

Public Comment Analysis

Date: January 19, 2016

Topic: The Proposed Opening and Co-location of Success Academy Charter School – NYC 7 (84KTBD) with Existing Schools P.S. 25 Eubie Blake (16K025) and Upper School @ P.S. 25 (16K534) in Building K025 Beginning in the 2016-2017 School Year

Date of Panel Vote: January 20, 2016

Summary of Proposal

On December 3, 2015, the New York City Department of Education (“DOE”) issued an Educational Impact Statement (“EIS”) and Building Utilization Plan (“BUP”) describing a proposal to open and co-locate Success Academy Charter School – NYC 7 (84KTBD, “SA - NYC 7”) in building K025 (“K025”), located at 787 Lafayette Avenue, Brooklyn, NY 11221, in Community School District 16 (“District 16”) beginning in the 2016-2017 school year. A “co-location” means that two or more school organizations are located in the same building and may share common spaces like auditoriums, gymnasiums, and cafeterias. If this proposal is approved, SA - NYC 7 will be co-located in K025 with P.S. 25 Eubie Blake (16K025, “P.S. 25”), an existing district elementary school that serves students in kindergarten through fifth grades and offers a full-day pre-kindergarten (“Pre-K”) program, and Upper School @ P.S. 25 (16K534, “Upper School”), a district middle school that serves students in sixth through eighth grades. K025 also houses the following community-based organizations (“CBOs”): Partnership with Children, School’s Out New York City (“SONYC”), and Urban Dove.

On December 15, 2015, the DOE posted an amended EIS to correct and provide complete information about all of the sports and partnerships offered by P.S. 25. In the original EIS, the list was not inclusive of all sports and programs offered at the school and included sports and programs no longer offered. The amended EIS did not change the purpose of the proposal and made no changes to the BUP posted with the EIS on December 3, 2015.

If this proposal is approved, SA - NYC 7 will open in K025 in the 2016-2017 school year, serving approximately 150-170 students in kindergarten and first grade, and will add one grade level each year until it reaches full scale, serving approximately 400-450 students in kindergarten through fourth grades in the 2019-2020 school year.

Pursuant to recent amendments to the Education Law that provide certain new and expanding charter schools with access to facilities, Success Academy Charter Schools (“SACS”) made a request to the DOE for co-located space to open a new elementary school. SACS is a charter management organization (“CMO”) that currently operates elementary, middle, and high schools in New York City.

If this proposal is approved, SA - NYC 7 would open in building K025 in the 2016-2017 school year and would serve students in kindergarten through fourth grades at scale in the 2019-2020 school year. SA - NYC 7’s charter was authorized in the 2014-2015 school year by The State University of New York Trustees (“SUNY”).

According to the 2014-2015 Enrollment, Capacity, Utilization Report (“Blue Book”), K025 has a target capacity to serve 895 students. Currently, the building serves approximately 234 students, yielding a utilization rate of 26%. If this proposal is approved by the PEP, in 2019-2020, when SA - NYC 7 is at scale serving students in kindergarten through fourth grades at K025, there will be approximately 588-728 total students served in the building, yielding a projected utilization rate of approximately 66%-81%, which demonstrates that there is sufficient space to co-locate SA - NYC 7 in the building with the existing school organizations. The BUP that accompanies this proposal also demonstrates that there is sufficient space in the building to accommodate this co-location. Thus, the DOE believes that the K025 building can serve all students that attend P.S. 25, Upper School, and SA – NYC 7 at scale.

The details of this proposal have been released in the Amended EIS and BUP which can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2015-2016/SchoolProposalsJanuary202016PEP>.

Copies of the Amended EIS and BUP are also available in the main offices of P.S. 25 and Upper School.

Summary of Comments Received at the Joint Public Hearing

The DOE held a Joint Public Hearing regarding this proposal at the K025 building on January 4, 2016. At that meeting, interested parties had an opportunity to provide input on this proposal. Approximately 34 members of the public attended the hearing. There were 10 speakers. Individuals present at the meeting included: Acting District 16 Superintendent Rahesha Amon; CEC 16 President NeQuan McLean; CEC 16 representative Ralph Yozzo; P.S. 25 Principal Anita Coley; P.S. 25 School Leadership Team (“SLT”) member S’Ken Evans; Upper School Principal Ativia Sandusky; Upper School SLT member Crystal Williams; SUNY Charter Schools Institute Representative Maureen Murphy; and Brandon Bloomfield, Eric Herman, and Greg Whitten from the DOE. New York City Councilmember Robert Cornegy and a representative for New York State Assembly Member Annette Robinson were also present.

1. CEC 16 President, NeQuan McLean, commented as follows:
 - a. CEC 16 representatives met with representatives from Success Academy to learn more about the charter organization, and he intends to do a walkthrough of one of its sites in the coming weeks.
 - b. The CEC 16 has not taken a definitive stance on this proposal, but believes that this proposal comes as a result of students leaving the district, and that charters present an option that parents in District 16 are choosing.
 - c. He wants to support the growth of district schools.
2. S’Ken Evans, P.S. 25 SLT member, commented as follows:
 - a. The SLT of P.S. 25 is against this proposal.
 - b. He asks that the DOE do more to attract more students to remain in district schools.
 - c. He feels that when charter schools co-locate with district schools, there are serious consequences for the district school; thus, P.S. 25 will be significantly affected by this proposal.
 - d. He is concerned about how this proposal might affect jobs, union members, other staff members, or the community overall in P.S. 25.
 - e. He feels that charter schools are more exclusive than district schools, and that charter schools should need to accept the same students as district schools.
3. Upper School SLT member Crystal Williams commented that she supports Upper School and P.S. 25.
4. A representative for Assembly Member Annette Robinson commented as follows:
 - a. Assembly Member Robinson is concerned about co-locations, and concerned about the effect of co-locations on existing schools.
 - b. Assembly Member Robinson wants to work through Albany to ensure that all schools have the resources needed to succeed, and pledges to keep supporting District 16.
5. Multiple commenters expressed concern that Success Academy does not adequately serve students with disabilities, and that Success Academy does not serve an appropriate number of students with disabilities.
6. Multiple commenters questioned what will happen with SA – NYC 7 when, if approved, SA – NYC 7 reaches scale serving students in kindergarten through fourth grades in K025.
7. Multiple commenters stated that they feel charter school co-locations negatively impact district schools in the building.
8. Multiple commenters questioned how the co-location of SA – NYC 7 will affect existing jobs in K025, at either school in the building.
9. One commenter questioned how Success Academy will recruit students for this site.
10. One commenter expressed concern that District 16 already has too many charter schools.
11. One commenter stated that the communities reject the idea of Charter Matching Funds as a “payoff” for a charter school in K025.

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

The following comments were submitted directly to members of the PEP for consideration and were also submitted to the DOE for response.

12. CEC 16 submitted the following written comments for response in relation to this proposal:
- a. CEC 16 expressed concern that charter schools enroll 44 percent of total K-8 students enrolled in District 16; CEC 16 asked the PEP to consider that K-8 enrollment figures in District 16 reflect 5,098 students enrolled in district schools, whereas 3,923 students are enrolled in charter schools.
 - b. CEC 16 noted that it recently met with representatives of Success Academy, and indicated that Success Academy told CEC 16 members that it did not rank District 16 as a priority for expansion. CEC 16 expressed its beliefs that Success Academy is only being proposed in District 16 as a result of under-utilization in district school buildings and that District 16 already has too many charter schools compared to other districts.
 - c. CEC 16 requested that the PEP consider the impact of charter schools in the district, and noted that not all students thrive in charter schools.
 - d. CEC 16 stated that charter school enrollment should be reflective of district needs, and particularly should include students with special education needs, homeless students, and temporary housing students. CEC 16 stated that charter schools should seek to actively engage and enroll these students.
 - e. CEC 16 stated that charter schools should be true partners in education, and pointed to the Uncommon Schools “Uncommon Impact” team that focuses on developing great teachers and sharing best practices with other schools and teachers as well.

The DOE received zero (0) voicemails through the dedicated phone number for this proposal.

The DOE received zero (0) emails through the dedicated email address for this proposal.

Analysis of Issues Raised, Significant Alternatives, Significant Alternatives Proposed

Comment 2(a) expresses general opposition to the proposal.

This proposal is driven by the DOE’s desire to use building capacity to serve students and to respond to SACS’ space request pursuant to recent amendments to the New York State Education Law. Although the DOE recognizes that some people in the community may have strong feelings against this proposal, the DOE believes that, if this proposal is approved, the existing school communities in building K025 and SA – NYC 7 will be able to create productive and collaborative partnerships.

Comment 3 expresses support for Upper School and P.S. 25.

The DOE recognizes the praise for Upper School and P.S. 25 and commends the principals and school communities in each school for their hard work and dedication. The DOE looks forward to continuing to work with the schools to best serve the students, families, and other individuals that are a part of the K025 community.

Comment 2(b) expresses belief that the DOE should do more to attract more students to remain in district schools.

The DOE understands that families in New York City appreciate and utilize an array of public school options afforded throughout the City, and the DOE is wholly committed to ensuring that traditional district schools provide a strong option equipped to attract, retain, and serve students. Examples of the DOE’s commitment to supporting all schools are the School Renewal Program, whereby the DOE partnered with 94 schools throughout New York City to provide additional funding and supports to provide turnaround goals and frameworks for low academic performing schools; additionally, the DOE launched the Community Schools Initiative, wherein schools were selected to serve as neighborhood hubs where students receive high-quality academic instruction, families can access social services, and communities can congregate to share resources and address their common challenges. Further, when planning for proposals related to significant changes in school utilization, the DOE plans these proposals aligned to unique district needs and aims to ensure that district schools are providing the options and planning solutions that will best serve families in each district, borough, and across the city. Through each proposal and citywide initiative, the DOE plans with the goal of ensuring that district schools provide high quality options to attract, retain, and serve students in district schools, though ultimately the choice for where to attend school remains with each individual family.

Comments 2(c), 4(a), and 7 express belief that charter schools have negative impacts on districts schools with which they are co-located.

The DOE believes that co-locations provide opportunity for all schools in a shared building to thrive and collaborate. From a space perspective, equity is ensured because co-locations involving charter schools are accompanied by a BUP that accounts for schools' current and projected enrollments and accordingly allocates space to the schools in compliance with the requirements in the Citywide Instructional Footprint. Further, the DOE seeks to support co-located schools by providing resources of best practices in co-locations in the Co-Location Handbook and encouraging regular meetings of the Building Council, a campus structure consisting of the principal of each school, which meets regularly to address issues related to co-location and shared space usage. More information on the use of Building Councils and the Co-Location Handbook can be found here: <http://schools.nyc.gov/community/campusgov/default.htm>.

While it is true that some schools have difficulty resolving disputes or collaborating well within the provided structures of the Building Council, there are hundreds of successful examples of co-locations across New York City. The DOE does not believe this proposal will negatively impact the ability of P.S. 25 or Upper School to continue serving students successfully.

Comments 2(d) and 8 express concern that SA – NYC 7 will negatively impact employment opportunities for the district schools in the K025 building.

As stated in the amended EIS, the proposed opening and co-location of SA – NYC 7 in K025 is not expected to reduce the number of teaching, administrative, or other personnel positions at P.S. 25 or Upper School, nor is the opening and co-location of SA – NYC 7 expected to significantly alter the duties of the current staff at P.S. 25 or Upper School.

Comment 5 expresses belief that Success Academy does not adequately serve students with disabilities and does not serve enough students with disabilities, while comments 2(e) and 12(d) assert that charter school enrollment should be more reflective of high-needs populations (including homeless students and students living in temporary housing) within the district as a whole. In addition, comment 9 questions how students will be selected for this Success Academy school site.

Success Academy Charter Schools in Brooklyn serve predominately black and Hispanic students and students eligible for free and reduced price lunch, as well as ELL students and students with disabilities. Any child eligible for admission to a district school, including homeless students and students in temporary housing, is eligible for admission to a public charter school. This will also be true for SA – NYC 7.

If the number of applicants exceeds the number of available seats at a charter school, a random selection process, such as a lottery, must be used. Lotteries select students randomly from among the applicant pool. Charter schools must admit all students according to their lottery preferences and may not turn away a student because of language ability or special education services required by an Individualized Education Program (“IEP”). The New York Charter Schools Act requires that charter schools demonstrate good faith efforts to attract and retain students with disabilities, English Language Learners (“ELLs”), and students who are eligible applicants for the free and reduced price lunch at rates comparable to those of the Community School District in which the charter school is located, pursuant to enrollment and retention targets established by the Board of Regents or SUNY, as applicable. Charter schools are mandated to serve all students accepted through their lottery process, including those with special needs or pre-existing IEPs.

As described in the amended EIS for this proposal, SA – NYC 7 will provide the following lottery preferences: (1) siblings of current or accepted students (as there are no accepted students for the 2016-2017 school year, SA – NYC 7 can only begin this preference beginning in the 2017-2018 school year), and (2) applicants who reside within District 16.

Comments 10 and 12(b) express concern that there are too many charter schools in District 16, and comment 12(b) specifically references a purported meeting between Success Academy representatives and CEC 16 where Success

Academy representatives claimed not to have requested placement in District 16 as a priority for expansion. Comments 1(b) and 12(a) similarly suggest that District 16 serves too many of its students in charter schools.

With regard to concerns about having too many charter schools in District 16, the DOE notes that eight (8) charter schools are currently located in District 16, as opposed to twenty-nine (29) district schools. With over 200 charter schools in New York City, District 16 currently houses just 4% of the city's charter options. That said, the DOE remains committed to ensuring that all families have strong educational options in both district schools and charter schools, and will continue to evaluate space around New York City for approved new charter schools in compliance with the New York Charter Schools Act.

With respect to the figures cited in comment 12(a), the DOE notes that per the 2015-2016 Unaudited Register, of the 9,086 students receiving PK-8 enrollment in District 16, 3,964 students attend charter schools and 5,122 students attend District 16 schools. That said, the DOE continues to analyze district needs and continues to present proposals aimed at improving the strength and quality of District 16 schools, such as a previously approved proposal by the December PEP to consolidate J.H.S. 057 Whitelaw Reid and M.S. 385 School of Business, Finance, and Entrepreneurship in building K057 beginning in the 2016-2017 school year. Similarly, the DOE has proposed for the February PEP to consolidate Brighter Choice Community School and Young Scholars' Academy for Discovery and Exploration in building K304 in District 16 to bolster enrollment and resources in District 16 elementary schools.

In response to the alleged representations made by Success Academy to CEC 16, the DOE notes that it was not present for the meeting between Success Academy representatives and CEC 16. The SUNY Board of Trustees, not the DOE, is the authorizer for Success Academy. SUNY authorized Success Academy to open seven new elementary schools across Brooklyn in September 2016. The DOE analyzed available space across the borough to identify options for these schools in order to comply with recent amendments to the Education Law that provide certain new and expanding charter schools with access to facilities. The space in K025 in District 16 proved to be one of the most suitable options available.

Comment 12(c) notes that not all students thrive in charter schools, and requests the DOE to consider the impact of opening a new charter school in District 16, while comment 1(c) expresses support for the continued growth of DOE district schools.

The DOE believes in continuing to provide high quality options for all students in District 16 and New York City at large. Success Academy continues to see waitlists of thousands of students for their schools. Each parent or guardian is entitled to decide whether a charter school presents the unique educational experience desired for their child. As noted in the previous response, there remain over three (3) times as many district school options in District 16 as there are charter schools, with District 16 currently housing eight (8) charter schools and twenty-nine (29) district schools. The DOE is confident that if this proposal is approved, families and/or guardians will continue to have a wide array of options to consider for their children in District 16.

Comment 6 questions what will happen when SA – NYC 7 reaches full-scale in 2019-2020, if this proposal is approved.

If this proposal is approved, SA – NYC 7 will reach full scale in K025 in the 2019-2010 school year, where they would then serve students in kindergarten through fourth grades. At that time, if SA – NYC 7 requests from the DOE to expand and is approved by their authorizer to serve students in additional grades, the DOE will evaluate where space is available for any expansion in compliance with the then governing laws related to charter school expansion. At the moment, the DOE does not have any plans to serve additional grades for SA – NYC 7 beyond the proposed grades of kindergarten through four to be served in K025.

Comment 11 suggests that Charter Matching Funds are an unsatisfactory “pay-off” for co-location of a charter school in K025.

Charter Matching Funds are not designed as a “pay-off” for district schools. The DOE notes that in accordance with New York State Charter Schools Act of 1998 (as amended), any proposed capital improvements or facility upgrades in excess of five thousand dollars, regardless of the source of funding, that is made to

accommodate the co-location of a charter school within a public school building, must first be approved by the Chancellor. The Act states: “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 public school within the public school building. For any capital improvements or facility upgrades in excess of five thousand dollars that have been approved by the Chancellor, regardless of the source of funding, made in a charter school that is already co-located within a public school building, matching capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter public school within the public school building within three months of such improvements or upgrades.”

Charter Matching Funds aim to ensure that district schools are provided the same qualifying facility resources as co-located charter schools in their building, and are not designed as a “pay-off” for those schools; rather, these funds aim to ensure that students served in district schools continue to have equal opportunity to learn in innovative, improved learning conditions similar to their peers in charter schools in the same building.

Comment 12(e) expresses belief that charter schools should act as true partners in education with district schools, and 4(b) offers support for all city schools.

The DOE agrees with these statements and appreciates the support for schools in New York City. There are many examples of successful co-locations across New York City, including several in District 16. Accordingly, the DOE ensures that all co-located schools have a Building Council that meets regularly to speak to building issues and provide opportunity for shared collaboration between schools. It is the DOE’s hope that all co-locations will result in shared best practices, collaboration, and partnership between all schools in the building. Should this proposal be approved, the DOE looks forward to supporting all schools in K025 to assure that all students have access to a high quality education.

More information on Building Councils and other resources that the DOE provides to support co-locations can be found here: <http://schools.nyc.gov/community/campusgov/default.htm>.

Comment 1(a) is a statement that, in planning for this proposal, CEC 16 representatives met with representatives from Success Academy to learn more about the charter organization that representatives intend to do a walkthrough of one of its sites in the coming weeks.

The DOE supports CEC 16’s efforts to work with Success Academy to facilitate the implementation of this proposal.

Changes Made to the Proposal.

No changes have been made to this proposal.