

Public Comment Analysis¹

Date: April 16, 2013
Topic: The Proposed Opening and Co-location of a New Elementary School (17K532) with Existing School P.S. 167 The Parkway (17K167) and a New Public Elementary Charter School Success Academy Charter School - Brooklyn 7 (84KTBD) in Building K167 Beginning in 2013-2014
Date of Panel Vote: April 17, 2013

Summary of Proposal

On January 11, 2013, the New York City Department of Education (“DOE”) issued an Educational Impact Statement (“EIS”) proposing to open and co-locate a new elementary school, 17K532 (“17K532”), that will serve students in kindergarten through fifth grade and offer two sections of full day pre-kindergarten in building K167 (“K167”) located at 1025 Eastern Parkway, Brooklyn, NY, 11213, in Community School District 17 (“District 17”). In a separate EIS posted on January 11, 2013, the DOE proposed to gradually phase out and eventually close P.S. 167 because of its low performance and inability to improve quickly to better support student needs. The phase-out of P.S. 167 was approved by the Panel for Educational Policy (“PEP”) on March 11, 2013.

P.S. 167 will no longer admit new kindergarten students, will no longer offer first or second grade, and will no longer offer its pre-kindergarten program after the 2012-2013 school year. Therefore, in 2013-2014, P.S. 167 will serve only third-, fourth-, and fifth-grade students. P.S. 167 will subsequently phase out one grade each year until it completes its phase-out and closes in June 2016.

In a separate EIS posted on March 1, 2013, the DOE proposed to site a new charter school, Success Academy Charter School Brooklyn 7 (84KTBD, “SA-Brooklyn 7”) in building K167 beginning in the 2013-2014 school year. The EIS describing that proposal can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/April2013Proposals.htm>. As a result, the DOE revised this EIS to reflect the proposed co-location of the kindergarten through second grades of SA – Brooklyn 7 in building K167. This revised EIS reflects the new number of students who will be served in the K167 building and the utilization of the building during each year of the phase in of both schools. This EIS also reflects updated enrollment data from the Audited Register. Information about space in building K167 has been removed from this EIS and is included in the Building Utilization Plan (“BUP”) attached to the proposal to open and co-locate SA – Brooklyn 7 in building K167.

If this proposal and the proposal to open and co-locate SA—Brooklyn 7 are approved, 17K532 and SA – Brooklyn 7 will be co-located in K167 with P.S. 167 The Parkway (17K167, “P.S. 167”), an existing elementary school that currently serves students in kindergarten through fifth grade and offers two sections of full day pre-kindergarten. 17K532 will begin enrolling kindergarten through second grade students in 2013-2014 and will add one grade per year until it has reached full scale and serves students in kindergarten through fifth grade in 2016-2017. 17K532 will also offer a pre-kindergarten program

¹ On April 8, 2013 and April 9, 2013, the Brooklyn phone line was not able to receive messages. The e-mail address was operational during the 48-hour period and the DOE has not received any feedback that the public attempted to submit comments via the phone line during that time.

beginning in 2013-2014. SA – Brooklyn 7 will open in September 2013 and will serve 125-160 students in kindergarten and first grade, and would add second grade the following year. SA – Brooklyn 7 will reach full scale in terms of enrollment in 2015-2016 for the K167 building. At that time, SA – Brooklyn 7 will serve approximately 210-270 students in kindergarten through second grade.

K167 also houses a community-based organization (“CBO”), Brooklyn Psychotherapy, which operates a school-based mental health clinic, and a United Federation of Teachers (“UFT”) office.

If this proposal is approved, 17K532 will serve the same zone as P.S. 167 and will admit students based upon standard zoned admissions priorities as described in Chancellor’s Regulation A-101, offering priority to students residing in the current P.S. 167 zone. A student’s zoned school is determined by his or her home address. For more information about school zoning and admissions processes to enroll in a zoned elementary school, please visit the DOE Web site at <http://schools.nyc.gov/choicesenrollment/elementary>.

According to the 2011-2012 Enrollment, Capacity, Utilization Report (“Blue Book”), K167 has a target capacity of 785 students, but in 2012-2013 the building is only serving 450 students, yielding a building utilization rate of 57%. This means that the building is “underutilized” and has space to accommodate additional students. In 2016-2017, once P.S. 167 has completed its phase-out and 17K532 and SA – Brooklyn 7 are at full scale, it is projected that there will be approximately 641-761 students served in K167, thereby yielding an estimated building utilization rate of approximately 82%-97%. If this proposal is approved, 17K532 will replace the elementary school seats that will be lost as a result of the phase out and eventual closure of P.S. 167 and will provide a new educational option for families in District 17.

Copies of both proposals are available in the main office of P.S. 167, as well as the DOE’s Web site at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/April2013Proposals.htm>.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding the original proposal was held on February 14, 2013 at P.S. 167, 1025 Eastern Parkway, Brooklyn, NY 11213 in building K167.

Approximately 50 members of the public attended the hearing and 9 people spoke. Present at the meeting were Deputy Chancellor Dave Weiner; Facilitator Olivia Ellis of the DOE; Principal of P.S. 167 Marc Mardy; Community Education Council (“CEC”) 17 President Claudette Agard; and a representative from Council Member Letitia James’s office, Barbara Sherman. Additionally, Carrie Marlin and Stephen Demers from the DOE were present.

An additional joint public hearing regarding the revised proposal was held on April 11, 2013 at P.S. 167, 1025 Eastern Parkway, Brooklyn, NY 11213 in building K167. Approximately 35 members of the public attended the hearing and 10 people spoke. Present at the meeting were: Chancellor’s Designee Amanda Cahn; P.S. 167 Principal Marc Mardy; P.S. 167 School Leadership Team (“SLT”) Chair Sandra Maxwell and P.S. 167 Parent Teacher Association (“PTA”) President Tammara Johnson; CEC 17 President Claudette Agard; State University of New York Charter Institute Representative Maureen Murphy; and Representatives from the DOE’s Division of Portfolio Planning, Meg Barboza and Stephen Demers.

The following comments and remarks were made or submitted at the Joint Public Hearing on February 14, 2013 on the **original** proposal:

1. Claudette Agard of the CEC asserted:
 - a. The DOE has not engaged the Community Education Council on the proposed new replacement school.
2. Barbara Sherman, representing Council Member Letitia James, asserted:
 - a. The DOE has failed to engage the school community on the new replacement school and the phase-in process.

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

No written and/or oral comments were submitted to the DOE regarding the original proposal.

The following comments and remarks were made at the Joint Public Hearing on April 11, 2013 on the **revised** proposal:

3. PTA President Tammara Johnson, stated the following:
 - a. There are many empty seats at this hearing due to the second JPH in this neighborhood in the last few months. It is unfair to expect parents to show up at multiple hearings.
 - b. P.S. 167 has 3 boys and girls bathrooms on alternating floors. How can 3 schools operate in the same building?
 - c. Students will have to have earlier breakfasts. Gym will be moved to the beginning of school day.
 - d. The DOE should build students up rather than bring them down.
4. CEC 17 President Claudette Agard; stated the following:
 - a. The co-location lacks thoughtfulness and concern for the educational needs of District 17.
 - b. The co-location will negatively affect surrounding schools.
 - c. Building K167 cannot hold 3 schools.
5. SLT Chair Sandra Maxwell stated that this decision is unfair as it puts undue stress on students preparing for test.
6. A commenter stated that the facilities cannot accommodate 3 schools and it creates too much chaos for students.
7. A commenter stated that:
 - a. Schools are closing due to the greed and politics of Bloomberg's educational policies.
 - b. It is a shame that school closures have to cost careers and disgrace schools.
8. A commenter stated that relocating students from a school is traumatic to students.
9. A commenter stated that:
 - a. Students cannot learn in a crowded environment.
 - b. If a student is not a A+ student, where will they go?
 - c. If P.S. 167 is shut down, students will not learn how to read or multiply.
10. A commenter stated that:
 - a. Co-locations create tensions.
 - b. We should fight for rights for children to get a great education.

- c. Allow children to know that they are entitled to fair atmosphere in the building.
 - d. The Mayor does not have the answers. The school community know better.
11. A commenter stated that:
- a. The building will be too crowded.
 - b. Where will struggling students go?

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

No written and/or oral comments were submitted to the DOE regarding the revised proposal.

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

Comments 3(d), 7 (a,b), 9 (b,c), 10 (d) and 11 (b) are not directly related to the P.S. 167 revised replacement proposal and thus do not require a response.

Comments 1 (a) and 2 (a) pertain to the process of engaging the community regarding the proposed replacement of P.S. 167, including engagement with the community and elected officials about the proposed replacement school.

The DOE's Office of New Schools (ONS) works throughout the year to recruit educators interested in opening new district schools. The process is rigorous and lengthy. More information on the ONS recruitment and selection process can be found on the ONS Web site:
<http://schools.nyc.gov/community/planning/newschools/NewSchoolsProposalProcess/default.htm>.

The DOE has matched a new leader with 17K532. The proposed new leader will engage with the community, including the CEC, regarding the design and proposed programming for the new school. Ultimately, the school leader of 17K532 will be empowered to make decisions regarding programming at the new school.

Additionally, the proposed school leader of 17K532 will hold parent meetings regarding the programs to be offered at 17K532. This is another opportunity for parents to learn about the new school. The DOE expects that the community will have ample opportunity to be involved in the process of creating a new school in the K167 building.

Comments 3 (a), 5, 8, and 10 (b, c) voice general opposition to the proposal to replace P.S. 167 with a new elementary school.

While some members of the P.S. 167 community object to the possibility of phasing out the school, the DOE is committed to providing a portfolio of high quality school options to students and families. The DOE believes that phasing out and replacing P.S. 167 is the best option for future students and the broader community, given the school's performance struggles and the lack of evidence that the school is poised to quickly turn around to better support students. The Department is proposing to close and replace P.S. 167 because it believes that doing so will provide a better educational option to current students more rapidly and with more certainty than other interventions, which at this point are simply not adequate in order to provide a high quality option for current and future students.

Comments 3(b), 4(c), 6, 9(a), and 11 (a) assert that the building cannot accommodate three schools and the building will be overcrowded.

There are currently hundreds of schools in buildings across the city that are co-located; some of these co-locations involve multiple DOE schools, while others involve DOE schools and public charter schools sharing space. The DOE seeks to fully utilize all of its building capacity to serve students. The DOE does not distinguish between students attending public charter schools and students attending DOE schools. In all cases, the DOE seeks to provide high quality education and allow parents and students to choose where to attend.

The Footprint is the guide used to allocate space to all schools based on the number of class sections the school programs 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. At the middle school and high school levels, the Footprint assumes every classroom is programmed during every period of the school day except one lunch period. The full text of the Instructional Footprint is available at http://schools.nyc.gov/NR/ronlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf

There is sufficient space at K167 for all schools. As described in the BUP, P.S. 167 is currently operating above its Footprint. If the proposal is approved, as P.S. 167 phases-out and 17K532 phases-in, both schools will receive their full Footprint allocation of space. In the third year of the proposal's implementation and all subsequent years, SA – Brooklyn 7 will not receive its full baseline allocation of space under the Footprint due to the building's configuration. SA – Brooklyn 7 agrees, however, that it can adequately operate within the space allocated.

According to the 2011-2012 Enrollment, Capacity, Utilization Report (“Blue Book”), K167 has a target capacity of 785 students, but in 2012-2013 the building is serving 450 students, yielding a building utilization rate of 57%. This means that the building is “underutilized” and has space to accommodate additional students. In 2016-2017, once P.S. 167 has completed its phase-out and SA – Brooklyn 7 and 17K532 are at full scale in K167, it is projected that there will be approximately 641-761 students served in K167, thereby yielding an estimated building utilization rate of approximately 82%-97%.

Comments 3(c) and 10 (a) concern co-locations and shared spaces.

Roughly half of our schools share space in a building. Co-locations allow us to use our limited facilities efficiently while simultaneously creating additional educational options for New York City families. This is necessary because we have scarce resources and a demand for more options. In all cases, allocation of classroom, resource, and administrative space is guided by the Footprint, which is applied to all schools in the building.

As stated in the BUP, if the proposal is approved, the schools will need to share large common and specialty rooms in the building. A shared space schedule will be developed and finalized by the Building Council, in conjunction with the Office of Space Planning. Principals of the co-located schools sit on the Building Council and are free to deviate from the proposed plan and create a shared space schedule as long as it is agreed upon by both parties.

If conflicts emerge and progress is impaired, the Building Council will follow the dispute resolution procedures outlined in the Campus Policy Memo available at the following link:
<http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo>.
<http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo.htm>.

Comments 4 (a,b) concern the demand for quality elementary school seats in District 17.

Approximately 47% of all students currently enrolled in all District 17 elementary and K-8 schools are enrolled in schools that received a C or D on their 2011-2012 Progress Report. Therefore, there is a need for more high quality elementary schools serving District 17 students.

Changes Made to the Proposal

No changes were made.