



### Public Comment Analysis

Date: February 29, 2012

Topic: The Proposed Revision of the Building Utilization Plan for Building M501 Describing the Co-Location of Promise Academy I (84M284) Fourth Grade and Promise Academy II (84M341) with Choir Academy of Harlem (05M469) and an Alternative Learning Center (88M993)

Date of Panel Vote: March 1, 2012

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### Summary of Proposal

In an Educational Impact Statement (“EIS”) posted on February 5, 2011, the New York City Department of Education (“DOE”) proposed to temporarily re-site the fourth grade of Harlem Children’s Zone/Promise Academy I (84M284, “PA I”), an existing public charter school that served 899 students in kindergarten through seventh grades and tenth and eleventh grades, from private, non-DOE space at 35 E. 125<sup>th</sup> Street, New York, NY 10035 in Community School District 5 (“125<sup>th</sup> Street Building”), to Building M501 (“M501”), located at 2005 Madison Avenue, New York, NY 10035 in Community School District 5. Promise Academy I fourth graders were to be co-located in M501 with Choir Academy of Harlem (05M469, “Choir Academy”), an existing DOE secondary school serving grades six through twelve, Harlem Children’s Zone/Promise Academy II (84M341, “PA II”), an existing public charter school that at the time served kindergarten through sixth grade, and an Alternative Learning Center (88M993, “ALC”), where students who are suspended from their regular schools attend in order to receive academic, social, and emotional supports to prepare themselves for a return to the school from which they were suspended. 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. In a separate EIS posted at the same time, the DOE proposed to temporarily expand the grades served by Promise Academy II to kindergarten through seventh grades commencing in the 2011-2012 school year and adding eighth grade in the 2012-2013 school year in Building M501. Those proposals were approved by the Panel for Educational Policy (“PEP”) on March 23, 2011.

On May 25, 2011, the DOE issued revised EISs and a revised BUP with an adjusted shared space schedule, updated footnotes, updated room allocation charts and a note that Choir Academy be allocated the designed music rooms in the M501 building (the “2011 BUP”). Those revised proposals were approved by the PEP on June 27, 2011.

Since the PEP approved the revised proposals, including the 2011 BUP, Harlem Children’s Zone, the Charter Management Organization (“CMO”) that runs both PA I and PA II, decided to lease private space for the fourth grade of PA I for the 2011-2012 school year. The DOE is now further revising the 2011 BUP to reflect that during the current school year, PA I is no longer co-locating with Choir Academy, PA II, and the ALC in the M501. The remainder of the proposals will remain effect. The revised BUP therefore reflects the following:

- Updated space allocations for Choir Academy, PA II, and the ALC in the M501 building in 2011-2012 that reflect that PA I is no longer co-locating in the M501 building during the current school year;
- Updated enrollment of all schools/programs currently co-located in the M501 building;
- The room count has been adjusted in order to more accurately reflect the total full-size, half-size, and administrative spaces within the M501 building; and
- A revised proposed shared space schedule for the 2011-2012 school year is on pages 12-15 of the BUP, and the DOE has clarified the rationale for the amount of time that each co-located school is allocated in the shared spaces under this proposal.

### **Summary of Comments Received**

#### **I. Summary of Issues Raised in Written and Oral Comments Submitted to the DOE regarding the proposal**

The DOE received one email from the District 5 Community Education Council registering the following comments regarding the proposal. While these comments do not address the merits of the proposal, and thus do not require a response, the DOE is including the comments and responses in this public comment analysis. The email asserted that:

1. A public hearing should have been held at the school regarding this revised BUP.
2. Since the initial plan approved by the PEP in June 2011 was not effectuated in the 2011-2012 school year, the approved proposal should have been nullified.
3. Regulations require that the Community Education Council and Community board be notified of such proposals and hold public hearings, and this proposal should not be voted upon until a public hearing is held.

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

With respect to comment 1, state law sets out the procedures to be followed when revising a BUP. The law makes it clear that while BUP revisions must be presented to the PEP for its approval, a BUP revision does not require the special additional process (including a joint public hearing) required for the initial approval of an Educational Impact Statement. However, as with all proposals that come before the PEP, the DOE gave notice of the proposal to all CECs, community boards, community superintendents, and also posted the proposal for public comment.

With respect to comment 2, the proposal approved by the PEP covered a two-year span. Although PA I did not need to avail themselves of the space approved for their use during the first year of the approved proposal, this does not negate the second year of the approved proposal. The DOE is issuing this revised BUP to make it clear that Choir is permitted to use the space that would otherwise have been allocated to PA I during the current school year. PA I's proposed allocation for the 2012-2013 school year has not been revised.

With respect to comment 3, the District 5 CEC and all Manhattan Community Boards, as well as the impacted schools, were notified of this proposal in a mailing sent out on January 12, 2012, and via email.

#### **III. Changes Made to the Proposal**

No changes have been made to the proposal in response to public feedback.