



**Public Comment Analysis**

Date: May 17, 2011  
Topic: The Proposed Re-siting and Co-Location of an Existing Public Charter School, Explore Charter School (84K704), with an Existing Middle School, M.S. 002 (17K002), and a District 75 School (75K141, "P141K@I002K") in Building K002  
Date of Panel Vote: May 18, 2011

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**Summary of Proposal**

On March 1, 2011, the New York City Department of Education ("DOE") published an Educational Impact Statement ("EIS") proposing to re-site and co-locate Explore Charter School ("Explore"), an existing public charter school currently located in Building K884 ("K884") at 15 Snyder Avenue, Brooklyn, NY 11226, in Community School District 17 and serving students in kindergarten through eighth grade, to Building K002 ("K002"), located at 655 Parkside Avenue, Brooklyn, NY 11226, in Community School District 17. Explore would be co-located in K002 with M.S. 002 (17K002, "M.S. 002"), an existing DOE district middle school that serves students in sixth through eighth grade, and an existing District 75 school (75K141, "P141K@I002K") that serves students in sixth through eighth grade. A "re-siting" means a school will be located in a different building than the building in which it is currently located. 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, science demonstration labs, and cafeterias.

On April 12, 2011, the DOE published a revised EIS and revised Building Utilization Plan ("BUP"). The revised EIS included more information on the after school programs that are offered by the Beacon program at the K002 building and included additional information related to the use of shared spaces and the proposed shared space plan described in the revised Building Utilization Plan ("BUP"). Additionally, the revised BUP that is annexed to the EIS was also revised in the following manner:

- The proposed shared space schedule on pages 10-11 was adjusted and the DOE clarified the rationale for the amount of time that each co-located school is allocated in the shared spaces under this proposal.

In 2002, Explore was approved by its authorizer, the State University of New York ("SUNY") to open a new public charter school in District 17. Explore's current location at K884 is in a DOE leased building, but Explore was not intended to remain there permanently. Explore is currently

at scale and serves kindergarten through eighth grade students. Explore is seeking a permanent location in District 17 in order to continue serving District 17 students as intended. Explore will continue to provide a preference to District 17 students in its charter school lottery application process.

If the proposal to re-site Explore in K002 is approved, Explore would be co-located with M.S. 002 and P141K@I002K, in K002. In 2011-2012, the first year of the proposed co-location, all of Explore's kindergarten through eighth grade students would be re-sited to K002.

M.S. 002 is an existing middle school that admits students through the District 17 middle school choice process and currently serves 402 students in sixth through eighth grades. M.S. 002 offers a zoned program and an academic screened program open to residents and students of District 17. The DOE does not anticipate that M.S. 002's instructional programs, admissions process, or enrollment would be affected as a result of this proposal.

75K141 is a District 75 school that serves students who are Emotionally Disturbed (ED), Multiple Handicapped (MH), Mentally Retarded (MR), and Autistic and offers an Inclusion program. 75K141 is sited at four locations throughout Brooklyn: P141K@I002K, located at 655 Parkside Avenue, Brooklyn, NY 11226; P141K@P380K, located at 370 Marcy Avenue, Brooklyn, NY 11206; and P141K@P035K, located at 272 MacDonough Street, Brooklyn, NY 11233, and P141K@I071K located at 215 Heyward Street Brooklyn NY 11206.

If this proposal is approved, 75K141 will reorganize the ED and MR services provided at three of its sites: P141K@I002K, P141K@P380K and P141K@P035K. The fourth site, P141K@I071K will not be affected as a result of this proposal. This proposal will not reduce or eliminate any seats at 75K141, rather some students who may have been served at P141K@I002K may now be served at one of the other two sites, either P141K@P035K or P141K@P380K. All current and future 75K141 students will continue to receive all mandated services. Further details regarding the reorganization of the school is provided in Section III A of the revised EIS.

The revised EIS and revised BUP can be found on the Department of Education's Web site: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/May182011Proposals>  
Copies of the revised EIS and revised BUP are also available in the main offices of Explore, M.S. 002, and 75K141.

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

A hearing regarding the original proposal, which was published on March 1, 2011, was held at Explore Charter School on April 4, 2011. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 105 members of the public attended the hearing, and 7 people spoke.

Two joint public hearings regarding this revised proposal were held, one at Explore Charter School on May 6 and one at M.S. 002 / P141K@I002 on May 16, 2011. At the hearings, interested parties had an opportunity to provide input on the proposal.

On May 6, approximately 40 members of the public attended the hearing and 3 people spoke. Present at the meeting were: Jeanie Baik, Chancellor's designee; Explore Schools Chief

Executive Officer and founder Morty Ballen; Explore Charter School Principal Tracy Rebe; and Community Education Council (“CEC”) 17 representatives Marvin Wheeler and Shirley Dor.

On May 16, approximately 175 members of the public attended the hearing and 53 people spoke. Present at the meeting were: Community School District 17 Superintendent Rhonda Hurdle Taylor; CEC 17 representatives Betsy Dabney, Shirley Dor, Mechelle Brunson, and Claudette Agard. M.S. 002 Principal Adrienne Spencer and School Leadership Team (“SLT”) representative Anecia McCall; P141K@I002K Principal Michele Thornton; Children First Network 754 Network Leader Arthur Fusco; Explore Schools Chief Executive Officer and founder Morty Ballen; and Explore Charter School Principal Tracy Rebe.

The following comments and remarks were made at the joint public hearings:

1. A representative of CEC 17 made several points about the proposal:
  - a. CEC 17 and the District 17 Presidents’ Council support every District 17 student’s right to equitable education and will support the PEP’s decision on this proposal.
  - b. CEC 17 would like to see the DOE support the fair usage of shared spaces between M.S. 002, Explore, and P141K@I002K.
  - c. CEC 17 asks that the DOE implement cultural awareness, peer mediation and sensitivity training to ease the transition during co-location to create positive learning environment for all students.
  - d. CEC 17 requests that the Flatbush Beacon program, which provides after-school extracurricular activities, be allowed to remain at K002.
  - e. During the initial discussions with CEC 17, the DOE stated that Explore would be split-sited, and its fifth through eighth grades would be sited at K002. However, the DOE decided to site all of Explore’s grades at K002.
  - f. What is the effect of the co-location on shared spaces, such as cafeteria? How will the scheduling of student lunch be affected?
  - g. The representative expressed safety concerns about co-locating middle school and elementary school students in the same building.
  - h. How will the facilities in K002, such as its toilets and sinks, be altered to service Explore’s early grade students?
  - i. What is the cost of re-siting Explore to K002 compared to the cost of renewing Explore’s lease at its current location?
  - j. What is the effect of this co-location on students who require pull-out services?
  - k. What effect will this proposed co-location have on the established routines of Explore and M.S. 002 students?
  - l. Were parents aware that Explore was planning to re-site when they applied to enroll at Explore?
  - m. There is gang recruitment near K002, which presents potential safety concerns.
2. The founder and Chief Executive Officer of Explore Schools made several points about the proposal:
  - a. Explore has been in the District 17 community since 2004, and Explore’s current wait list demonstrates the community’s demand and need for Explore.

- b. When the lease for the Explore's current location expired, the need to re-site was made clear to Explore's parents.
  - c. Explore's re-siting to K002 would be the third co-location for schools in the Explore Schools network.
  - d. Explore can be good partners with co-located schools.
  - e. Explore recognizes that this will be a change for M.S. 002, but Explore looks forward to collaborating with M.S. 002's community.
3. A speaker asked if Explore had to leave its current location.
  4. Several speakers commented that the Explore community is respectful and would work to get along well with the other schools in K002. They also stated that Explore, in its current location, lacks access to an auditorium, a gym, or a science lab, and Explore's students and staff can share those spaces with M.S. 002's students and staff.
  5. Representatives from M.S. 002's SLT expressed opposition to the proposal, making several points about the proposal:
    - a. The proposal will have a negative impact on the psychological, emotional, and academic welfare of M.S. 002 students, particularly English Language Learners and Special Education students.
    - b. The age differences between young elementary students and middle school students will present numerous challenges.
    - c. M.S. 002 previously served over 1,200 students in Building K002, and the overcrowding had serious implications for student performance.
    - d. M.S. 002 had to convert its printing lab, photography lab, and printing press rooms into regular classrooms to accommodate so many students in the building.
    - e. The DOE had initially proposed to place only fifth through eighth grade Explore students in building K002, but this was changed to a proposal for kindergarten through eighth grade Explore students.
    - f. The DOE's process for co-location proposals is divisive, and the M.S. 002 principal was not properly engaged in this process.
    - g. The EIS and BUP are flawed and downplay the impact on students currently in Building K002.
    - h. The EIS states that the building will reach only 77% utilization, though there will only be six rooms remaining in excess of baseline allocations. That does not add up.
    - i. Extracurricular programs and enrichment programs on Fridays will be negatively impacted by the proposal.
    - j. One third of the students at M.S. 002 are Special Education students or English Language Learners, and the BUP does not fairly account for the space they need in order to receive proper services, like rooms needed for small group instruction.
    - k. The principal of M.S. 002 supports a co-location of Explore's grades five through eight, but not kindergarten through eight.
  6. Multiple commenters expressed opposition to the proposal, making several points about the proposal:
    - a. Special Education, English Language Learners, and English as a Second Language students need more space than other students to learn, and there is a significant population of these students at M.S. 002. Such students need extra rooms for their various mandated services.

- b. M.S. 002 has made a remarkable turnaround over the past nine years, and this is a result of excellent leadership and fewer students in the building. Co-locating another school in the building would reverse this progress.
  - c. A co-location of only middle school grades would be much more viable than kindergarten through eighth grade.
  - d. Scheduling and use of shared spaces would be compromised, which would be detrimental to M.S. 002 students. Building K002 would be overcrowded, and class sizes would increase to unacceptable levels.
  - e. M.S. 002 is forced to serve its Special Education students in half-size rooms, while P141K@I002K students will utilize full-size rooms, even though M.S. 002 has a larger population of Special Education students, which is not fair.
  - f. The bathrooms in Building K002 would need to be modified to accommodate elementary students, which would be costly and intrusive.
  - g. M.S. 002 was promised the replacement of its printing laboratory, photography laboratory, and printing press, but it will not be able to replace them as a result of the proposal.
  - h. Elementary students would need to be scanned to enter a building with middle school students, which is inappropriate.
  - i. There is no outdoor playground for elementary students at Building K002.
  - j. The age differences between young elementary students and middle school students will present numerous challenges, including safety concerns, especially since there are District 75 high school students in the building.
  - k. Explore's busing would create safety concerns for students in Building K002. It is unclear where Explore students live, specifically, whether they actually live in District 17.
  - l. The co-location proposal process is divisive, and it pits parents against each other.
  - m. Parking for M.S. 002 teachers would be even more limited than it currently is.
  - n. Beacon programs would be negatively impacted.
  - o. The DOE had initially proposed to place only fifth through eighth grade Explore students in building K002, but this was changed to a proposal for kindergarten through eighth grade Explore students.
  - p. There is gang violence near Building K002 that the M.S. 002 community is able to handle, but it is unclear whether the Explore community would be able to manage themselves in that kind of environment.
7. Multiple commenters expressed support for the proposal, making several points about the proposal:
- a. Explore has a positive history in District 17, and the school serves District 17 students.
  - b. Explore needs new space to serve its students.
  - c. Explore is an excellent school that provides great opportunities.
  - d. Explore will be a great neighbor to M.S. 002, and its parents will work hard to forge a positive relationship.
  - e. There would be benefits to other schools in Building K002 from the presence of Explore in the building, as Explore would set standards and be a model school.
  - f. There is nowhere else for Explore to go.

- g. Explore should keep all of its students in one location because older students at Explore mentor younger students and serve as role models, regularly working with the younger students.
  - h. Continuity in one location will be positive for Explore students.
  - i. Explore's students deserve public space as much as M.S. 002 students do, as they are also part of the District 17 community.
8. A commenter asserted that any funds allocated to charter schools should be given to district schools instead.
  9. Multiple commenters asserted that translated documents for the proposal and interpretation services at the hearing in Arabic in addition to Spanish and Haitian Creole should have been provided. Moreover, the documents that were translated were not received until May 11, 2011, though the hearing was scheduled for May 16, 2011 and the Panel for Educational Policy vote for May 18, 2011. This violates the policy for notification.
  10. A commenter asked what resources would be provided to M.S. 002 during the co-location.
  11. A commenter asked what would happen if the Building Council for Building K002 were not able to come to a consensus about whether the Beacon after-school programs could utilize space.
  12. Multiple commenters asserted that parents from all three schools need to work together to create positive circumstances if the proposal is passed.
  13. A commenter asked why the Explore community did not oppose the DOE's decision not to renew its lease at the school's current location.

**The DOE received comments at the Joint Public Hearing that did not directly relate to the proposal and therefore will not be addressed.**

- M.S. 002 goes by the name "Parkside Prep," not M.S. 002.
- M.S. 002 was the first school ever to receive an "Outstanding" on its progress report.
- The auditorium and library doors in building K002 need to be examined and fixed by the DOE.

In addition to the comments made at the joint public hearings on May 6, 2011, and May 16, 2011, the following comments were made at the joint public hearing on the original proposal, which was held on April 4, 2011.

14. An Explore SLT representative supported the proposal and stated that Explore's mission is to develop critical thinking and skills to be successful in a high school environment. In conjunction with this mission, Explore has been explicit in its intention to become a K-8 school. Serving students through grade eight is critical to the school's mission.
15. A commenter, who is a student at Explore, supported the proposal and expressed a desire to continue in Explore through the eighth grade, saying the school has provided the skills needed for high-level achievement.
16. Multiple commenters expressed support for the proposal, citing positive personal experience with the school and its ability to engage parents and the community in an extraordinary way.

17. Multiple commenters asserted that Explore creates positive opportunities for students to bond with each other and with the community, which is important.
18. Multiple commenters asserted that Explore provides a high-quality education that should remain a K-8 school in the community in order to continue providing high-quality education.
19. Multiple commenters expressed support for the proposal, saying the collaboration among the broad range of grades at the school is important and these grades should all be in the same building.
20. Multiple commenters expressed support for the proposal so that Explore can continue its same programs and have access to the gym, auditorium, and science lab.

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

21. Multiple commenters expressed opposition to the proposal, asserting that there is not enough space for another school in Building K002 and that past experience with a high student population in the building has shown it is detrimental to student achievement and safety. M.S. 002 is an excellent school in its current form, and it is not worth the risk of reversing the school's progress to try to co-locate another school in the building.
22. Multiple commenters expressed opposition to the proposal, asserting that there has been no meaningful engagement on how this co-location will impact the M.S. 002 community.
23. A commenter asserted that the BUP did not mention the Beacon Program in K002, which means the BUP should be amended.
24. The DOE received a petition from the M.S. 002 Parent Teacher Association, containing 433 signatures in opposition to the proposal. The petition did not provide any justification for opposition.
25. A commenter expressed opposition to the proposal on the basis that the co-location of young students would create numerous problems, especially regarding safety and use of space, considering that spaces like the bathrooms and playground will need to be remodeled to accommodate young children.

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

- Comments 1(a), 2, 4, 7, 12, and 14-20 are in support of the proposal, and they do not need to be addressed.
- Comments 1(b) and 1(f) relate to the use of shared spaces in the building.

The Citywide Instructional Footprint is used in the analysis and assessment of space usage in New York City Department of Education buildings. In co-location arrangements, the parameters outlined in the Citywide Instructional Footprint serves as a guideline for making decisions about the allocation of space. The Citywide Instructional Footprint represents a baseline for space allocation.

According to the Citywide Instructional Footprint, as outlined in the BUP, schools serving sixth through twelfth grade are allocated one full-size classroom for each general education or Collaborative Team Teaching section and a full-size or half-size classroom

to accommodate each Self-Contained special education served by the school. In addition, schools that serve students in sixth through eighth grade receive an allocation of cluster or specialty classrooms proportionate to the number of students enrolled that can be used at the principal's discretion, and science demonstration classrooms needed to serve middle school science classes. The Citywide Instructional Footprint assumes that students in sixth through twelfth grades move from class to class and that classrooms should be programmed for maximum efficiency.

In creating the proposed shared space schedule, the DOE took into account the projected enrollments for each co-located school, current space allocation plans, current lunch schedules for the existing schools in the building as described on the DOE School Food website, the total capacity of each shared space, the grades served by each of the co-located schools, the start of the school day based on the Office of Pupil Transportation's bus schedule for a regular school day. Where possible, the proposed schedule maintains schools' current allocation of time for each shared space and re-distributes remaining time for additional organizations. To the extent feasible, shared spaces are allocated in a manner that allows schools that have already been using the space this year to continue using it on a similar schedule next year, based on the 2010-2011 Campus Audit Template submitted by the Building Council.

Comment 1(f) is related specifically to the allocation of time in the cafeteria in the proposed Shared Space Schedule. The total time allocated to each organization in the cafeteria is primarily based upon each organization's projected enrollment, grade levels served, the capacity of the cafeteria, and the current lunch cafeteria schedule as described on the DOE School Food's website for M.S. 002 and P141K@I002K. Each organization will be able to accommodate its students in the cafeteria within this proposed allocation of time.

In the current school year, M.S. 002 currently serves lunch during one 40 minute lunch period (10:50am-11:30am). In the proposed Shared Space Schedule in the Building Utilization Plan, M.S. 002 will be allocated 55 minutes in the cafeteria for lunch. The DOE has extended M.S. 002's lunch period by 15 minutes for 2011-2012 school year (10:50 a.m.-11:45 p.m.) in order to ensure that M.S. 002 receives equitable and comparable time in the cafeteria.

Similarly, P141K@I002K will be allocated 1 hour in the cafeteria for lunch (12:00-1:00 p.m.), which is consistent with what it currently receives. Given the unique needs of students enrolled in District 75 schools and its smaller class sizes, P141K@I002K receives more time in the cafeteria than M.S. 002 even though it serves fewer students than M.S. 002.

Explore will be allocated 1 hour and 15 minutes daily in the cafeteria for lunch (11:45 a.m.-1:00 p.m.). Explore has been allocated more time in the cafeteria than M.S. 002 and P141K@I002K because it is projected to serve a larger number of students and more grade levels than M.S. 002 and P141K@I002K.

The DOE believes that this schedule is equitable and comparable based on the fact that all students should be able to eat lunch during customary lunch hours.

- Comments 1(c) and 10 relate to the supports and resources that would be provided to M.S. 002 during the proposed co-location. Comment 1(c) specifically requested that the DOE provide cultural awareness, peer mediation, and sensitivity training to the communities of M.S. 002, P141@I002K, and Explore during the co-location.

In general, all schools receive support and assistance from their superintendent and Children First Network team, a group of educators who work directly with schools. This team helps schools identify best practices, target strategies for specific students in need of extra help, and prioritize competing demands on resources and time. Each school community chooses the network whose support best meets its needs, and each network works to improve student achievement in all of its schools.

M.S. 002 receives support through the network and currently offers a wide variety of instructional programming and extracurricular activities, including Accelerated High School Programs in Math, Spanish, and Living Environment, Health & Career Planning, Character Education Program, the Specialized High School program, Peer Mediation, Dance, Band, Mural Art, Chess Club, Dance Club, Chorus Club, Basketball Club, and Volleyball Club. As stated in the EIS, the DOE does not anticipate that this proposal will impact the availability of instructional programming or extracurricular programs at M.S. 002.

The DOE makes available the following supports to schools around safety and security:

- Best Practices Standards for Creating and Sustaining a Safe and Supportive School as a resource guide;
- Reviewing and monitoring school occurrence data and crime data (in conjunction with the Criminal Justice Coordinator and NYPD);
- Technical assistance when incidents occur via the Borough Safety Directors;
- Professional development and support to CFN Safety Liaisons;
- Professional development and kits for Building Response Teams;
- Monitor and certify School Safety Plans annually.

If the Panel for Educational Policy approves this proposal, the DOE welcomes any assistance from the Community Education Council in collaborating with the M.S. 002, P141K@I002K, and Explore communities implementing cultural awareness, peer mediation, and sensitivity training at K002.

- Comment 1(d) relates to the Community Based Organization that provides after-school services at K002. As stated in the Building Utilization Plan, the DOE recognizes that the Beacon Program and M.S. 002 are both allocated after-school time in the cafeteria and the gymnasium. In allocating time in the cafeteria, the DOE is proposing that the Beacon program and M.S. 002 continue using the cafeteria consistent with how they current share the space. Thus, neither M.S. 002 nor the Beacon program will gain or lose time in the cafeteria or the gymnasium after-school next year.

- Comments 1(d), 6(n), 11, and 23 relate to the community based organization, Beacon, which provides after-school enrichment programs to students and adults in the community, which may include students who attend Explore. The Beacon program would not be impacted by this proposal and will continue to offer after-school programs in K002, but it may have to change the way in which these 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. The DOE notes that according to information provided by the Beacon program, the Beacon program currently utilizes the cafeteria and gymnasium as well as rooms A320, A316, B305, B312, B307, B305, B301, C210, C212, C312, for a variety of purposes. While the Beacon program may change the specific rooms in which they offer their programs, the DOE has also allocated time to the Beacon program in the cafeteria and gymnasium after-school, consistent with current practice.

Comment 11 questioned the procedure if K002's Building Council could not come to a consensus about the allocation of space to the Beacon program if the co-location proposal is approved. Building Council members are equal partners in shaping the educational environment; they share responsibility and accountability for building administration, communication and culture. They must respect each other's unique culture and simultaneously make and communicate shared decisions that are good for all students and schools on the campus. They make decisions by consensus and they work to ensure collaboration on all campus implementation issues. To the extent that the Building Council cannot reach a resolution on an issue, they shall avail themselves of the dispute resolution procedures set forth in the Campus Policy Memo 2010.

Comment 16 specifically states that the Building Utilization Plan did not allocate space to the Beacon program in K002. In the revised Building Utilization Plan that was published on April 12, 2011, the Beacon program was accounted for in the following manner:

- the Beacon program will continue to be allocated its one full-size classroom and one half-size classroom, and these spaces will not be included in the allocation of space for any individual school,
  - description of the current allocation of space to the Beacon program was included in the Justification of Feasibility and Equity of Proposed Shared Space Plan section,
  - 
  - included the Beacon program's allocation of time from 2:30 to 4:00 p.m. Monday to Friday in the cafeteria from 6:00 to 8:30 p.m. on Monday, Wednesday, and Friday and from 5:00 to 9:00 p.m. on Tuesday and Thursday in the gymnasium.
- Comments 1(g), 5(b), 6(h), 6(j), and 25 question the DOE's proposal to place elementary students in a building with middle and high school age students. While this practice is not common, the DOE does have successful examples of K-12 buildings or campuses. These examples include:

- Leadership Prep Bedford Stuyvesant Charter School, an elementary school, which shares a building with the Academy of Business and Community Development, a school serving 6-12th grade;
- The Julia Richman Educational Complex, which houses four small high schools, a K-8 school, and a District 75 program;
- Brooklyn Collegiate: A College Board School, which serves sixth through twelfth grade, and shares a building with Achievement First Brownsville Charter School, which currently serves kindergarten through third grade;
- Mott Hall IV, a middle school, which shares a building with Eagle Academy for Young Men II, which currently serves sixth through eighth grade, and Leadership Preparatory Ocean Hill Charter School, which currently serves kindergarten and first grade;
- Harlem Success Academy 4, an elementary school, which shares a building with Opportunity Charter School, which serves sixth through twelfth grade in District 3; and
- J.H.S. 13 Jackie Robinson, a middle school, which shares a building with Central Park East I, an elementary school, and Central Park East High School.

Furthermore, all efforts will be made to assure that students are safe in the building at all times. Moreover, any concerns about time in shared space, such as the gymnasium or cafeteria, may be addressed in a collaborative fashion by the Building Council and the Shared Space Committee, which may alter the shared use of space based on those concerns. The Building Council includes all the Principals of all the co-located schools.

- Comments 1(h) and 6(f) relate to the possible renovations necessary to alter the bathrooms so they can serve elementary students.

It should be noted that no capital improvements or facilities upgrades to K002 are currently planned. In accordance with New York State Charter Schools Act of 1998 (as amended), the Chancellor or his/her designee must first authorize in writing any proposed capital improvement or facility upgrade in excess of five thousand dollars, regardless of the source of funding, made to accommodate the co-location of a charter school within a public school building. For any such improvements or upgrades that have been approved by the Chancellor, capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter school within the public school building.

- Comment 1(i) questioned the cost of re-siting Explore compared to the cost of renewing Explore's lease at its current location. Comment 1(l) questioned whether Explore's parents were made aware that Explore was planning to re-site from its current location when they applied to enroll at Explore. Comment 3 questioned whether Explore had to leave its current location. Comment 13 questioned whether the Explore community opposed the DOE's decision to not renew the lease at Explore's current location.

As stated in the EIS, the cost to re-locate Explore from its current location at building K884 to K002 is estimated to be approximately \$89,386.85. As also stated in the EIS,

building K884 was never intended to be Explore's permanent location. Thus, the DOE cannot provide what the cost of renewing the lease at K884 would have been.

During the engagement process related to this proposal, Explore's concerns about the proposed re-siting from its current location were expressed to the DOE and taken into consideration. The initial proposal was published on March 1, 2011, in advance of Explore's application deadline of April 1, 2011. It should also be noted that K002 is approximately 0.9 miles from K884

- Comments 1(j), 1(k), 5(a), 5(i), 5(j), 6(a), 6(b), and 6(e) relate to the proposed co-location's potential impact on the instructional programming offered by M.S. 002. Specifically these commenters were concerned about proposed co-location's potential impact on M.S. 002's English Language Learner and special education students. Comment 6(e) stated that M.S. 002 questioned why M.S. 002 had to serve its special education students in half-size classrooms while P141K@I002K students are served in full-size classrooms.

M.S. 002 offers Collaborative Team Teaching ("CTT") classes, Self-Contained classes ("SC"), and Special Education Teacher Support Services ("SETSS"). The existing CTT, SC and SETSS classes will continue to be provided, and students with disabilities will continue to receive mandated services in accordance with their Individualized Education Plans ("IEPs"). Similarly, current and future students with IEPs will continue to receive mandated services at M.S. 002.

According to the Citywide Instructional Footprint, as outlined in the BUP, schools serving sixth through twelfth grade are allocated one full-size classroom for each general education or Collaborative Team Teaching section and a full-size or half-size classroom to accommodate each Self-Contained special education served by the school. In addition, schools that serve students in sixth through eighth grade receive an allocation of cluster or specialty classrooms proportionate to the number of students enrolled that can be used at the principal's discretion and science demonstration classrooms needed to serve middle school science classes. The Citywide Instructional Footprint assumes that students in sixth through twelfth grades move from class to class and that classrooms should be programmed for maximum efficiency. Thus, the baseline allocation of 15 full-size classrooms and 5 half-size classrooms is sufficient to serve M.S. 002's projected 370-400 students in 17 sections, including 3 self-contained special education sections.

75K141 is a District 75 school that serves students who are Emotionally Disturbed (ED), Multiple Handicapped (MH), Mentally Retarded (MR), and Autistic and offers an Inclusion program. Currently, P141K@I002K enrolls 93 sixth through eighth grade students and offers eight total classes comprised of four ED classes and four MR classes. If this proposal is approved, beginning in September 2011, 75K141 will reorganize the distribution of services across three of its sites. As a result, P141K@I002K will only serve six classes during the 2011-2012 school year for a total projected enrollment of 67-72 students. Because the half-size classrooms are not suitable for special education

instruction, P141K@I002K was allocated 8 full-size classrooms and 1 half-size classroom instead of 1 full-size classroom and 8 half-size classroom.

In accordance with DOE policy, English Language Learner (“ELL”) students are admitted to middle schools in the same manner as their peers who are not ELLs. Current and future ELL students at M.S. 002 will continue to receive mandated services. M.S. 002 also offers Bilingual Haitian Creole classes, which would not be impacted by this proposal. M.S. 002 is currently using a large number of excess rooms in the building, or rooms not included within its footprint allocation. If this proposal is approved, M.S. 002 will lose a number of these excess classrooms and will need to operate closer to its baseline allocation of rooms pursuant to the Citywide Instructional Footprint. As described in the attached BUP, the DOE does not anticipate that the reduction of classroom space will impact the availability of instructional programming, including mandated services for special education and ELL students, at M.S. 002. In addition, the DOE does not anticipate that this proposal would impact M.S. 002’s existing enrichment activities.

Comment 5(i) relates specifically to the proposed co-location’s impact on M.S. 002’s extracurricular and enrichment programs. M.S. 002 would continue to offer extracurricular programs based on student interests, available resources, and staff support for those programs. The proposed co-location would not impact those opportunities, but those programs may be configured differently as a result of this proposal. 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 would continue to have the opportunity to participate in a variety of extracurricular programs though the specific programs offered at a given school are always subject to change. That is true for any City student as all schools modify extracurricular offerings annually based on student demand and available resources.

- Comments 1(m) and 6(p) state that the neighborhood surrounding K002 is dangerous because there is gang activity. Comment 6(k) states that Explore’s busing would create safety concerns for students in K002.

Pursuant to Chancellor’s Regulation A-414, every school/campus must have a School Safety Committee. The committee plays an essential role in the establishment of safety procedures, the communication of expectations and responsibilities of students and staff, and the design of prevention and intervention strategies and programs specific to the needs of the school. The committee is comprised of various members of the school community, including Principal(s); designee of all other programs operating within the building; United Federation of Teachers (“UFT”) Chapter Leader; Custodial Engineer/designee; and In-house School Safety Agent Level III. The committee is responsible for addressing safety matters on an ongoing basis and making appropriate recommendations to the Principal(s) when it identifies the need for additional security measures, intervention, training, etc.

Consistent with the process described above, the leader/designee of the Explore will be part of the K002 building School Safety Committee. As a member of the School Safety Committee, the leader/designee of Explore will participate in the development of the building's Safety Plan and ensure that any security related issues or needs which may arise with respect to the co-location of Explore will be addressed on an ongoing basis. Moreover, the Safety Plan for the K002 school building will be modified as appropriate to meet any changing security needs associated with the co-location. Explore will enter information in the K002 school building's overall Safety Plan to ensure the safe operation of the school building.

Each school building must also establish a Building Response Team that will consist of trained staff members from each of the campus' schools and programs, and which is activated when emergencies or large building-wide events occur. The members of this team must be identified and listed in the School Safety Plan.

The completed Safety Plan for the K002 school building will be submitted to the Borough Safety Directors of the Office of School and Youth Development ("OSYD") for approval. If changes or modifications are necessary, the School Safety Committee will be advised. Once the School's Safety Plan is approved, it will be submitted to the NYPD for final approval and certification by the NYPD.

OSYD supports schools in maintaining a safe, orderly and supportive school environment. OSYD works directly with Children's First Network Safety Liaisons and schools to establish and implement integrated safety, discipline and intervention policies and procedures, to promote respect for diversity, and to nurture students' pro-social behavior by providing them with meaningful opportunities for social-emotional learning. We encourage all schools to seek support from OSYD to address any issues involving safety and security, including gang related issues.

Furthermore, school safety agents are allocated to schools based on each building's projected enrollment. As the enrollment at K002 increases in 2011-2012, the number of safety agents at the school will be adjusted accordingly. The NYPD School Safety Division looks at a set of variables to determine the number of safety agents to deploy to a particular school building, including the crime rate, size and design of the building, enrollment, and grade span.

- Comments 5(c), 5(g), 5(h), 6(b), 6(d), and 21 state that building K002 would become overcrowded as a result of this proposal. Comment 6(d) also stated the current scheduling and use of shared spaces by M.S. 002 and P141K@I002K would be compromised by the proposed co-location.

Building space is scarce in many New York City neighborhoods. Given this reality, the DOE must use its existing buildings in the most efficient manner possible. Purchasing or leasing private space is not an efficient use of resources when under-utilized buildings can be considered first. Schools throughout the City have successfully shared space, and

the DOE anticipates that Explore and the schools currently in building K002 will be able to share the building.

The DOE identified building K002 as an under-utilized building, which means that it currently has at least 300 seats available. In 2009-2010, K002 had a target capacity to serve 1,238 students, but M.S. 002 and P141K@I002K only enrolled a total of 495 students. Thus, the target building utilization was 40%. In 2010-2011, K303 served 495 students, which yields an estimated utilization rate of 40%. Clearly, the building is under-utilized.

A building walkthrough and survey of building K002 was performed on November 18, 2010, by the Brooklyn Director of Space Planning, to determine the total number of rooms in the building, how they were allocated to the school organizations in the building, and whether any schools were operating above their baseline allocations. As stated in the BUP, M.S. 002 is using 20 full-size classroom spaces and 6 half-size classroom spaces above its baseline allocation, which suggests that the building is not overcrowded already. P141K@I002K is operating at its adjusted baseline allocation, which is different from its baseline allocation because P141K@I002K was allocated full-size classrooms in lieu of half-size classrooms because the half-size classrooms are not suitable for special education instruction.

In 2011-2012, once Explore is re-sited and co-located in K002 and after P141K@I002K's MR and ED classes are reorganized, there would be approximately 917-950 total students served in the building across all organizations, yielding a target building utilization rate of 77 %. Therefore, the building has adequate capacity to accommodate the co-location of Explore, M.S.002, and P141K@I002K. Thus, the building should not be overcrowded. And as stated above and in the EIS, the DOE does not anticipate that the proposed co-location will not impact future student enrollment, instructional programming, or the admissions process at M.S. 002. 75K141 will be reorganized as outlined in the EIS.

The proposed Shared Space Plan is based on projected enrollments for each co-located school, current space allocation plans, current lunch schedules for the existing schools in the building as described on the DOE School Food website, the total capacity of each shared space, the grades served by each of the co-located schools, the start of the school day based on the Office of Pupil Transportation's bus schedule for a regular school day. Where possible, the proposed schedule maintains schools' current allocation of time for each shared space and re-distributes remaining time for additional organizations. To the extent feasible, shared spaces are allocated in a manner that allows schools that have already been using the space this year to continue using it on a similar schedule next year, based on the 2010-2011 Campus Audit Template submitted by the Building Council. Because Explore would be co-located in the building for the first time if this proposal is approved, it may be necessary to shorten or change some of the current times that have been allocated to each of the co-located schools in the shared spaces this year so that all students in the building can be accommodated in the following school year.

- Comments 5(d) and 6(g) relate to the printing laboratory, photography laboratory, printing press room that were converted into full-size classroom to accommodate the students in K002.

Cluster or specialty classrooms proportionate to the number of students enrolled are allocated to middle schools, and they can be used at the principal's discretion. The DOE is not aware of any promises to replace the printing laboratory, photography laboratory, or printing press room that had been converted.

- Comments 5(f), 6(l), and 22 relate to the engagement process. Comments 5(f) and 6(l) also state that the DOE's co-location policies and processes divide communities. Comments 22 and 24 opposed the proposal and stated that the community does not support the proposal.

Comments 1(e), 5(e), 5(k), 6(c), and 6(o) state that the DOE's had originally presented to the community that only Explore's fifth through eighth grade students would be co-located with M.S. 002 and P141K@I002K.

The DOE appreciates all feedback from the community regarding this proposal. When the EIS was issued, it was made available to the staff, faculty, and parent communities at M.S. 002, P141K@I002K, and Explore on the DOE's Web site and in each school's respective main office. In addition, the DOE set up a dedicated website and voicemail to collect feedback on this proposal. All schools' staff, faculty, and parent communities were invited to the joint public hearing to solicit further feedback.

The joint public hearings regarding this proposal were held on May 6, 2011, and May 16, 2011. All comments made at the joint public hearing were included in this analysis of public comment.

The DOE acknowledges that it had initially considered split-siting Explore in buildings K316 and K002. However, based on a review of the space, the initial plan evolved to a proposal where Explore's kindergarten through eighth grade would be fully re-sited and co-located in one building. It is not uncommon for initial plans to change before they ultimately turn into a proposal for the Panel for Educational Policy. The calls and/or meetings the DOE had up to that point with principals or parents were to discuss the current thinking based on the information we had available at the time. As new information becomes available we reassess and make adjustments where necessary or feasible.

The decision to re-site and co-locate Explore's kindergarten through eighth grade fully in K002 was communicated directly with the impacted principals, the Network and Cluster teams, and with the Superintendent. The DOE then made a formal announcement about the proposal at the District 17 Community Education Council's meeting on February 15, 2011, and at a subsequent parent meeting held at K002.

Furthermore, the DOE conducted multiple phone conferences both jointly and separately with M.S. 002 and P141K@I002K to review the information and to review the BUP and EIS prior to posting, so that they were informed on the proposed room allocations.

Although the DOE recognizes that people in the community may have strong feelings against this proposal, the DOE believes that, if this proposal is approved, the school communities at M.S. 002, P141K@I002K, and Explore will be able to create productive and collaborative partnerships. Moreover, even though some people may oppose the proposal, Explore is also supported by many members of the community. As demonstrated in the summary, K002 is an underutilized building and building space is scarce in many New York City neighborhoods. Given this reality, the DOE must use its existing buildings in the most efficient manner possible. Thus, DOE believes that re-siting and co-locating Explore in building K002 would use the space efficiently and would allow Explore to continue to serve its students in District 17.

- Comment 6(i) states that there is no outdoor playground for elementary students at K002. According to the walkthrough conducted by the Director of Space Planning on November 18, 2010, there are two outside recreational areas at K002.
- Comment 6(m) states that parking for M.S. 002 teachers would become more limited if the proposed co-location is approved. It should be noted that K002 is accessible by public transportation on the B/Q and 2/5 subway lines and the B49, B12, and B44 bus lines.
- Comment 8 states that funds allocated to charter schools should be given to district schools instead. 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 Explore 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).
- Comment 9 stated that translated documents and interpretation services should have been provided in Arabic in addition to Spanish and Haitian Creole.

It is standard practice for the DOE to provide translated documents, including joint public hearing notices, Educational Impact Statements, and parent letters, to schools in certain languages. Translated documents will be provided if the Office of Translation and Interpretation's language survey, which can be found on the DOE's website at <http://schools.nyc.gov/Offices/Translation/TipsandResources>, indicates that over 10% of the school's student and parent population speaks that language. The DOE also translates documents upon request by schools or if the school has a bilingual program in a particular language, even if it is not the case that 10% or more of the population speaks a language other than English.

The DOE provided Spanish translations for this proposal's documents and at hearings because P141K has a Spanish-speaking population above 10%. Additionally, the DOE

offered Haitian Creole translations for this proposal's documents and at hearings because of the Haitian Creole bilingual program at M.S. 002. Based on the language survey, neither Explore nor M.S. 002 qualified for translation and interpretation services for any other languages. The DOE did not receive requests for additional translation or interpretation services from M.S. 002, P141K@I002K, or Explore.

Comment 9 also stated that M.S. 002 only received translated documents on May 11, 2011, even though the joint public hearing was scheduled for May 16, 2011, and the Panel for Educational Policy's meeting at which this proposal will be voted on is scheduled for May 18, 2011. On the contrary, the translated copies of the original hearing notices, parent letters, and the original EIS and BUP were sent to M.S. 002 on April 1, 2011. The DOE sent the translated copies of the revised joint public hearing notice, EIS and BUP to M.S. 002 on May 5, 2011, eleven days before the joint public hearing that was scheduled for May 16, 2011.

### **Changes Made to the Proposal**

As discussed in the summary above, the DOE has revised the EIS and the BUP for this proposal in response to public comments received.