) and 11(d) relate to Explore Exceed and students with disabilities.

As stated in the EIS, for the 2012-2013 school year, Explore Exceed will accept applications via the charter lottery application process, as mandated by the New York State charter law, for kindergarten, first, second, and third grade seats. After 2012-2013, Explore Exceed would only accept applications for the kindergarten seats. However, the school may admit students in other grades from the school's waitlist if seats become available. Students with disabilities are eligible to apply to Explore Exceed in the same manner as their non-disabled peers, and the application priorities described above would also apply to them. If students with disabilities are admitted to Explore Exceed via its admissions lottery, they will receive mandated services in accordance with their IEPs.

- Comment 11(e) relates to Explore Exceed's projected enrollment in its first year, 2012-2013, and when it is at scale in 2014-2015.

As stated in the EIS, Explore Exceed is projected to serve approximately 200-248 kindergarten through third grade students in 2012-2013 and 300-372 kindergarten through fifth grade students in 2014-2015.

- Comment 11(i) asks how students who are currently enrolled in P.S. 22 will be supported if they are enrolled in P.S. 705 or Explore Exceed in 2012-2013.

During the 2012-2013 school year, P.S. 22 will serve students in fourth and fifth grade. Kindergarten students in P.S. 22's zone and current kindergarten through second grade students enrolled at P.S. 22 will be automatically enrolled at P.S. 705 in 2012-2013. Explore Exceed will serve students in kindergarten through third grade who were accepted through its charter lottery application process. P.S. 705 will receive support and assistance from the District 17 Community Superintendent and its Children First Network. The Children First Network is a team that delivers operational and instructional support directly to schools. Explore Exceed would receive support from its charter management organization, the Explore Charter Schools Network.

- Comments 12 and 13 support the proposal, and therefore do not need to be addressed.
- Comment 14 asked whether parents would need to pay to attend Explore Exceed.

Explore Exceed is a public charter school, and therefore there is no tuition fee.

- Comment 15 asked how P.S. 705 and Explore Exceed would ensure that students at P.S. 22 would not feel inferior because they are attending a school that is being phased out.

The DOE expects that P.S. 22, P.S. 705, and Explore Exceed will collaborate to create a culture of respect as P.S. 705 and Explore phase in and as P.S. 22 phases out. Furthermore, P.S. 22, P.S. 705, and Explore Exceed are expected to collaborate on campus decisions through the K022 Building Council and Shared Space Committee. In the Building Council, school leaders share administrative responsibility and accountability for building a safe, coherent campus culture for the students they serve. In the Shared Space Committee, parents, teachers and principals serve as reviewers of the building utilization plan, which defines co-located space and the use of that space on the campus.

- Comment 16 contends that opening P.S. 705 would create travel inconveniences for families.

The DOE has proposed to co-locate P.S. 705 and Explore Exceed in building K022, where P.S. 22 is currently located. Thus, the DOE does not expect that the proposal will create travel inconveniences for families of students currently enrolled at P.S. 22 or families zoned to P.S. 22.

Changes Made to the Proposal

No changes have been made to this proposal.