

## **Public Comment Analysis<sup>1</sup>**

Date: April 16, 2013  
Topic: The Proposed Long-term Co-location of Lefferts Gardens Charter School (84K796) in Building K092 with Existing School P.S. 092 Adrian Hegeman (17K092) Beginning in the 2013-2014 School Year  
Date of Panel Vote: April 17, 2013

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### **Summary of Proposal**

Lefferts Gardens Charter School (84K796, “Lefferts Gardens”) is an existing public charter school that currently serves students in kindergarten through third grade in building K092 (“K092”) located at 601 Parkside Avenue, Brooklyn, NY 11226 in Community School District (“CSD”) 17. Lefferts Gardens is co-located with P.S. 092 Adrian Hegeman (17K092, “P.S. 92”), an existing zoned elementary school that serves students in kindergarten through fifth grade and offers a full-day pre-kindergarten program. Building K092 also houses a community-based organization (“CBO”), Church Avenue Merchants Block Association (CAMBA), which provides after-school youth development activities for the P.S. 92 community.

On February 24, 2010, the Panel for Educational Policy (“PEP”) approved a proposal, originally published on January 8, 2010, to co-locate Lefferts Gardens at K092 until the construction of a private facility was completed. The approved proposal stated that K092 has sufficient space for P.S. 92 and Lefferts Gardens to operate at full organizational capacity and for Lefferts Gardens to reach its full grade scale as a school serving students in kindergarten through fifth grade. Lefferts Gardens has not secured a private facility. In order for Lefferts Gardens to continue to provide an additional option for District 17 elementary school students and families, the DOE has determined that K092 is the most appropriate space for a long-term siting for this school and is thus issuing this proposal.

Lefferts Gardens is a public charter school that is authorized by its charter authorizer, the New York City of Department of Education, to serve students in kindergarten through fifth grade. Lefferts Gardens currently serves students in kindergarten through third grade and will add one grade each year until it serves students in kindergarten through fifth grade in 2014-2015. The school admits students via the charter lottery application process, with a preference given to District 17 residents and siblings.

According to the 2011-2012 Enrollment Capacity Utilization Report (“Blue Book”), K092 has the target capacity to serve a total of 851 students. In 2012-2013, P.S. 92 is serving 526 students in pre-kindergarten through fifth grade, and Lefferts Gardens is serving 300 students in kindergarten through third grade, yielding a building utilization rate of 97%. If this proposal is approved, in 2014-2015, once Lefferts Gardens’ kindergarten through fifth grades have fully phased in and the school has reached full scale, it is projected to serve 450-510 students and P.S. 92 is projected to serve 511-571 students, for a total of 961-1,081 students, yielding a building utilization rate of approximately 113%-127%. While the anticipated utilization rate is in excess of 100%, both schools will receive space that meets their instructional needs,

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<sup>1</sup> 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.

and the building has space to accommodate P.S. 92 and Lefferts Gardens.

Copies of the proposal is available in the main offices of P.S. 92 and Lefferts Gardens, 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 this proposal was held at the K092 building on April 10, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 175 members of the public attended the hearing, and 130 people spoke. Present at the meeting were P.S. 92 Principal Diana Rahmaan; Lefferts Gardens Representative Mark Dicus; P.S. 92 School Leadership Team ("SLT") representatives Lakisha Moffatt and Vanessa Glover; District 17 Community Superintendent Buffie Simmons; Community Education Council ("CEC") 17 President Claudette Agard; and CEC 17 member Kenneth Wright. Additionally, Stephen Demers from the DOE's Division of Portfolio Planning was present.

### **The following comments and remarks were made at the Joint Public Hearing on April 10, 2013 on the proposal:**

1. Vanessa Glover, P.S. 92 SLT representative, stated the following:
  - a. We have been forced to share our building. Students feel that their school is being phased out as more charter school students enter the building. We hope to be able to grow P.S. 92.
2. Claudette Agard, CEC 18 President, stated the following:
  - a. We're not here to debate the quality of education that Lefferts Gardens Charter School. We take issue with the DOE proposing that what was once temporary is now permanent.
  - b. We were told over and over again by Lefferts Gardens, that this is a temporary co-location. What changed? What happened to your private space? What happened to your plan? How come you didn't come back and talk to us about the plan changing?
  - c. Is the plan to expand Lefferts Gardens to serve K-8?
  - d. We want P.S. 92 to expand enrollment and grow.
  - e. The DOE should have come to us and talked to us before the long-term co-location was proposed.
  - f. The CEC will not support this proposal.
3. Lakisha Moffatt, P.S. 92 SLT representative, stated the following:
  - a. The Lefferts Gardens parents and teachers are disrespectful. They tell their students not to speak to P.S. 92 students.
  - b. Lefferts Gardens does not observe the security regulations; there is no order or structure at the charter school.
4. Kenneth Wright, CEC 18 Member, stated the following.
  - a. There seems to be an issue with the perceived level of respect by the children of Lefferts Gardens. The children at the charter school have been instructed to not speak to the children at P.S. 92.
  - b. P.S. 92 students are instructed to not use bathrooms on Lefferts Gardens floors.
  - c. We don't have a problem with the choice of school; we have a problem with the co-location of the school in the building. I have an issue with the DOE planning the co-

- location of this school in the building permanent, when it was originally only supposed to be temporary.
- d. Lefferts Gardens is planning to grow. After Lefferts Gardens is fully phased in, the building will have a utilization rate of 113% - 127%.
  - e. There is no co-location of space when you are disrespected as a parent or as a student.
  - f. This proposal will result in kindergarten students eating lunch at 10 am.
  - g. P.S. 92's budget is being negatively impacted. Who will pay for the upgrades needed in shared spaces?
5. Marc Dicus, Lefferts Gardens Representative, stated the following:
    - a. P.S. 92 is a public school and Lefferts Gardens is a public school, this is a public building. Our students come from zip codes 11225, 11226, we are serving this community.
  6. Multiple commenters expressed their support for the proposal for the following reasons:
    - a. Lefferts Gardens offers another choice to parents in the community.
    - b. Lefferts Gardens will continue to work together with P.S. 92 and find new ways to improve the co-location.
    - c. Lefferts Gardens is effectively using underutilized space.
  7. Multiple commenters stated the original proposal did not call for a permanent co-location.
  8. Multiple commenters stated that P.S. 92 is sharing space, but Lefferts Gardens is not sharing anything with the P.S. 92 community.
  9. Multiple commenters from both P.S. 92 and Lefferts Gardens' school communities suggested their respective students were not allowed in the space of the other school.
  10. One commenter expressed support for the co-location proposal, but suggested the DOE forces parents to make a choice with unbalanced funding
  11. Multiple commenters stated there was no communication with the community regarding changing the temporary co-location to a permanent co-location. The DOE is the cause of the community in fighting.
  12. One commenter stated that charter schools can take students from any zone in the district, but P.S. 92 is limited to students living within their zone. This is the cause of P.S. 92's decline in enrollment.
  13. One commenter stated that charter schools receive less funding than district schools.
  14. One commenter suggested the proposed long-term co-location will deplete further resources from P.S. 92 and result in overcrowded classrooms.
  15. Multiple commenters stated that P.S. 92 students were not allowed to use bathrooms on Lefferts Gardens' floors.
  16. Multiple commenters stated that the DOE has let the P.S. 92 school community down in terms of funding and support.
  17. One commenter suggested the proposed shared space schedule will result in unreasonable lunch times.
  18. One commenter suggested the DOE needs to improve communication as Lefferts Gardens pays out-of-pocket for many of their extra-curricular activities.
  19. One commenter stated that a school safety officer prohibited a P.S. 92 child from entering the cafeteria, because Lefferts Gardens needed to enter the cafeteria.
  20. One commenter stated that P.S. 92's special needs students will be served in larger class sizes.

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

The DOE received 3 written comments and 1 message via voicemail concerning this proposal.

21. Multiple commenters stated they support the proposal and Lefferts Gardens' school model.

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

Comment 5 (a) and 6 (a, b, c) express support for the proposal and do not require a response.

Comments 2(f) and 4 (e) state general opposition to the proposal.

While some members of the community object to the possibility of long-term siting of Lefferts Gardens at K092, the DOE is committed to providing a portfolio of high quality school options to students and families. The DOE strives to ensure that all students in New York City have access to a high-quality school in an appropriate environment at every stage of their education. In order for Lefferts Gardens to continue to provide an additional option for District 17 elementary school students and families, the DOE has determined that K092 is the most appropriate space for a long-term siting for this school and is thus issuing this proposal.

Comments 1 (a) and 2(d) relate to the desire to expand enrollment at P.S. 92 rather than a long-term co-location with Lefferts Gardens.

Nothing leads the DOE to believe that the proposed co-location will have an impact on P.S. 92's enrollment. The enrollment projections in the EIS are based on current enrollment at P.S. 92 at the entry point grade level, and assume that the same number of students will age up and that there will be stable incoming enrollment at the entry point grade.

The DOE will closely monitor any changes in P.S. 92's demand. Enrollment will be carefully evaluated annually to ensure that appropriate seat targets are established on an annual basis.

The DOE also notes that if either school's enrollment were to increase significantly, the DOE would reassess the overall building plan.

Comments 2(a, b), 4 (c) and 7 concern Lefferts Gardens not moving into private space as originally stated to the District 17 community.

The DOE seeks to provide space for additional education options for all students, regardless of whether students are served in DOE or public charter schools. We welcome public charter schools to lease or provide their own space, but we will offer space in DOE buildings where it is feasible to do so. The DOE does not lease space directly for charter schools; a charter school interested in parochial school or other space would have to acquire or lease that space with private funds.

On February 24, 2010, the PEP approved a proposal, to co-locate Lefferts Gardens at K092 until the construction of a private facility was completed. The approved proposal stated that K092 has sufficient space for P.S. 92 and Lefferts Gardens to operate at full organizational capacity and for Lefferts Gardens to reach its full grade scale as a school serving students in kindergarten through fifth grade. Lefferts Gardens has not secured a private facility and therefore the DOE is proposing to allow Lefferts Gardens to remain in the building.

Comment 2(c) inquires about whether Lefferts Gardens intends to expand to serve grades K-8.

Lefferts Gardens has only been authorized by its charter authorizer, the DOE, to serve kindergarten through fifth grade students. This proposal would only deal with the kindergarten through fifth grade students of Lefferts Gardens in K092. In the future, if Lefferts Gardens chooses to expand, it would first have to revise its charter and that revision to its charter would have to be approved by the DOE. There is insufficient space in building K092 for Lefferts Gardens to serve students in any additional grades past K-5. If Lefferts Garden chooses to apply for the grade expansion and is approved to do so by its authorizer, the middle school grades will have to be served in another location.

Comments 2 (e), 11, and 18 relate to the DOE's communication and community engagement process surrounding this proposal.

The DOE appreciates all feedback from the community regarding a proposal and has actively tried to solicit feedback on this proposal. Prior to the proposal posting, the Office of Portfolio Management met with the P.S. 92 Principal and Lefferts Gardens leadership. When the Educational Impact Statement, and Building Utilization Plan were issued for this proposal, they were made available to the staff, faculty and parents at P.S. 92 and Lefferts Gardens on the DOE's Web site, and in each school's respective main office. In addition, the DOE dedicated a proposal-specific website and email and phone line to collect feedback on this proposal. Furthermore, both schools' staff, faculty and parent communities were invited to the Joint Public Hearing to provide further feedback on the proposal.

Although the DOE recognizes that some members in the community oppose this proposal, the DOE believes that, if this proposal is approved, the school communities at P.S. 92 and Lefferts Gardens will be able to create productive and collaborative partnerships as they have in the past.

Comments 3 (a, b), 4 (a), and 19 state the current co-location has created a rift between the two school communities.

The DOE expects and anticipates P.S. 92 and Lefferts Gardens will continue to work collaboratively to build a strong work relationship through the Building Council and Shared Space Committee. Paramount to any successful collaboration is the development of patience, understanding, and respect for all parties involved and the DOE is confident that the Principals of P.S. 92 and Lefferts Gardens will continue to be able to build a mutually respectful environment for all students, staff, and faculty members in building K092.

As indicated in the Building Utilization Plan, if disputes should arise, school leaders are encouraged to engage in the dispute resolution measures set forth in the Campus Policy memo available at: <http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo.htm>.

Comments 4 (b, f), 8, 9, 15, and 17 refers to the use of shared spaces by Lefferts Gardens and P.S. 92.

The BUP includes a proposed shared space schedule for the co-located schools. The final shared space schedule will be finalized by the Building Council if this proposed co-location is approved by the PEP. 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. The proposed shared space schedule in the BUP does demonstrate that all schools will receive enough time in the cafeteria and gymnasium, as well as the other shared spaces, to serve their students based on the school's enrollment.

The proposed shared space schedule in the BUP does demonstrate that all schools will receive enough time in the cafeteria, as well as the other shared spaces, to serve their students based on the school's enrollment.

If the Building Council is unable to agree upon a schedule for shared spaces, there is a mediation process outlined in the Campus Policy Memo, which is available at <http://schools.nyc.gov/community/campusgov>.

With regard to breakfast, the DOE notes that traditionally not all students have opted to participate in the breakfast program at K092. P.S. 92 and Lefferts Gardens currently share the cafeteria from 7:30 a.m. to 8:30 a.m. for breakfast. Considering the capacity of the cafeteria is 358, the proposed schedule will continue to allow both schools to serve breakfast from 7:30 a.m. to 8:30 a.m.

With regard to lunch, the proposed shared space schedule is primarily based upon P.S. 92 and Lefferts Gardens' current use of the cafeteria, and the capacity of the cafeteria. Each organization will be able to accommodate its students in the cafeteria within this proposed allocation of time, which is proportional to each school's enrollment.

With regards to bathrooms, each school is often assigned bathrooms on the floors or hallways of their classrooms and specific stairways for students to use. These measures are taken to cultivate cohesive cultures within each school. Separation between schools is intended to limit any issues that might arise from groups of students who may not know each other well and to nurture school unity. The intention is not to be punitive to any one group of students. If the assignment of specific bathrooms is not working or is inadequate, the Building Council may discuss alternative arrangements.

Comment 4 (d) refers to the utilization rate of the building exceeding 100%.

Although a utilization rate in excess of 100% may suggest that a building will be over-utilized or over-crowded in a given year, this rate does not account for the fact that rooms may be programmed for more efficient or different uses than the standard assumptions in the utilization calculation.

In addition, charter school enrollment plans are frequently based on larger class sizes than target capacity, contributing to building utilizations above 100% while not impacting the utilization of the space allocated to the traditional public school.

As described in the BUP, P.S. 92 is currently operating above its Footprint. If the proposal is approved, P.S. 92 will receive its full Footprint allocation of space. Lefferts Gardens will receive its baseline allocation of instructional rooms, but will not receive certain administrative space that it would otherwise receive under the Footprint. Lefferts Gardens agrees, however, that it can adequately operate within the space allocated in the BUP in 2013-2014 and all subsequent years, and believes it has the ability to continue to effectively deliver instruction in the space allocated by this BUP.

Comment 4 (g), 10 and 13 relate to the funding streams for district and charter schools.

In New York City, schools are funded through a per pupil allocation. That is, funding "follows" the students and is weighted based on students' grade level and need (incoming proficiency level and special

education/ELL/Title I status). Principals have discretion over their budget and make choices about how to prioritize their resources.

Charter schools receive public funding based on their student enrollment, as do DOE schools. As stated above, principals have discretion over their budget and make choices about how to prioritize their resources.

With regard to funding and other resources, charter schools receive public funding pursuant to a formula created by the state legislature, and overseen by the New York State Education Department. The DOE does not control this formula, and the funding formula for Lefferts Gardens is not affected by the approval or rejection of this proposal. Charter management organizations, just like any other school citywide, may also choose to raise additional funds to purchase various resources they feel would benefit their students (e.g., Smartboards, fieldtrips, etc).

Comment 12 concerns recruitment and enrollment for district and charter schools.

P.S. 92 is a zoned school and serves students within the zone, but as with any zoned school P.S. 92 can request to make offers to out of zone students once the zone demand is met.

As mandated by New York State Charter Law, Lefferts Gardens currently enrolls students through a lottery for all grade levels, and will continue to do so if this proposal is approved. Lefferts Gardens' lottery prioritizes applicants in the following order:

- Returning Students;
- Siblings of students already enrolled in the school;
- Students Residing in CSD 17;
- Students outside of CSD 17.

Charter schools in New York City recruit prospective students using a variety of methods. These may include, but are not limited to:

- Posting fliers and other printed materials throughout the CSD(s) the school intends to serve (primarily in English but may also include other dominant languages spoken in the CSD)
- Reaching out to local community organizations, centers, and/or faith-based organizations
- Holding open houses or information sessions
- Mail campaigns
- Advertising in local media (newspapers, radio)
- Contacting local elected officials and community boards
- Setting up a school website with school and application information
- Visiting “feeder schools,” daycare centers, or schools that serve grades that feed into the intake grade(s) of the charter school

Comment 14 and 20 relate to class sizes at P.S. 92 increasing as a result of the proposal.

In New York City, schools are funded through a per pupil allocation. That is, funding “follows” the students and is weighted based on students’ grade level and need (incoming proficiency level and special education/ELL/Title I status). Principals have discretion over their budget and make choices about how

to prioritize their resources, including programming the number of classes needed for each grade. Class size is a reflection of student enrollment trends, and is affected by how principals program the number of classes needed for each grade.

Comment 16 refers to supports available to the P.S. 92 community.

The DOE notes that 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. The Children First Network and DOE does everything it can to provide schools with leadership, operational, instructional, and student supports. As stated previously, principals have discretion over their budget and make choices about how to prioritize their resources.

### **Changes Made to the Proposal**

No changes have been made to the proposal.