



Amended Public Comment Analysis

Date: February 1, 2011

Topic: The Proposed Re-siting of Harlem Success Academy 1 Middle School Grades 5-8 and Co-location with Existing Schools Wadleigh Secondary School (03M415) and Frederick Douglass Academy II (03M860), in Building M088, in 2012-2013

Date of Panel Vote: February 1, 2011

** The Public Comment Analysis was amended to include more public comments received prior to the deadline which could not be included in the Analysis posted on January 31, 2011.*

Summary of Proposal

Harlem Success Academy 1 (84M351, “HSA1”) is an existing public charter school approved to serve students in Kindergarten through fifth grade. HSA1 is part of the Success Charter Network (“SCN”), a Charter Management Organization (“CMO”) that currently operates seven New York City charter schools. HSA1 is authorized by the State Department of Education (“SED”). Success Charter Network applied to SED to expand the grades served at HSA1 to include middle school grades six through eight, and SED approved that application in December 2010.

HSA1 currently enrolls students in Kindergarten through fifth grade in Tandem Buildings M207/M149 located at 34 West 118th Street, New York, NY 10026 in Community School District 3, where it is co-located with P.S. 149 Sojourner Truth (03M149, “P.S. 149”) and P811M Mickey Mantle School (75M811, “P811M”), a District 75 school. At this time, there is not enough room in the Tandem Buildings M207/M149 to accommodate HSA1’s proposed expansion. If SED approves HSA1’s grade expansion, HSA1’s current fifth graders would advance to sixth grade in 2011-2012 in its current location. This temporary extension of the co-location is being proposed in a separate Educational Impact Statement (“EIS”).

This is a proposal to co-locate HSA1’s fifth through eighth graders in Building M088, located at 215 West 114th Street, New York, NY 10026 in Community School District 3, beginning in the 2012-13 school year. In M088, HSA1 would be co-located with Wadleigh Secondary School (03M415, “Wadleigh”) and Frederick Douglass Academy II Secondary School (03M860, “FDA II”). Wadleigh currently serves students in grades 6 through 12. During the 2009-2010 school year, Wadleigh enrolled 544 students. Likewise, FDA II is a DOE school, and also serves students in grades 6 through 12. During the 2009-2010 school year, FDA II enrolled 441 students. There is also currently an Alternative Learning Center (“ALC”) located in M088. In order to accommodate the co-

location of HSA1 middle school grades in M088, this ALC would be moved to a different location prior to the 2012-2013 school year.

M088 has been identified as a building that has space to serve at least 300 additional students beyond the number it enrolled in 2009-2010. M088 has a total target capacity to serve 1,393 students. The current combined enrollment in M088 is 946 students, yielding a target utilization rate of 68%, and leaving potential capacity to serve additional students.

Summary of Comments Received at the Joint Public Hearings

Three joint public hearings regarding this proposal were held: one at M149 on January 10, one at M149 on January 20, and one at M088 on January 24, 2011. At the hearings, interested parties had an opportunity to provide input on the proposal.

On January 10, approximately 110 members of the public attended the hearing, and 15 people spoke. Present at the meeting were District 3 Superintendent Sara Carvajal; P.S. 149 Principal Kayrol Harper and School Leadership Team representative Sonja Hampton; Frederick Douglass Academy II Principal Osei Owusu-Afriye and School Leadership Team Chair Julius Tajiddin; P811M Principal Barry Daub; Director of External Affairs of Harlem Success Academy 1 Jenny Sedlis; Network Leader of Frederick Douglass Academy II Derek Smith; Wadleigh Secondary School Leadership representative Anthony Burgess; Citywide Council on Special Education representatives Ellen McHugh and Jaye Bea Smalley; Community Education Council 3 President Noah Gotbaum; and Division of Portfolio Planning representative Elizabeth Rose.

On January 20, approximately 155 members of the public attended the hearing, and 39 people spoke. Present at the meeting were District 3 Superintendent Sara Carvajal; P.S. 149 School Leadership Team representatives Casey Bower and Sonya Hampton; FDA II School Leadership Team Chair Julius Tajiddin; Wadleigh Secondary School Leadership Team representative Anthony Klug; Director of External Affairs of Harlem Success Academy 1 Jenny Sedlis; P811M Assistant Principal Sam Slater and School Leadership Team representative Caren Gandelman; Community Education Council 3 President Noah Gotbaum and representatives Jimmy Brown, and Christine Annechino; UFT District 3 representative Mike McCourt; and Division of Portfolio Planning representative Elizabeth Rose.

On January 24, approximately 273 members of the public attended the hearing, and 50 people spoke. Present at the meeting were District 3 Superintendent Sara Carvajal; Harlem Success Academy 1 Director of External Affairs Nicole Foster; FDA II School Leadership Team Chair Julius Tajiddin; Wadleigh Secondary School Principal Herma Hall and School Leadership Team representatives Anthony Klug and Etta Covington; Community Education Council 3 representatives Christine Annechino and Marijah Stroke; Citywide Council on Special Education representative Laurie Podvesker; and Division of Portfolio Planning representative Elizabeth Rose.

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

1. During the SLT/CEC presentation portion of the Joint Public Hearing on January 24, the following questions were asked:
 - a. Exactly how is the Footprint determined?
 - b. How does the DOE's formula incorporate special education students when determining the Footprint?
 - c. How many Special Education and ESL/ELL students does Wadleigh serve? And does the school have enough space available to serve them?
 - d. Do you know the psychological ramifications and effects students may have from being in co-located schools? Some FDAII classes were held in the basement because of lack of space.
2. Citywide Council on Special Education representative Jaye Bea Smalley referred to the EIS, which stated that the school would be at 112 to 114% capacity with the re-siting, and raised safety concerns. She was particularly worried about the effect overcrowding would have on students with disabilities.
3. Citywide Council on Special Education representative Ellen McHugh urged the hearing attendees to participate in the process and work together.
4. Harlem Success Academy 1's Director of External Affairs Jenny Sedlis expressed her satisfaction with the HSA1's performance and noted that she was eager to participate in the public review process.
5. Vice President of CEC 3 Christine Annechino expressed her opposition to all co-locations in District 3. She asserted that co-locations cause overcrowding and accused the DOE of encouraging separate and unequal schools within the same building.
6. Citywide Council on Special Education representative Laurie Podvesker raised a concern that the proposed co-location would adversely affect students with IEPs who require special needs.
7. Wadleigh Secondary School Leadership Team Co-chair Anthony Klug questioned the accuracy of enrollment data.
8. FDA II Chair Julius Tajiddin inquired how the original charter and the renewal were issued - whether or not, the Success Charter Network applied to obtain a separate charter under provision of the state law. He also stated that since Success Charter is not a public school and that the DOE proposal should apply to the Department of City Planning, and Land Use Review Process. He also submitted a Memorandum of Understanding (MOU) from 1992, which indicated an enrollment plan for Wadleigh of 1260 students.
9. Principal Owusu-Afrieie stated that students need contiguous space and raised concerns that the addition of another school would negatively impact the students.
10. Safiya Raheem from the Council Member Inez E. Dickens Office stated the Council Member's opposition to the expansion and co-location proposals and added that the Wadleigh's enrollment is projected to grow substantially over the next two years. She also proposed leasing parochial school spaces as an alternative solution.

11. Keith Lillie from the Council Member Bill Perkins Office stated the Council Member's opposition to the expansion and co-location proposals and added that space shouldn't be taken at the expense of another school. He urged the participants to come together and fight against the proposal.
12. NAACP District Leader Marian Belle agreed with Council Member Dickens suggestion of leasing parochial schools and requested that the DOE looks into the viability of the option. She also asserted that co-location is a citywide problem that needs to be addressed and that the DOE should reexamine its utilization formulas. Along with another NAACP representative, Gary Johnson, they argued that the co-location would disrupt and diminish the existing schools' ability to provide for the diverse population of highly motivated students.
13. Several commenters asserted that there are different admissions policies for Charter Schools that are selection biased.
14. One commenter praised HSA1 for what the commenter characterized as impressive programs and also expressed his opposition to leasing a space at parochial schools.
15. Multiple commenters expressed the opinion that what is being proposed is not a co-location, but instead a charter school "invasion." They further expressed the opinion that public schools are suffering due to the charter schools encroaching on their space.
16. Several commenters asserted that the co-location would negatively impact the visual arts programs at Wadleigh, for the following stated reasons:
 - a. Teachers need time to prep for their classes.
 - b. Allowing another school to share the auditorium space would have a negative impact on rehearsal time and performance opportunities for Wadleigh students.
 - c. Certain visual arts classrooms are not conducive to share for other purposes (i.e. photography and Ceramics room that are unique to their purposes).
 - d. The luxury of space is there to allow for flow of creativity.
 - e. Students often occupy the rooms during free periods to practice and rehearse for shows, auditions for colleges or performances for outside the school.
17. One commenter raised concerns that the lack of ownership would cause the co-located schools to overlook and pass the responsibilities of fixing broken facilities to each other.
18. Multiple commenters noted Wadleigh Secondary School's successes in preparing its students for higher education.
 - a. Several students commented that the Wadleigh staff have been wonderful in educating them.
 - b. Commenters noted that the school has an over 80% graduation rate.
 - c. Commenters expressed the opinion that the school has excellent after school programs
19. Several commenters noted that Wadleigh is a landmark with 100 years of history that should not be overlooked.

20. One commenter expressed her opposition for the charter school co-location, reasoning that Wadleigh cannot host a school that doesn't share its vision.
21. One commenter suggested that because DOE is always “struggling” with space allocation, it should reexamine its process.
22. One commenter expressed the opinion that DOE is trying to cripple the ability of two currently existing schools located at the building by overcrowding them.
23. One commenter expressed concern that the DOE does not have a plan for common and shared spaces, particularly for the use of arts spaces.
24. One commenter asserted that there is a correlation between lack of space at schools and the number of kids that end up in jail cells.
25. Several commenters raised safety concerns about:
 - a. Placing kindergarten students with older kids in the building.
 - b. The lack of space and the adverse impact it would have on students with IEPs.
26. One commenter complained that the Panel for Education Policy vote on this proposal is taking place in Brooklyn while the affected schools are located in Harlem.
27. One commenter stated that she chose Wadleigh for her child specifically because it was not an overcrowded school and proposed that if the co-location is approved, DOE should increase the budgets for the other two schools.
28. One commenter asserted that the classrooms are used every period of the day and that the DOE's proposal to share the classrooms is not conducive to the schools currently in the building.
29. One commenter asserted that different lunch and gym hours are going to have an effect on the students and their ability to learn.
30. One commenter asked what was going to happen with the extracurricular activities at Wadleigh if the co-location proposal is approved.
31. One commenter expressed concerns that the demographic at HSA1 is not representative of the community in District 3 and that the school is marketing to a different community.
32. One commenter urged the black community to fight against the segregation.

The following questions were asked as part of the question and answer section of the Joint Public Hearing on January 24, 2011.

33. If Wadleigh and FDA II increase enrollment, substantially, how will the DOE accommodate HSA 1?
34. Have there been any studies that were done to monitor the impact of these co-locations on existing schools and their students?
35. What is the square footage of the school? What is the square footage for each of the existing schools that are here? What is the growth plan in square footage for the intended growth of the various schools that are here?

36. Why did the DOE permit Wadleigh to expand to a middle school and then allow HSA1 to take the space in the building? How was that determined? What are they doing with the extra rooms?
37. Why does the Building Utilization Plan take into consideration the expected growth of HSA1 but neglect to do the same for Wadleigh Secondary School? How do you know that HSA1 will grow?
38. Why is the PEP vote being held in Brooklyn when the proposals affect communities in Harlem?
39. Who is on the PEP and are there any parents on that group?
40. What is the purpose of Joint Public Hearings? Are we actually making a difference by being here tonight?
41. Why is there no representation from HSA1?
42. Why do you think there's space when there isn't?
43. Was there risk analysis done to determine the possible effects of co-location?
44. Who will decide which students are going to have lunch at 9am or at 3pm and which students will have their classrooms the basement?
45. What are the educational qualifications of the people making this decision?
46. How is the DOE planning on accommodating students in the sciences who are using general classrooms instead of science labs due to lack of space? How are they able to compete in the global science field without proper education?

The DOE received a comment at the Joint Public Hearing which did not directly relate to the proposal.

47. Several commenters discussed the proposed temporary grade expansion of the co-location of HSA1 with P.S. 149 Sojourner Truth and P811M.
48. One commenter questioned the qualifications of Cathie Black as a Chancellor.

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

49. One commenter inquired how many ELL and Special Education students are at HSA1.
50. FDA II School Leadership Team Chair Julius Tajiddin asked for a copy of HSA1's application to the State Education Department regarding its desire to expand. He also requested that the SLT be allowed to make a presentation at the Joint Public Hearing.
51. One commenter noted that there is a building located on 142 Street and Fifth Avenue that was renovated and leased by the DOE and asked if that building could be potentially used for HSA1.
52. Approximately 133 comments were received in opposition to the proposal. Reasons given were:
 - a. Wadleigh is an increasingly popular school and the DOE's projected enrollment numbers are unrealistic.

- b. There is not enough space to accommodate the students who are at the existing schools.
 - c. Wadleigh campus community will lose spaces used for student instruction, rehearsal and preparation.
 - d. Students with special needs, including English Language Learners, will be adversely affected by the co-location.
 - e. Unfair allocation of resources at the schools.
 - f. Wadleigh utilizes all the rooms for performance purposes throughout the day and after school.
 - g. The Footprint exaggerated the spaces at Wadleigh and failed to consider potential growth at the school.
 - h. Certain rooms in Wadleigh cannot be used for multiple purposes.
 - i. There is no explanation in the EIS or BUP of where an additional school would fit into the campus while honoring relatively isolated, contiguous space for each school.
 - j. The plan calls for 111% utilization.
53. A petition with 105 signatures by the members of the NAACP Mid-Manhattan branch, parents, teachers and educators, was submitted in opposition to the proposed re-siting of HSA1 and co-location with existing schools in M088.
54. Public Advocate for the City of New York Bill de Blasio sent a letter to the DOE, expressing following concerns regarding the proposal:
- a. Although the DOE has made significant strides in the engagement process and attempted to engage the school community, in some instances, the meetings were rushed and the school community's valid concerns were not reflected in the process and the EIS.
 - b. With the proposal, the students at Wadleigh Secondary School will be forced to have their only lunch break at 9:45 in the morning.
55. Council Member Melissa Mark-Viverito expressed her opposition to the proposals to co-locate charter schools in District 3 based on the lack of long term plan in place, engagement in extensive community dialogue, and development of comprehensive community impact statement.
56. CEC 3 Resolution titled "CEC 3 Resolution Against Proposed and Future Charter Co-Locations in District 3 Including the Establishment of Upper West Success Academy in the Brandeis High School Complex, and Harlem Success Academy I Middle School at P.S. 149 and Wadleigh Secondary" was submitted. Following points were made:
- a. District 3 has a range of good to excellent zoned and district schools, all of which require additional resources.
 - b. District 3 has numerous choice schools.
 - c. District 3 has been awarded a federal magnet grant, which attract students from across the district.
 - d. DOE's calculations project fewer than 300 district-wide elementary and middle school seats available by September 2012.
 - e. DOE has failed to provide long term plan on how to accommodate District 3 students over the next five years.
 - f. Success Charter co-locations have been uniformly terrible.

- g. Success Charter Schools enroll and educate far lower percentages of the most needy and at risk children including ELLs.
 - h. CEC3 resolved that;
 - i. The PEP denies the votes on co-locations.
 - ii. There be a freeze on Charter co-locations and expansions in District 3 until DOE provides District 3 Community with adequate facilities and resources for existing schools.
 - iii. The Comptroller conduct an audit to reconcile DOE capacity and utilization statistics with experiences and observations of parents, educators, and CECs.
57. NAACP Mid Manhattan Branch President Geoffrey E. Eaton submitted a statement in opposition to the proposal. The statement discussed following points:
- a. Co-location would disrupt the community based programs that currently operate and exist in the building.
 - b. Wadleigh Secondary School and FDA II cater to more special needs students, and lower income than HSA1.
 - c. The school footprint is designed to accommodate one school, not three separate schools.
 - d. Wadleigh Secondary School has received high marks on the Progress Report and has a high graduation rate. Enrollment at Wadleigh should be encouraged by the DOE.
58. FDA II SLT Chair Julius Tajiddin submitted an official response to the proposal and urged the DOE to withdraw the proposal. Following reasons were given in opposition.
- a. Enrollment assessment of Wadleigh and FDA II are incorrect.
 - b. Memorandum of Understanding between the Board of Education and Wadleigh from 1992 states a lower planned enrollment for the building than the DOE now proposes.
 - c. Historical figures of HSA1 enrollment shows that by 2006-2007, the first grade cohort has dropped over the years, which counters the expected increased enrollment at HSA1.
 - d. DOE does not provide impact figures for the ALC located in M088, as mandated by law.
 - e. SLT's own building survey, which was done while DOE was present, contradicts the DOE's building data in the EIS.
 - f. Tables used to determine the use of rooms in M088 does not take into account programmatic needs for those rooms.
 - g. The footnote on the EIS states that charter formulation of class count differs than regular public schools, which means that they could say they have five classes, but only have 50, providing more space per child.
 - h. Blue Book and Footprint data are outdated or unreliable, and do not take into account how the schools program their space or their special education compliance with State and Federal laws.
 - i. Students need access to rooms and teachers during non-class hours, including to specialty rooms that cannot be replaced by other rooms.
 - j. There is another alternative of re-locating HSA1 to Catholic parish schools that are vacating several buildings.

- k. Schools in the northern part of District 3 are underfunded and overcrowded.
- l. HSA1 can increase enrollment more easily because it has access to more districts than other schools.
- m. HSA1 needs a separate charter to operate in a separate building. It doesn't have one, so it can't be co-located in M088. The siting of the school would also need approval under Uniform Land Use Procedure.
- n. There is a pervasive risk of age-inappropriate interactions between the vastly different age populations that would be served in the building.

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

Footprint, Allocation of Space, Shared Space Schedules:

Comments 1(a,b,d), 5, 9, 11, 16, 17, 23, 28, 29, 35, 42, 44, 46, 52(a-d,f,g-i), 54(b), 57(a,c) and 58 (c, e-h) all relate to the process by which space (including arts rooms at Wadleigh) is allocated to schools, and shared space is scheduled among schools.

The Instructional Footprint (“the Footprint”) is the guide used to allocate space to all schools based on the number of class sections they program and the grade levels of the school. 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. At the middle school and high school levels, the Footprint assumes every classroom is programmed during every period of the school day. The full text of the Instructional Footprint, which describes the methodology underlying the document, is available at http://schools.nyc.gov/NR/ronlyres/8CF30F41-DE25-4C30-92DE-731949919FC3/87633/NYCDOE_Instructional_Footprint_Final9210TNT.pdf. Question 35 specifically requests the square footage allocated to each school. This figure is not available. However, the square footage of each room type is described in the Footprint and the Building Utilization Plan (“BUP”).

Space allocation is made through this standard process for all schools. How a school chooses to program their space allocation is up to the Principal. The baseline allocation to a school is not adjusted based on a schools’ programming, except when a half-size room is not available to serve a self-contained special education class.

The Footprint assumes all rooms are scheduled during all periods except for one lunch period each day. Students may meet with teachers in administrative offices, during lunch periods, and after school. Additional access to arts rooms could be scheduled after school hours.

The Building Utilization Plan attached to the EIS details the number of class sections each school is expected to program each year through 2015-2016 and allocates the number of classrooms accordingly. In all years, Wadleigh is allocated rooms in excess of its Footprint due to the limited functionality of the specialty arts rooms. Per the BUP, HSA 1 class sizes are expected to be as follows:

	Enrollment	Sections	Average Class Size
2012-2013	205-215	8	26-27
2013-2014	315	12	26
2014-2015	350-375*	14	25-27
2015-2016	400-415	16	25-26

*The BUP incorrectly repeats enrollment of 315 for this year

The assignment of specific rooms and location for each 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 schedule for shared spaces, such as the gymnasium and cafeteria will be made by the three Principals. The cafeteria capacity is 408 students, meaning all students can be accommodated in 4 lunch periods. Students from different schools may eat lunch at the same time. The proposed shared space schedule in the BUP assigns Wadleigh the same cafeteria times as the Shared Space Schedule in force for 2010-2011; the DOE did not make any adjustments to a schedule developed and agreed upon by the Wadleigh Principal for Wadleigh students.

If the Principals are unable to agree upon a schedule for shared spaces, there is a mediation process outlined in the Campus Policy Memo, which is attached to the Building Utilization Plan and available at http://schools.nyc.gov/NR/rdonlyres/964086CE-D82A-4480-8E77-C5516251AA56/94722/BUP_M088_final.pdf

There are 4 science demonstration rooms and 3 science labs in M088. Based on the Instructional Footprint for the enrollment at Wadleigh, FDA II and HSA I, a total of 7 science classrooms, of which at least 2 should be labs, are required. Thus, there is sufficient science capacity in M088 for all students.

Basement classrooms have windows that look onto a sunken courtyard furnished with playground equipment.

The Building Utilization Plan does not assume any classrooms are shared; all rooms are allocated to individual schools.

With regards to 58(c), projected enrollment figures assume attrition from 1st grade enrollment to middle school grade enrollment.

Grade/Year of Operation	2011-12	2012-13	2013-14	2014-15	2015-16
K	112	112	112	112	112
1	140	140	140	140	140

2	137	137	137	137	137
3	127	127	127	127	127
4	107	117	117	117	117
5	51	99	108	108	108
6	48	47	92	100	100
7		44	44	85	93
8			41	40	79
Total	722	823	918	966	1013

With regards to comment 58 (e), the DOE stands by its building walk-through as accurate.

Building Utilization Above 100% Capacity

Comments 2 and 52j note that the proposed building utilization is above 100% capacity.

Although a utilization rate in excess of 100% may suggest that a building will be over-utilized or over-crowded in a given year, this rate does not account for the fact that rooms may be programmed for more efficient or different uses than the standard assumptions in the utilization calculation, as described above. In this case, there are classrooms currently used by the ALC in the building that are assigned zero capacity in the current building capacity calculation. Some of these rooms may be used as classrooms in the future, which would increase the building capacity. In addition, there are some oversized classrooms that were created by removing walls between two originally constructed classrooms, and other potential renovations that could increase the number of full-size classrooms, and thus the capacity of the building.

The Building Utilization Plan (“BUP”) attached to the EIS describes the proposed allocation of rooms to each organization in the building to provide a more complete picture of the availability of space in a building. For more detail regarding the proposed allocation of space, please consult the [BUP](#).

Extracurricular Activities

Comment 30 asks what will happen to extracurricular activities at Wadleigh. The DOE does not anticipate that this proposal would impact the extracurricular activities available at Wadleigh. Wadleigh students would continue to have the opportunity to participate in a variety of extracurricular programs, though the specific programs offered are always subject to change, as all schools modify extracurricular offerings annually based on student demand and available resources.

General co-location issues

Comments 15, 20, 21, 22, 24, 27, 32, 34, 43, and 58(k) focus on questions of equity between DOE and public charter schools, and general co-location issues.

There are currently hundreds of schools that are co-located in buildings throughout the City; some of these are multiple DOE schools and some are DOE and public charter schools. In all cases, the Instructional Footprint is applied to both DOE and public charter schools to ensure

equitable allocation of classroom, resource and administrative space. There are several tools in place to support co-located schools in working collaboratively to use shared building resources to meet student needs, including the Building Council, made up of the Principals of each co-located school, and the [Campus Policy Memo](#), which outlines procedures for the Building Council, including situations where Building Councils are unable to resolve disagreements, and the annual Campus Audit.

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 DOE schools. In all cases, the DOE seeks to provide high quality education and allow parents/students to choose where to attend. The EIS and BUP set forth in detail the DOE’s analysis of the effects of the proposed co-location.

Charter schools are funded pursuant to a formula established by the New York State Department of Education. DOE schools are funded primarily according to the state Fair Student Funding Formula, which applies to all DOE schools, regardless of whether they are co-located.

Student Enrollment and Demographic Questions

Comments 7, 31, 33, 36, 37, 49, 57(d) and 58(a, c, l) relate to enrollment data.

All enrollment data provided in the EIS is based on the unaudited register as of November 1, 2010. The following chart provides the 2010-2011 Audited Register data for these schools in comparison:

	Wadleigh		FDA II		HSA 1	
	11/1/2010	Audited Register	11/1/2010	Audited Register	11/1/2010	Audited Register
Enrollment	533	484	413	405	631	631
% IEP	17%	19%	20%	24%	15%	13%
% SE	9%	11%	10%	14%	0%	1%
% Free or reduced price lunch	87%	50%	59%	70%	76%	74%
% ELL	6%	7%	4%	5%	1%	6%

The EIS and BUP specifically address the growth of FDA II to its planned enrollment of 3 sections/grade for all grades.

With regard to the relative growth of HSA1 and Wadleigh, HSA 1 students are already enrolled in the school and are projected to continue in HSA 1 for middle school grades. Should attrition be greater at HSA 1 than projected, enrollment at M088 would decline below the current projection.

Wadleigh’s enrollment growth is less certain, as growth would depend on a larger number of students currently attending other schools to choose to apply to and attend Wadleigh. Wadleigh enrollment has declined over the past several years as follows:

Wadleigh Historical Enrollment ¹				
2009-2010	2008-2009	2007-2008	2006-2007	% Change from 2006-2007 to 2009-2010
544	606	706	838	- 35%

The DOE will support Wadleigh in expanding its incoming 6th and 9th grade enrollment for 2011-2012 through the middle school and high school choice processes. However, that growth would be dependent upon a combination of any of the following factors: Increasing the number of applicants; improving where those applicants rank Wadleigh relative to other choices; or Wadleigh’s willingness to accept students whom it might not have selected in the past.

High Schools are open to all students Citywide. Thus, at the high school level, Wadleigh and FDA II are not restricted to any particular District for their high school enrollment. At the middle school level, Wadleigh draws from students residing in or attending school in Districts 3 and 5, and FDA II draws students residing in or attending school in District 3.

There has been an expansion of performing and visual arts high school programs, resulting in over-capacity of this type of school in Manhattan. Lower Manhattan Arts Academy, Manhattan Theatre LAB, City College Academy of the Arts, and UA Performing Arts are all arts themed schools that have recently opened in Manhattan.

Wadleigh has been a secondary school (grades 6-12) since 1993. This is not a situation where the DOE approved enrollment expansion and then limited growth. Over time, the educational needs of the district have shifted. FDA II was co-located in the M088 building in 2004, at which time Wadleigh enrollment was 683 students, substantially below building capacity. As noted above, between 2006-2007 and 2009-2010, Wadleigh enrollment declined by 354 students.

It is worth noting that most schools are planned to have a specific number of class sections on each grade; enrollment is usually not unlimited.

Special Education Students

Comments 1c, 2, 6, 25, 49 and 57b relate to the number of and needs of special education students.

The percent of special education students served by each school are identified in the demographics charts in Section IV of the EIS. Per the EIS, there are 50 Wadleigh students in Self-Contained (“SC”) special education classes.

Schools are allocated additional space for self-contained special education classes. Mandated services for ELL and IEPs are expected to be provided using the allocation of space for resource rooms (the number provided depends on the grades and class sections at each school) and administrative and student services (minimum of 3 full-size rooms per school). The DOE believes that students with IEPs will continue to receive all mandated services if the proposed co-location is approved.

¹ Audited register data

Grade levels

Comment 25: Under the proposal, there would be no Kindergarten students at this location.

Comment 58n: If the proposal is approved, students in grades 5-12 would be served in M088. Currently, students in grades 6-12 are served at this location. The addition of one additional grade level does not fundamentally change the age-level interactions in the building. The DOE operates several buildings where grades K-12 are co-located.

ALC

With regards to comment 58(d), the EIS states the ALC will be relocated prior to 2012-2013, so its enrollment not relevant to the proposal.

PEP

Comments 26, 38, 39 and 45 were related to the Panel for Educational Policy.

Biographies of panel members are available on the DOE website at <http://schools.nyc.gov/AboutUs/leadership/PEP/members/default.htm>

The PEP meets monthly, and the location rotates among the boroughs. On February 1, 2011, the PEP will be voting upon 17 proposals affecting schools in all boroughs other than Staten Island. In addition, the auditorium at Brooklyn Technical High School, where the February PEP meeting will occur, is one of the largest in the city, which will allow the maximum possible number of attendees at the meeting.

Charter Issues

Comments 8, 13, 50, 58m are related to charters.

Charter schools must seek a separate charter if they serve the **same grade level** in more than one location. That would not be the case for HSA 1. The entire enrollment of each grade will be served in a single location. The school is not required to seek a separate charter in order to split-site different grades of the school at two locations. There are multiple charter schools in New York City that serve some of their grades in one location and other grades in a different location. Examples include Harlem Children's Zone Promise Academy I; Girls Prep Charter School; Democracy Prep Charter School; KIPP S.T.A.R.; KIPP Infinity; KIPP A.M.P.; and KIPP Academy.

Charter school lotteries are designed not to allow schools to select individual students on any basis. A lottery is a random selection among applicants. In contrast, both Wadleigh and FDA II are "screened" schools for admission, meaning the school may decide whether to admit individual applicants based on factors including their academic performance, attendance at prior school, and prior teacher assessments.

Mr. Tajiddin was provided information to access the charter renewal application for HSA 1, and the FDA II SLT was provided the opportunity to make a presentation at each hearing.

The City Council is not involved in the approval process for EIS, because New York State law sets up a separate process for EIS approval which does not include the council.

Leasing Alternate Space

Comments 10, 12, 51, 58j relate to suggested alternative space for HSA 1.

The DOE does not lease private space when there is existing under-utilized capacity in the District. In addition, the DOE does not lease space directly for public charter schools. The DOE seeks to provide space to high quality education options for all students, regardless of whether they are served in DOE or public charter schools. We welcome public charter schools to lease or provide their own space, but will offer space where there is space available to do so.

With regard to a building at 142nd street and 5th avenue, the DOE does not own a building at this location.

Joint Public Hearings

Comments 40, 41, and 54(a) were about the Joint Public Hearings.

An HSA representative attended all three hearings.

The Joint Public Hearings ensure that the public has an opportunity to comment on the proposals before the PEP. In addition, before issuing the proposal, the DOE conducted engagement meetings with school officials, community leaders, and others. The final decision regarding the proposal is made by the PEP.

General Opposition

Comment 53 is a petition expressing general opposition to a number of proposed co-locations, without giving detail reasons for that opposition.

The DOE believes that the relevant EIS and fact sheets lay out the reasons that the proposed co-locations should go forward.

Long-term Planning/Other District 3 Schools

Comments 55 and 56 express several reasons for opposition addressed in the sections above, and also raise the need for more resources for other District 3 schools, and long-term capacity planning for District 3 needs.

The co-location of a public charter school does not impact the resources available to other District 3 schools, other than by enrolling students who might have attended those schools. The DOE supports choice over requiring students to attend a school they do not prefer.

Co-locating a public charter school that enrolls District 3 students helps address District 3 needs by utilizing previously under-utilized capacity.

Memorandum of Understanding

With regards to comment 8 and 58 (b), the MOU from 1992 has been superseded by more recent acts of the state legislature and the Board/PEP, including but not limited to the placement of FDA II in the building, and the alteration of the academic programs within Wadleigh. Furthermore, the DOE has updated the formula for calculating capacity since 1992 and the Panel will be voting on this proposal based on the current capacity calculations.

Funding of Schools

58k asserts that District 3 schools are under-funded.

This proposal does not impact the funding formulas for either DOE or public charter schools.

Comments not Requiring Response

3, 4, 14 – neutral or supportive comments

47, 48 – Comments do not relate to this proposal

Changes Made to the Proposal

No changes have been made to this proposal as a result of public comment