



Department of  
Education

*Dennis M. Walcott, Chancellor*

## Withdrawal Notice

April 19, 2011

# **The Proposed Expansion and Co-location of Community Roots Charter School (84K536) with Existing Schools P.S. 067 Charles A. Dorsey (13K067) and District 75 School (75K369) in Building K067**

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

On March 2, 2011, the New York City Department of Education (“DOE”) published an Educational Impact Statement (“EIS”) proposing to allow Community Roots Charter School (84K536, “Community Roots”) to expand to serve additional middle school grades in Building K067 (“K067”), located at 51 St. Edwards Street, Brooklyn, NY 10035 in Community School District 13. Community Roots is an existing public charter school that currently serves 300 students in kindergarten through fifth grades in K067. Community Roots is currently co-located in K067 with P.S. 067 Charles A. Dorsey (13K067, P.S. 067), an existing DOE zoned elementary school serving kindergarten through fifth grade and offering a pre-kindergarten program, and a District 75 school (75K369, “P369K@P067K”) that serves students in kindergarten through fifth grade. 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. On March 4, 2011, the DOE published an amended notice providing a date for the joint public hearing on the proposal. On April 8, 2011, the DOE postponed the joint public hearing that was scheduled for April 11, 2011.

The DOE is **withdrawing the proposal** to allow Community Roots to expand to serve additional middle school grades in K067 beginning in the 2011-2012 school year.

As a result, the proposal to expand the co-location of Community Roots in K067 will not be considered by the Panel for Educational Policy (“PEP”) on April 28, 2011.

## **II. Summary of all public comment received to date.**

The DOE received comments through its established written and oral mechanisms.

1. For the following reasons, 54 commenters expressed opposition to the proposal. Additionally, a petition containing 638 signatures in opposition to the proposal was submitted.
  - a. There should not be such a wide age range in a building with small children because it is potentially dangerous, especially for young students with Autism or who are non-verbal and rely on adults to keep them safe and anticipate their needs. Though the D75 students will be supervised, caution should not be thrown to the wind by allowing middle school general education students to be co-located with them. It is not appropriate for students of such different ages to share toilet facilities.

- b. Community Roots's academic performance and/or quality is too low to merit an expansion. On the other hand, P.S. 67 and P369K have performed satisfactorily. Community Roots scored an F on its progress report, while P.S. 67 and P369K respectively scored a C and a B. Charter schools should be held accountable to the same standards as public schools.
- c. Community Roots should relocate to one of the buildings where a school is being phased-out.
- d. Community Roots has already taken over the gym and backyard, even though they already have an upstairs gym. P.S. 67 and P369K have made other concessions in order for Community Roots to be in the building.
- e. Students at P.S. 67 and P369K will suffer as a result of this proposal. There would be an adverse impact on the students of all three schools. Gains made by the schools would be reversed.
- f. The proposal would cause the building to be overcrowded.
- g. P.S. 67 and P369K efficiently use the space currently allocated to them.
- h. The needs of Community Roots students should not supersede those of other students in K067. This proposal treats special education students like second class citizens and makes their safety a non-priority.
- i. The needs of students at P369K are great. They need to be served in the least restrictive environment possible, often in non-classroom environments like the specially designed therapy rooms in K067. The students need one-to-one therapy in isolated spaces. All of these needs cause P369K to need all of the space it currently has, especially since the space is already limited.
- j. Students and staff should not be forced to uproot in order to satisfy a politically correct agenda. The proposal is a result of charter schools' status as the "flavor of the moment" and because they save politicians headaches.
- k. Students served by P369K, which includes mainly students with Autism Spectrum Disorders and who are Emotionally Disturbed, need all the space they currently have in order to receive legally mandated related services, including Adaptive Physical Education, Speech and Language Therapy, Occupational Therapy, Physical Therapy, Hearing and Vision Services, and counseling. Under the proposal, they will not have space to receive these services and students will be adversely impacted. Additionally, there is currently only one small boys bathroom and one small girls bathroom available to P369K. Services should not be provided in hallways or stairwells, as they sometimes are already.
- l. The proposal would take space from P369K, though D75 students receive related services required by law, including occupational, physical, and language therapies. Every single student in the building is required to receive frequent specialized services one-on-one in isolation.
- m. In light of the current trend fueling the establishment and expansion of charter schools, D75 schools should not be treated differently, considering that the performance contracts which define charter schools are no different from the Individualized Education Plans that D75 teachers are held accountable to.

- n. The teachers at P369K are committed to their students, though the work is complex. The school promotes diversity and fights discriminatory attitudes. Their ability to continue in this way is threatened by the proposal.
- o. Community Roots is not a community school because most of its students are driven or bused into the neighborhood and the students, parents, and staff keep separate from anyone from the other two schools in the building.
- p. Many within the P369K community are not able to make their voices heard because of language barriers or being overwhelmed by their child's disability.
- q. P369K already has no access to the library and its students are not allowed anywhere on the floors occupied by Community Roots, though Community Roots students are allowed in the space occupied by P369K. This should not be so. Additionally, P369K students should be able to schedule time to use the smartboards owned by Community Roots because P369K has only one smartboard.
- r. The proposal can not take into account the actual use of space because no building walkthrough has taken place during school hours.
- s. The proposal is an unjust charter school takeover of DOE schools. It is an attempt to privatize education.
- t. The proposal was "passed under the table," and the P369K and P.S. 67 communities should have been able to see the proposal and vote on it before it became mandated.
- u. According to "Joseph P. Decree," special education students have a right to space designed to meet their needs, which will not be possible under the proposal.
- v. The numbers in the proposal seem to be "juggled" to support the expansion of Community Roots, yet the proposal still ends up with a final utilization rate above 100%.
- w. Based on the long waiting list for Community Roots and its low ratings, the parents of Community Roots students probably are more politically experienced and more adept at finessing the system than parents of students in the other K067 schools, which seems to indicate that the proposal is a political scheme to take advantage of families that cannot protect themselves. As a result, the "haves" are getting more, and the "have-nots" are paying for it.
- x. According to the logic that even a school with such a low rating should be expanded, then all intermediate and middle schools should be shuttered and all elementary schools should become K-8.
- y. Cafeteria space is already limited, and the proposal would make it so students have to eat lunch either very early or very late.
- z. Overcrowding is especially detrimental to many students classified as ASD, since many have extreme sensitivity to loud noises, like those caused by crowds.
- aa. As a result of the proposal, hundreds of elementary students would be pushed out of a warm, friendly learning environment and special education students will not feel accepted.

- bb. Air conditioners are set up in the rooms for the D75 students because of their mandated 12 month school year. The cost of moving P369K and its air conditioners to another facility, which would happen as a result of the proposal, would be astronomical. The charter school sees the air conditioners and is doing this to try to get them. Thus, the proposal is financially wrong for the city.
  - cc. Children with disabilities are entitled to the same education and therapy programs as other children. The proposal violates the Americans with Disabilities Act of 1980.
2. For the following reasons, 51 commenters expressed support for the proposal:
- a. Space is always at a premium in New York City schools, so the shrinking of schools' footprints in K067 is acceptable.
  - b. Community Roots has been a good neighbor to the other schools in K067, working with them on community projects, holding book fairs, and making improvements to the building.
  - c. Community Roots is filling a critical role with its phenomenal success, which can be seen through the high demand for its seats.
  - d. The teaching model employed by Community Roots is studied by other schools and universities, and it is increasingly being adopted throughout the country.
  - e. Community Roots represents the racial and socioeconomic diversity of its neighborhood.
  - f. Quality middle school options are limited in District 13, and the proposal will create more high quality seats for the district. Two-thirds of the students at Community Roots are District 13 students, and eventually all students at Community Roots will be from District 13.
  - g. The anger and resentment on behalf of those opposed to the proposal is misguided. Community Roots does not serve an elite population, and the vision of the school is community and inclusion.
  - h. Community Roots families and staff have been unjustly vilified, and the proposal should not be obstructed by the slanderous words of the opposition as displayed in an angry protest outside the school building, during which Community Roots families and staff were harassed by opponents to the proposal, including teachers from other schools in K067.
  - i. Community Roots is a great school with an excellent track record, and it serves a high proportion of special education students. Thus, it should be allowed to expand.
  - j. The building has great amenities to serve all three schools, such as a parking lot, a safe bus loading area, and comparatively ample shared spaces.
  - k. Community Roots needs to be allowed to expand to K-8 as a cohesive unit, without split-siting. Split-siting would ruin the harmonious environment among staff and students in the school.

- l. Though the factual basis of the BUP is flawed in its current form and the space allotment is inequitable, it may be the best solution to the current situation.
  - m. Having middle school students in K067 provides great potential for the older students to partner in the development of the younger students.
  - n. Community Roots has created a genuinely harmonious environment where students can feel respected and valued. It is a real melting pot, a rare occurrence in New York City. Based on these positive attributes, Community Roots should expand.
  - o. The proposal is not for a “takeover” of K067 by Community Roots, and it should not be treated as such.
  - p. Though it would have been better for Community Roots to get its own space, the proposal offers a workable alternative.
  - q. Instead of refuting the expansion, the arguments against the proposal seem to be rooted mainly in a fear that the other two schools will be eventually shut-down as a result of the proposal, and that this is the next step of the area’s changing demographics which are leading to the supposed elimination the first black school in Brooklyn.
  - r. Postponing the expansion to 2012-2013 is unacceptable because it would cause the families of current fifth graders at Community Roots to have to find a new school.
  - s. The vision and priorities of the DOE should be supported, including the creation of high-quality school choices for students and families by keeping charter schools in diverse, high-need communities with promising leaders and proven models
3. A commenter asserted that Community Roots will also be losing space, which it also needs in order to serve its students who require related services.
  4. Multiple commenters asserted that the Community Roots community did not have input into where it would be allowed to expand and this decision was made solely by the DOE. Therefore, the Community Roots community should not be blamed for the proposal, and the DOE should do a better job of explaining the proposal to the community.
  5. Multiple commenters asserted that as seen in the public display of anger on behalf of the opponents to the proposal, the DOE needs to do a better job of explaining its proposal and facilitating discussions that bring understanding and unity among all concerned parties.
  6. A commenter asserted that the statement in the EIS that the school will reach “116% of utilization” seems to be different from “116% of capacity.” The DOE should explain the difference between the two and be more clear about what utilization is.
  7. New York State Senator Velmanette Montgomery and New York City Councilmember Letitia James wrote a letter making several points about the proposal:
    - a. Community Roots has an excellent track record and deserves support.

- b. The DOE should reconsider the proposal to expand Community Roots in K067 because the Councilmember and State Senator had understood an expansion of Community Roots would entail a move to a new facility to accommodate the new grades served.
  - c. The expansion of the school within K067 would constrict the capacity of the building and increase disparities between schools in the building, schools which deserve and require adequate resources for opportunities equal to Community Roots.
  - d. The building utilization rate that would result from this proposal, 116%, is unsatisfactory by any standards.
  - e. The level of consideration given in this proposal to P369K students by the DOE is questionable.
  - f. Students at P369K require a high-level of care and a great amount of space. Service for their unique needs would be impeded by the loss of space and by having middle-school students in the building. The proposal could even cause P369K students to have to receive their essential services in hallways and other precarious locations.
  - g. The DOE should work to foster community building between the schools in K067, encouraging partnerships that recognize each principal's mission. Such community building would aid efficient sharing of space, decrease hostilities between principals of co-located schools, and reward achievements like those of Community Roots.
8. A commenter said the decision not to move forward with the proposal is devastating, and though it would have been difficult to have so many students in K067, it is unfortunate for this decision not to have been made sooner. Now, many families with fifth grade students in Community Roots who thought they had a place for their students to go to school next year need to find alternate plans. There are very few middle school choices in District 13. Community Roots is a fantastic option and its presence has benefited the other schools in K067. Councilmember James will hopefully work with all three schools to find a perfect solution for Community Roots to expand next year by eliminating protests, working with the DOE, and taking into consideration the best interests of students.

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

The EIS can be found on the Department of Education's Web site:

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

**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.**

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