



# CONSENSUS FOR REFORM:

A PLAN FOR COLLABORATIVE SCHOOL CO-LOCATIONS



Office of  
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## EXECUTIVE SUMMARY

In recent years, New York City’s and the nation’s education communities have been divided into two groups—traditional public school parents and charter school parents. This division pits parents against each other, undermines the quality of our children’s education and makes it harder to institute fundamental improvements in all of our City schools. Instead of working to bring both sides together, the Department of Education (Department) has greatly exacerbated this conflict through its mismanagement of the process governing school co-locations (placing multiple schools in individual buildings). The Department must fully reform the co-location process to stem the tide of further lawsuits and end the counterproductive debate surrounding the provision of equitable, quality educational services for City students.

When the Department bulldozes through the process of co-locating schools, it shuts communities out of decisions that greatly affect their students. The resulting frustration creates an impression that when communities oppose co-location, they are opposing all charter schools, and conversely that charter schools are using the co-location process to push public schools aside. The Department’s rushed and incomplete processes foster this dynamic and force parents to battle over available space.

Co-locations can be successful when they are managed in a timely fashion and involve all stakeholders and communities. The problems with school co-locations do not result from different types of schools sharing building space; they result from the Department’s failure to thoroughly evaluate and clearly communicate the effects of proposed co-locations, and ensure equity among schools. It is time to reform the co-location process to fully incorporate community feedback, privilege community needs, consider school compatibility, and maintain high-quality programming.

One year ago, Public Advocate Bill de Blasio and the Alliance for Quality Education (AQE) released a report outlining several ways the Department could reform its efforts to engage parents throughout the co-location process. The report recommended that the Department amend its educational impact statements (EISs) and pursue additional avenues to involve parents. The Department implemented some, but not all of those recommendations.

This year, Public Advocate de Blasio’s office analyzed two proposed co-locations: Teaching Firms of America Charter School (Teaching Firms) and P.S. 308 Clara Cardwell (P.S. 308) at Building K308, and Success Academy Charter Schools (SACS) alongside five existing high schools at the Brandeis Educational Campus. The flawed processes surrounding these proposals revealed several areas for improved community engagement and system-wide facilities planning. The report that follows expands upon these case studies to highlight persistent shortcomings in the Department’s processes for co-locating schools. It concludes by outlining eight concrete steps the State and City should take to reform co-location policies.

The recommendations that follow advocate for greater participation from parents, community leaders, and seasoned professionals throughout the co-location process not to increase bureaucracy, but to highlight the connection between equity and space. Put simply, physical space impacts access to quality educational programming. It is imperative that the Department get this process right to help end the divisive debate around co-locations.

The “Consensus for Reform Plan” is an eight-point plan designed to improve the Department’s process for school

co-locations.<sup>1</sup> Its recommendations are as follows:

### *Standardizing Site Selection*

1. The Department should partner with urban spatial planning experts to update its enrollment capacity utilization (ECU) formulas to incorporate congestion issues.
2. The Department should create a building capacity checklist and partner with a third-party expert to ensure that all schools have adequate space to support enrichment and programmatic needs outside of classroom instruction.
3. The Department should develop uniform standards for co-locations, including a cap on building utilization rates

### *Clarifying Communications*

4. The New York State Education Department (NYSED) and the Department should require educational impact statements (EISs) and building utilization plans (BUPs) to justify the proposed co-location on the basis of community needs, sound economic and facilities planning, and school compatibility.
5. NYSED and the Department should require EISs and BUPs to comparatively itemize and display individual room assignments and programming facilities.
6. NYSED and the Department should require EISs and BUPs to discuss the impact of proposed changes to overall District 75 programming.

### *Making Parents Partners in the Process*

7. The Department should require school-based informational meetings in all schools being considered for co-location, including school-based informational meetings for charter schools being re-sited.
8. The Department should improve the functionality of its official website to feature homepage links to information on major change proposals; accurate and consistent information with descriptive titles; and several translations of information on proposed changes.

This “Consensus for Reform Plan” responds to the most pressing concern raised by parents, teachers, and activists—that the Department undervalues community feedback and unilaterally decides where to site schools without taking into account the opinions of those most directly affected.

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<sup>1</sup> The concluding section on recommendations details these recommendations with specific action items and explanations.

## INTRODUCTION

Last year, Public Advocate Bill de Blasio’s office and the Alliance for Quality Education (AQE) surveyed 873 parents to better understand how the Department of Education (Department) communicated with parents during major changes, specifically those involving the placement of multiple schools in individual buildings (co-locations). After analyzing the results of those surveys, Public Advocate de Blasio’s office and the AQE released a report that outlined ways the Department could improve its efforts to engage parents throughout the process.<sup>2</sup>

Public Advocate de Blasio followed up on that report by identifying new strengths and persistent weaknesses in the Department’s most recent proposals. Over the past several months, de Blasio’s office examined two co-locations that highlight the most persistent and pressing issues surrounding the process: parental engagement and flaws in building utilization plans (BUPs) and educational impact statements (EISs). Specifically, de Blasio’s office analyzed the proposed co-locations of the Teaching Firms of America Charter School (Teaching Firms) with P.S. 308 Clara Cardwell (P.S. 308) at Building K308, and Success Academy Charter School (SACS) alongside five existing high schools at the Brandeis Educational Campus (Brandeis).<sup>3</sup>

Our analysis concludes that in the year since the initial report, the Department has made improvements toward clarifying its proposals and explaining its decisions to better inform parents of proposed changes. The Department implemented informal meetings with community leaders to assess their concerns moving forward; expanded and simplified EISs and BUPs; increased awareness of joint public hearings; and attempted to incorporate local feedback in proposal revisions. Despite those advances, the Department continues to shortchange community feedback and provide limited information concerning the effects of proposed co-locations on existing programs.

To assure communities that proposed co-locations will promote the best educational experiences for students, the Department’s co-location proposals require further refinement. EISs must not only be presented in clearer formats; they must also articulate how each proposal answers an existing community need and advances a larger vision for the educational system. Experts in school co-locations insist that effective shared space agreements require a collaborative process, comprehensive educational



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<sup>2</sup> The full text of the report, “Breaking Down Barriers: An Evaluation of Parent Engagement in School Closures and Co-locations,” published July 22, 2010 is available here: <http://advocate.nyc.gov/files/ParentalEngagementReport-7.21.10.pdf>.

<sup>3</sup> According to the proposal, SACS will exist alongside five high schools for the 2011-2012 school year before Brandeis High School phases out in June of 2012. At that point, there will be a total of five schools in the Brandeis Educational Campus—Global Learning Collaborative, The Urban Assembly School for Green Careers, Frank McCourt High School, Innovation Diploma Plus, and Success Academy Charter School. An electronic copy of the revised proposal is available here: <http://schools.nyc.gov/NR/rdonlyres/FEF5E610-2243-4DCB-A8B9-E732FC6D60F4/0/REVISEDEISSA8K5vfinal.pdf>.

facilities planning, and space design modifications.<sup>4</sup> The Department's ever-evolving co-location proposals consistently fall short of those aims.

Department-issued EISs should provide impacted communities with a firm grasp of likely outcomes. Parents, teachers, and community leaders should understand exactly how proposals will affect students on a daily basis. Proposals should detail whether co-locations will shorten lunch periods, limit educational enrichment, mandate staggered schedules, change instructional models, or increase street traffic. EISs and BUPs should clearly identify the size and type of rooms allocated to each school and detail how existing community needs have been weighed against the Department's general educational goals.

## **BACKGROUND**

The operation of multiple schools at single sites is not new to New York City. Currently, over half of City schools are co-located with other schools and programs.<sup>5</sup> According to a recent study by the Campaign for Fiscal Equity,<sup>6</sup> 65% of all City high school buildings contain at least two organizations, while 20% contain at least four. As of the 2008-2009 school year, 27% of middle school buildings contained four or more organizations.<sup>7</sup>

The pace of co-locations has accelerated in recent years. The number of middle school buildings housing four or more organizations has doubled since 1997,<sup>8</sup> and the Department proposed co-locating an additional 66 schools for the 2010-2011 school year.<sup>9</sup> Between 2002 and 2006, the Department added 53,781 new seats. Although the City's five-year capital plan includes \$4.5 billion for the construction of 105 new buildings and \$5.3 billion in building upgrades, co-locations will likely continue with increasing frequency as the Department expands overall capacity.<sup>10</sup>

To co-locate schools, the Department is required to follow the steps outlined in the policy governing major changes in school utilization, Chancellor's Regulation A-190. Major changes in school utilization are defined as "the phase-out, grade reconfiguration, re-siting, or co-location of schools or District 75 school organizations in currently utilized

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<sup>4</sup> These recommendations were articulated by Mary Filardo, Executive Director of the 21<sup>st</sup> Century School Fund in an April 13, 2010 letter to the Campaign for Fiscal Equity (CFE) regarding the proposed co-location of PAVE Charter School with PS 15. The full text of the letter is available in electronic format here: [http://www.21csf.org/csf-home/publications/AnalysisUtilizationPS-15SchoolBuildingBrooklynNewYork\\_May2010.pdf](http://www.21csf.org/csf-home/publications/AnalysisUtilizationPS-15SchoolBuildingBrooklynNewYork_May2010.pdf). The 21<sup>st</sup> Century School Fund is an institute dedicated to "improving urban public school facilities." While her work has focused primarily on producing optimal learning environments in Washington, DC public schools, Filardo has been consulted on issues specific to other urban areas in collaboration with partners.

<sup>5</sup> This information is publicized on the Department of Education's campus governance webpage, available here: <http://schools.nyc.gov/community/campusgov/default.htm>.

<sup>6</sup> The full text of the December 2010 report entitled, "Capacity Counts: Demonstrating the Need for Adequate, Transparent Data," is available here: [http://www.cfequity.org/pdf/CFE\\_Capacity\\_v7\\_advance\\_cvr.pdf](http://www.cfequity.org/pdf/CFE_Capacity_v7_advance_cvr.pdf).

<sup>7</sup> Ibid, Page 4.

<sup>8</sup> Ibid.

<sup>9</sup> New York City Department of Education, 2009-2010: Proposals for Significant Changes in School Utilization.

<sup>10</sup> Details of the \$13.1 billion capital plan are outlined on the Department's facilities page of their website, available here: <http://schools.nyc.gov/community/facilities/>.

school facilities.”<sup>11</sup> When the Department proposes major changes in school utilization, like co-locations, it must complete the following steps:

1. The Department issues an EIS that explains the overall impact of the proposal on existing schools, in addition to a BUP that outlines the number and type of room allocated to each school and proposes a plan for the use of shared spaces, like gymnasiums, cafeterias, and auditoriums.<sup>12</sup> Together, the EIS and BUP are required to address building safety, strategies for cooperation among co-located schools, and effects on academic programming and building services, among other factors. The EIS and BUP must be published on the Department’s website and be distributed to affected schools six months before the first day school co-location takes effect.
2. The Department hosts a joint public hearing on the proposed co-location within 30-45 days of filing the EIS and BUP.
3. The Chancellor can use his or her discretion to revise the proposal. If the proposal is amended, the Department hosts a new joint public hearing on the amended proposal.
4. The Department is required to respond to all community feedback received up to 24 hours before the Panel for Educational Policy (PEP) is scheduled to vote on the proposal.<sup>13</sup> The Department’s response must summarize the issues raised and significant alternatives suggested and explain why alternatives were not adopted.
5. The Department submits the proposal to the PEP for consideration.
6. The PEP votes to accept or reject the proposal during its monthly meeting.

As seen in the steps outlined above, the co-location process relies on a sustained exchange between community members and the Department. Yet, community members consistently complain that they were sidelined as the Department makes decisions about where and how to site schools.

Co-locations will never be popular, but the Department has a responsibility to improve the process guiding the proposal and implementation of future co-locations to better serve students and their communities. Parents, teachers, and community members should have a thorough grasp of what major changes in school utilization mean for their students. To that end, the Department should detail proposals’ effects on instructional space, programming services, and the overall educational culture of school buildings. Rather than publish technical equations and hypothetical sharing agreements, the Department should distribute a product that is both accessible and transparent—one that clearly and consistently communicates potential results.

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<sup>11</sup> New York City Department of Education, Regulation of the Chancellor A-190: Significant Changes in School Utilization and Procedures for the Management of School Buildings Housing More than One School, Issued October 7, 2010, Section IG.

<sup>12</sup> The baseline number and size of rooms assigned to individual schools is calculated based on the Department’s Instructional Footprint. Additional space is to be allocated equitably among the co-located schools, given considerations of relative school enrollments, the instructional and programmatic needs of the schools, and the physical location of excess space within the building. The Instructional Footprint is derived from the City’s standardized calculation of the capacity of all Department buildings. An electronic copy of the City’s Instructional Footprint is available here: [http://schools.nyc.gov/NR/rdonlyres/8CF30F41-DE25-4C30-92DE-731949919FC3/87633/NYCDOE\\_Instructional\\_Footprint\\_Final9210TNT.pdf](http://schools.nyc.gov/NR/rdonlyres/8CF30F41-DE25-4C30-92DE-731949919FC3/87633/NYCDOE_Instructional_Footprint_Final9210TNT.pdf).

<sup>13</sup> The Panel for Educational Policy (PEP) is the body of the New York City Department of Education responsible for approving or rejecting changes to the City’s educational policies. The PEP consists of 13 appointed members and the Chancellor, who serves as a non-voting member. Further information on the PEP is available through the Department’s website here: <http://schools.nyc.gov/AboutUs/leadership/PEP/default.htm>.

## RECENT POLICY CHANGES

In March of 2010, a coalition of parents, teachers, and community leaders filed suit against the Department, claiming it had failed to comply with State Education Law governing school co-locations and closures. In Mulgrew v. the Board of Education of the City School District of the City of New York, the Court ruled that the Department had failed to provide sufficient public notice for its proposed changes and issue meaningful EISs.<sup>14</sup>

Specifically, the Court criticized the Department's formulaic and non-substantive responses to parents' concerns about the fate of individual programs and superficial EISs. Noting the centrality of community feedback to the process, the Court insisted that "meaningful community involvement regarding the chancellor's proposals" is a necessary component of State Education Law.<sup>15</sup>

Just before the Appellate Division of the State Supreme Court affirmed the ruling, Public Advocate de Blasio's office and the AQE released a joint report based on surveys from parents at affected schools.<sup>16</sup> The report concluded that rather than an inclusive process that systematically weighed community concerns to promote the best educational outcomes for students, the established procedures limited available information and silenced community concerns—privileging efficiency over involvement.

Parents from 34 of the 66 schools slated for co-location during the 2009-2010 academic year expressed the opinion that they were not fully engaged in the decision-making process and that they were unaware of the effects of the proposed changes. Less than 50% of those parents were aware of the availability of an EIS, and 25% of respondents reported having seen it. Sixty percent of parents who had seen the report recommended a more detailed and informative document.<sup>17</sup>

As such, the report highlighted several areas for improvement, noting key recommendations designed to increase parents' access to and understanding of information on proposed changes to their children's educational experiences. The Department recommended that the Department:

1. Provide meaningful EISs that addressed safety issues; plans for the use of shared space facilities like gymnasiums, cafeterias and libraries; impacts on instructional time and space; plans to guarantee the provision of physical education and arts programs; impacts on existing programs and their continuation or replacement; and the specific impacts on English language learners, students with disabilities, closing the achievement gap, and other district schools;
2. Create school building councils, comprised of school administrators, staff and parents to make decisions regarding space utilization;
3. Ensure greater transparency, access to information and opportunities for involvement by distributing the EISs more broadly;
4. Improve the process of obtaining parent and community feedback by conducting informational meetings for community members;

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<sup>14</sup> See generally: Mulgrew v. The Board of Education of the City School District of the City of New York; 2010 WL 1655440.

<sup>15</sup> Ibid at \*7.

<sup>16</sup> The full text of the report, "Breaking Down Barriers: An Evaluation of Parent Engagement in School Closures and Co-locations," published July 22, 2010 is available here: <http://advocate.nyc.gov/files/ParentalEngagementReport-7.21.10.pdf>.

<sup>17</sup> The report's findings were based on the analysis of voluntary surveys from 873 parents at impacted schools.

5. Allow school growth by not pursuing co-locations that would require schools to reduce enrollment or scale back plans for expansion;
6. Develop uniform standards for co-location and closure decisions;
7. Study the impact of proposed changes before proposing additional changes; and
8. Provide parents with meaningful feedback regarding the Department's rationale for major changes.

The report also urged the New York State Education Department (NYSED) to monitor the City's compliance with existing legislation and amend the law if the City was not in compliance.

On October 8, 2010, the PEP issued a series of revisions to the Chancellor's Regulation A-190. The most significant of those changes:

1. Expanded the information to be included in EISs;
2. Established procedures to more broadly distribute EISs to affected schools, parents, community education councils (CECs), school leadership teams (SLTs), etc;
3. Streamlined the processes of scheduling, formatting, and publicizing joint public hearings on proposed changes;
4. Created building councils and shared space committees with predetermined and consistently scheduled meetings; and
5. Provided for the matching of capital improvement or facility upgrade funds over \$5,000 to charter schools co-located in public school buildings.

A summary of the changes implemented by the Department follows in the chart below.

<i>Recommendations from PA/AQE Report</i>	<i>Department Policy Changes</i>
<ul style="list-style-type: none"> <li>• Provide meaningful EISs that address safety issues; plans for the use of shared space facilities like gymnasiums, cafeterias and libraries, effects on instructional time and space; plans to guarantee the provision of physical education and arts programs; effects on existing programs and their continuation or replacement; and the specific effects on English language learners, students with disabilities, closing the achievement gap, and other district schools</li> <li>• Ensure greater transparency, access to information and opportunities for involvement by distributing the EISs more broadly.</li> <li>• Improve the process of obtaining parent and community feedback by conducting informational meetings for community members.</li> </ul>	<ul style="list-style-type: none"> <li>• Expanded the information to be included in EISs to include enrollment figures and projections; effects on the community; initial costs and savings; effects on personnel needs, instruction costs, transportation, and support services; building condition and features; academic performance information; and effects of proposed changes on community schools.</li> <li>• Created building councils and shared space committees with predetermined and consistently scheduled meetings to negotiate the use of shared spaces.</li> <li>• Established procedures to more broadly distribute EISs to affected schools, parents, community education councils (CECs), school leadership teams (SLTs), etc.</li> </ul>



### *Recommendations from PA/AQE Report*

- Allow school growth by not pursuing co-locations that would require schools reduce enrollment or scale back plans for expansion.
- Develop uniform standards for co-location and closure decisions.
- Study the impact of proposed changes before proposing additional changes.
- Provide parents with meaningful feedback regarding their rationale for major changes.
- Create school building councils of school administrators, staff and parents to make decisions regarding space utilization.

### *Department Policy Changes*

- Streamlined the processes of scheduling, formatting, and publicizing joint public hearings on proposed changes.
- Created pre-engagement meetings for schools being considered for co-location and/or closure.
- Created building councils comprised of the principal or designated representative of each co-located school or District 75 (D75) school organization with predetermined and consistently scheduled meetings.
- Created shared space committees comprised of the principal or designated representative of each co-located school or D75 school organization, as well as a teacher and parent from each co-located school selected by the corresponding constituent member of that school's leadership team

Together, the amendments improved the overall transparency of the co-location process, and enhanced the Department's collaboration with communities. The final measure promoted resource equality among schools that share buildings. In addition to the amendments made to the Chancellors Regulation A-190, the Department informally decided to conduct meetings with key stakeholders before the EIS process.

However, as the following case studies reveal, the Department has yet to seriously and systematically address parents' valid concerns regarding proposed co-locations. Not only does the Department lack standards for withdrawing proposals in the face of near-absolute community opposition, but the Department also fails to validate its decisions by explaining the long-term and strategic factors that guide its decisions. Department-issued EISs continue to lack detailed descriptions of individual rooms assigned to schools, and superficially address its proposals' effects on the broader community.

Although the case studies that follow highlight the issues in co-locations between charter and traditional district schools, those issues do not result from the types of schools expected to share space; similar issues plague proposed co-locations between traditional district schools as well. The problems with co-locations are the result of flawed processes surrounding their proposal. At Building K308 and the Brandeis Educational Campus, the ongoing battles between community members and the Department strikingly illustrate this reality.

## CO-LOCATION AT BUILDING K308

When considering where to locate new schools, the Department weighs the goals of small class sizes, individualized attention, and enhanced educational enrichment, against that of increasing available programming throughout the system. The decisions are not straightforward, but they should reflect an understanding that physical space profoundly affects educational quality.<sup>18</sup> The primary consideration in decisions to co-locate schools must be the preservation of quality educational programming for all students.

**“ . . . This is my community and these are my children. And our children are not animals. Our children need ventilation. Our children need exercise. Our children need to eat at proper times.”**

*Yolanda Ford, Former P.S. 308  
Student. Current Teacher\**

New York State has long promoted an educational experience that is not limited to traditional instructional time. Library use, arts education, and physical education are considered cornerstones of student curriculum.<sup>19</sup> The Department's proposal to site an additional school in the already cramped facilities in Building K308 raises serious concerns.

If co-located at Building K308, will P.S. 308 and Teaching Firms be able to provide students with the resources they need to succeed? In an attempt to reassure the community that the answer to this question is a resounding, “yes,” the Department presented statistical evidence that Building K308 boasts ample room to site another school. Its EIS concludes that “there will be sufficient instructional space in K308 for P.S.308 and for Teaching Firms to grow to scale.”<sup>20</sup> Yet, even the proposed plan allocates insufficient gym time to satisfy state standards,<sup>21</sup> and leaves

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<sup>18</sup> The Court's decision in CFE v. The State of New York (2003) affirmed and institutionalized the relationship between space and equity.

\* New York City Department of Education, Division of Portfolio Planning, Transcribed Record, Joint Public Hearing, February 8, 2011, Page 51.

<sup>19</sup> The Department promotes universal arts education through the ArtsCouncil Initiative, which tracks participation in arts programming and compliance with the New York State Instructional Requirements for the Arts (available here: <http://schools.nyc.gov/offices/teachlearn/arts/nysartsrequirements.html>); privileges library time through its Information Fluency Continuum benchmarks (available here: <http://schools.nyc.gov/NR/rdonlyres/2BD1C6F6-E583-41E8-9D8A-8578447FBF9A/0/IFCK12PriorityBenchmarkSkillsandAssessments.pdf>); and outlines a rigorous wellness curriculum with physical education standards for elementary school students (available here: [http://schools.nyc.gov/NR/rdonlyres/44111047-BCA9-43D0-9744-1279DDBF3EB9/103607/WQRSPEESRequirements\\_FORPRINT.pdf](http://schools.nyc.gov/NR/rdonlyres/44111047-BCA9-43D0-9744-1279DDBF3EB9/103607/WQRSPEESRequirements_FORPRINT.pdf)) and middle school students (available here: [http://schools.nyc.gov/NR/rdonlyres/44111047-BCA9-43D0-9744-1279DDBF3EB9/103608/WQRSPEMSRequirements\\_FORPRINT.pdf](http://schools.nyc.gov/NR/rdonlyres/44111047-BCA9-43D0-9744-1279DDBF3EB9/103608/WQRSPEMSRequirements_FORPRINT.pdf)).

<sup>20</sup> New York City Department of Education, Educational Impact Statement: The Proposed Co-Location of a New Public Charter School, Teaching Firms of America Charter School, with Existing School P.S. 308 Clara Cardwell (16K308) in Building K308, Issued January 8, 2011, Page 8.

<sup>21</sup> The Department-proposed shared space plan allocates gym time to Teaching Firms' K-1 students on Mondays, Wednesdays, and Fridays. An electronic copy of the revised BUP, which outlines a potential schedule (on page 15), is available here: [http://schools.nyc.gov/NR/rdonlyres/26767179-A349-4E3D-B4E1-05B87B03ECD8/105447/Revised\\_BUP\\_K308\\_TFoA\\_vfinal1.pdf](http://schools.nyc.gov/NR/rdonlyres/26767179-A349-4E3D-B4E1-05B87B03ECD8/105447/Revised_BUP_K308_TFoA_vfinal1.pdf). In compliance with New York State Education Law 803, Chancellor's Regulation Chapter II, Subchapter G, Part 135.4c2ai requires that they participate in physical education classes daily. The full text of the law is accessible here: <http://www.p12.nysed.gov/cia/pe/documents/title8part135.pdf>. A basic summary of that information is available through the Department at: [http://schools.nyc.gov/NR/rdonlyres/44111047-BCA9-43D0-9744-1279DDBF3EB9/103607/WQRSPEESRequirements\\_FORPRINT.pdf](http://schools.nyc.gov/NR/rdonlyres/44111047-BCA9-43D0-9744-1279DDBF3EB9/103607/WQRSPEESRequirements_FORPRINT.pdf).

unaddressed concerns that classroom allocations will force younger children onto higher floors of the building in violation of widely recognized safety standards.<sup>22</sup>

The Department's proposal with respect to Building K308 fails to demonstrate an emphasis on providing a quality education for all students. Persistent flaws in its EISs and BUPs reveal a poorly reasoned proposal that did not guarantee the provision of state-mandated educational programming for all students.

### *Current Conditions at Building K308*

Students, staff and teachers at Building K308 already face severe constraints due to limited space. The K-8 students served by P.S. 308 navigate a complex system of arrangements designed to maximize use of existing facilities and promote the most inclusive educational experience possible.

K308's enrichment spaces hold no more than two grade levels at a time. The school's library accommodates roughly 40 students, its gymnasium has a capacity of 175, its auditorium holds 274, and its cafeteria serves 222.<sup>23</sup> To best educate its 646-member student body, the school has implemented staggered lunch periods from 10:15am to 2:00pm; converted a small, unequipped and under-ventilated classroom into a supplemental gym; limited individual class library use; and resigned parents and some teachers to standing during events.<sup>24</sup>

Despite these modifications, P.S. 308 has been unable to comply with state standards requiring consistent access to gyms for all students.<sup>25</sup> Although the State requires daily physical education for K-3 grade students, and physical education at least three times a week for 4-6 grade students, only 6-8 grade students received any physical education programming until the school began using a small classroom as a supplemental gym.<sup>26</sup>

The Department proposed to add an initial group of 114 K-1 students to the campus for the 2011-2012 school year, with an additional 57 students each year as Teaching Firms expands to serve grades K-5. By the 2015-2016 school year, Teaching Firms is expected to enroll 342 students; P.S. 308 expects between 520 and 565 enrollees. In sum, Building K308 is slated to accommodate between 880 and 925 students in existing facilities.

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<sup>22</sup> The National Fire Protection Association's Life Safety Code, 2009 Edition Chapter 15.2.1.2 states that spaces "normally occupied by pre-school, kindergarten or first grade students shall be located on a level [with a direct] exit," unless another level features access to an exit dedicated to students in pre-kindergarten through second grades.

<sup>23</sup> Capacity figures are included in the proposed shared space plan noted on Page 15 of the New York City Department of Education, Revised Building Utilization Plan: The Proposed Co-location of a New Public Charter School, Teaching Firms of America Charter School (84K406), with Existing School P.S. 308 Clara Cardwell (16K308) in Building K308, Issued May 23, 2011.

<sup>24</sup> Several teachers and community members in attendance at the joint public hearing on the proposal stated these facts. *See generally*: New York City Department of Education, Division of Portfolio Planning, Transcribed Record, Joint Public Hearing, February 8, 2011. These facts were confirmed by Public Advocate de Blasio and members of his staff after the completion of walking tours of Building K308 on April 12, 2011 and March 23, 2011 respectively.

<sup>25</sup> In compliance with NY State Education Law 803, Chancellor's Regulation Chapter II, Subchapter G, Part 135.4c2ia-b requires that K-6 students participate in at least 120 minutes of gym each week. K-3 students must participate in gym on a daily basis and Grade 4-6 students must participate in gym at least three times per week. The full text of the law is accessible here: <http://www.p12.nysed.gov/ciai/pe/documents/title8part135.pdf>. A basic summary of that information is available through the Department at: [http://schools.nyc.gov/NR/rdonlyres/44111047-BCA9-43D0-9744-1279DDBF3EB9/103607/WQRSPEESRequirements\\_FORPRINT.pdf](http://schools.nyc.gov/NR/rdonlyres/44111047-BCA9-43D0-9744-1279DDBF3EB9/103607/WQRSPEESRequirements_FORPRINT.pdf).

<sup>26</sup> Several teachers and community members in attendance at the joint public hearing on the proposal stated this fact. *See generally*: New York City Department of Education, Division of Portfolio Planning, Transcribed Record, Joint Public Hearing, February 8, 2011. The information was confirmed by Public Advocate de Blasio and members of his staff after the completion of walking tours of Building K308 on April 12, 2011 and March 23, 2011 respectively.

<i>Current Scenario</i>		<i>Proposed Scenario</i>
Student Population: 646		Student Population: 880 - 925
Cafeteria Capacity: 222		Cafeteria Capacity: 222
Auditorium Capacity: 274		Auditorium Capacity: 274
Gymnasium Capacity: 175		Gymnasium Capacity: 175
1 Supplemental Gym		0 Supplemental Gym
59 Full-Size Classrooms*		60 Full-Size Classrooms
6 Half-Size Classrooms		6 Half-Size Classrooms
20 Quarter-Size Classrooms		20 Quarter-Size Classrooms

*\*The Department does not take variations in room size into account in its EISs; any classroom with more than 500 square feet is considered a full-sized classroom for the purposes of space allocation. One full-sized classroom is currently used a supplemental gymnasium. An additional full-sized classroom is currently used as a full-sized science demonstration room.*

### ***Community Opposition***

At the joint public hearing on February 8<sup>th</sup>, teachers highlighted the above-mentioned issues—among others. Fourth grade teacher April Austin recounted her students’ sincere enthusiasm at the prospect of gym classes throughout the 2010-2011 school year, as well as her own.<sup>27</sup> Another teacher, Kayla Ricketts, spoke of insufficient closet space for her students’ coats (P.S. 308 students currently hang their coats in unsecured hallways).<sup>28</sup> Fifth grade teacher Tiana Santiago noted the inconvenient and scattered lunch schedule.<sup>29</sup>

Having twice completed a two-and-a-half-hour tour of the building, twenty-year teacher Martha Lane stated that she was “absolutely appalled” by the overcrowded classroom conditions, explaining how restricted space negatively affects instructional quality. “There was no room for movement of the teacher...one good skill a teacher has is to walk around the room, make sure students are on task,” she explained. “Teachers couldn’t do that.”<sup>30</sup>

Overall, community feedback revolved around one key point—that there was simply “no space” in Building K308; the audience repeatedly chanted the refrain.<sup>31</sup>

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<sup>27</sup> New York City Department of Education, Division of Portfolio Planning, Transcribed Record, Joint Public Hearing, February 8, 2011, Page 46.

<sup>28</sup> Ibid, Pages 48-49.

<sup>29</sup> Ibid, Pages 47-48.

<sup>30</sup> Ibid, Page 31.

<sup>31</sup> Ibid, Pages 29-30.

## *Proposal Revisions*

After the joint public hearing, the Department submitted the unchanged proposal to the PEP for consideration. On March 1, 2011, the PEP voted 8-4 to approve the co-location.<sup>32</sup> After the vote, the Department issued a revised EIS and BUP.<sup>33</sup> The amendments—which noted specific programming and recommended a functional schedule—helped to clarify and support the proposal.

Specifically, the Department adjusted the proposed shared space plan and explained the times allotted on the schedule. The Department offered an account of how schools could equitably share spaces like the cafeteria and gym relative to their enrollments and how playground time was scheduled around lunches to provide both schools the opportunity for recess. The amended schedule also included information on after-school programs held in the cafeteria and auditorium. In addition, the Department updated room allocations based on the 2010-2011 enrollment figures, and clarified each year's adjusted room allocations to track the number of rooms gained and lost by each school over time. The revisions also included a correction of cafeteria capacity and the correct link to the Instructional Footprint.<sup>34</sup>

Yet, these changes aimed at illustrating to the community how successful the co-location could be, were released months after the PEP voted to approve the proposal.<sup>35</sup>

In accordance with State Law, the Department held a joint public hearing on the revised proposal on June 14<sup>th</sup>. Parents, teachers, and community leaders in attendance again expressed their opposition. After having traveled by the busload to petition the Department and influence the decision,<sup>36</sup> parents presented the Department with 240 copies of a petition against the co-location.<sup>37</sup> To these community members, the revisions—which neglected safety concerns related to placing younger students on the third floor of the building and failed to ensure access to physical education programming for all students—made little difference; the Department skirted the central issue of limited space. “They revised their plan. Nothing has changed,” said United Federation of Teachers (UFT)

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<sup>32</sup> Minutes of Action, Public Meeting of the Panel for Educational Policy, Brooklyn Technical High School: 29 Fort Greene Place, Brooklyn, NY 11217, Tuesday, March 1, 2011, 6:00pm. An electronic copy of the record is available through the PEP website at: <http://schools.nyc.gov/NR/rdonlyres/B765EA94-7EAC-49C0-8ABE-CC6AA34775F3/101748/moa312011.pdf>.

<sup>33</sup> On May 23, 2011, the Department issued a revised EIS and BUP on the proposed co-location. Electronic copies of the documents are available through the Department's website. The revised EIS is available here: [http://schools.nyc.gov/NR/rdonlyres/65C02BAE-0AB3-4335-B8C8-369FC5B6914F/0/Revised\\_EIS\\_K308TFOA\\_final.pdf](http://schools.nyc.gov/NR/rdonlyres/65C02BAE-0AB3-4335-B8C8-369FC5B6914F/0/Revised_EIS_K308TFOA_final.pdf). The revised BUP is available here: [http://schools.nyc.gov/NR/rdonlyres/26767179-A349-4E3D-B4E1-05B87B03ECD8/105447/Revised\\_BUP\\_K308\\_TFoA\\_vfinal1.pdf](http://schools.nyc.gov/NR/rdonlyres/26767179-A349-4E3D-B4E1-05B87B03ECD8/105447/Revised_BUP_K308_TFoA_vfinal1.pdf).

<sup>34</sup> The changes were summarized in the revised public notice and EIS issued May 23, 2011. The original public notice and EIS issued January 8, 2011 stated the cafeteria capacity was 122, while the revision states that the cafeteria can hold 222 people (Ibid).

<sup>35</sup> They also occurred in the wake of a UFT and NAACP-led lawsuit aimed at stopping school co-locations and closures. The suit claims that the PEP violated state law by approving co-location proposals that do not ensure the “equitable” and “similar” use of common spaces and resources mandated by Chancellor's Regulation A-190, Chapter II, Section A2ii. See generally: [Michael Mulgrew, as President of the United Federation of Teachers, Local 2, American Federation of Teachers, AFL-CIO, and the New York State Conference of NAACP et al. v. The Board of Education of the City School District of the City of New York, Dennis M. Walcott as Chancellor of the City School District of the City of New York, et al](#): New York Civil Supreme Court, Index Number 105855/2011.

<sup>36</sup> New York City Department of Education, Division of Portfolio Planning, Transcribed Record, Joint Public Hearing, June 14, 2011, Page 26.

<sup>37</sup> Ibid, Pages 16-17.

Representative Ronny Mailman. “Has the auditorium gotten bigger? Did the lunchroom get bigger? Did the gym get bigger?”<sup>38</sup>

Despite improvements to the proposal, the Department refused to acknowledge that further limiting access to common spaces by expanding enrollment at K308 would sacrifice the educational quality for all. To quote Councilmember Al Vann (D-36), the Department is “working it out so there’s a classroom, and there’s enough classroom space...and they are rescheduling so everybody can get their lunch. It’s not about that. It’s about providing the optimum situation, not the minimum situation.”<sup>39</sup>

The revised proposal suggests a failure to provide even that. Without a guarantee that the small common spaces could be practically scheduled to provide both student populations with New York State’s most basic educational requirements, the proposal should never have been advanced.

Reflecting on the difficult adjustments required of her students, ten-year P.S. 308 teacher April Austin, explained, “...I think if you would see and experience on a daily basis and have been experiencing on a daily basis over ten years, you would know it wouldn’t be a correct environment for the children you want to educate. It wouldn’t be fair to them...It wouldn’t be fair to our children. So, that’s what I’m asking everybody to look at right now. Forget about what’s on paper. I’m sick of you looking at our children on paper.”<sup>40</sup>

Rather than answer Ms. Austin’s charge with a critical evaluation of its capacity calculations, the Department advanced the revised proposal, and the PEP voted to approve the co-location of Teaching Firms and P.S. 308 on June 27, 2011.<sup>41</sup>

**“I’ve been on the losing side of many an issue. I’ve been on the winning sides of issues, and sometimes it feels as if your voice is heard and there’s really due process. And when that happens, win or lose, you know you fought the good fight...But if this gets approved, if it gets rubber stamped by the DOE and is already a fait accompli, [then] this hearing means nothing.”**

*(Ric Chernin, Global Learning Collaborative PTA President)\*\**

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<sup>38</sup> Ibid, Page 24.

<sup>39</sup> New York City Department of Education, Division of Portfolio Planning, Transcribed Record, Joint Public Hearing, February 8, 2011, Page 22.

<sup>40</sup> Ibid, Page 47.

<sup>41</sup> Resolution Regarding the Approval of the Revised Proposed Co-location of a New Public Charter School, Teaching Firms of America Charter School (84K406), with Existing School P.S. 308 Clara Cardwell (16K308) in Building K308, PEP Meeting Materials, June 27, 2011. The full text of the resolution is available here: <http://schools.nyc.gov/AboutUs/leadership/PEP/meetings/OtherMaterials/2010-2011/June27PEPMtgMaterials.htm>.

## THE BRANDEIS EDUCATIONAL CAMPUS

According to its own policies, the Department considers more than just excess space when proposing major school changes. It also takes into account feedback from school leadership teams (SLTs), local enrollment needs, the need for new school options, and available funding (where applicable).<sup>42</sup> Yet, its justifications for co-locations routinely rely on little more than under-utilized building status.<sup>43</sup> The explanations the Department offers communities should reflect the methodical consideration of various priorities.

The compatibility between a program, building, and community is one such critical concern. In the case of the Brandeis Educational Campus, the Department's proposal suggests a serious lapse in long-term planning for District 3 and the system as a whole.

The vision for the Brandeis Educational Campus has always included five schools; however, the Department's planned addition of an elementary school represents a departure from that plan.<sup>44</sup> The revision not only contradicts the Department's general goal of maximizing building efficiency to make the best use of available resources,<sup>45</sup> it curbs the growth of both a new elementary school and existing high school programming.<sup>46</sup> It is clear that SACS is not suited for inclusion in the Brandeis Educational Campus.

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<sup>42</sup> New York City Department of Education, Under-utilized Space Memorandum, Issued October 6, 2010, available here: <http://schools.nyc.gov/NR/rdonlyres/6EBA8731-4A23-4E36-A528-157D795BA9CE/90273/UnderutilizedSpaceMemorandum100610.pdf>.

<sup>\*\*</sup> New York City Department of Education, Division of Portfolio Planning, Transcribed Record, Joint Public Hearing, January 25, 2011, Page 25.

<sup>43</sup> Based on its annual Enrollment-Capacity-Utilization Report (The Blue Book), the Department publishes a list of those buildings considered "under-utilized." The classification means that the building currently has available, or is projected to have within the next two to three years, 300 or more instructional seats. Inclusion on the list does not result in automatic major changes in building utilization, but provides options for the use of excess space that include: the addition of new educational programs (e.g. Pre-Kindergarten, Gifted & Talented, D75, D79, Special Education Classes); expansion of existing programs; grade expansion; enrollment changes, including re-zoning neighboring schools to optimize the distribution of students; and temporary or permanent co-location of one or more new schools (Under-utilized Space Memorandum, Issued October 6, 2010, available here: <http://schools.nyc.gov/NR/rdonlyres/6EBA8731-4A23-4E36-A528-157D795BA9CE/90273/UnderutilizedSpaceMemorandum100610.pdf>). However, issued EISs simply state that the targeted building "has been identified as an under-utilized building, meaning it currently has at least 300 seats available." It is not until the Department's public comment analysis that it provides a rationale for the proposal beyond space availability. The originally issued EISs and BUPs for the co-location of Teaching Firms at Building K308 and SACS at Brandeis follow this template.

<sup>44</sup> Department representative Elizabeth Rose conceded that the Department was "substituting" an elementary school for a high school as the fifth school located in the campus (New York City Department of Education, Division of Portfolio Planning, Transcribed Record, Joint Public Hearing, January 25, 2011, Pages 52-53).

<sup>45</sup> The annual Enrollment-Capacity-Utilization Report articulates this goal in its introductory pages, stating, "Our physical plant is a limited resource and it is our collective responsibility to ensure that this resource is being utilized effectively and efficiently to best meet the needs of the nearly 1.1 million City public school students." (Under-utilized Space Memorandum, dated October 6, 2010, available here: <http://schools.nyc.gov/NR/rdonlyres/6EBA8731-4A23-4E36-A528-157D795BA9CE/90273/UnderutilizedSpaceMemorandum100610.pdf>). The decision to convert existing administrative space to a multipurpose room for elementary students and quarantine student populations undermines the stated goal of maximizing building efficiency; building efficiency for co-located schools would be maximized through the creation of spaces shared by all students.

<sup>46</sup> In the revised EIS for the proposed co-location of SACS at the Brandeis Educational Campus, issued June 6, 2011, the Department explained that although SACS' charter approved the school to serve as many as 689 students, enrollment would be capped due to space constraints. "The charter for SACS authorizes a higher enrollment for this school; however, the proposed enrolment is the maximum that can be accommodated in the available space" (Page 2).

## *Current Conditions at the Brandeis Educational Campus*

Five small high schools currently share space at the Brandeis Educational Campus (Brandeis). Together, they enroll 1,403 students. The Urban Assembly School for Green Careers (Green Careers) is a career and technical education (CTE) school; The Global Learning Collaborative (Global Learning) operates a strong bilingual Spanish program; Innovation Diploma Plus (Diploma Plus) serves over-age and under-credited students; and Frank McCourt High School (Frank McCourt) is a selective, screened school that emphasizes writing. Frank McCourt, Global Learning, and Green Careers will expand enrollment each year as they serve additional grades. Louis D. Brandeis High School is in the process of phasing out, and is scheduled to close in June of 2012.<sup>47</sup>

Students across the schools share the cafeteria, library, gymnasium, fitness rooms, dance room, auditorium, playground, garden, seven science demonstration rooms, and three science labs. After a successive round of construction, they are slated to share a black box theater as well.

Global Learning's SLT described the collaboration between the high schools in a letter to then-NYC Schools Chancellor Cathie Black. The letter explained, "In this Brandeis Campus, we have brought into existence four distinct institutions that address a wide array of interests and future possibilities. And together, although we nurture distinct groups of students, we [have] forged a working partnership that thrives on sharing resources and spaces for the betterment of our students."<sup>48</sup>

The Department proposed to add an initial group of 180-190 K-2 students to the campus for the 2011-2012 school year, with an additional 82 students each year as SACS expands to serve grades K-5. Provided with a separate entrance and multipurpose room for gym and food services, those students will be isolated from current students.

By the 2015-2016 school year, SACS is expected to enroll 480-490 students; the four remaining high schools are expected to enroll between 1,500 and 1,600 students. In sum, the Brandeis Campus is slated to accommodate between 1,980 and 2,090 students from two unique populations.

## *Community Opposition*

The proposed co-location of SACS with the existing high schools at Brandeis generated a whirlwind of community activism based on concerns about its impact on students in the existing schools. Hundreds of parents, students, teachers, and elected officials communicated their opposition through petitions, resolutions, and testimonials. Over 300 members of the public attended the January 25<sup>th</sup> joint public hearing. Of the 371 people in attendance, 112 presented their views.<sup>49</sup> Among them were various elected officials and their representatives.<sup>50</sup> Their statements overwhelmingly opposed the proposal.

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<sup>47</sup> See generally: New York City Department of Education, Educational Impact Statement: The Proposed Co-location of a New Public Charter School, Success Academy Charter School, with Existing Schools in the Brandeis Educational Campus, Issued December 17, 2010. See also: New York City Department of Education, Revised Educational Impact Statement: The Proposed Co-location of a New Public Charter School, with Existing Schools Louis D. Brandeis High School (03M470), The urban Assembly School for Green Careers (03M402), the Global Learning Collaborative (03M403), and Frank McCourt High School (03M417) in the Brandeis Educational Campus, Issued June 6, 2011.

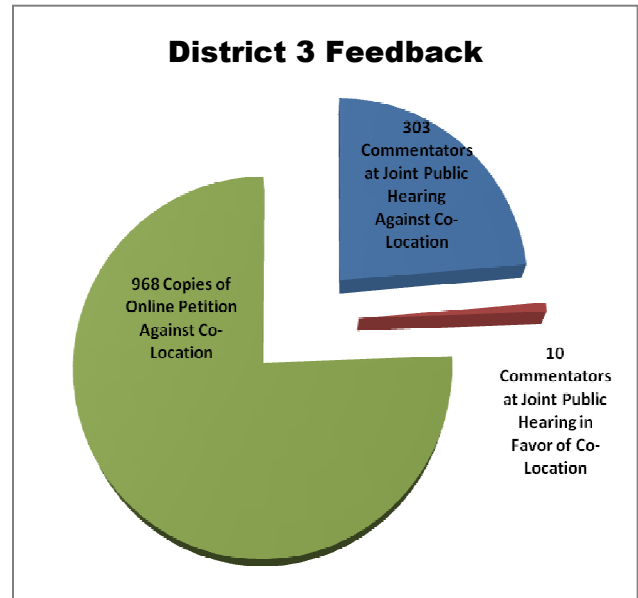
<sup>48</sup>New York City Department of Education, Division of Portfolio Planning, Transcribed Record, Joint Public Hearing, January 25, 2011, Page 19.

<sup>49</sup> New York City Department of Education, Public Comment Analysis, Issued January 31, 2011, Page 2.



Throughout the public comment period, the Department received a total of 313 written and verbal submissions on the proposal; 303 of those submissions were against, 10 were in support.<sup>51</sup>

Additionally, the Department received 968 copies of an online petition opposing the measure.<sup>52</sup> Community Board 7 voted unanimously in opposition to the proposal,<sup>53</sup> and District 3 CEC issued a resolution against it.<sup>54</sup> District 3 CEC President, Noah Gotbaum, passionately asked Department officials present at the hearing, “What level of community outrage or community response against this proposal...do you need? What does the Chancellor need to see...to recognize that this is not what the community wants? What do you have to see?”<sup>55</sup> Department representatives responded that “there is no specific amount of outrage” and that the Department has previously amended or significantly altered proposals in response to community feedback.<sup>56</sup> One week later, on February 1, 2011, the PEP voted 7-4-1 to approve the proposal.<sup>57</sup>



### *Reasons for Opposition*

The community highlighted significant issues regarding the co-location’s impact. Their concerns revolved around the incompatibility of an elementary school and the existing high schools. Community members supported their claims by referencing district overcrowding, the persistent demand for quality high school seats, and the loss of specialized instructional spaces.

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<sup>50</sup> Representatives for Congressman Jerrold Nadler (D-8), State Senator Tom Duane (D-29), Assemblywoman Linda Rosenthal (D-67), and City Council Member Inez E. Dickens (D-9). City Council Member Gale Brewer (D-6) spoke at the joint public hearing. In written submissions to the Department, Assemblyman Daniel O’Donnell (D-69) argued that the proposal violated the intent and spirit of the law requiring public notice for potential co-locations; City Councilwoman Melissa Mark-Viverito (D-8) highlighted the lack of a long-term plan and extensive community engagement; and Public Advocate Bill de Blasio criticized the Department’s failure to incorporate valid community feedback throughout the process (Ibid).

<sup>51</sup> Ibid, Page 11.

<sup>52</sup> Ibid.

<sup>53</sup> Community Board 7 full board meeting minutes detail the merits of the board’s opposition, and conclude that after deliberation, the board voted 40-0-0-0 to adopt a resolution opposing the co-location on January 4, 2011. The full text of the minutes is available here: [http://www.nyc.gov/html/mancb7/html/minutes/min01\\_11.shtml](http://www.nyc.gov/html/mancb7/html/minutes/min01_11.shtml).

<sup>54</sup> Resolution of Community District Educational Council 3, Resolution Against Success Charter Co-location, Approved January 11, 2011.

<sup>55</sup> New York City Department of Education, Division of Portfolio Planning, Transcribed Record, Joint Public Hearing, January 25, 2011, Pages 49-50.

<sup>56</sup> Ibid, Page 50.

<sup>57</sup> Minutes of Action, Public Meeting of the Panel for Educational Policy, Brooklyn Technical High School: 29 Fort Greene Place, Brooklyn, NY 11217, Tuesday, February 1, 2011, 6:00pm. An electronic copy of the record is available through the PEP website here: <http://schools.nyc.gov/NR/ronlyres/02AA7F36-EB67-4EBD-A1E0-569A4EEB4AB4/98724/moa2112.pdf>.

## 1. High School Demand

Specifically, community members noted that rather than introduce an additional school to the campus, the high schools should be free to grow and expand. At the very least, they argued, an additional high school should be added to the campus.

While District 3 lacks a high school with an admissions preference for local children, various nearby District 2 high schools extend admissions preferences to their residents.<sup>58</sup> The dynamic has created a population of District 3 students slated to attend schools that lack the prestigious reputations and high performance records of other programs.<sup>59</sup> To address this concern and ensure the incorporation of community input concerning the next school to be co-located at Brandeis,<sup>60</sup> City Councilwoman Gale Brewer brought together a group of community leaders to collaborate on developing a vision for the next school to be co-located at the site.<sup>61</sup> Frank McCourt High School—with its focus on literature, writing, and journalism—was born out of the community’s “desire to have a truly diverse high school that would serve the needs of the community.”<sup>62</sup>

So, when the Department proposed using extra building space to accommodate a new school, the community questioned the assumption that Frank McCourt could not expand. The high-demand school received nearly 1,000 applications for 108 available seats and was listed by 150 students as a first or second choice in its first year of operation.<sup>63</sup>

Despite community pushback, the Department responded that the proposal would not restrict schools’ space since “there was always a plan for a fifth school in the building.”<sup>64</sup> However, the Department’s decision to place an elementary, rather than high school program, in the building required adjustments—adjustments that significantly and negatively impacted available programming.

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<sup>58</sup> Five high schools give admissions preference to students from District 2. They include Baruch College Campus High School, Eleanor Roosevelt High School, Millennium High school, NYC Lab for Collaborative Studies, and the NYC Museum School. University Neighborhood High School provides an equal priority preference to District 1 and District 2 students. Detailed accounts of their respective admissions guidelines are available through the following sites: <http://schools.nyc.gov/ChoicesEnrollment/High/Directory/school/?sid=4142> (Baruch College Campus High School); <http://schools.nyc.gov/ChoicesEnrollment/High/Directory/school/?sid=4139> (Eleanor Roosevelt High School); <http://schools.nyc.gov/ChoicesEnrollment/High/Directory/school/?sid=4120> (Millennium High School); <http://schools.nyc.gov/ChoicesEnrollment/High/Directory/school/?sid=4137> (NYC Lab for Collaborative Studies); <http://schools.nyc.gov/ChoicesEnrollment/High/Directory/school/?sid=4138> (NYC Museum School); and <http://schools.nyc.gov/ChoicesEnrollment/High/Directory/school/?sid=4123> (University Neighborhood School).

<sup>59</sup> Councilwoman Gale Brewer testified before the subsequent SUNY Charter Hearing on the proposed co-location that the “number One call from parents right now to [her] office is from parents whose middle schooler did not get accepted into any high school, and these are students who have done well academically” (May 26, 2011).

<sup>60</sup> When the Department decided to phase out Brandeis High School and phase in three smaller high schools, the community was not consulted. The Department developed three successful small school models designed to target specific educational needs. The schools consisted of a career and technical education demonstration school (The Urban Assembly School for Green Careers), a transfer high school for over-aged and under-credited students (Innovation Diploma Plus), and The Global Learning Collaborative to be co-located with Brandeis High School during its phase out. (Telephone Interview with Mark Diller, May 20, 2011, 11:30am).

<sup>61</sup> Frank McCourt planning committee member, Mark Diller, articulated this vision in a discussion of the origins of the school (Ibid).

<sup>62</sup> Ibid.

<sup>63</sup> Lisa Steglich, Frank McCourt PTA President, noted that Frank McCourt received a total of 987 applications for 108 available seats during in a conversation about the school’s place in the community (Telephone Interview, May 20, 2011, 1:00pm).

<sup>64</sup> Department representative Elizabeth Rose explained this view at the joint public hearing on January 25, 2011 (New York City Department of Education, Division of Portfolio Planning, Transcribed Record, Joint Public Hearing, January 25, 2011, Page 53).

## 2. Limited Enrichment

Rooms previously shared among the high schools that could not be shared by high school and elementary school populations were included in those rooms allocated to individual schools.<sup>65</sup> The EIS identified specialized rooms as instructional spaces, a move that—according to community leaders—overestimated building capacity and sacrificed the high-quality features that make the Brandeis Educational Campus a top-rated educational experience for the students in the building.

In response to the community's concerns, the Department explained that, "In order to meet the baseline allocation of classrooms for each school, rooms that are currently shared among the high schools would be assigned to individual schools."<sup>66</sup> The redistribution of rooms meant that the existing high schools would lose joint access to the science labs and demonstration rooms.

Frank McCourt parent and PTA President Lisa Steglich explained how the Department's move to limit shared spaces threatened not only the possibility for expansion, but also the status quo. The proposal "will encroach upon the space and activities that we currently have," said Steglich. "Not only will we not be able to grow, we won't be able to do the things that we have now."<sup>67</sup>

## 3. Unaddressed Overcrowding

Community members who contested the co-location insisted that not only would the proposal preclude the possibility of increasing the availability of high-performing high school options for residents, but the proposal would also exacerbate the problem of overcrowding in district schools.

SACS enrolls students through a lottery process. Its lottery privileges students who are English Language Learners (ELLs) and slated to attend the charter's definition of "failing schools" over district residents.<sup>68</sup> While SACS is an elementary school, students who graduate from the program are given preference for district middle schools, no matter what district they were originally zoned to attend.

District 3 has recognized overcrowding concerns at the elementary school level. Even after local elementary school P.S. 452 added five kindergarten sections to its program for the 2009-2010 school year, the school could not accommodate the influx of local students.<sup>69</sup> P.S. 452 capped enrollment with a lengthy wait list the following year.<sup>70</sup>

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<sup>65</sup> The original EIS, issued December 17, 2010, counted seven full-sized science demo rooms and three full-sized science laboratories as classroom space to be distributed among the schools (EIS Page 4).

<sup>66</sup> The Department articulates this response in its analysis of the issues raised at the public hearing (Public Comment Analysis, Issued January 31, 2011, Page 14).

<sup>67</sup> Telephone Interview with Lisa Steglich, May 20, 2011, 1:00pm.

<sup>68</sup> SACS prioritizes applicants in the following order: 1) siblings of currently attending students; 2) applicants zoned to attend failing schools and/or applicants who are deemed ELLs who reside in the Community School District (CSD) of the location of the charter school; 3) applicants zoned to attend failing schools and/or applicants who are deemed ELLs who do not reside in the CSD of the location of the charter school; 4) other applicants who reside within the CSD of the location of the charter school; 5) other applicants who reside outside of the CSD of the location of the charter school (Page 6 of the original EIS issued December 17, 2010; Page 9 of the revised EIS, issued June 6, 2011).

<sup>69</sup> At the joint public hearing on January 25th, a representative from P.S. 452 explained how the school was created to address overcrowding. "Our school was founded last year as a direct result of overcrowding issues that have been negatively impacting District 3

Graduating SACS students will join the large pool of students vying for district middle schools, and later for district high schools.

### *Proposal Revisions*

After hearing these concerns throughout the process, the Department made one amendment to the proposal—to “recommend” that SACS apply for a change in its charter to provide an absolute preference for District 3 students. SACS applied for an amendment to its charter, but its charter authorizer—the State University of New York (SUNY)—refused the request.<sup>71</sup>

Determined to stop the reduction in arts, music, and science services, Brandeis parents filed suit against the Department with the support of various local officials.<sup>72</sup> The suit, Lisa Steglich, Ric Cherwin et. al v. the Board of Education of the City School District of the City of New York, argued that the Department:

1. Used inaccurate enrollment figures at affected high schools;
2. Misclassified specialized spaces, like dance studios and science labs, as instructional rooms;
3. Violated procedures for public notification and consultation; and
4. Failed to assess the environmental impact of traffic caused by the inclusion of SACS at the site.<sup>73</sup>

On May 12, 2011, the State Supreme Court issued a temporary restraining order against the Department, forcing it to halt construction projects related to the co-location at the Brandeis Campus. The Court explained that the proposal had not yet been approved by SACS’ charter authorizer, SUNY.<sup>74</sup>

**“They do what they want. They don’t really care what we say. The statute obligates them to listen to us. They hear us. There is no real sense that they’re listening to us.”**

*Mark Diller, Community Board 7 Member\*\*\**

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elementary schools and creating seat shortages and continued program losses,” she stated (New York City Department of Education, Division of Portfolio Planning, Transcribed Record, Joint Public Hearing, January 25, 2011, Page 180).

<sup>70</sup> Telephone Interview with Mark Diller, May 20, 2011, 11:30am.

\*\*\* Telephone Interview, Friday, May 20, 2011, 11:30am.

<sup>71</sup> A March 11, 2011 letter to Chief Executive Officers of the Success Charter Network, Eva Moskowitz denied SACS’ application for a change in its lottery preferences to provide an absolute preference to District 3 students. The letter, signed by SUNY Charter Schools Institute Vice President and General Counsel Ralph A. Rossi II, states that the Institute “regrets that it cannot approve this RFCIP (Request for Change in Program) as it is in violation of the Charter Schools Act of 1998, as amended (the “Act”).” The letter explains that because SACS is a “school designed to provide expanded learning opportunities for students at-risk of academic failure” under Education Law Article 2854(2)(a), the school must maintain its preferences to give “greater priority in the admissions lottery” to “students meeting the school’s definition of ‘at-risk academic failure’ (Electronically forwarded communication).

<sup>72</sup> The suit was supported by New York City Councilmember Gale Brewer, Assemblymembers Linda Rosenthal and Danny O’Donnell, State Senator Adrian Espaillat, Congressmen Jerry Nadler and Charles Rangel, and Public Advocate Bill de Blasio.

<sup>73</sup> See *generally*: Lisa Steglich, Ric Cherwin, et al. v. the Board of Education of the City School District of the City of New York a/k/a The Panel for Educational Policy, The Department of Education of the City of New York, and Dennis M. Walcott, as Chancellor-Designate of the City School District of the City of New York (2011).

The Department then issued a revised EIS and BUP for the proposed co-location that addressed parents' concerns about mixing older and younger students, explained how SACS would primarily serve local students, and included provisions to maintain the three science labs as shared spaces for the high schools.<sup>75</sup>

Specifically, the revised EIS offered information about three public campuses that successfully mixed high school and kindergarten populations—one of which exempted younger students from security screening.<sup>76</sup> The revised proposal explained how District 3 students—although not granted an absolute preference—would be prioritized in the existing lottery system because 12 of its 17 zoned schools meet the charter's criteria for failing schools, and reported the lottery results, which revealed that SACS granted 100% of its first round seat offers to students from District 3, 15% of whom are ELLs.<sup>77</sup> Without much fanfare, the BUP also noted that “science labs have been included as shared spaces and have not been allocated to the individual schools.”<sup>78</sup>

In addition, the Department updated room allocations based on the 2010-2011 enrollment figures and clarified each year's adjusted room allocations to track the number of rooms gained and lost by each school over time.

However, these revisions—which were designed to increase the community's understanding of the impact of proposed changes—took place after the proposal was approved. Further, the reconfiguration of available space and description of growth constraints on SACS revealed the school's incompatibility with existing facilities.

The Department's primary rationale for locating SACS at the Brandeis Educational Campus appeared to be its provision of high-quality programming options for District 3 parents and potential to relieve waiting lists for local kindergartens.<sup>79</sup> Acknowledged space constraints at the building will prevent SACS from reaching its potential to fulfill that role in the community. By choosing to locate SACS at the Brandeis Campus, the Department sacrificed the expansion of much-needed quality high school programming for the limited provision of elementary school seats. The Department's subsequent refusal to address this concern undervalues community needs.

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<sup>74</sup> See generally: Lisa Steglich, Ric Cherwin, et al. v. the Board of Education of the City School District of the City of New York a/k/a The Panel for Educational Policy, The Department of Education of the City of New York, and Dennis M. Walcott, as Chancellor-Designate of the City School District of the City of New York, (Supreme Court of the State of New York, County of New York, Index # 104300-2011), May 12, 2011.

<sup>75</sup> See generally, Revised EIS and BUP, Issued June 6, 2011. Electronic copies of the revised EIS and BUP are available through the Department's website here: <http://schools.nyc.gov/community/planning/changes/manhattan/SACS>.

<sup>76</sup> Those campuses include: the Julia Richman Educational Complex (the “Richman” Campus), which contains Ella Baker (a K-8 school), four high schools, and part of a D75 special education program; Building M013, which houses Central Park East I Elementary, Central Park East High School, and a middle school; and the Adlai Stevenson Campus (the “Stevenson Campus”), which contains eight high schools, an Alternative Learning Center, and P.S. 308's full day pre-Kindergarten sections. The Stevenson Campus subjects high school, but not K-8 students, to security screening (Revised EIS, Issued June 6, 2011, Page 8).

<sup>77</sup> Ibid, Page 9.

<sup>78</sup> Revised BUP, issued June 6, 2011, Summary of Changes, Page 1.

<sup>79</sup> The Department's response to public commentary, issued December 17, 2010, highlights the “much-needed high-quality elementary school” as its rationale for placing SACS in District 3. “The DOE (New York City Department of Education) closely monitors the need to create additional elementary, middle and high school seats across the city and believes that this proposal will greatly enhance a critical need in District 3: quality elementary school seats. Within any district or borough, there are other competing priorities—and in the case of Manhattan, another priority is to increase the number of quality high school seats. The DOE does not believe this proposal will impede the Department from increasing quality high school seats in other buildings around the city” (Page 16).

\*\*\*\* New York City Department of Education, Division of Portfolio Planning, Transcribed Record, Joint Public Hearing, January 25, 2011, Page 96.

If the Department expects communities to cooperate with proposals for major changes in school utilization, it must demonstrate the consideration of community priorities in its decision-making processes and support its decisions on the basis of an encompassing vision that is both clear and consistent.

Rather than privilege community concerns accordingly, the Department advanced the revised proposal, and the PEP voted on June 27, 2011 to approve the co-location of SACS (by then renamed Upper West Success Academy)<sup>80</sup> alongside the existing high schools at the Brandeis Educational Campus.<sup>81</sup>

**“All we ask and all we have been asking for some time is a fair community process that takes into account the needs and views of the schools being targeted or the community as a whole. All we ask is for the DOE to stop imposing decisions on our schools and our community. All we want is to become full partners in decisions impacting our children’s right to a decent and equitable education.”**

*Tina Crockett, District 3 Parent Leader \*\*\*\**

## RECOMMENDATIONS

The Department has improved the co-location process in recent years. But, as the above instances of frustrated community members and strained resources illustrate, there remains ample room for improvement. The recommendations that follow build on the lessons learned at the Brandeis Educational Campus and Building K308 to advance foundational and procedural reforms aimed at improving the process to provide educational certainty to parents, teachers, community leaders, and our students.

Understanding the explicit link between educational quality and physical space, de Blasio’s three-pronged approach calls for the greater engagement of parents, community leaders, and experts throughout the co-location process. The recommendations that follow are not intended to increase the bureaucracy surrounding the co-location process, but to ensure that co-locations are only pursued after thorough, sustained analysis of their impacts on available programming.

### *Standardizing Site Selection*

- 1) The Department should partner with urban spatial planning experts to update its enrollment capacity utilization (ECU) formulas to incorporate congestion issues.** Currently, the Department uses a

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<sup>80</sup> Success Academy Schools was approved to change its name to Upper West Success Academy. (Charter Schools Institute, State University of New York (SUNY), Notice of Approval of Charter Revisions, May 11, 2011.

<sup>81</sup> Resolution Regarding the Approval of the Revised Proposed Co-location of a New Public Charter School, Success Academy Charter School, with Existing Schools Louis D. Brandeis High School (03M470), The Urban Assembly School for Green Careers (03M402), The Global Learning Collaborative (03M403), Innovation Diploma Plus (03M404), and Frank McCourt High School (03M417) in the Brandeis Educational Campus, PEP Meeting Materials, June 27, 2011. The full text of the resolution is available here: <http://schools.nyc.gov/AboutUs/leadership/PEP/meetings/OtherMaterials/2010-2011/June27PEPMtgMaterials.htm>.

standardized measure of building utilization rates based on class size goals and the efficient programming of instructional space. However, those formulas do not take into account the efficient programming of non-instructional spaces, like auditoriums, cafeterias, and gymnasiums. As a result, proposed changes to the number of students who use non-instructional facilities are not reflected in target building utilization rates; and proposed co-locations can be plagued by congestion issues, while satisfying existing standards. The Department should partner with urban spatial planning experts to update its ECU formulas to address the issue of student population density. Once the new formulas are devised, the Department should incorporate this figure into its co-location standards.

- 2) **The Department should create a building capacity checklist and partner with a third-party expert to ensure that all schools have adequate space to support enrichment and programmatic needs outside of classroom instruction.** The Department should create a capacity checklist based on State education guidelines to ensure that each school has adequate facilities to support its enrichment and programmatic needs outside of classroom instruction. A third party architect or interior designer should review the completed checklist and consult with school building councils to ensure accuracy.
- 3) **The Department should develop uniform standards for co-locations, including a cap on building utilization rates.** The Department should analyze utilization rates across City buildings to determine which rates have been proven to best support different models of successful educational programming. Based on that analysis, the Department should articulate the range of utilization rates appropriate for the co-location of different models and develop relevant maximum building utilization rates. The Department should then pursue only those co-locations that fall within this standardized range.

### *Clarifying Communications*

- 4) **NSYED and the Department should require EIS and BUPs to justify the proposed co-location on the basis of community needs, sound economic and facilities planning, and school compatibility.** Each year, the Department consults local CECs, District Leadership Teams (DLTs), and other community leaders to assess individual community needs. That assessment informs the Department's decisions about where to locate new schools and pursue expansion projects under the Five-Year Capital Plan. Amendments to the Capital Plan require public review and approval by the City Council. The Department's proposals to co-locate schools should be justified as serving the needs outlined in these annual assessments. As such, Article 56 in State Education Law and Chancellor's Regulation A-190 should be revised to require that EISs and BUPs:
  - a) Explain why co-location, rather than grade expansion among existing schools, was advanced as the ideal arrangement based on the city's long-term school development plan and community needs.
  - b) Publicize the locations previously considered for co-location, and explain why the current proposal was advanced as the ideal arrangement based on the city's long-term school development plan, budgetary principles, community needs, the school's compatibility with existing schools, and the proposal's effect on neighborhood infrastructure and services—specifically those related to traffic on residential roads, as well as the proposal's overall educational, economic, and social impact.
  - c) Suggest efficiencies designed to maximize instructional and support spaces for students by noting opportunities for collaboration on specialized services and programming.
  - d) Respond to initial community concerns regarding long-term district planning, special education and ELL

student accommodation, and the availability of related services with feedback that is clear, consistent, and concise. Generic language should be replaced by tailored responses that directly address these concerns.

- 5) **NYSED and the Department should require EIS and BUPs to comparatively itemize and display individual room assignments and programming facilities.** Article 56 in State Education Law and Chancellor's Regulation A-190 should be revised to require that EISs and BUPs:
  - a) Itemize the individual classrooms allocated to each school and provide an explanation of their exact size and current use, while also highlighting those rooms used for the provision of related services.
  - b) Provide a suggested building floor plan showing the areas assigned to each school, noting the areas not yet assigned, and explaining the proposed programmatic use of each room, highlighting those rooms proposed for the provision of related services.
  - c) Discuss the proposal's impact on the continuation, reduction, or termination of programming previously conducted in space allocated to other schools, and provide a rationale for the changes.
  
- 6) **NYSED and the Department should require EIS and BUPs to discuss the impact of proposed changes to overall District 75 programming.** Article 56 in State Education Law and Chancellor's Regulation A-190 should be revised to require that EISs and BUPs clearly and consistently discuss the impact of proposed changes on overall District 75 programming. Currently, only those proposals that specifically target District 75 programs for major changes require the Department to discuss the effects on students at all District 75 school sites. However, District 75 programming is interrelated; any adjustments to staff, enrollment, or space at one site impacts staff, enrollment, and space at alternate sites. Under the existing framework, the Department is not obligated to discuss the impact of proposed co-locations throughout the system—jeopardizing the certainty of service provision for this vulnerable population. The Department should describe the impact of proposed co-locations for District 75 programs at the buildings proposed for changes and throughout the system.

### *Making Parents Partners in the Process*

- 7) **The Department should require school-based informational meetings in all schools being considered for co-location, including school-based informational meetings for charter schools being re-sited.** Chancellor's Regulation A-190 governs all significant changes in school utilization, including the re-siting of schools. Before the required release of the EIS and BUP, the Department should require school-based informational meetings governed by consistent policies to ensure that community concerns are incorporated throughout the development of change proposals.
  
- 8) **The Department should improve the functionality of its official website to feature homepage links to information on major change proposals; accurate and consistent information with descriptive titles; and several translations of information on proposed changes.** The Department contracts experts in technology and web design to support its operations. As such, its official website—the portal through which many parents and community members obtain information about major changes in school utilization and the system as a whole—should be logically and accessibly organized. Specifically, the Department should:
  - a) Reformat the website to include start-page hyperlinks to major change proposals. The current site requires users to navigate through several steps to access specific pieces of information, such as public notices, EISs and BUPs.



- b) Monitor site errors. The current site is inconsistently formatted, and includes incorrect dates for scheduled events.<sup>82</sup>
- c) Ensure that proposal titles list every school located in buildings subject to significant changes in school utilization or closure. Some recent proposal titles include only the names of individual buildings and the specific programs targeted for addition or expansion without noting all the schools currently located at the site.<sup>83</sup> The omission of schools located in buildings proposed for significant changes obscures the impact of proposed changes on all student populations, and potentially limits the involvement of community members from those schools and programs.
- d) Translate EISs and BUPs into the nine most commonly spoken, non-English City languages. Non-English language EIS and BUP translations relevant to specific school populations are available through the PEP website's monthly listing of significant changes in school utilization. However, the PEP section of the Department's website can only be accessed through the main site. The main site provides translations of general information regarding admissions, enrollment, and overall services. However, information concerning major changes in school utilization is unavailable in the nine most commonly spoken, non-English City languages.<sup>84</sup> According to Chancellor's Regulation A-663, the Department is required to translate "documents which are distributed or electronically communicated to all or substantially all parents within the City containing critical information regarding their child's education."<sup>85</sup> Centrally produced critical information includes documents regarding registration, application, and selection; standards and performance (e.g. standard text on report cards); conduct, safety, and discipline; special education and related services; and transfers and discharges.<sup>86</sup> Given the potential impact of school co-location on these factors, the Department should similarly provide directly accessible, major language translations of EISs and BUPs on its website.

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<sup>82</sup> Examples of these errors are included in the appendices at the conclusion of this report. Appendix A demonstrates the incorrectly published information regarding the co-location of Teaching Firms and PS 308. For comparison, Appendix B includes an example of a correctly formatted revised notice on the proposed co-location of SACS at Brandeis. Appendix C highlights the incorrectly dated joint public hearing included in the summarized information under "Changes to Our Schools," while Appendix D highlights the accurately dated joint public hearing noted in both the summarized information on the PEP section of the Department's website and the revised public notice, issued May 23, 2011.

<sup>83</sup> An earlier version of the public notice, EIS, and BUP for the co-location of SACS at Brandeis does not list all the schools currently co-located in the building. Appendix E highlights the difference between the titles indicated on the materials released on January 8<sup>th</sup> and May 23<sup>rd</sup>.

<sup>84</sup> Selecting a translated version of the website restricts the user to the information on the start page. An attempt to "learn more about" the Department returns the user to an English translation of the site.

<sup>85</sup> New York City Department of Education, Regulation of the Chancellor A-663: Translations, Issued June 26, 2009, Section IA.

<sup>86</sup> *Ibid*, Section VA1.

## APPENDIX A, PART 1

Below is a screen grab from a June 10, 2011 query. As the arrow indicates, the proposed co-location of Teaching Firms at Building K308 is listed under approved proposals.

<ul style="list-style-type: none"> <li>■ Campus Governance</li> <li>Offices &amp; Programs &gt;</li> <li>Rules &amp; Policies &gt;</li> <li>Student Support, Safety &amp; Activities &gt;</li> <li>Performance &amp; Accountability &gt;</li> </ul>	<p><b>Approved Proposals</b></p> <p><i>** The Panel for Educational Policy ("PEP") discussed, voted on and approved these proposals. For more information see the <a href="#">PEP website</a>. **</i></p> <p><a href="#">Brooklyn East Collegiate Charter School: Proposed Re-siting and Co-location of Brooklyn East Collegiate Charter School (84K780) with P.S. 9 Teunis G. Bergen (13K009) and M.S. 571 in School Building K009</a></p> <p><a href="#">Brooklyn Success Academy: The Proposed Co-Location of a New Public Charter School, Brooklyn Success Academy, in Building K033</a></p> <p><a href="#">Bushwick Educational Campus: The Proposed Co-Location of 32K168 in Building K480</a></p> <p><a href="#">Coney Island Preparatory Public Charter School: The Proposed Re-siting and Temporary Co-location of Coney Island Preparatory Public Charter School (84K744) with Existing Schools I.S. 303 Herbert S. Eisenberg (21K303), Rachel Carson High School for Coastal Studies (21K344), and a District 75 School (P771K@I303) in Building K303</a></p> <p><a href="#">Explore Charter School at K114: The Proposed Co-Location of a New Public Charter School, Explore Excel Charter School, with Existing School P.S. 114 Ryder Elementary (18K114) in Building K114</a></p> <p><a href="#">Explore Charter School: The Proposed Re-siting and Co-Location of an Existing Public Charter School, Explore Charter School (84K704), with an Existing Middle School, M.S. 002 (17K002), and a District 75 School (75K141, "P141K@I002K") in Building K002</a></p> <p><a href="#">Invictus Preparatory Charter School: Proposed Temporary Co-location of a New Public Charter School, Invictus Preparatory Charter School, with J.H.S. 218 James P. Sinnott (19K218) and the School for Classics: An Academy of Thinkers, Writers, and Performers (19K683) in School Building K218.</a></p> <p><a href="#">Teaching Firms of America: Proposed Co-location of a New Public Charter School, Teaching Firms of America Charter School, with Existing School P.S. 308 Clara Cardwell in Building K308</a></p> <p><a href="#">P.S. 260 Breuckelen: Proposed Phase-out and Replacement Scenario</a></p> <p><a href="#">P.S. 332 Charles H. Houston: Proposed Phase-out and Replacement Scenario</a></p> <p><a href="#">M.S. 571: Proposed Phase-out and Replacement Scenario</a></p> <p><a href="#">Metropolitan Corporate Academy High School: Proposed Phase-out Scenario</a></p> <p><a href="#">P.S. 45 Horace E. Greene (32K045): Proposed Grade Expansion to a K-8 School</a></p> <p><a href="#">P.S. 157 Benjamin Franklin (14K157): Proposed Grade Expansion to a K-8 School</a></p> <p><a href="#">Pacific High School: Proposed Phase-out and Replacement Scenario</a></p> <p><a href="#">Paul Robeson High School: Proposed Phase-out and Replacement Scenario</a></p>
<p><b>Get Involved with NYC Schools</b></p> 	
<p> <b>Parent Link</b> Get personalized academic information about your child.</p>	
<p> <b>Teacher Page</b> Resources for Teachers</p>	
<p> <b>Panel for Educational Policy</b></p>	
<p> <b>Sustainability Initiative</b></p>	
<p> <b>Careers</b> We're looking for great teachers, principals, administrators, executives, and more. Join us today.</p>	

## APPENDIX A, PART 2

Below is a screen grab from a June 10, 2011 query. As the arrow indicates, the hyperlink to the revised co-location of Teaching Firms at Building K308 is not labeled “revised,” and is listed under “Surveys and Other Documents” below the “District 32 Survey.”

[Pacific High School: Proposed Phase-out and Replacement Scenario](#)

[Paul Robeson High School: Proposed Phase-out and Replacement Scenario](#)

[Millennium Brooklyn High School \(15K684\): The Proposed Co-Location of New High School Millennium Brooklyn High School in Building K460, John Jay Campus](#)

[Secondary School for Law \(15K462\): The Proposed Truncation of the Secondary School for Law to a 9-12 School](#)

[Secondary School for Journalism \(15K463\): The Proposed Truncation of the Secondary School for Journalism to a 9-12 School](#)

[Urban Assembly Academy of Arts and Letters \(13K492\): Proposed Grade Expansion to a K-8 School](#)

### **School Improvement Scenarios**

[P.S./I.S. 137 Rachel Jean Mitchell](#)

[J.H.S. 302 Rafael Cordero](#)

[Boys and Girls High School](#)

[Bushwick Community High School](#)

[Knowledge and Power Preparatory Academy VII Middle School](#)

[John Dewey High School](#)

[Sheepshead Bay High School](#)

[W.H. Maxwell Career and Technical Education High School](#)

### **Withdrawn for the 2010-2011 School Year**

[New American Academy 2: Proposed Co-Location of a New DOE Elementary, New American Academy 2, with Existing School J.H.S. 278 Marine Park \(22K278\) in School Building K278](#)

[P.S. 114 Ryder Elementary: Proposed Phase-out and Replacement Scenario](#)

[Community Roots Charter School: The Proposed Expansion of Community Roots Charter School \(84K536\) with Existing Schools P.S. 067 Charles A. Dorsey \(13K067\) and District 75 School \(75K369\) in Building K067](#)

### **Surveys and Other Documents**

[District 32 Survey](#)

[The Proposed Co-Location of a New Public Charter School, Teaching Firms of America Charter School, with Existing School P.S. 308 Clara Cardwell in Building K308](#)



## APPENDIX B

Below is a screen grab from a June 10, 2011 query. As the arrow indicates, the proposed co-location of SACS at the Brandeis Educational Campus is correctly listed under pending proposals for significant changes in school utilization, and is identified as “revised.”

<ul style="list-style-type: none"> <li>• Bronx</li> <li>• Manhattan</li> <li>• Staten Island</li> <li>• Queens</li> <li>&gt; New District Schools</li> <li>&gt; Grade Reconfiguration</li> <li>&gt; Charter Schools</li> <li>■ In the Community</li> <li>■ Facilities</li> <li>■ Get Involved with NYC Schools</li> <li>■ Service in Schools</li> <li>■ Campus Governance</li> </ul> <hr style="border-top: 1px dashed #f4a460;"/> <p>Offices &amp; Programs &gt;</p> <hr style="border-top: 1px dashed #f4a460;"/> <p>Rules &amp; Policies &gt;</p> <hr style="border-top: 1px dashed #f4a460;"/> <p>Student Support, Safety &amp; Activities &gt;</p> <hr style="border-top: 1px dashed #f4a460;"/> <p>Performance &amp; Accountability &gt;</p>	<p><b>Proposals for Significant Changes in School Utilization</b></p> <p><a href="#">East Harlem Scholars Charter School: The <b>Revised</b> Proposed Temporary Co-location of a New Public Charter School, East Harlem Scholars Academy Charter School, with Existing Schools Central Park East I, Central Park East High School, and J.H.S. 013 Jackie Robinson in Building M013</a></p> <p><a href="#">Girls Preparatory Charter School (84M330): The <b>Revised</b> Proposed Co-location with East Side Community School (01M450) in Building M060 (MIDDLE GRADES)</a></p> <p><a href="#">Harlem Children's Zone Promise Academy I and Promise Academy II: The <b>Revised</b> Proposed Temporary Expansion of the Co-location of Promise Academy II in Building M501 and Proposed Temporary Re-siting and Co-location of One Grade of Promise Academy I with existing schools in Building M501</a></p> <p><a href="#">Harlem Success Academy 1: The <b>Revised</b> Proposed Temporary Grade Expansion of the Co-location with Schools in Building M149/M207 for 2011-2012</a></p> <p><a href="#">I.S. 195 Roberto Clemente: The <b>Revised</b> Proposed Opening of New Design Middle School (05M514) and Co-location with Existing Schools I.S. 195, KIPP Infinity Charter School and Newly-Sited KIPP High School Grades in Building M195</a></p> <p><a href="#">KIPP High School: The <b>Revised</b> Proposed Re-Siting and Co-location of KIPP High School Grades with Existing Schools I.S. 195 (05M195) and KIPP Infinity Charter School (84M336), and New Design Middle School (05M514) in School Building M195</a></p> <p><a href="#">P.S. 154 Harriet Tubman (05M154): The <b>Revised</b> Proposed Co-location of Democracy Prep 3 Charter School with Existing School P.S. 154 Harriet Tubman (05M154) in Building M154 in 2012-2013</a></p> <p><a href="#">Success Academy Charter School: The <b>Revised</b> Proposed Co-location of a New Public Charter School with Existing Schools in the Brandeis Educational Campus</a></p>
<p><b>Get Involved with NYC Schools</b></p> 	<p><b>Approved Proposals</b></p> <p><i>** The Panel for Educational Policy ("PEP") discussed, voted on and approved these proposals.</i></p> <p>For more information see the <a href="#">PEP website</a>.</p> <p><a href="#">Academy of Collaborative Education (ACE): Proposed Closure Scenario</a></p> <p><a href="#">Academy of Environmental Science Secondary High School (04M635): Proposed Phase-out and Replacement Scenario</a></p> <p><a href="#">Girls Preparatory Charter School (84M330): Proposed Expansion of the Co-location of Girls Preparatory Charter School (84M330) with Existing Schools P.S. 188 The Island School (1M188) and P94M@M188 (75M094) in Building M188 (LOWER GRADES)</a></p> <p><a href="#">Harlem Renaissance High School: Proposed Co-location of a New District 79 GED Blue Program (79O950) with an</a></p>
<p> <b>Parent Link</b> Get personalized academic information about your child.</p> <hr style="border-top: 1px dashed #f4a460;"/> <p> <b>Teacher Page</b> Resources for Teachers</p> <hr style="border-top: 1px dashed #f4a460;"/> <p> <b>Panel for Educational Policy</b></p> <hr style="border-top: 1px dashed #f4a460;"/> <p> <b>Sustainability Initiative</b></p> <hr style="border-top: 1px dashed #f4a460;"/> <p> <b>Careers</b> We're looking for great teachers, principals, administrators, executives, and more. Join us today.</p>	

## APPENDIX C

Below is a screen grab from a June 14, 2011 query. As the arrow indicates, the joint public hearing is incorrectly dated Thursday, June 16, 2011.



Panel for  
Educational Policy



Sustainability  
Initiative



### Careers

We're looking for great teachers, principals, administrators, executives, and more. Join us today.

### Joint Public Hearing

**Date:** June 16, 2011  
**Time:** 6:00 p.m.  
**Location:** P.S. 308 Clara Cardwell, 616 Quincy Street, Brooklyn, NY 11221  
**Date:** February 8, 2011  
**Time:** 6:00 p.m.  
**Location:** P.S. 308 Clara Cardwell, 616 Quincy Street, Brooklyn, NY 11221  
**Archive:** [Read a transcript of the hearing](#)



### Panel for Educational Policy Vote on the Proposal

**Date:** June 27, 2011  
**Time:** 6:00 p.m.  
**Location:** High School of Fashion Industries, 225 West 24th Street, New York, NY 10011

For more information, see the [PEP website](#).

### Background

Teaching Firms has been approved by its charter authorizer, the DOE, and the New York State Board of Regents, to open a new public charter school in Community School District 16 in Brooklyn. The DOE approved Teaching Firms's proposal to open a new charter school that will serve students in kindergarten and first grade when it first opens in 2011-2012 and will subsequently add one grade per year until it serves up to 342 students in kindergarten through fifth grade at full scale. Teaching Firms will provide a preference to District 16 students in its charter school lottery application process.

In 2011-2012, the first year of the proposed co-location, Teaching Firms will enroll approximately 57 students in kindergarten and 57 students in first grade. In 2012-2013, Teaching Firms will expand to serve approximately 57 students in second grade, with a combined K-5 enrollment of 171. Teaching Firms will then add one grade of approximately 57 students each year until 2015-2016, the final year of phase-in, when it will achieve "full scale" and serve approximately 342 students in kindergarten through fifth grade.

K308 has been identified as an under-utilized building, meaning it currently has at least 300 seats available. In 2009-2010, the building served 719 students in kindergarten through eighth grade and in one full-day pre-kindergarten section, yielding a target building utilization of 59%. Although the building has the capacity to serve 1,213 students, in 2010-2011, K308 only served 633 students in kindergarten through eighth grade and 13 students in one full day pre-kindergarten section for a total of 646 students, which yields an estimated utilization rate of 53%. In 2015-16, when Teaching Firms completes its expansion and achieves full scale, K308 will serve approximately 880-925 students combined, which yields an estimated utilization rate of 76%.

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## APPENDIX D, PART 1

Below is a screen grab from a June 14, 2011 query. As the arrow indicates, the joint public hearing is correctly dated June 14, 2011.

<p>New Public Charter School Teaching Firms of America Charter School and P.S 308 Clara Cardwell (16K308) in K308</p>	<p>Co-location.</p> <ul style="list-style-type: none"> <li>• <a href="#">Amended Public Notice (06.13.2011)</a></li> <li>• <a href="#">Revised Public Notice</a></li> <li>• <a href="#">Revised Public Notice (Spanish)</a></li> <li>• <a href="#">Revised EIS</a></li> <li>• <a href="#">Revised EIS (Spanish)</a></li> <li>• <a href="#">Revised Building Utilization Plan</a></li> <li>• <a href="#">Revised Building Utilization Plan (Spanish)</a></li> </ul>	<p>Benjamin Taylor</p> <p>Email: <a href="mailto:D16Proposals@schools.nyc.gov">D16Proposals@schools.nyc.gov</a></p> <p>Phone: 212-374-0208</p>	<p>June 14, 2011 at 6PM</p> <p>P.S. 308 Clara Cardwell 616 Quincy St Brooklyn, NY 11221</p>
<p>New Public Charter School, Explore Excel Charter School, with</p>	<p>Co-location.</p> <ul style="list-style-type: none"> <li>• <a href="#">Amended Public Notice (06.13.2011)</a></li> <li>• <a href="#">Revised Public Notice</a></li> <li>• <a href="#">Revised Public Notice (Spanish)</a></li> <li>• <a href="#">Revised Public Notice (Arabic)</a></li> <li>• <a href="#">Revised Public Notice (Haitian Creole)</a></li> <li>• <a href="#">Revised EIS</a></li> <li>• <a href="#">Revised EIS (Spanish)</a></li> <li>• <a href="#">Revised EIS (Arabic)</a></li> </ul>	<p>Benjamin Taylor</p> <p>Email: <a href="mailto:D16Proposals@schools.nyc.gov">D16Proposals@schools.nyc.gov</a></p>	<p>June 10, 2011 at 6PM</p> <p>P.S. 114 Ryder</p>



## APPENDIX D, PART 2

Below is a selection from the revised May 23<sup>rd</sup> revised public notice. As the arrow indicates, the joint public hearing is correctly dated June 14, 2011.



### **VII. Date, time and place of joint public hearings for this proposal.**

June 14, 2011 at 6:00 p.m.  
P.S. 308 Clara Cardwell  
616 Quincy Street  
Brooklyn, NY 11221

Questions about the proposal can be directed as indicated in section VI above.

Speaker sign-up will begin 30 minutes before the hearing and will close 15 minutes after the start. To request interpretation services, please contact Mr. Taylor at the e-mail address or telephone number above.

### **VIII. Date, time and place of the Panel for Educational Policy meeting at which the Panel will vote on the proposed item.**

June 27, 2011 at 6:00 p.m.  
High School of Fashion Industries  
225 West 24th Street  
New York, NY 10011


## APPENDIX E, PART 1

Below is a selection from the amended public notice filed December 22, 2010. As the arrow indicates, the proposed co-location refers to the Brandeis Educational Campus without listing all schools located in the building.



**Amended Notice**  
December 22, 2010

Joel I. Klein  
*Chancellor*



### **The Proposed Co-location of a New Public Charter School, Success Academy Charter School, with Existing Schools in the Brandeis Educational Campus**

#### **I. Description of the subject and purpose of the proposed item under consideration.**

Success Charter Network, a Charter Management Organization that operates seven public charter schools in New York City, has been approved by its charter authorizer, SUNY, to open a new public charter school in Community School District 3 in Manhattan.

On December 17, 2010, the DOE issued a proposal to site the new public charter school Success Academy Charter School (“SACS”) in the Brandeis Educational Campus, Building M470 (“M470” or the “Brandeis Campus”), where it would co-locate with Louis D. Brandeis High School (03M470, “Brandeis High School”), The Urban Assembly School for Green Careers (03M402, “Green Careers”), The Global Learning Collaborative (03M403, “Global Learning”), Innovation Diploma Plus (03M404, “Diploma Plus”), and Frank McCourt High School (03M417, “Frank McCourt”). A “co-location” means that two or more school organizations are located in the same building, often sharing large, common spaces like the auditorium, gymnasium, and cafeteria. **This amended notice sets forth the**




## APPENDIX E, PART 2

Below is a selection from the public notice filed June 6, 2011. As the arrow indicates, the proposed co-location refers to the Brandeis Educational Campus with an exhaustive list of all schools located in the building.



Dennis M. Walcott, Chancellor

**Revised Educational Impact Statement:  
The Proposed Co-location of a New Public Charter School, Success Academy  
Charter School, with Existing Schools in the Brandeis Educational Campus  
REVISION release date: June 6, 2011**



### **REVISED EDUCATIONAL IMPACT STATEMENT: The Proposed Co-location of a New Public Charter School, Success Academy Charter School, with Existing Schools Louis D. Brandeis High School (03M470), The Urban Assembly School for Green Careers (03M402), The Global Learning Collaborative (03M403), Innovation Diploma Plus (03M404), and Frank McCourt High School (03M417) in the Brandeis Educational Campus**

#### **I. Summary of Proposal**

In an Educational Impact Statement (“EIS”) posted on December 17, 2011, the New York City Department of Education (“DOE”) proposed to open a new public charter school, Success Academy Charter School<sup>1</sup> (“SACS”), and site it in the Brandeis Educational Campus, Building M470 (“M470” or the “Brandeis Campus”), located at 145 West 84<sup>th</sup> Street, New York, NY 10024 in Community School District 3. SACS would be co-located in M470 with Louis D. Brandeis High School (03M470, “Brandeis High School”), The Urban Assembly School for Green Careers (03M402, “Green Careers”), The Global Learning Collaborative (03M403, “Global Learning”), Innovation Diploma Plus (03M404, “Diploma Plus”), and Frank McCourt High School (03M417, “Frank McCourt”). A “co-location” means that two or more school organizations are located in the same building and may share common spaces like auditoriums,