

Public Comment Analysis

Date: June 25, 2012

Topic: The Proposed Grade Reconfiguration of Success Academy Charter School – Harlem 3 (84M385) to Serve Grades 5-8 in Building M101 Beginning in the 2013-2014 School Year

Date of Panel Vote: June 26, 2012

Summary of Proposal

The New York City Department of Education (“DOE”) has published an Educational Impact Statement (“EIS”) proposing to reconfigure Success Academy Charter School – Harlem 3’s (84M385, “HSA 3”) grade span in building M101 to serve students in fifth through eighth grades. HSA 3 is an existing public charter school currently serving students in kindergarten through fourth grades in building M101 (“M101”), located at 141 East 111th Street, New York, NY 10029 in Manhattan’s Community School District 4. In a separate educational impact statement (“EIS”) first posted on March 5, 2012, amended on March 7, 2012, and revised on March 16, 2012, the DOE described a proposal to re-site HSA 3’s elementary grades from M101 to building M099 (“M099”) located at 410 East 100th Street, New York, NY 10029 in Manhattan’s Community School District 4 beginning in the 2013-2014 school year.¹ That proposal was approved by the Panel for Educational Policy (“PEP”) on April 26, 2012. If this proposal is also approved, HSA 3 would serve kindergarten through fourth grade students in M099 and fifth through eighth grade students in M101.

The DOE amended the EIS for this grade reconfiguration proposal on May 15, 2012, to correct the grade spans of four of the schools listed in the district charter options table in Section III.C. of the EIS. These changes do not significantly revise the proposal.

HSA 3 is co-located with two other schools in M101: Mosaic Preparatory Academy (04M375, “Mosaic”), a zoned elementary school that serves students in kindergarten through fifth grades and offers a pre-kindergarten program; and P811M@P101M (75M811, “P811M”), one site of a multi-site District 75 school. A “co-location” means that two or more school organizations are

¹ As described in the revised EIS, HSA 3 would begin serving kindergarten at M099 in the 2013-2014 school year, and serve an additional grade level each year in that building until grades K-4 are all located at M099 by the 2017-2018 school year.

located in the same building and may share common spaces like auditoriums, gymnasiums, and cafeterias.

Success Academy Charter Schools (“Success Academies”) is a charter management organization (“CMO”) that operates nine public charter schools in New York City. The State University of New York (“SUNY”) Charter Schools Institute has authorized HSA 3 to serve students in kindergarten through fifth grades. When the charter is up for renewal in 2013, HSA 3 intends to apply to expand its grade span to kindergarten through eighth grades. SUNY has the authority to approve or deny that request. Should SUNY deny HSA 3’s request to expand, the DOE would consider alternate options for the space in M101 and, if necessary, propose an alternative option in a new or revised EIS. If this proposal is approved, HSA 3 at M101 would serve 638-704 students in first through sixth grades in 2013-2014, 642-710 students in second through seventh grades in 2014-2015, 647-715 students in third through eighth grades in 2015-2016, 588-650 students in fourth through eighth grades in 2016-2017, and 544-600 students in fifth through eighth grades in 2017-2018 in M101.

Because of insufficient space in M101 to accommodate HSA 3’s fifth grade students in the 2012-2013 school year, the DOE identified a separate building in which HSA 3 could serve those students. Success Academy Charter School – Harlem 2 (84M384, “HSA 2”), currently housed in Building M030 (“M030”), located at 144-176 East 128 Street, New York, NY 10035 in Community School District 5, faces similar space constraints in serving its fifth grade students in the 2012-2013 school year. In a separate EIS first posted on February 2, 2012 and amended on February 28, 2012, the DOE described a proposal to co-locate the fifth grades of HSA 2 and HSA 3 in Tandem Buildings M185 and M208 (“M185/208”), located respectively at 20 West 112th Street, New York, NY 10026 and 21 West 111th Street, New York, NY 10026, in Community School District 3, for the 2012-2013 school year only. This proposal was approved by the PEP on March 21, 2012.

If this proposal to reconfigure HSA 3’s grade span in M101 is approved, in 2013-2014, the school would enroll fifth grade students continuing from HSA 3 at M101 as well as the sixth grade students from HSA 3 and HSA 2, who will be served in M185/208 as fifth graders in the 2012-2013 school year. In addition, students enrolled at Success Academy Charter School – Harlem 1 (84M351, “HSA 1”), HSA 2, Success Academy Charter School – Harlem 4 (84M386, “HSA 4”), and Success Academy Charter School – Harlem 5 (84M482, “HSA 5”) would have the opportunity to enroll in HSA 3 at M101 for middle school. Students are admitted to HSA 3’s feeder schools via the charter lottery application process with preference given to residents of the district in which the school is located.

Mosaic is a zoned district school that serves students in kindergarten through fifth grades and offers a pre-kindergarten program. Students are currently admitted to Mosaic’s elementary grades and pre-kindergarten program according to Chancellor’s Regulation A-101. Admissions methods are detailed in Section III.A of the EIS. In the 2011-2012 school year, Mosaic served 289 students in kindergarten through fifth grades, and 36 students in two sections of full-day pre-kindergarten. Projected enrollment for 2012-2013 is 260-320 students in kindergarten through fifth grades and 36 students in two sections of full-day pre-kindergarten.

P811M@M149 serves elementary-age students with autism or who are emotionally disturbed. Students are placed in District 75 programs based on their individual needs and recommended special education services. In 2011-2012, P811M served 62 students in kindergarten through eighth grade.

According to the 2010-2011 Enrollment Capacity Utilization Report (the “Blue Book”), M101 has the capacity to serve 866 students. Currently, the building serves 1,001 students, yielding a building utilization rate of 116%. As previously stated, the PEP approved a proposal to re-site the elementary grades of HSA 3 from M101 to M099 beginning in the 2013-2014 school year. If this proposal is approved, the building would serve approximately 906-1,032 students and have a utilization rate of 105%-119% in 2017-2018 when HSA 3’s kindergarten through fourth grades are fully re-sited to M099 and its fifth through eighth grades are fully phased in at M101. It is important to note that ongoing and new construction in M101 will generate additional capacity by September 2012, thereby decreasing the projected utilization rates across the span of this proposal. As discussed in Section III.B of the amended EIS and in the Building Utilization Plan (“BUP”), the building has sufficient space to provide each school located in M101 with at least its baseline room allocation under the Citywide Instructional Footprint (“Footprint”). Therefore, M101 has the capacity to accommodate Mosaic, P811M, and the middle school grades of HSA 3.

The details of this proposal have been released in an amended EIS and BUP, which can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/June2012Proposals>.

Copies of the amended EIS and BUP are also available in the main offices of Mosaic, P811M, and HSA 3.

I. Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at building M099 on June 18, 2012. Approximately 37 members of the public attended the hearing, and five people spoke. Present at the hearing were Chancellor’s Designee, Gregg Bethel; District 4 Community Education Council (CEC 4) Member James Wesley Thomas; Mosaic Principal Lisette Caesar; Mosaic School Leadership Team (“SLT”) Representatives Darryl Browne, Saraia Lucas, Elizabeth Gil, and Earleth Barnett-Garcia; P811M Assistant Principal Vilma Melendez; HSA 3 Representative Norah Cooney.

The following comments were made at the joint public hearing on June 18, 2012:

1. James Wesley Thomas, CEC 4 Member, asserted that as we consider these proposals, we must focus on providing a great education for every child in these schools.
2. Darryl Browne, Mosaic SLT Representative, asserted that:
 - a. The low turnout at this public hearing is disrespectful to the community.
 - b. While M101 has experienced many changes, the changes brought by this proposal is the most tragic because it is rapid change without the support of the community.

- c. The proposal threatens the longevity of Mosaic because, according to the EIS and BUP, HSA 3 is growing and the other schools are not, so Mosaic will not have the space to expand enrollment in the future.
 - d. The EIS focuses on HSA 3 as high quality, implying that Mosaic is not providing high-quality options.
 - e. Co-locations create an environment that pits people against each other, which is unhealthy for children.
3. Saraia Lucas, Mosaic SLT Representative, asserted that:
- a. Mosaic's students are already "crammed" into classrooms and this proposal will result in Mosaic having to cram more students into a smaller space.
 - b. Good middle schools are difficult to find, so Mosaic has tried to expand to a K-8 school for years; however, the school will not be able to expand as a result of this proposal.
 - c. HSA 3's entire K-8 school should be placed in M099 instead of being split between M099 and M101.
 - d. HSA 3 and charter schools are not truly equal to district, zoned schools because students are accepted through a lottery while schools like Mosaic take all students.
 - e. HSA 3 approaches co-locations as a "take-over" and does not cooperate with the other schools in the building; this leads to safety concerns that go unaddressed.
 - f. HSA 3 and other charter schools do not hire experienced teachers as district schools do.
 - g. The cafeteria space is too limited when children must eat lunch at 10:00 a.m.
 - h. If all of the Success Charter Schools are able to send all of their elementary school students to middle school in M101, it will certainly push out Mosaic.
4. Multiple commenters asserted their concerns about young children sharing school facilities, such as bathrooms, with older children.
5. Multiple commenters asserted that there is not enough space in M101 and that the proposals would result in students being crowded into classrooms and shared spaces such as the gym.
6. A commenter asserted that in co-locations, the DOE must divide space equitably, not just equally, in order to ensure the school has the space it needs to effectively operate.
7. A commenter asserted that tonight's poor turnout is because parents know that while their voices are heard, it will not make a difference.

The following questions were submitted in writing at the joint public hearing on June 18, 2012.

- 8. A commenter asked how the DOE plans to address safety issues, particularly around bullying.
- 9. A commenter asked how the DOE calculated building utilization and capacity.
- 10. Several commenters asked if Mosaic and P811M will lose space as a result of this proposal.
- 11. A commenter asked what percentage of HSA 3's students have come from District 4 over the years.

12. A commenter asked how the DOE can predict the amount of space a school will need each year.
13. A commenter asked why the Chancellor did not attend the hearing.

The following comments and remarks were made at the Joint Public Hearing that were not related to the proposal

14. A comment asserted that education cannot be categorized as high-quality or low-quality.

II. Summary of Issues Raised in Written and Oral Comments Submitted to the DOE regarding the proposal

15. During the public comment period, in total, one comment was received (via email or phone) opposing the proposal. The comment cited:
 - a. Concerns over elementary school students sharing facilities with middle and high school students.
 - b. Concerns about overcrowding at Mosaic.

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

Footprint/Building Utilization

- Comment 3h asserts that allowing students from other Success Academy elementary schools to attend middle school in M101 will push out Mosaic. Comments 2c and 3b assert that this proposal will prohibit Mosaic from expanding enrollment and/or grades served at the school.

Each school in M101 has been allocated the baseline number of rooms it needs according to the Citywide Instructional Footprint (“the Footprint”). Additionally, Mosaic has been allocated excess rooms beyond its baseline allocation. Therefore, Mosaic has sufficient space to serve its current enrollment and has the potential to enroll more students without additional space. In order for any changes to be made to the number of rooms allocated to any organization in the building, the BUP would have to be revised and approved by the Panel for Educational Policy. It should be noted that the DOE has no record of a grade expansion request from Mosaic.

- Comment 3g asserts that the shared spaces do not have adequate capacity to accommodate all the students as proposed.

The capacities for rooms such as the gymnasiums and cafeteria are determined by the Department of Buildings based on applicable building codes. The proposed Shared Space Plan takes these capacities into account. However, principals are free to revise the Shared Space Plan to better suit the needs of the individual organizations in the building. The

proposed shared space plan accommodates each school's projected population in the times allotted, given the capacity of a particular shared space.

For example, the capacity of the cafeteria is 236. Per the shared space plan, Mosaic is allotted one hour in the cafeteria from 11:00am to 12:00pm, P811M is allotted 30 minutes from 12:00pm to 12:30pm, and HSA 3 is allotted 90 minutes, from 12:30pm to 2:00pm. Under this proposed schedule, each school would be able to serve its entire student population lunch in the cafeteria in 30 minute periods. Once the grade reconfiguration is complete, Mosaic could serve its projected enrollment of up to 366 students in two 30 minute periods with 183 students each. P811M could serve its projected enrollment of up to 66 students in one 30 minute period. HSA 3 could serve its projected enrollment of up to 600 students in three periods with 200 students each.

- Question 9 asks how the DOE calculates building utilization and capacity.

As described in more detail in the Blue Book, which is available at <http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Enrollment/2010-2011-BlueBook.pdf>, a building's target utilization rate is calculated by dividing the aggregated enrollment of all the school organizations in the building by the aggregated "target capacities" of those organizations. Each school organization's "target capacity" is calculated based upon the scheduled use of individual rooms as reported by principals during an annual facilities survey, the DOE's standards for maximum classroom capacities (which are lower than the United Federation of Teachers contractual class sizes and differ depending on grade level), and the efficiency with which classrooms are programmed (i.e., the frequency with which classes are scheduled in a given classroom).

- Question 12 asks how the DOE predicts the amount of space a school will need from year to year.

The amount of space a school will need from year to year is determined by applying the Footprint to the projected number of sections the school will serve. Projected section counts and enrollment for each impacted school organization over the lifespan of this proposal are described in the BUP.

- Question 10 asks if Mosaic and P811M would lose space as a result of this proposal.

P811M would not lose any space as a result of this proposal. In the current 2011-2012 school year, Mosaic has no rooms in excess of its adjusted baseline allocation. However, as indicated in the BUP, in each successive year between 2012-2013 and 2017-2018 (when the proposed HSA 3 grade reconfiguration will be complete), Mosaic will receive at least 1 full size, 1 half size and 2 quarter size rooms in excess of its adjusted baseline allocation.

- Comment 6 asserts the importance of equitable distribution of resources.

The equitable distribution of resources is the principle that underpins the shared space plan, which describes a proposed scheme for the use of a building's shared spaces by the organizations housed in that building. As described in the BUP, the shared space schedule is based on projected enrollments for each co-located school, current space allocation plans, current lunch schedules for the existing schools in the building as described on the DOE School Food website, the total capacity of each shared space, the grades served by each of the co-located schools, and the start and end times of each school's school day (based in part on the Office of Pupil Transportation's bus schedule for a regular school day). Where possible, the proposed schedules maintain schools' current allocation of time for each shared space and re-distribute remaining time for additional organizations. To the extent feasible, shared spaces are allocated in a manner that allows schools that have already been using the space this year to continue using it on a similar schedule next year, based on the 2011 Campus Audit Template submitted by the Building Council.

- Comments 3a, 5, and 15b assert that Mosaic students are "crammed" into classrooms and that the proposal will further exacerbate overcrowding.

This proposal is not anticipated to have an impact on class size. Class size is primarily determined by how principals choose to program classes at their school within their budget.

While the Footprint sets forth a baseline space allocation, school leaders are empowered to make decisions about how to utilize the space allocated to the school. Each principal, therefore, must make decisions about how and where students will be served within the space allocated to the school. The DOE, however, will 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 other related services to students.

The DOE also considers the total number of classrooms in the building and the number of sections currently programmed at all schools in the building or projected to be programmed to determine the availability of excess space and the baseline footprint allocation for each school. It is expected that all the schools in M101 will be able to continue to operate with similar class sizes if this proposal is approved.

Community Engagement

- Comments 2b and 7 assert that community voices are not taken into consideration.

The DOE takes many steps to solicit and consider feedback from the community regarding a proposal. When the Educational Impact Statement and Building Utilization Plan are issued, they are posted on the DOE's Web site, made available to the staff, faculty and parents at the impacted schools, and hard copies are left in each school's respective main office. In addition, the DOE dedicates a proposal-specific website and voicemail to collect feedback on this proposal. Furthermore, all schools' staff, faculty and parent communities are invited to the Joint Public Hearing to provide comments. An analysis of all comments received is provided to the PEP prior to its vote on the proposal.

- Question 13 asks why the chancellor did not attend the hearing.

The chancellor is not always able to attend joint public hearings due to scheduling conflicts. When the chancellor is unable to attend a joint public hearing, he appoints a designee as his representative at the hearing. In the case of the joint public hearing held on June 18, 2012 in building M101, the chancellor designated Gregg Bethel, Executive Director of the Office of School Programs and Partnerships, as his representative at the hearing.

Students Served at HSA 3

- Question 11 asks what percentage of HSA 3 students have come from District 4.

Currently, 52% of all students enrolled at HSA 3 are residents of District 4. The number of District 4 residents in Kindergarten and first grade are 69% and 68%, respectively. These percentages are comparable to the average percentage of District 4 students across all District 4 elementary, middle and K-8 schools, which is 70%.

School Choice and Charter Schools

- Comment 3d asserts that charter schools are not equal to zoned, district schools because they accept students through a lottery.

Public charter schools run a lottery in order to admit students fairly if the number of students who apply for admission to a class is greater than the number of seats available in that class. Lotteries select students randomly from among the applicant pool. In contrast, screened schools are able to select their students based on academic achievement, attendance, teacher recommendation, and admissions tests. Zoned schools admit students based on home address, which is frequently correlated with income and parental education levels.

Application rules, procedures, and deadlines for charter schools vary, but most charter schools accept applications for the following school year until April 1 and conduct admissions lotteries during the second week of April. Interested parents should contact each charter school individually to obtain an application. Many schools also post applications on their websites.

Furthermore, charter schools serve the communities in which they reside. Students are admitted to charter schools through an application lottery that gives preference to students who live in the community school district in which the charter school is located.

- Comment 3g asserts that charter schools do not hire experienced teachers as district schools do.

Principals in all public schools, whether they are charter schools or district schools, are free to use their judgment when making hiring decisions. Principals may consider the

length of a teacher's experience, but they may also consider numerous other factors when deciding whom to hire.

Co-locations

- Comment 2e expresses opposition to co-locations.

Roughly half of our schools share space in a building. Co-locations are necessary to use our limited facilities efficiently while simultaneously creating additional high-quality options for New York City families.

School Safety

- Comment 3e asserts that HSA 3 does not cooperate with the other schools in the building, which leads to safety issues that go unaddressed.

The DOE believes in the autonomy of Building Councils and principals to resolve issues. However, when issues arise that the building council is unable to resolve, there is a mediation process school leaders may use, which is outlined in the Campus Policy Memo, available at <http://schools.nyc.gov/community/campusgov>.

- Question 8 asks how safety issues are addressed. Comments 4 and 15(a), specifically express concern about the co-location of elementary, middle and high school students in the same building.

The DOE is fully committed to working closely with Mosaic, HSA 3 and District 75 to maintain a safe and secure environment in M101 for all students and to create a positive school culture.

The Office of School and Youth Development (“OSYD”) supports schools in maintaining a safe, orderly, and supportive school environment. OSYD works directly with Children’s First Network Safety Liaisons and schools to establish and implement integrated safety, discipline and intervention policies and procedures, to promote respect for diversity, and to nurture students’ pro-social behavior by providing them with meaningful opportunities for social-emotional learning. The DOE encourages all schools to seek support from OSYD to address any issues involving safety and security, including gang-related issues.

School Safety Agents (“SSAs”) are allocated to schools based on each building’s projected enrollment. The NYPD’s School Safety Division looks at a set of variables to determine the number of SSAs to deploy to a particular school building, including the crime rate, size and design of the building, enrollment, and grade span.

Pursuant to Chancellor’s Regulation A-414, every school/campus must have 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 principals, charter school leaders, designees of all other programs operating within the building, the UFT Chapter Leader, a Custodial Engineer designee, and an in-house School Safety Agent Level III. The committee is responsible for addressing safety matters on an ongoing basis and making appropriate recommendations to the principals and charter school leaders when it identifies the need for additional tactics, such as security measures, intervention, or training.

Furthermore, the DOE makes available the following supports to schools relating to safety and security:

- Providing “Best Practices Standards for Creating and Sustaining a Safe and Supportive School,” as a resource guide;
- Reviewing and monitoring school occurrence data and crime data (in conjunction with the Criminal Justice Coordinator and the NYPD);
- Providing technical assistance via the Borough Safety Directors when incidents occur;
- Providing professional development and support to Children’s First Network Safety Liaisons;
- Providing professional development and kits for Building Response Teams; and
- Monitoring and certifying School Safety Plans annually.

With respect to bullying, Chancellor’s Regulation A-832 establishes the procedures for the filing, investigation, and resolution of complaints of student-to-student bias-based harassment, intimidation, and/or bullying.

Furthermore, as to concerns regarding the co-location of elementary and older students, it is important to note that middle schools students are currently served in building M101 by P811M. Additionally, there are hundreds of buildings across the city where students are served across multiple grade levels, including buildings that serve students in kindergarten through twelfth grade. The DOE is not aware of any increase in the number or severity of disciplinary problems at the DOE campuses as a result of the co-location of elementary and middle school students.

Defining High-Quality Education

- Comment 2d asserts that this proposal implies that Mosaic does not provide high-quality education.

The amended EIS for this proposal describes HSA 3’s record of success with student outcomes, but that description bears no reflection on the quality of any other school. Furthermore, Mosaic’s recent Progress Report grades, as well as its State accountability status, are included in the amended EIS as required by statute.

Alternatives to Proposal

- Comment 3c asserts that HSA 3 should expand to grades K-8 exclusively in building M099.

The space available at M099 is sufficient only to support HSA 3's elementary grades, Kindergarten through four.

V. Changes Made to the Proposal

No changes have been made to the proposal in response to public feedback.