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Chancellor

Public Comment Analysis

Date: June 25, 2012

Topic: The Proposed Expansion of the Co-location of KIPP AMP Charter School 4 (84K357) with Existing Schools The School of Integrated Learning (17K354) and The Middle School for Academic and Social Excellence (17K334) in Building K390 Beginning in 2013-2014

Date of Panel Vote: June 26, 2012

Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to expand the grades served by KIPP AMP Charter School (84K357, “KIPP AMP”) in building K390 (“K390”), located at 1224 Park Place, Brooklyn, NY, 11213, in Community School District 17, from fifth through eighth grade to kindergarten through eighth grade. KIPP AMP is an existing charter school that serves students in fifth through eighth grade in K390. KIPP AMP is currently co-located with the School of Integrated Learning (17K354, “Integrated Learning”), an existing middle school that serves students in sixth through eighth grade, and the Middle School for Academic and Social Excellence (17K334, “MSASE”), an existing middle school that serves students in sixth through eighth grade, in K390. The District 17 Community Superintendent’s office is also housed in K390. The Office of Adult and Continuing Education holds classes during the evening on Mondays, Tuesdays, and Wednesdays at K390.

If this proposal is approved, in the 2013-2014 school year, KIPP AMP will serve kindergarten students, in addition to its fifth through eighth grade students, and will add one grade per year until it reaches full scale in 2017-2018 and serves students in kindergarten through eighth grade in K390. KIPP AMP’s fifth through eighth grades have been co-located with Integrated Learning and MSASE since September 2005. KIPP AMP currently admits students through a charter lottery application as mandated by the New York State charter law. Additional information about KIPP AMP’s charter lottery process, Integrated Learning’s admissions process, and MSASE’s admissions process can be found in the Educational Impact Statement (“EIS”).

According to the 2010-2011 Enrollment Capacity Utilization Report (the “Blue Book”), K390 has the capacity to serve 1,538 students. In 2011-2012, KIPP AMP is serving 294 students, Integrated Learning is serving 264 students, and MSASE is serving 223 students. This yields a

total building enrollment of 781 students and a target utilization rate of approximately 51%. This means that the building is “underutilized” and has space to accommodate additional students. If this proposal is approved, when KIPP AMP is at full scale in 2017-2018, it is projected to serve 799-941 kindergarten through eighth grade students, Integrated Learning is projected to serve 270-300 students, and MSASE is projected to serve 210-240 students. There would thus be approximately 1,279-1,481 students served in K390 amongst KIPP AMP, Integrated Learning, and MSASE in the 2017-2018 school year, which yields a projected utilization rate of 83%-96%.

Copies of the EIS and Building Utilization Plan (“BUP”) that describe this proposal are available in the main offices of KIPP AMP, Integrated Learning, and MSASE. They are also available on the DOE’s Web site at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/June2012Proposals>.

Summary of Comments Received at the Joint Public Hearings

A joint public hearing regarding this proposal was held at K390 on June 20, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately fifty-five members of the public attended the hearing and eight people spoke. Present at the meeting were the Chancellor’s Designee, Director of Brooklyn Planning in the Office of Portfolio Management, Carrie Marlin; District 17 Community Education Council (“CEC”) president, Claudette Agard; Principal of Integrated Learning, Monique Campbell; Integrated Learning School Leadership Team (“SLT”) representatives, Betty Nieves, and Keisha Layne Ramrattan; Principal of MSASE, Monique Campbell; MSASE SLT representatives, Jason Varon and Daniel Frett; and KIPP AMP SLT representative, Steve Ajani.

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

1. The CEC representative opposed the proposal for the following reasons:
 - a. The EIS implies that the DOE does not support Integrated Learning and MSASE.
 - b. Integrated Learning and MSASE accept students over-the-counter throughout the year, and this should be considered in determining their respective enrollment projections. KIPP AMP does not backfill empty seats during the year.
 - c. The Citywide Instructional Footprint (the “Footprint”) does not take into account rooms that Integrated Learning and MSASE need to accommodate students’ testing requirements according to their Individualized Education Programs.
 - d. K390 serves middle school students and KIPP AMP’s expansion to serve elementary school students should take place in an elementary school building.
 - e. Are other elementary charter schools operated by KIPP co-located in the same building as their middle schools?
2. The Integrated Learning SLT representatives opposed the proposal for the following reasons:
 - a. Integrated Learning currently organizes its students into the modules¹ in the building and KIPP AMP’s expansion will likely result in Integrated Learning

¹ On its second, third, and fourth floors K390 has groups of classrooms called “modules,” which consist of full-size and quarter-size rooms that are separated by swinging double doors from the main part of each floor. These rooms have their own staircases.

- ultimately losing seven rooms, which will impact instructional programming despite the DOE's contention in the EIS that KIPP AMP's expansion will not impact instructional programming or enrollment.
- b. Losing space will affect Integrated Learning's school culture and identity.
 - c. During standard testing periods, Integrated Learning uses the rooms that are considered to be in excess of its baseline Footprint allocation as defined by the Footprint to accommodate students who need separate testing, as outlined in their Individualized Education Programs.
 - d. It is unclear whether Integrated Learning would continue to have rooms in excess of its baseline Footprint allocation once the DOE's special education reforms are implemented.
 - e. Co-locating elementary school students with middle school students will create safety concerns.
 - f. The analysis of space in the building should evaluate more than one year's worth of data.
 - g. The proposed expansion will negatively affect Integrated Learning's access to the gym.
3. The MSASE SLT representatives opposed the proposal for the following reasons:
 - a. The proposed expansion of KIPP AMP will negatively affect MSASE's access to the gym.
 - b. Co-locating elementary school students with middle school students will create safety concerns.
 - c. The building will become overcrowded if KIPP AMP expands.
 - d. The proposal is rushed. If the proposal is not due to be implemented until the 2013-2014 school year, why is it being voted on now?
 4. The KIPP AMP SLT representative expressed his support for the proposal and stated that KIPP AMP will continue to be a good partner in the building.
 5. Multiple commenters opposed the proposal and stated that the Footprint does not take into account spaces that Integrated Learning requires in order to provide small group instruction to students.
 6. A commenter opposed the proposal because Integrated Learning does not have storage space to store 25 keyboards and 20 guitars if KIPP AMP expands.
 7. Multiple commenters expressed support for the proposal.
 8. A commenter asked how the proposed expansion would affect the space in K390 that is currently allocated to the District 17 Superintendent's Office, specifically the conference room.
 9. A commenter opposed the proposal because co-locating elementary school students with middle school students will create safety concerns.
 10. A commenter contended that KIPP AMP's expansion will negatively impact MSASE's enrollment.
 11. A commenter contended that the proposed expansion of KIPP AMP will impact Integrated Learning's and MSASE's access to the gym.
 12. A commenter opposed the proposal because Integrated Learning has had its modules redesigned by the New York Cares volunteer program. If these modules in K390 are allocated to KIPP AMP upon KIPP AMP's expansion, the improvements that were made
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to these modules that were meant to benefit Integrated Learning would be instead given to KIPP AMP.

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

The DOE received no written comments by e-mail or comments by phone.

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

- Comment 1(a) contends that the proposal implies that the DOE does not support Integrated Learning and MSASE.

The DOE strongly disagrees with this comment. All schools receive support and assistance from their respective superintendents and Children First Networks. The Children First Network is a team that delivers operational and instructional support directly to schools. Schools receive supports as part of system-wide efforts to strengthen all schools; they also receive individualized supports to address their particular challenges. The DOE strives to provide all schools with leadership, operational, instructional, and student supports that can help them improve.

- Comments 1(b), 2(a), 2(b), and 10 contend that the instructional programming, enrollment, and culture at Integrated Learning and MSASE will be negatively impacted by the proposed expansion of KIPP AMP's co-location in K390 and that the schools will lose space in excess of their baseline Footprint allocations.

As stated in the EIS, the DOE does not believe that the proposed expansion of KIPP AMP will impact Integrated Learning's or MSASE's instructional programming. Integrated Learning currently offers Integrated Co-Teaching ("ICT"), self-contained ("SC") special education classes, Special Education Teacher Support Services ("SETSS"), and an English as a Second Language ("ESL") program for English Language Learner ("ELL") students. MSASE currently offers ICT classes, SC special education classes, SETSS, and an ESL program for ELL students. Integrated Learning and MSASE will continue to provide ICT and SC classes and SETSS, and students with disabilities will continue to receive all mandated services in accordance with their Individualized Educational Programs ("IEP's"). ELL students at Integrated Learning and MSASE will also continue to receive mandated services. Furthermore, Children First Network 110, which provides MSASE support, and Children First Network 602, which provides Integrated Learning with support, will work with MSASE's and Integrated Learning's respective SLTs to identify and plan for appropriate supports related to the evolving needs of the schools.

As further stated in the EIS, the proposed expansion of KIPP AMP's co-location is not expected to impact current or future enrollment at Integrated Learning or MSASE. Integrated Learning and MSASE will continue to admit students through the unscreened admissions process, and the DOE has assumed that Integrated Learning's and MSASE's

respective projected enrollment will remain consistent with their respective current enrollment.

Though the proposed expansion of KIPP AMP's co-location in K390 is not expected to impact future student enrollment, instructional programming, or the admissions processes at Integrated Learning or MSASE, the DOE acknowledges that Integrated Learning and MSASE will each lose excess rooms as a result of this proposal and will need to operate closer to their respective baseline Footprint allocations. The DOE is also aware that this adjustment will initially be difficult for both Integrated Learning and MSASE. Thus, the DOE has allocated excess full-size classrooms and half-size classrooms to Integrated Learning and MSASE from the 2013-2014 school year until the 2017-2018 school year to support them as they transition to operating closer to their respective baseline allocations of space.

- Comment 1(b) contends that the DOE's enrollment projections for Integrated Learning and MSASE do not account for students who are accepted through the over-the-counter process and that KIPP AMP does not replace students who leave during the school year.

As stated in the EIS, both Integrated Learning and MSASE admit students through the unscreened admissions process in the overall District 17 Middle School Choice process. The unscreened admissions process randomly selects students who apply to Integrated Learning and MSASE. Students who do not participate in the Middle School Choice process are assigned middle school placements through the over-the-counter process, which is the method of enrolling students who need middle school assignments because they were not part of any admissions process for entry grades and/or were not enrolled in a New York City school at the time school started.

The commenter correctly states that both Integrated Learning and MSASE accept students throughout the over-the-counter admissions method throughout the school year. However, the commenter incorrectly states that the DOE does not consider students accepted through the over-the-counter admissions process throughout the school year in making enrollment projections. In projecting future enrollment, the DOE utilizes current enrollment which in the case of Integrated Learning and MSASE includes students accepted through the over-the-counter admissions process. Because students placed through the over-the-counter admissions process are included in future enrollment projections, and because enrollment projections are utilized to allocate space, both Integrated Learning and MSASE have been allocated sufficient space to accommodate and serve all of its students throughout KIPP AMP's expansion.

KIPP AMP does not accept students through the over-the-counter admissions method. However, throughout the 2011-2012 school year, KIPP AMP accepted students from its waitlists for fifth through seventh grades to fill vacant seats in those grades after the start of the 2011-2012 school year.

- Comments 1(c), 2(c), and 5 contend that the proposal will specifically impact Integrated Learning's and MSASE's abilities to continue to provide special programming for their high-needs student populations, formally and informally.

Many of the DOE's schools with similar populations are serving their students in proportionally smaller amounts of space with significantly positive outcomes. The Footprint allocates a full-size or half-size classroom to accommodate each self-contained special education section served by a school and a number of baseline full-size equivalent classrooms for students support services and resource rooms. As mentioned above, Integrated Learning and MSASE have been allocated excess full-size and half-size classrooms from the 2013-2014 school year until the 2017-2018 school year, and the principals of Integrated Learning and MSASE may choose to use these rooms to provide programming for their high-needs student populations beyond the rooms allocated for this purpose according to the Footprint. Integrated Learning and MSASE provide a diverse range of essential services, and the DOE believes these schools will be able to continue to effectively serve their students, meeting individual needs. As stated in the EIS, existing ICT, SC, and SETSS classes will continue to be provided, and students with disabilities will continue to receive mandated services in accordance with their IEPs. The DOE will continue to provide support to the schools to ensure that the schools use the space efficiently in order to maximize capacity to support student needs and maintain appropriate delivery of special education and related services to students.

Schools are allocated space for student support services, resource rooms, and administrative space. Even once KIPP AMP has reached full-scale, each school in K390 will be allocated additional excess full-, half-, or quarter-size spaces above their baseline Footprint allocations.

Specifically, concerning the contention that Integrated Learning and MSASE will not be able to provide students with separate testing areas as mandated in their IEPs, the DOE does not anticipate that this proposal will prevent students from receiving their testing accommodations. As mentioned previously, each school in K390 will have access to a variety of spaces in addition to their baseline instructional spaces. These include the spaces allocated for student support services, resource rooms, administrative spaces, and shared spaces. The DOE will work with the existing schools in K390 to ensure that students' testing needs are met.

- Comments 1(d), 2(e), 3(b), and 9 contend that co-locating KIPP AMP's elementary grades with the existing middle schools will raise safety concerns.

The DOE currently manages 246 buildings where mixed grade levels of two or more school organizations are co-located. The DOE is not aware of any unusual discipline problems caused by the co-location of elementary age students with middle school age students in those buildings. It is therefore not unusual for varying grade levels to be co-located together. If this proposal is approved, the DOE will support Integrated Learning, MSASE, and KIPP AMP and ensure that the building is safe at all times. The DOE makes available the following supports to schools around safety and security:

- Best Practices Standards for Creating and Sustaining a Safe and Supportive School as a resource guide;
- Review and monitoring of school occurrence data and crime data (in conjunction with the Criminal Justice Coordinator and NYPD);
- Technical assistance when incidents occur via the Borough Safety Directors;
- Professional development and support to CFN Safety Liaisons;
- Professional development and kits for Building Response Teams;
- Monitoring and certification of School Safety Plans annually.

Also, pursuant to Chancellor’s Regulation A-414, every school/campus is mandated to form a School Safety Committee. The committee plays an essential role in the establishment of safety procedures, the communication of expectations and responsibilities of students and staff, and the design of prevention and intervention strategies and programs specific to the needs of the school. The committee is comprised of various members of the school community, including parents, and includes at a minimum: the principals of the co-located schools; a designee of all other programs operating within the building; United Federation of Teachers Chapter Leader; custodial engineer/designee; in-house School Safety Agent Level III/designee; local law enforcement officials; Parent Association President/designee; dietician/designee of food services for the site; community members; local ambulance or other emergency response agencies; representative of the student body (when appropriate); and any other persons deemed appropriate by the principals. The committee is responsible for addressing safety matters on an ongoing basis and making appropriate recommendations to the principal when it identifies the need for additional security measures, intervention, training, etc. The committee is also responsible for developing a comprehensive School Safety Plan which defines the normal operations of the site and what procedures are in place in the event of an emergency. Thus, if this proposal is approved, the DOE Office of Space Planning and K390’s School Safety Committee would collaborate to ensure the safety of students during arrival, dismissal, and transition between classrooms and shared spaces such as the cafeteria.

- Comment 1(e) asks whether other elementary charter schools operated by KIPP co-located in the same building as their middle schools.

KIPP Charter Network (“KIPP”), the charter management organization that operates KIPP AMP, currently manages a total of four charter schools that serve elementary and middle school grades and are located in Manhattan, Brooklyn, and the Bronx. Besides KIPP AMP, KIPP manages the following three charter schools, all of which serve fifth through eighth grade students and are currently phasing in to serve kindergarten through fourth grade students: KIPP Academy Charter School (84X704, “KIPP Academy”), which is located in District 7; KIPP Infinity Charter School (84M336, “KIPP Infinity”) and KIPP S.T.A.R. (84M726, “KIPP STAR”), which are located in District 5. KIPP also manages a high school, KIPP NYC College Prep High School, which enrolls students who have been promoted from a charter middle school operated by KIPP, and will reach full scale in 2012-2013.

KIPP Infinity's elementary and middle school grades are co-located in the same building, specifically building M195. In addition to two DOE middle schools, this building also houses KIPP NYC College Prep High School. KIPP Academy's elementary and middle school grades are not currently served in the same building; its elementary school grades are served in building X790, while its middle school grades are served in building X151. KIPP STAR's elementary and middle school grades are not currently served in the same building; its elementary grades are served in building M115 and are co-located with a DOE elementary school and its middle school grades are served in building M125 and are co-located with a DOE elementary school and a DOE secondary school.

- Comment 2(d) asks whether Integrated Learning will continue to have rooms in excess of its baseline Footprint allocation once the DOE's special education reforms have been implemented.

The DOE does not anticipate that its special education reforms will require adjustments to how baseline Footprint allocations are determined. Thus, as stated in the BUP, Integrated Learning will be allocated rooms in excess of its baseline Footprint allocation as the proposed expansion of KIPP AMP is implemented, and Integrated Learning will be allocated one full-size room and one quarter-size room in excess of its baseline Footprint allocation in its long-term space allocation.

- Comment 2(f) relates to the contention that the analysis of space in K390 should include more than one year's worth of data.

As stated in the BUP, the DOE applies the Footprint to the current number of classes that each school has programmed. The baseline and current space allocations in the building are confirmed by a survey of the building conducted by the Borough Director of Space Planning, where he or she is accompanied by a school's representative. This ensures that the most recent accurate data about the space allocations in the building are used to determine the proposal's viability. Furthermore, each school's historical enrollment and performance data are considered during the DOE's planning for the proposal.

- Comments 2(g), 3(a), and 11 contend that the proposal will overly burden the scheduling of the gym in K390.

In the BUP, the DOE has proposed a shared space plan that fairly and equitably allocates time in the shared spaces in K390, including the gym. The DOE does not anticipate that this proposal will cause Integrated Learning and MSASE to have insufficient access to the gym.

The DOE also notes that the proposed shared space schedule included in the BUP is not necessarily the final shared space schedule for K390 in the 2013-2014 school year. The final shared space schedule will be collaboratively drafted by the Building Council, which will be composed of the principals or designees of the co-located school organizations.

- Comment 3(c) relates to the contention that K390 will become overcrowded as a result of the proposal.

As stated in the BUP, by 2017-2018, when KIPP AMP will have reached full scale, there will be sufficient space in K390 for all three schools to receive rooms in excess of their baseline Footprint allocations. Specifically, KIPP AMP will be allocated three quarter-size rooms in excess of its baseline allocation, while Integrated Learning will be allocated one full-size room and one quarter-size room and MSASE will be allocated one full-size room and two quarter-size rooms in excess of their respective baseline Footprint allocations. Furthermore, as stated in the EIS, by 2017-2018, when KIPP AMP will have reached full scale, K390 will serve 1,279-1,481 students, which will result in a projected building utilization rate of 83%-96%. Thus, the DOE rejects the contention that K390 will become overcrowded as a result of the proposal.

- Comment 3(d) asks why the proposal will be presented to the Panel for Educational Panel's vote at its June 2012 meeting even though the implementation of the proposal would not take place until the 2013-2014 school year.

The DOE believes that presenting the proposal this far in advance of implementation allows for more time for engagement because there is more lead time between the scenario planning, the proposal, and its implementation. Furthermore, an earlier public review process allows for more meaningful community engagement between the charter school, in this case KIPP AMP, and the community to which its service will be expanded prior to expansion. Finally, it also allows for more thoughtful planning between KIPP AMP, Integrated Learning, and MSASE.

- Comments 4 and 7 support the proposal and therefore do not need to be addressed further.
- Comment 6 contends that Integrated Learning will lack storage space for its keyboards and guitars if the proposal is implemented.

As stated in the BUP, a band room that is currently shared by MSASE and Integrated Learning will continue to be shared only by MSASE and Integrated Learning if this proposal is approved. The band room has ready access to multiple storage areas. Therefore, because the proposal does not change the way the band room is currently used, there is no basis for the contention that Integrated Learning will lose storage space for its keyboards and guitars if the proposal is implemented.

- Comment 8 relates to the impact of the proposal on the space allocated to the District 17 Superintendent's Office.

As stated in the BUP, the District 17 Community Superintendent's Office currently utilizes 2.5 full-size equivalent rooms of designed administrative space and this space will continue to be allocated for the District 17 Community Superintendent's Office. Therefore, the proposal will have no impact on this space.

- Comment 12 relates to the contention that Integrated Learning may lose rooms in K390 that have received improvements by New York Cares, an organization of volunteers that coordinates volunteer programs for non-profit organizations, New York City agencies, and public schools.

The DOE notes that the BUP outlines the baseline number of rooms that should be allocated to a school based on the grade levels served by the school and the number of classes per grade as established by the Footprint and allocates rooms in excess of the baseline allocations equitably based on the proportion of the total students in the building enrolled by each school, the instructional and programmatic needs of the co-located schools, and the physical location of the excess space within the building. The BUP does not, however, dictate which specific rooms in the building will be assigned to each school. If the proposal is approved, that decision will be made by the principals of the co-located schools jointly, with guidance provided by the Office of Space Planning.

Changes Made to the Proposal

No changes were made as a result of this proposal.