Department of Education
Dennis M. Walcott, Chancellor

Public Comment Analysis

Date: April 27, 2011

Topic: The Proposed Expansion of the Co-location of Harlem Success Academy 5 Charter School (84M482) with P.S. 123 Mahalia Jackson (05M123) in School Building M123

Date of Panel Vote: April 28, 2011

Summary of Proposal

Harlem Success Academy 5 Charter School (84M482, "HSA 5") is an existing public charter school located at 301 West 140th Street, New York, NY, 10030, in Community School District 5 ("District 5"), in Building M123 ("M123"). It currently serves students in Kindergarten through first grade. HSA 5 is co-located with P.S. 123 Mahalia Jackson (05M123, "P.S. 123"), a zoned school which serves students in Kindergarten through eighth grade and offers a Pre-Kindergarten program. 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 April 20, 2010, the Panel for Educational Policy ("PEP") approved the co-location of two grade levels of HSA 5 with P.S. 123 in M123. In the Educational Impact Statement ("EIS") describing that proposal, the Department of Education ("DOE") stated that it would assess the available space in M123 to determine whether there is sufficient space for HSA 5 to continue to add additional grades in M123. After conducting such an assessment, the DOE has determined that there is sufficient space for HSA 5 to add an additional grade level in M123.

On December 16, 2011, the DOE published an EIS describing a proposal to expand the co-location of HSA 5 so that it will serve grades K-2 in M123. That proposal was never presented to the PEP for a vote. On March 2, 2011, the DOE issued a new EIS, which described a proposal to expand the co-location of HSA 5 so that it will serve grades K-2 in M123, and included new information about a new special education program at HSA 5. The self-contained special education class would serve second grade students enrolled at HSA 5 and Harlem Success Academy 2 (84M384), an existing public charter school located at 144-176 East 128th Street in Community School District 5. Success Charter Network is seeking authorization from its authorizer, the State University of New York Charter Schools Institute ("SUNY CSI"), to enable it to serve students from HSA 2 requiring special education services in the HSA 5 location. On March 4, 2011, EIS was amended to clarify the characterization of special education services at HSA 5 and the statistics of special needs populations served; however, these changes did not substantially revise the proposal itself.

On April 12, 2011, the DOE published a second amended EIS and amended Building Utilization Plan ("BUP"), which corrected typographical and formatting errors, included the rationale behind HSA 5's grade expansion and addition of a self-contained special education class, updated the link to the Citywide Instructional Footprint, clarified that P.S. 123 and HSA 5 will continue to provide all mandated services to their respective students with disabilities and English Language Learner students, discussed the construction of a science lab, scheduled for completion in November 2011, which will impact the use of library space below the lab, and clarified that HSA 5 is managed by Success Charter Network, but did not substantially modify or revise the proposal itself. The amended BUP, which was annexed, included additional information related to the shared space schedule, current construction projects in M123, and corrected the enrollment projection for P.S. 123 for 2011-2012.

If this proposal is approved, HSA 5 would enroll approximately 60-70 additional students, and the total enrollment for the school would be 249. P.S. 123's enrollment in grades Kindergarten through eight would be approximately 670-680 students. P.S. 123 also has a Pre-Kindergarten program which enrolls 54 students. The combined total enrollment in the building would be approximately 973-983 students. In 2009-10, M123's target capacity was 1,044. Thus, M123 has the capacity for HSA 5 to expand and for P.S. 123 to continue to serve Kindergarten through eighth grade students and offer a Pre-Kindergarten program with total building utilization of approximately 93-94% of target capacity.

Any proposal to further extend the co-location of HSA 5 with P.S. 123 in the M123 building or make it a permanent site for all or some of HSA 5's grades, would be the subject of a subsequent EIS and must be approved by the PEP prior to implementation.

Extending the co-location and allowing HSA 5 to expand by one grade would maintain District 5 elementary students' access to a high quality option. Permitting HSA 5 and HSA 2 offer a self-contained class at M123 will further the goal of serving the needs of all students in the community.

The details of this proposal, second amended EIS and amended BUP, can be accessed here: http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/Apr282011Proposals.

Copies of the second amended EIS and amended BUP are also available in the main offices of HSA 5 and P.S. 123.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at HSA 5 / P.S. 123 on April 13, 2011. At the hearing, interested parties had an opportunity to provide input on the proposal. Approximately 151 members of the public attended the hearing and 21 people spoke. Present at the meeting were: Community District 5 Superintendent Gale Reeves; Community Educational Council ("CEC") 5 President Dianne Johnson and Vice President Ta-Tanisha Rice; P.S. 123 Principal Beverly Lewis and School Leadership Team ("SLT") representatives Thelma Thompson (Chairperson), Shaniqua Jackson, Demetrice Cameron and Hope Scott; Harlem

Success Academy 5 External Affairs Manager Nicole Foster; and Safiya Raheem from Council Member Inez E. Dickens' Office.

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

1. CEC 5 President Dianne Johnson expressed the CEC's opposition to the proposed expansion. She noted that HSA2 moved out of the building to allow P.S. 123 to expand to the eighth grade and it needs room to grow. She stated that although HSA 5 has a good curriculum, the CEC will stand by P.S. 123 and continue to work with it.
2. CEC 5 Vice President Ta-Tanisha Rice expressed her opposition to the proposal, expressing the opinion that there is never an agreement or discussion with the community prior to the charter school co-location, but instead, they are just informed about the move. Also, she suggested that HSA 5 form a PTA so that they can meet with the PTA counterpart in P.S. 123.
3. P.S. 123 SLT representative Thelma Thompson expressed her opposition to the proposal for the following asserted reasons:
    a. When HSA2 was initially placed at P.S. 123, the proposal was for only two years.
    b. The DOE approved adding middle school grades to P.S. 123, which is a critical process that demands resources.
    c. P.S. 123 enroll a large number of Special Needs students, English as a second language learners and at risk youngsters who have special needs that require additional resources and space.
    d. Loss of space due to the existing co-location.
        i. Special Counseling, Occupational Therapy, Physical Therapy and Adaptive Physical Education are placed in storage rooms in basement and halls.
        ii. HSA 5 is provided with the entire third floor with exception of two classrooms and an office.
        iii. Computer lab, Graham-Windham Counseling Program, Westside Computer Program, Art Carnival residency Program, Robotics Projects, Columbia University GED ESL Computer Programs for parents were lost due to space.
        iv. Reduced areas for academic interventions and in-house suspension room, which are mandated services.
    e. Lack of building space negatively impacted student achievement and impeded the school's ability to create a nurturing learning environment, as demonstrated by declining state test scores and increased suspensions.
    f. Gang activity and safety issues.
    g. The DOE is closing four middle schools in the community which will reduce the number of middle school seats in District 5. P.S. 123 needs space to accommodate the middle school students.
    h. The charter school serves students who do not live in the community.
    i. According to the March 4th Building Utilization Plan, the space allocation for P.S. 123 will be adjusted to lose three classrooms to HSA 5. If those three classrooms

are released to HSA 5, there will not be a separation between the early childhood children and the middle school students.

j. EIS does not address the social, emotional and safety needs of the children, because middle school adolescents have many risk factors that cannot be properly addressed with lack of space.

4. Safiya Raheem, representing Council Member Inez Dickens, read a statement, which expressed the Council Member's opposition to the proposed expansion. She noted her concern that the proposal would increase class size for P.S. 123 students. She recommended that HSA 5 seek the use of a private facility using private funds. Also, she asked the DOE to listen to the concerns of the families, abandon the proposal and create an alternative.
5. A commenter expressed his opposition to the proposal for the following reasons:
    a. He asserted that it is illegal and unethical to give notice of an amended EIS less than six hours before the hearing.
    b. He expressed the opinion that the changes to the EIS are revisions that require a new EIS.
    c. He asserted that enrollment figures are wrong in the EIS. P.S. 123 registered 731 in September, but after that it enrolled 35 more students so the total is at 765 students.
    d. He noted that District 5 superintendent does not oversee HSA 5.
    e. He asserted that the proposed expansion would cause one group of students to succeed at the price of another group.
    f. He asserted that multiple schools have come together for this hearing including Wadleigh, P.S. 154, P.S. 241, FDA V, Choir Academy and P.S. 30, but no one from the Charter Schools are present at the hearing.
    g. He asserted that M123 could be filled with students at P.S. 123, but the DOE is intentionally sending out rejection letters to keep enrollment numbers down.
6. A commenter asserted that the hearing is just a show and that the "charter school invasion" will happen regardless of the public opposition.
7. Shaniqua Jackson and Demetrio Cameron, SLT members at P.S. 123, accused Mayor Bloomberg and the Department of Education of seizing space that is needed to properly serve special education, ESL and special needs students and causing overcrowding. They also asserted that privately-run charter schools have taken away facilities at M123, including computer lab, science lab and art room.
8. A commenter accused the DOE of manipulating the student application process to reduce the student population at P.S. 123. Furthermore, she asserted that there are physical health problems that result from the co-location.
9. A commenter urged that the parents work together to fight the Department of Education against the proposed expansion.
10. Multiple commenters asserted that there are inequalities between the charter school and P.S. 123 facilities, including P.S. 123's lack of access to air conditioners and renovated bathrooms.
11. A commenter expressed his support for the proposed expansion, reasoning that the Success Network is providing incredible educational opportunity for the community. He also pointed out that the statement read by the CEC is not unanimous or representative of

all parents since he also lives in the community, but was not permitted to vote for any CEC member or run for the CEC because his son goes to a charter school.

12. A commenter expressed her support for the proposal, noting that charter schools are also public schools and that there is space available in the building.
13. Sandra Jones, Co-President of President's Council for Community School District 5 expressed the Council's opposition to the proposal and noted her concern regarding the process in which charter schools initially co-locate in the building. For example, she stated that it was supposed to be a temporary co-location, but now HSA 5 is requesting additional space. She also asked the following questions:
    a. Why has the DOE approved to allow P.S. 123 to grow to middle school grades if it wasn't going to allow more space?
    b. Why are special education classes in P.S. 123 held in the basement?
    c. How many public hearings in District 5 have led to the reversal of charter school expansions?
    d. Why are charter schools in essentially every public school within District 5? Why can't the charter schools get their own private space?
    e. Why can't public funds, which are earmarked for charter schools, be invested in public schools?
14. A commenter expressed her support for the proposal and added that she wished that all public schools would become charter schools.
15. Multiple commenters remarked on the behavior of some parents at the hearing and asked that the other parents join her in working together to solve the issue.
16. A commenter noted that she was a teacher at Thurgood Marshall Academy where two schools were co-located successfully and recommended that the two schools in Building M123 work together to make co-location successful.

The DOE received comments at the Joint Public Hearing that did not directly relate to the proposal and therefore will not be addressed.

17. A commenter asserted opposition to the proposal without giving specific reasons.
18. A commenter noted that DOE is not on the side of the parents and that they must fight the DOE.

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

19. Council Member Inez Dickens submitted a statement, which is described in comment three above.
20. Jaye Bea Smalley and John Englert submitted a statement on behalf of the Citywide Council on Special Education ("CCSE"), which:
    a. Expressed CCSE's disapproval regarding a perceived lack of public notification concerning the joint public hearing;
    b. Noted that the amended Education Impact Statement was published a day prior to the hearing and expressed the opinion that the DOE failed to provide timely notification to the community; and,
    c. Asserted that CCSE was never notified of the hearing and requests that the hearing be rescheduled with timely notification.

21. P.S. 123 School Leadership Team submitted a rebuttal to the proposed Building Utilization Plan ("BUP"), a portion of which was read during the hearing and described in comment three above. Other comments made included:
    a. There is discrepancy between the information in the BUP and the information in the charter. For example, according to the Charter, HSA 5 will serve 249 students in 11 classes/sections, but the BUP states that HSA 5 needs 13 classrooms.
    b. Average class size at HSA 5 is smaller than that of P.S. 123.
    c. P.S./M.S. 123 will not have the opportunity to utilize the State's Early Childhood Class Size Reduction on grades K-3 because they have high number of students per class.
    d. P.S. 123 enrollment is based on the actual year to year average student enrollment while HSA 5's enrollment is based on its charter, which assumes growth.
    e. Three classrooms designated for HSA 5 in the BUP are needed for P.S./M.S. 123 to accommodate the middle school students. P.S. / M.S. 123 had to turn away students last year due to lack of space.
    f. P.S. 123 is obligated to admit all walk-in parents from the community as well as the 7 community shelters. These transitional groups are not accounted for in the projected enrollment by the DOE.
    g. P.S. 123 houses ESL self-contained classes to serve the ELL families.

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

Comments 11, 12, 14 and 16 are in favor of the proposal and do not require a response.

Comments 1, 3(d)(i)(j), 5(e), 13(a)(b), 21(a)(e) relate to the Citywide Instructional Footprint and allocation of space:

The Citywide 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 is determined by the Principal based on enrollment, budget, and student needs; there is a standard guideline of target class size (i.e., number of students in a class section) for each grade level. For elementary schools serving grades K-5 (and for all pre-K programs), the Footprint assumes that classes are self-contained and hence, allocates one full-size classroom for each general education or Collaborate Team Teaching section ("CTT") and a full-size or half-size classroom to accommodate each self-contained special education section served by the school. In addition to these instructional rooms, elementary schools also receive an allocation of cluster or specialty classroom proportionate to student enrollment that can be used at the principal's discretion for different purposes such as art and music instruction. For grades 6-12, the Footprint assumes every classroom is programmed during every period of the day. The full text of the Instructional Footprint, which describes the methodology underlying the document, is available at http://schools.nyc.gov/NR/rdonlyres/8CF30F41-DE25-4C30-92DE-731949919FC3/87633/NYCDOE_Instructional_Footprint_Final9210TNT.pdf.

In the case of a charter co-location, the Building Utilization Plan ("BUP") attached to the EIS details the number of class sections each school is expected to program each year and allocates the number of classrooms accordingly. The assignment of specific rooms and location for each in the building, including those for use in serving students with IEPs or special education needs, will be made in consultation with the Principals of each school and the Office of Space Planning if this proposal is approved. The BUP demonstrates that there is sufficient space in the building to accommodate the proposed expansion of HSA 5 and P.S. 123's pre-Kindergarten through eighth grade. HSA 5 would receive two cluster rooms in addition to the 11 class sections, resulting in the total of 13 full-size classrooms allocated in the BUP. P.S. 123 would continue to receive at least its baseline allocation of space.

Reallocating space from one school to another is sometimes necessary to serve the needs of more public school students; schools utilizing excess space limit the space available for other school organizations and other students.

In addition, the comment 3(j) regarding the sharing of space by two different age groups, the DOE has successful examples of buildings or campuses that house varying grade levels. Seven of the sixteen middle schools listed in the 2010-2011 District 5 middle school directory share their buildings with elementary school grades.

Comments 2, 5(f), 6, 13(c), 20(a) and 20 (c) all relate to the public input process:

The Joint Public hearings are held to ensure that the public has an opportunity to comment on the proposals before the PEP. In addition, the DOE publicized an email address and telephone number dedicated to accepting additional feedback about the proposal. All comments regarding the proposal are compiled and responded to in this Analysis of Public Comment, which will be made available to the public and PEP prior to the vote on this proposal on April 28, 2011. Furthermore, prior to 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.

With regards to CCSE's comment about lack of public notification, the DOE published a public hearing notice on March 10, 2011 with a date and location of the hearing. The notice was mailed to each of the impacted schools, Community Education Council 5, Community Superintendent, PEP Chair, CCSE, Citywide Council on English Language Learners and all impacted community boards. In addition, the notice was emailed to the principals of each school along with a parent letter with instruction to backpack them home with every student. The Principals were also asked to share the notice, EIS and BUP with the School Leadership Team members and to make hard copies of all documents available in the main office.

The amended Building Utilization Plan, published on April 12, 2011, did not modify or revise the proposal itself, and therefore, did not require a postponement of the April 13th hearing date previously agreed to by all parties. Regardless, in order to make sure that participants at the meeting had access to the amended documents, the DOE brought over one hundred copies of the amendment documents to the hearing itself on April 13, 2011.

Comments 2, 3(a), 3(j), 5(a)(b), 20(b), relate to the Educational Impact Statement:

With regards to parts of comments 2 and 3(a), in the EIS published on March 5, 2010, describing the co-location of two grades of HSA 5 with P.S. 123 and approved by the PEP on April 20, 2010, the DOE stated that it would assess the available space in M123 to determine whether there was sufficient space for HSA 5 to continue to add additional grades in the building. Following that assessment, as well as an assessment of the other available space in the area, the DOE decided to propose a one-year extension and expansion of HSA 5's co-location.

As for the amendment to the Building Utilization Plan, published on April 12, 2011, the changes served only to further explain the reasoning behind the proposal and proposed space allocations. Therefore, the changes were not substantial and did not modify or revise the proposal itself, and did not require a postponement of the April 13th hearing date previously agreed to by the parties. Regardless, in order to make sure that participants at the meeting had access to the amended documents, the DOE brought over one hundred copies of the amendment documents to the hearing itself on April 13, 2011.

Comments 3(b), 10 and 13(e) relate to funding and other resources:

All DOE schools receive public funding pursuant to a Fair Student Funding ("FSF") formula. Each student receives a per-pupil allocation based on the grade level of the student. For 2010-2011, the base per-pupil allocation for elementary schools was $4,059.71, and the base per-pupil allocation for middle schools was $4,384.81. In addition, FSF awards supplemental allocations on a per-pupil basis for students who have additional needs and therefore cost more to educate; for example, extra funds are allotted for English Language Learners.

Furthermore, all schools may choose to raise additional funds to purchase various resources that they feel would benefit their students. FSF covers basic instructional expenses and may be used at the school's discretion for purchasing supplies and materials, hiring staff or implementing instructional programs. Since the FSF is based on enrollment numbers, as the total number of students enrolled increases, the overall budget will also increase accordingly to allow the school to meet the instructional needs of its larger student population. Similarly, if the total number of enrollment falls, the budget will decrease accordingly.

The General Education Charter School per-pupil rate is determined by the New York State Education Department ("NYSED") and is based on the formula used for all traditional public school districts. Because that formula is created and administered by the State, the DOE has no control over the statutory funding levels for charter schools.

In accordance with Chancellor's Regulation A-190, beginning in the 2010-11 school year charter schools are required to report any capital expenditures or facility upgrade on the dedicated space in excess of $5000, which must be approved in advance by the DOE. If approved, the DOE must then ensure that an equal amount of capital expenditures or facilities upgrade expenditures are made on each co-located DOE school.

Comments 3(c), 7, 13(b) and 21(g) relate to special needs students:

Schools are allocated additional space for self-contained special education classes. These classes serve up to 12 students. Because of the small class size, self-contained special education classes may be allocated either a half-size classroom (between 240 and 500 square feet) or a full-size classroom if there are not sufficient half-size classrooms available. Mandated services for English Language Learners ("ELL") and Individual Education Program ("IEP") students are expected and will continue to be provided using the allocation of space for resource rooms, which depends on the grades and class sections served at each school, and for administrative and student services, for which a baseline of 3 full-size rooms are provided per school; this allocation may be met with a combination of full-size, half-size, and individual office sized rooms.

According to the audited register, the percentage of students with IEPs served at P.S. 123 is 15% while that of HSA 5 is 12%., The percentage of English Language Learners at P.S. 123 is 17% while that of HSA 5 is 11%.

Additionally, under recent amendments to state law, public charter schools must 1) serve all students who are admitted through their lotteries, and 2) serve a percentage of students with disabilities and ELLs comparable to the district average. Charter schools that fail to meet the special education and/or ELL targets set by their authorizer risk being closed or having their renewal applications rejected.

Comments 3(d) relates in part to Extracurricular and partnerships at P.S. 123:

As mentioned above, the Footprint allocates schools serving grades K-5 cluster or specialty classrooms proportionate to the number of students enrolled and these spaces can be used at the principal's discretion for different purposes. Both schools will have sufficient cluster rooms, pursuant to the Footprint, to maintain dedicated specialty rooms if the principals decide to program them for these purposes.

Graham Windham currently runs the Beacon program out of the M123 building and is using one full size space/classroom. The Beacon program supports 80 community centers that are located in public schools across the city. The Beacon program provides a range of activities for young people including tutoring, college prep, photography, basketball and martial arts. Services for adults and families include General Education Diploma ("GED") training, English for Speakers of Other Languages ("ESOL") programs, parenting skills workshops, and tenant education and advocacy. There will be no impact on the Beacon Program as a result of the proposed expansion of the co-location.

P.S. 123 would continue to offer programs and partnerships, such as Graham-Windham based on student interests, available resources, and staff support for those programs. The proposed expansion would not impact those opportunities. Students would continue to have the opportunity to participate in a variety of extracurricular programs though the specific programs offered at a given school are always subject to change, which is true for any City student as all schools modify extracurricular offerings annually based on student demand and available resources.

Comment 3(f) relates to safety concerns:

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

It is not clear from the comment in what way the continued co-location of HSA 5 contributes to gang-related activity or safety concerns in M123. HSA 5 students are in Kindergarten and first grade, and proposed to expand to second grade. These grades are not typically associated with gang activity.

Comment 3(e)(i) relate to co-location's impact on test scores and suspension rate:

In 2010, the New York State Education Department adjusted the "cut scores" on annual mathematics and English Language Arts exams, raising the score required for students to achieve Level 3 (grade level proficiency) or higher on the exam. As a result, the percent of students performing at grade level fell significantly at schools statewide, including most New York City schools. While the percent of students achieving proficiency declined, on average, New York City's students' scale scores on the tests remained largely unchanged relative to the prior year.

With regards to the suspension rate, the DOE acknowledges that the suspension rates have increased at P.S. 123, but disagrees that the increase can be attributed to the co-location. In 2008 and 2009, years in which the total number of suspensions was 38 and 25 respectively, P.S. 123 was co-located with HSA2. In contrast, in 2010 there were a total of 76 suspensions. This coincides with the first year in which P.S. 123 served eighth grade students.

		Principal Suspension	Superintendent Suspension
05M123	2006	17	31
05M123	2007	19	11
05M123	2008	3	35
05M123	2009	2	23
05M123	2010	23	53

Comments 4 and 13(d) relate to leasing an alternative space for HSA 5:

The DOE does not lease private space when there is existing under-utilized capacity in the District. While we welcome public charter schools to lease or provide their own space, we will offer space if there is availability. In addition, the DOE does not lease space directly for public charter schools.

Comments 2, 3(h), and 5(d) relate to the structure of charter schools and the students they serve:

HSA 5 enrolls students through a lottery, as mandated by New York State charter law, and gives preference to District 5 students. For the 2010-2011 school year, 63% of HSA 5 students reside in District 5. So the expansion would provide additional high-quality seats for the District 5 community.

RES DISTRICT	84M482 Total	Percentage
03	1	1%
04	2	1%
05	119	63%
06	26	14%
07	2	1%
08	2	1%
09	12	6%
10	16	9%
11	3	2%
12	2	1%
19	1	1%
31	2	1%
Grand Total	188	100%

Charter schools are public schools that are governed by board of directors. While the charter schools are not overseen by a community district superintendent, charters schools have their own leadership and governance that are held accountable the same way district schools are, and the DOE publishes a progress report for charter schools using the same metrics as for DOE schools.

With regards to the CEC 5's Vice President's comment about PTA, HSA 5 has a Parent Council, which serves the same purpose as a traditional PTA. At the hearing, a parent from HSA 5 responded to the request for parents from HSA 5 to meet with the P.S. 123 PTA and indicated her willingness and interest to meet.

Comments 5(c) and 21(b)(c)(d)(f), ask about enrollment data:

All enrollment data provided in the EIS is based on the unaudited register as of November 1, 2010. Many schools experience changes in enrollment throughout the school year without requiring a change in the number of class sections programmed.

In 2010-2011, P.S. 123 received TL School Support, formerly known as Early Grade Class Size Reduction funds. These funds are now allocated to schools as part of their general tax-levy funding, and are no longer mandated to be used for this purpose. In 2011-2012, P.S. 123 would not lose funding if they are not able to program additional class sections.

DOE elementary schools primarily serve their zoned students. As a result, enrollment is projected based on prior year enrollment and trend data because enrollment primarily reflects the student population in the immediate neighborhood. Each spring, Principals are provided a preliminary enrollment projection, and have the opportunity to appeal this projection – either to increase or decrease the enrollment in particular grades – based on their expectations of demand and the number of classes they anticipate programming. Schools may admit students from outside of their zone in accordance with Chancellor's Regulation A-101 as long as they are able to serve all zoned students.

Charter schools may admit students up to their planned capacity, according to the priorities defined it their charters.

HSA 5 currently enrolls 188 students in 8 sections, for an average of 24 students per class. According to the 2010-2011 Updated Class Size Report, average class sizes at P.S. 123 for General Education/CTT classes were:

K – 27 students
1st grade – 21 students
2nd grade – 23 students
3rd grade – 24 students

Comments 5(f)(g), 9 and 15 relate to parent collaboration at HSA 5 and HSA participation in the co-location process:

The DOE expects and anticipates that the parents, the school leaders and the community will work together collaboratively to continue to build strong relationship and will provide support to both schools to ensure the proposed expansion of the co-location is successful if approved.

Comment 5(f) inquired why there was no representation from HSA 5 at the joint public hearing. Contrary to this comment, Nicole Foster, External Affairs Manager at Harlem Success Academy 5, was present at the hearing along with several parents from the school.

Comment 3(g) inquires about middle school seats in District 5:

The proposal assumes P.S. 123 will offer 2 sections per grade in grades 6-8, plus two self-contained special education sections. This is one more special education section than current middle school enrollment.

Three District 5 middle schools were approved for phase-out or closure; one new DOE middle school will open in September 2011 to help address District 5 demand.

There is sufficient capacity to serve all District 5 students. Current 6th grade enrollment (and thus, capacity) in District 5 DOE and public charter schools is higher than current 5th grade enrollment.

	5th Grade Students	6th Grade Students
DOE Schools	891	894
Charter Schools	480	648
New DOE school capacity		100-125
Total	1,371	1,642-1,667

Source: Unaudited Register as of November 1, 2010

Comments 5(g), 8 and 21(e) suggest the DOE is not offering middle school seats in P.S. 123 to all students who want to attend there, and is thus reducing the enrollment at P.S. 123.

In the middle school choice process, students rank the middle schools they wish to attend, in order of their preference. Schools receive information about applicants, and rank order the applicants in the order they wish to enroll the students. A matching process places the students in the school they ranked highest from among the schools that ranked the student for admission. Schools do not have unlimited seats for 6th grade. Each spring, the school receives a preliminary enrollment projection showing the number of students the DOE anticipates enrolling at the school in each grade. Principals have the opportunity to appeal that projection to either increase or decrease the number of students they would admit, particularly at the major entry grades such as Kindergarten and 6th grade.

There are several reasons an applicant may not have been offered a seat at P.S. 123:

- The applicant received an offer to a school they ranked higher than P.S. 123 on their application.
- P.S. 123 filled its seats with students the school ranked higher for admission than the applicant.
- P.S. 123 did not rank the applicant for admission.

Comments 17 and 18 express general opposition to the proposal

While the DOE has taken note of the opposition of some commenters, the analysis set out in the EIS, BUP, and this document have led the DOE to conclude that the proposal should go forward.

Changes Made to the Proposal

No changes have been made to this proposal.