



Amended Notice
March 19, 2011

Cathleen P. Black
Chancellor

The Proposed Re-siting and Temporary Co-Location of Coney Island Preparatory Public Charter School (84K744) with Existing Schools I.S. 303 Herbert S. Eisenberg (21K303), Rachel Carson High School for Coastal Studies (21K344), and a District 75 School (P771K@I303) in Building K303

I. Description of the subject and purpose of the proposed item under consideration.

Coney Island Preparatory Public Charter School (84K744, “Coney Island Prep”) is an existing public charter school approved to serve students in fifth through eighth grade. Coney Island Prep currently enrolls 179 students in fifth and sixth grade in a leased building, located at 2315 Surf Avenue, Brooklyn, NY 11224 in Community School District 21. On March 4, 2011, the New York City Department of Education (“DOE”) published an Educational Impact Statement (“EIS”) proposing to re-site Coney Island Prep and temporarily co-locate Coney Island Prep in Building K303 (“K303”), located at 501 West Avenue, Brooklyn, NY 11224 in Community School District 21, beginning in the 2011-2012 school year. In K303, Coney Island Prep would be temporarily co-located with an existing DOE zoned middle school that serves sixth to eighth grade students, I.S. 303 Herbert S. Eisenberg (21K303, “I.S. 303”), an existing DOE high school that currently serves ninth through twelfth grade students, Rachel Carson High School for Coastal Studies (21K344, “Rachel Carson HS”), and a District 75 inclusion school (75K771, “P771K@I303”) that serves sixth through eighth grade students. The DOE is proposing to re-site and temporarily co-locate Coney Island Prep in K303 for two years because Coney Island Prep cannot remain in its current location and continue to expand in 2011-2012.

The DOE has now published an amended EIS and a revised Building Utilization Plan (“BUP”). This amended EIS corrects typographic errors that incorrectly identified Coney Island Prep’s current building as K302, clarifies the reasons why Coney Island Prep may not remain in its current location for the 2011-2012 school year, and clarifies the proposal’s potential impact on I.S. 303’s instructional programs, but it does not modify or revise the proposal itself.

In addition to amending the EIS, the DOE has revised the BUP to reflect updated information about the shared spaces in K303. In the original BUP, the full-size science demonstration lab and the full-size science lab were not considered shared spaces, and thus, they were included mistakenly amongst the rooms that could be allocated to the co-located schools in the building. They have now been reclassified as shared spaces. Additionally, the original BUP listed specialty rooms, such as the music room, dance room, computer lab, and designed court room, as shared spaces. However, these rooms are not currently allocated as shared spaces; rather, these rooms are currently allocated to I.S. 303. In this revised BUP, these specialty rooms will continue to be allocated to I.S. 303 and, therefore, will not be treated as shared spaces. As a result, the total

number of rooms to be allocated to the schools co-locating in the building has increased from 59 full-size classrooms to 61 full-size classrooms, and the shared space schedule has been adjusted appropriately. As a result of these adjustments, the total number of rooms allocated to I.S. 303 will increase. The total number of rooms allocated to Rachel Carson HS and Coney Island Prep has not changed. The shared space schedule has also been adjusted to reflect the use of the additional shared spaces.

This amended notice also provides a new location for the joint public hearing on this proposal that will be held on April 4, 2011. The location is being changed because the DOE expects that attendance at the hearing will exceed the capacity of any possible venue in Building K303. Therefore, the hearing will now be held at Abraham Lincoln High School, which is adjacent to Building K303.

Coney Island Prep was approved by its charter authorizer, the DOE, to open a public charter school in Community School District 21 in Brooklyn in 2009-2010. The DOE approved Coney Island Prep's proposal to open with fifth-grade classes in 2009-2010 and to add one grade each year until it serves up to 424 students in fifth through eighth grade. Coney Island Prep provides a preference to District 21 students in its charter school lottery application process.

If this proposal is approved, Coney Island Prep would be temporarily sited in K303 for two years. Coney Island Prep's current fifth and sixth grade would be re-sited to K303 for the 2011-2012 school year. In addition, in 2011-2012, the first year of the proposed co-location, Coney Island Prep would expand to serve seventh grade and would enroll approximately 90 students in seventh grade. Thus, in 2011-2012, Coney Island Prep would serve fifth through seventh grade students in K303. In 2012-2013, Coney Island Prep would expand to serve approximately 81 students in eighth grade, at which point Coney Island Prep would serve 350 fifth through eighth grade students.

K303 has been identified as an under-utilized building, meaning it currently has at least 300 seats available. In 2009-2010, the building served 1,216 students but had the capacity to serve 1,725 students, yielding a target building utilization of 70%. In 2010-2011, the combined enrollment of school organizations in the building was 1,202 students, which yields an estimated utilization rate of 70%. In 2012-2013, the last year of this proposed temporary co-location, when Coney Island Prep has expanded to serve eighth grade, K303 would serve approximately 1,451-1,537 students combined, which yields an estimated utilization rate of 89%. The DOE would issue a new EIS for the long-term siting of Coney Island Prep for the 2013-2014 school year and beyond.

III. Summary of all public comment received to date.

Thirty-five comments were received through the DOE's dedicated written and oral comment mechanisms. A District 21 Community Education Council ("CEC") meeting on this proposal was also held on March 9, 2011 at building K303; several comments that were made at this meeting were submitted to the DOE. The CEC also submitted a resolution explaining their opposition to the proposal.

1. Multiple commenters expressed opposition to the proposal. They noted that :

- a. K303 is not an underutilized building; rather it is overcrowded, and a co-location of another school would create serious safety risks in the building, especially in the gymnasium, cafeteria, and the hallways between the gymnasium and the cafeteria. The building was not built to safely support four different schools. The problem is compounded when you consider mixing middle school and high school age students. Adding another school to the building would also create an unsafe and possibly dangerous situation outside of the building at the beginning and end of the school day.
- b. Being co-located with a high school and District 75 school is already hard enough for I.S. 303.
- c. Placing another school in the building will deter students from enrolling at I.S. 303, and jobs will be lost as a result.
- d. Another school would take away instructional space from I.S. 303, which is already fully utilized throughout the day, and change or reduce the programs the children are currently enrolled in, such as talent areas, boys gym, chorus, dance, athletics, computer, law, and arts programming. The boys and girls of I.S. 303 will have to take gym class together, which will be embarrassing to the girls.
- e. I.S. 303 is a wonderful school with an A on their report card and a unique vision and programming that would be ruined by the proposal. The stable, safe environment and instructional integrity of I.S. 303, which meet the academic, social, and emotional needs of students, would be compromised. I.S. 303 needs all the rooms it can have to serve its gifted, special education, and English as a Second Language populations. The current instructional programming, which would be terminated by the proposal despite its success, receives widespread support from the community and has been part of I.S. 303's restructuring plan, submitted to the State Education Department, dating back several years. The move away from room allocation according to this tailored plan to allocation according to a universal middle school footprint contradicts the DOE's and City's stated vision of principal empowerment.
- f. Charter schools should not be opened; rather, public schools should be "helped."
- g. Coney Island Prep should be placed somewhere else. There is likely other space in District 21 where Coney Island Prep can go, such as P.S. 121 Nelson A. Rockefeller, I.S. 98 Bay Academy, I.S. 239 Mark Twain, I.S. 281 Joseph B. Cavallaro, Liberation Diploma Plus, P.S. 128 Bensonhurst, or the Brooklyn Union Gas Company building. Have these spaces been considered?
- h. The needs of public school students should not have to take a back seat to the needs of charter school students.
- i. Charter schools are only concerned with profits, while public schools are concerned with the needs of children. Coney Island Prep should use their own profits to build their own space because charter schools cost taxpayers more money when housed in a public school, and the money that would be spent to give charter schools space should be spent on saving teachers' jobs.
- j. Children in the community deserve a school they can call their own.
- k. The space for Coney Island Prep should have already been accounted for before the program was organized and developed.

- l. The proposal does not take into account the instructional, social, and emotional needs of the students. It only takes numbers into account.
 - m. Based on personal experiences with both schools, a commenter said I.S. 303 has met the needs of her daughter far better than Coney Island Prep, and the practices and structures of Coney Island Prep would create an unsafe situation in K303.
 - n. Many parents of prospective I.S. 303 middle school students have invested time, money, and energy into preparing their children for a school that offers inclusion classes, and this proposal would cause their previous efforts to have been for naught.
 - o. Based on a negative personal experience with a parent from Coney Island Prep, one I.S. 303 parent said he or she does not want his or her daughter to attend I.S. 303 if it is co-located with Coney Island Prep.
 - p. Since Rachel Carson High School also said they would be in the building only two years, it is hard to believe Coney Island Prep would only stay two years as the proposal says it will do.
 - q. The students of I.S. 303 have created petitions that have gathered many signatures already.
 - r. The proposal amounts to taking the resources from some students to give to another, hurting all involved in the process.
2. Several commenters asked questions about the proposal:
 - a. Why does the DOE want to take space away from a thriving Title I school?
 - b. What is the minimum square footage requirement for special needs students in public schools? Do you plan on taking away space from I.S. 303 special needs students? Where do you anticipate placing them?
 - c. Why is there no other room to place schools, considering the DOE is closing so many schools?
 - d. Would changing the instructional programming, removing the self-contained structure of the sixth and seventh grades, increase the amount of unsupervised interactions in hallways during resulting passing time, leading to dangerous situations? Will Coney Island Prep maintain the same high levels of discipline as I.S. 303?
 - e. Why is the DOE breaking its promise to families that have planned to send their children to I.S. 303 for its unique self-contained structure, considering it will have to be changed by the proposal? What should parents of incoming sixth graders who expect self-inclusion classes do?
 - f. Why does the proposal state I.S. 303 only needs 23 classrooms when they have 25 self-contained sixth and seventh-grade classes in addition to eighth-grade classes? If the school is allotted only 29 classrooms, that would leave only four rooms for the eighth grade; can this be right?
 - g. Can you promise that students will be safe if you add a fourth school to the building, especially considering the wide age differences and the volume of traffic in the hallways and other shared spaces? Has the DOE taken into account that as many as 700 students dangerously converge in certain hallways at peak times?
 - h. If a school is in corrective action, does the State Education Department need to approve a restructuring plan? If so, can the Division of Portfolio Planning (DPP) change the plan to suit its needs?

- i. Has the DOE ever proposed a co-location with a school that has the same structure as I.S. 303? If so, which school(s) exactly?
 - j. Is it not unfair for the DOE to say they value personalized instruction and individual needs while they also refuse to take into account the specialized structure of I.S. 303, instead allocating space according to a one-size-fits-all footprint, especially considering that treatment will terminate a model that has proven beneficial to students? Does this make sense to do? Why does the DPP think this is a good idea?
 - k. Will I.S. 303 have to get rid of their self-contained structure as a result of the proposal?
 - l. How do you think Coney Island Prep children feel about being told they are not welcome by I.S. 303 families?
 - m. What will happen to the expansion of Rachel Carson High School?
 - n. How does Coney Island Prep perform academically compared to the district and compared to I.S. 303?
 - o. Should I.S. 303 students lose their music and dance programs because Coney Island Prep cannot find space elsewhere?
 - p. Does Coney Island Prep receive funding to rent private space?
 - q. Is space more important than the education of children? Is this about the money?
 - r. How would having three excellent schools in one building positively affect the community?
 - s. Why disrupt a school when the plan is to move again in two years?
 - t. Will you close I.S. 303 to put in another charter school? Does the mayor want I.S. 303 to fail?
 - u. If I.S. 303 cares about education, then why do they want to deny Coney Island Prep a home?
 - v. Is the DOE aware Coney Island Prep is actively recruiting sixth and seventh grade DOE students, even though the EIS says they should only take applications from fifth grade students? Does this violate any laws?
 - w. Since my child is in a Collaborative Team Teaching class, which he will lose as a result of the proposal, can the DOE assure me of his continued success?
 - x. Will the DOE employ the unemployed teachers from the three schools currently in K303?
 - y. What happened to Coney Island Prep's current building?
 - z. Where does the DOE propose I.S. 303 hold their New York State mandated physical education classes when they lose their afternoon access to the gymnasium?
3. The United Federation of Teachers submitted a safety and health inspection report of I.S. 303, the stated purpose of which "was to evaluate life safety in the school in light of the plans to increase the student occupant density." Their comments included:
- a. The proposal will give Coney Island Prep classrooms that have been taken from I.S. 303.
 - b. Rachel Carson High School will not lose any rooms as a result of the proposal, though they currently do not have access to laboratory facilities.
 - c. Though the building has a fire alarm system, it does not have a sprinkler system.

- d. Though I.S. 303 will continue with the same number of students, it will lose a significant number of rooms.
- e. I.S. 303 will have a capacity of 750 students who will use 23 classrooms.
- f. Six of the 23 classrooms have an area of 650 sq. ft., and three have an area of 350 sq. ft. The remaining rooms have areas of 800 sq. ft.
- g. It was indicated that the reduced number of classrooms would cause most I.S. 303 classes to contain 40 students.
- h. Since the building code requires a minimum of 20 sq. ft. per student, I.S. 303 will be over occupancy.
- i. Adding another 300 students with Coney Island Prep will impact life safety and will affect a safe and quick evacuation during an emergency, especially from the hallways between the gymnasiums and cafeteria. Occupancy limits are intended to provide safe and quick evacuation of the building during emergencies. Thus, the DOE should not increase the occupancy of the building as currently planned.
- j. Though Rachel Carson High School has chemistry and biology classes, they do not have access to laboratory facilities that meet minimum requirements enforced by the New York City Fire Department and NYS PESH. They currently use regular classrooms for these classes, which do not have access to eye wash, a safety shower, a fume hood for chemicals, or a flammable chemical storage cabinet, though the classes do use small amounts of potentially hazardous chemicals.
- k. Though there is a science laboratory in the building, the labs are in violation of safety regulations and Rachel Carson High School does not have access to them. Not only is there is no indication that the school will have access to the lab, it is less likely they will have access as a result of the co-location.
- l. Because all the schools in the building share access to the two gymnasiums and cafeteria, all three of these rooms will be at fully capacity during peak hours of cafeteria use, between 10:00 am and 1:00 pm. There will be some times when the cafeteria will have to hold 500 students, though it was designed to hold only 400.
- m. During peak times, there will be approximately 700 students converging on the hallways between the shared spaces, which would create a safety hazard. This is of particular concern due to the wide age range of students who will be in the hallway, from sixth to twelfth grade.
- n. The UFT survey measured unsafe levels of Carbon Dioxide (CO₂) in the building. Between the gymnasium and cafeteria, CO₂ levels were measured at 1758 parts per million (ppm), an excessive level indicating inadequate ventilation of the hallway for current occupancy. This would be made worse by the addition of more students. CO₂ levels outside were 397 ppm. Exceeding occupancy will further impact air quality.

II. Information regarding where the full text of the proposed item may be obtained.

The amended Educational Impact Statement and the revised Building Utilization Plan can be found on the Department of Education's Web site:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/Apr282011Proposals>

Copies of the amended EIS and revised BUP are also available in the main offices of I.S. 303, Rachel Carson HS, P771K@I303 and Coney Island Prep.

III. Submission of public comment.

Written comments can be sent to D21Proposals@schools.nyc.gov.

Oral comments can be left at 212-374-0208.

IV. The name, office, address, email and telephone number of the city district representative, knowledgeable on the item under consideration, from whom information may be obtained concerning the item.

Name: Benjamin Taylor
Office: Division of Portfolio Planning
Address: 52 Chambers St
Email: D21Proposals@schools.nyc.gov
Phone: 212-374-0208

V. Date, time and place of joint public hearings for this proposal.

April 4, 2011 at 6:00 p.m.
Abraham Lincoln High School
2800 Ocean Parkway
Brooklyn, NY 11235

April 6, 2011 at 6:00 p.m.
Coney Island Prep
2315 Surf Avenue
Brooklyn, NY 11224

Questions about the proposal can be directed as indicated in section IV above.

Speaker sign-up will begin 30 minutes before the hearing and will close 15 minutes after the start. Interpretation services will be provided in Spanish. To request interpretation services in another language, please contact Mr. Taylor at the e-mail address or telephone number above.

VI. Date, time and place of the Panel for Educational Policy meeting at which the Panel will vote on the proposed item.

April 28, 2011 at 6:00 p.m.
Prospect Heights Campus
883 Classon Avenue
Brooklyn, NY 11225