



**Department of  
Education**

*Dennis M. Walcott, Chancellor*

## **Public Comment Analysis**

Date: June 18, 2013

Topic: The Proposed Co-Location of New Public Charter School PAVE II Charter School (84KTBD) with Existing Schools I.S. 347 School of Humanities (32K347) and I.S. 349 Math, Science and Tech. (32K349) in Building K111 Beginning in 2014-2015

Date of Panel Vote: June 19, 2013

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## **Summary of Proposal**

The New York City Department of Education (“DOE”) is proposing to co-locate a new public charter school, PAVE II Charter School (84KTBD, “PAVE II”), which will serve students in kindergarten through fifth grade, in building K111 (“K111”), beginning in the 2014-2015 school year. K111 is located at 35 Starr Street, Brooklyn, NY 11221, in Community School District 32. If this proposal is approved, PAVE II will be co-located with existing schools I.S. 347 School of Humanities (32K347, “I.S. 347”), an existing zoned and academic screened middle school that serves sixth through eighth grade students, and I.S. 349 Math, Science and Tech. (32K349, “I.S. 349”), an existing zoned and academic screened middle school that serves sixth through eighth grade students. Building K111 also provides space to Beacon, a community-based organization. Beginning in the 2014-2015 school year, PAVE II will begin to phase in, serving students in kindergarten and first grade, and will add one grade level each year until it reaches full scale serving kindergarten through fifth-grade students in K111 by the 2018-2019 school year.

On October 25, 2012, the DOE published a proposal to open and co-locate the fifth through eighth grades of Achievement First Central Brooklyn Charter School (84KTBD, “AF Central Brooklyn”) in building K111, beginning in the 2013-2014 school year. The Panel for Educational Policy (“PEP”) approved this proposal on December 20, 2012. The Achievement First Charter Management Organization has now informed the DOE that it plans to open AF Central Brooklyn with its elementary grades in 2014-2015 rather than opening with middle schools grades in 2013-2014. Therefore, the fifth through eighth grades of AF Central Brooklyn will not be served in K111. The DOE plans to identify an alternate site for AF Central Brooklyn’s fifth through eighth grades, which are now anticipated to open in 2015-2016. Additionally, the DOE is proposing to open and co-locate the kindergarten through fourth grades of AF Central Brooklyn in building K377, located at 200 Woodbine Street, Brooklyn, New York, 11221, in Community School District 32. Details on that proposal can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/June2013Proposals.htm>.

Any future proposal to co-locate the other grades of AF Central Brooklyn will be addressed in a separate Educational Impact Statement (“EIS”) and subject to a vote by the PEP.

PAVE II has submitted a preliminary application for charter authorization from the State University of New York Trustees (“SUNY”) to serve students in kindergarten through eighth grades. This proposal deals only with the kindergarten through fifth grades of PAVE II. Any future proposal to co-locate the middle school grades of PAVE II would be addressed in a separate EIS subject to another vote by the PEP. The proposal to open and co-locate PAVE II in K111 described in the EIS is contingent upon SUNY’s approval of PAVE II’s application for charter authorization. Only SUNY has the authority to approve or deny PAVE II’s application for charter authorization. If SUNY does not approve PAVE II’s charter application, this proposal will be withdrawn. Should SUNY deny PAVE II’s application, the DOE may propose an alternate use of space in K111 that involves a significant change in school utilization, which would be the subject of a future EIS in accordance with Chancellor’s Regulation A-190.

For the purposes of this proposal, it is assumed that SUNY will approve PAVE II’s application. If this proposal is approved, PAVE II will open in September 2014 and will serve 100-120 students in kindergarten and first grade, and it will add one grade each year until it reaches full scale in K111 in 2018-2019. At that time, PAVE II will serve approximately 300-360 students in kindergarten through fifth grade. The school will admit students via its charter lottery application process, with preference given to District 32 residents.

According to the 2011-2012 Enrollment, Capacity, Utilization Report (the “Blue Book”), K111 has a target capacity to serve 1,428 students. If this proposal is approved, K111 is projected to serve approximately 1,050-1,170 total students from PAVE II, I.S. 347, and I.S. 349 in 2018-2019, yielding an estimated building utilization rate of 74%-82%. Thus, K111 has sufficient space to accommodate the proposed co-location.

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

A joint public hearing regarding the proposal was held at building K111 on June 11, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal.

Approximately 15 members of the public attended the hearing, and 6 people spoke. Present at the meeting were District 32 Community Superintendent Lillian Druck; District 32 Community Education Council (“CEC 32”) President Victorina Lugo; CEC 32 First Vice President Fletta Stocks; CEC member Lewis Tillman; John Barbella, Principal of I.S. 347; School Leadership Team (“SLT”) representatives Mr. Aviles, Mr. Farrell, and Ms. Stein; Roy Parris, Principal of I.S. 349; I.S. 349 SLT representatives Mr. Napoli and Mr. Portes; and Laurie Price and Lauren Spillane from the DOE’s Division of Portfolio Planning.

The following comments and remarks were made at the joint public hearing on June 11, 2012:

1. Principal Barbella stated that:

- a. He will ensure that I.S. 347 is represented equally and that I.S. 347 will have equal access to resources and space.
  - b. He will ensure that the school continues to have a safe environment.
  - c. The main concern of the I.S. 347 school community is having younger students on campus.
  - d. The school community is also concerned about having the middle schools share space.
2. Principal Parris stated that:
- a. We will welcome the new school into the community.
  - b. We do not want to lose the integrity of having two middle schools.
  - c. The main concern is safety on campus.
  - d. It will be a challenge to have the two middle schools on the same floor with no natural barriers.
3. A CEC representative stated that there have been successful co-locations in the district and this one should be successful as well.
4. An I.S. 347 SLT member stated that:
- a. I.S. 347 and I.S. 349 have a long history of co-location in the district.
  - b. There appears to be space because the numbers have been crunched a certain way.
  - c. The Bloomberg administration is not making the correct decisions for education.
  - d. Excess rooms should be used for special services like health clinics and guidance offices.
  - e. In the upcoming election, vote for a mayor that does not support co-location.
5. An I.S. 347 SLT member stated that:
- a. The DOE is working to privatize education.
  - b. Charter school co-locations do not make sense and are unfair to the district schools.
6. A representative from the I.S. 349 SLT expressed concern about the utilization rate of the building, and wondered how the building is still considered underutilized once PAVE II would be fully phased in and there would be three schools in the building.

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

There were no written or oral comments received.

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

Comments 2(a) and 3 are in favor of the proposal and do not require a response.

Comments 4(c), 4(e), 5 (a), and 5(b) are not directly related to the proposal and thus do not require a response.

Comments 2(b) and 4(a) voice general opposition to the proposal. The DOE notes that there is a need for increased options for students in the Brooklyn, including those students in District 32. The DOE strives to ensure that all students in New York City have access to a high-quality school in an appropriate environment at every stage of their education. This proposal aims to provide a new high quality option for these students.

Comment 1(a) concerns access to resources and space and comment 4(d) states that excess rooms should be used for special services.

With regard to the distribution of space, the DOE applied the Citywide Instructional Footprint (the “Footprint”)<sup>1</sup> to allocate a total room count to each organization in K111 as PAVE II phases in. The assignment of specific rooms for each school in the building will be made in consultation with the Principals of each school and the Office of Space Planning if this proposal is approved.

The Footprint is applied to both DOE and public charter schools to ensure equitable allocation of classroom, resource, and administrative space. The Footprint sets forth the baseline number of rooms that should be allocated to a school based on the grade levels served by the school and number of class sections per grade. The number of class sections at each school are determined by the Principal based on enrollment, budget, and student needs; there is a standard guideline of target class size (i.e., number of students in a class section) for each grade level. In response to comment 4(d), the Footprint also allocates the number of baseline full-size equivalent classrooms for student support services, resource rooms, and administrative space based on the grades a school serves and its enrollment. Any space remaining beyond the baseline shall be allocated equitably among the co-located schools. Excess room allocations can be used at the principal’s discretion for purposes such as art and/or music instruction, special services, among other things.

The Building Utilization Plan (“BUP”) attached to the Educational Impact Statement (“EIS”) for this proposal states the number of class sections each school is expected to program each year through the 2018-2019 school year, and allocates the number of classrooms accordingly. The BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location.

The BUP contains a proposed Shared Space Plan for the co-located schools, which outlines the duration of time each of the co-located schools will have in each of the shared spaces in building K111. The Shared Space Plan is based upon total projected enrollment of each school in the first year of implementation and other relevant factors. Although the DOE has proposed how the shared spaces in the building may be utilized, the Building Council, consisting of the principals of all schools in the building, are free to deviate from the proposed Shared Space Plan to

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<sup>1</sup> The full text of the Instructional Footprint is available at [http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011\\_FINAL.pdf](http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf)

accommodate specific programmatic needs of all special populations or groups within each school as is feasible and equitable, provided that the Building Council comes to an agreement of the final Shared Space Plan collaboratively. The three principals would sit on the Building Council, and would create a plan for the allocation of shared spaces if this proposal is approved by the PEP. The Building Council meets regularly to address issues related to space allocations and shared space usage.

In buildings that include a charter school, there is also a Shared Space Committee, which meets at least four times per year, and includes the principal, a teacher, and a parent from each co-located school. This committee monitors the implementation of the shared space schedule, and identifies areas of concern that can be addressed by the Building Council. According to Chancellor's Regulation A-190, the shared space committee shall be comprised of the principal (or an assistant principal of the D75 school organization), a teacher, and a parent from each co-located school or D75 school organization. With respect to a non-charter school's teacher and parent members, such shared space committee members shall be selected by the corresponding constituent member of the SLT at that school.

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

Pursuant to Chancellor's Regulation A-190, 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.

Comments 1(b) and 2(c) concern safety in building K111 during the co-location.

Pursuant to Chancellor's Regulation A-414, every school/campus is mandated to form a School Safety Committee, which is responsible for developing a comprehensive School Safety Plan that defines the normal operations of the site and what procedures are in place in the event of an emergency. The School Safety Plan is updated annually by the Committee to meet changing security needs, changes in organization and building conditions, and any other factors. Updates can also be made at any other time if it is necessary to address security concerns. The Committee will also address safety matters on an ongoing basis and make appropriate recommendations to the Principal(s) when it identifies the need for additional security measures.

Comment 1(c) concerns having elementary and middle school students in the same building.

Due to space limitations, it is not unusual for varying grade levels to be co-located in a building together. There are successful examples of mixed grade K-8 and K-12 co-located school buildings or campuses in New York City.

These examples include:

- The Julia Richman Educational Complex, which houses four small high schools, a K-8 school, and a District 75 program;
- Building M113 in District 3 currently houses three schools: STEM Institute of Manhattan, a district elementary school; Harlem Success Academy 4, a charter elementary school; and Opportunity Charter School, which serves sixth through twelfth grades;
- Building M092 currently houses three schools: St. Hope Leadership Academy Charter School, a charter middle school serving students in fifth through eighth grades; P.S. 92, a district elementary school which serves students in grades K-5; and Democracy Prep Charter School, a charter high school serving students in grades nine through twelve.
- Building K324 currently houses three schools: M.S. 267, an existing middle school serving students in grades sixth through eighth; La Cima Charter school, a charter elementary school serving students in grades K-5; and Bedford Stuyvesant Collegiate, an existing charter secondary school, which is currently in the process of growing to serve students in grades 5-12.

Comments 1(d) and 2(d) concern having two middle schools share space on one of the floors in building K111.

One potential space sharing scenario was discussed with the principals of I.S. 347 and I.S. 349 which involved both schools being allocated instructional space on a floor in the building. However, specific building placement for each school will be made in consultation with the Principals of each school and the Office of Space Planning if the proposal is approved. The BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location.

Comment 4(b) concerns the calculation of space in the building.

There are currently hundreds of schools in buildings across the City that are co-located; some of these co-locations are multiple DOE schools while others are DOE and public charter schools sharing space. In all cases, allocation of classroom, resource, and administrative space is guided by the Footprint, which is applied to all schools in the building. The DOE seeks to fully utilize all its building capacity to serve students. The DOE does not distinguish between students attending public charter schools and students attending district schools. In all cases, the DOE seeks to provide high quality education and allow parents/students to choose where to attend school.

The Footprint is the guide used to allocate space to all schools based on the number of class sections the school programs and the grade levels of the school. The number of class sections at each school is determined by the Principal based on enrollment, budget, and student needs; there

is a standard guideline of target class size (i.e., number of students in a class section) for each grade level. At the middle school and high school levels, the Footprint assumes every classroom is programmed during every period of the school day except one lunch period. The full text of the Instructional Footprint is available at [http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011\\_FINAL.pdf](http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf).

For buildings with charter schools, a BUP details the number of class sections each school is expected to program each year and allocates the number of classrooms accordingly. The assignment of specific rooms and location for each in the building, including those for use in serving students with IEPs or special education needs, will be made in consultation with the Principals of each school and the Office of Space Planning if the proposal is approved. The BUP attached to the EIS describing this proposal demonstrates that there is sufficient space in the building to accommodate the proposed co-location.

Comment 6 concerns the utilization of space in building K111.

As described in the EIS and BUP, in the 2018-2019 school year, once PAVE II is fully phased in, there will be approximately 1,050-1,170 students in the K111 building. This would yield a building utilization rate of 74% - 82%. This rate suggests that the building will not be overcrowded or over-utilized in a given year. This is an indication that total enrollment in the building would be significantly less than the building's target capacity, and may or may not indicate that a building is under-utilized; the DOE will reevaluate space in the building if needed.

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

No changes were made to the proposal.