



Public Comment Analysis

Date: March 1, 2011

Topic: The Proposed Co-Location of the New Visions Charter High School for the Humanities and the New Visions Charter High School for Advanced Math and Science with John F. Kennedy High School (10X475), Bronx Engineering and Technology Academy (10X213), Bronx School for Law and Finance (10X284), E.L.L.I.S. Preparatory Academy (10X397), Marble Hill High School for International Studies (10X477), and Bronx Theatre High School (10X546) in School Building X475

Date of Panel Vote: March 1, 2011

** The Public Comment Analysis was amended to clarify which Bronx Engineering and Technology Academy School Leadership Team representatives attended the joint public hearing on February 15, 2011.*

Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to co-locate the New Visions Charter High School for the Humanities (“High School for the Humanities”) and the New Visions Charter High School for Advanced Math and Science (“High School for Advanced Math and Science”), two new charter schools, in school building X475 (“X475” or the “Kennedy High School Campus”) located at 99 Terrace View Avenue, Bronx, NY 10463, within the geographical confines of Community School District 10 (“District 10”). The proposed new charter schools would offer a rigorous academic program and prepare students for post-secondary work in the humanities, and math and science, respectively.

If this proposal is approved, High School for the Humanities and High School for Advanced Math and Science would be co-located with the following six existing schools: John F. Kennedy High School (10X475, “Kennedy”), Bronx Engineering and Technology Academy (10X213, “BETA”), Bronx School for Law and Finance (10X284, “BSLF”), E.L.L.I.S. Preparatory Academy (10X397, “E.L.L.I.S. Academy”), Marble Hill High School for International Studies (10X477, “Marble Hill”), and Bronx Theatre High School (10X546, “Bronx Theatre”). E.L.L.I.S. Academy opened in September 2008 and is still phasing in to the building, gradually growing to full scale as it adds a new grade of students annually. The other schools in the building have already reached full scale and currently enroll students in grades 9-12. In addition, X475 houses two evening programs: a GED Plus/Learning to Work program (“GED Plus/LTW program”) and a Young Adult Borough Center (“YABC”). A “co-location” means that two or

more school organizations are located in the same building and may share common spaces like auditoriums, gymnasiums, libraries, and cafeterias.

In a separate Educational Impact Statement, the DOE proposed that Kennedy gradually phase out because of its poor performance. At its February 3, 2011 meeting, the Panel for Educational Policy approved this proposal. Kennedy will no longer admit ninth-grade students at the end of this school year. However, Kennedy would continue to serve students currently enrolled in the school as they progress toward graduation. Kennedy's enrollment would decrease gradually over the next three years and the school would complete phasing out in June 2014.

The proposed co-location of High School for the Humanities and High School for Advanced Math and Science in building X475 is part of the DOE's central goal to create new school options that will better serve future students and the community at large. The proposed new charter schools would admit students through a lottery application process. If this proposal is approved, High School for the Humanities and High School for Advanced Math and Science would gradually phase in to X475 and reach their full grade span of 9-12 in the 2014-2015 school year.

The details of this proposal have been released in an Educational Impact Statement ("EIS) and Building Utilization Plan ("BUP") which can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/Mar12011Proposals.htm>. Hard copies of the EIS and BUP are also available in the main offices of each school located in X475.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at John F. Kennedy Educational Campus on February 15, 2011. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 10 members of the public attended the hearing, 1 person spoke, and four questions were submitted. Present at the meeting were: Deputy Chancellor Santiago Taveras; High School Superintendent Elena Papaliberios; District 10 Community Education Council ("CEC 10") President Marvin Shelton; Kennedy School Leadership Team (SLT) representative Lisa Luft; BETA SLT representatives Catherine Scott and Pee Wee Kirkland; BSLF SLT representative Zoraida Torres; E.L.L.I.S. Academy Principal Norma Vega; Marble Hill SLT representative Mary Hughes-Hernandez; Bronx Theatre Principal Deborah Effinger and SLT representative Chris Lewis; Citywide Council on High Schools ("CCHS") representative Denise Sullivan; and the DOE's Deputy Director of Public Affairs Jenny Sobelman. A representative from New York State Senator Gustavo Rivera's office was also in attendance.

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

1. E.L.L.I.S. Academy Principal Norma Vega expressed concern about whether the proposed new charter schools will serve English Language Learners (ELLs) to meet the needs of the community. She commented that her school has taken the majority of the ELLs who newly start on the Kennedy campus. She said that she had hoped

that one of the schools coming to the campus would be an ELL/International-students focused school.

2. Four questions were submitted on behalf of State Senator Rivera:
 - a. A question was submitted inquiring how parents were informed about the joint public hearing regarding the co-location proposal.
 - b. A question was submitted inquiring whether the proposed new schools will have to accommodate ELLs and students with special needs, or whether they will receive a waiver so that they do not have to. The question also asked what the DOE planned to do to support ELL students and students with special needs if the new schools did not have to accommodate them.
 - c. A question was submitted inquiring how the new schools' lottery processes will work to give priority to District 10 students and how parents will be notified about the lottery processes.
 - d. A question was submitted regarding the support that Kennedy would get as the school phases out.
3. A commenter inquired whether students would be required to take an entrance test to be admitted to the new schools, and whether there would be students in District 10 who would meet the new schools' admissions requirements.

The DOE also received comments at the joint public hearing held on January 28, 2011 at the Kennedy High School Campus regarding the proposal to phase out Kennedy. Certain comments related to the co-location proposal and are included below:

4. Senator Adriano Espaillat of the 31st senatorial district for New York State commented:
 - a. The priority is to improve the quality of education for students. If alternative options to Kennedy can provide education, Kennedy can be closed.
 - b. However, we need to limit disruption to students and ensure viable placement for over-the-counter students including ELLs and students with disabilities.
 - c. The DOE needs to give information to parents in a timely manner. The DOE took a long time to respond to requests for community meetings. The DOE should improve its communication with families.
5. Senator Gustavo Rivera of the 33rd senatorial district of New York State commented:
 - a. If the DOE phases out Kennedy, the incoming school needs to be higher quality than Kennedy. The transition must be smooth. The needs of ELLs must be attended to. The new school must meet or exceed the resources that Kennedy offered to students.
6. City Councilman Oliver Koppell commented:
 - a. The DOE should have a community meeting to discuss what schools should replace Kennedy.
 - b. The DOE seems to have decided that Kennedy should be replaced by two charter schools. However, the student body is largely comprised of ELLs and

students with disabilities who will not be served by those charter schools. This will have an impact on other schools in the Bronx. These students are going to go to Clinton High School, which is already serving many struggling students. Clinton High School will be overwhelmed. E.L.L.I.S. Academy is already overflowing; the DOE should give more seats to E.L.L.I.S. Academy.

7. City Council Member Ydanis Rodriguez commented:
 - a. The DOE needs to listen to families and communities. Elected officials met with the DOE and developed a plan to meet with the community regarding the phase out and replacement options for Kennedy. Before the meeting took place, someone leaked a document to the New York Times that indicated that the DOE was looking at bringing a charter school in to replace Kennedy. The decision has already been made and this is wrong; the DOE needs to listen to students, parents, and elected officials.
 - b. Charter schools can be a model, but not the only model. Privatization is not the answer.
8. City Council Member Robert Jackson, Chair of the Education Committee, stated:
 - a. Kennedy has been overcrowded for many years. This has had negative effects on students. Students in overcrowded buildings get into more fights. This drives down demand.
 - b. Parents need to be engaged and the DOE needs to listen to their feedback.
 - c. The DOE held a meeting with elected officials in December regarding the school. At that point, DOE officials said they didn't know what the replacement plan for Kennedy would be. Then, the New York Times leaked a document indicating that the DOE planned to replace Kennedy with a charter school. There needs to be greater transparency.
9. A commentator stated that small charter schools do not have enough classrooms for teaching.
10. A commenter stated that charter school lotteries lead to fewer seats.
11. A commenter stated that charter schools have resources that Kennedy doesn't.
12. A commenter asked what the DOE will do to deal with overcrowding if Kennedy is phased out.
13. A commenter asked what the difference is between public schools and charter schools.
14. A commenter asked why Educational Impact Statements regarding the proposed phase out and replacement of Kennedy were not released simultaneously.

The DOE received a comment at the February 15, 2011 Joint Public Hearing that did not directly relate to the proposal and therefore will not be addressed.

1. A commenter stated that middle schools are sending failing students to high schools and that the DOE is not doing anything to address this problem.

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

The DOE received one written comment by e-mail and no comments by telephone.

15. CEC 10 President Marvin Shelton stated his opposition to the phase-out and co-location proposals because placing two new schools in the building will be difficult to manage, expensive and will reduce capacity to accommodate “over-the-counter” enrollment.
16. Multiple commenters asked whether the new schools and/or facility will be named after President John F. Kennedy.

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

In regard to comment 1, E.L.L.I.S. Academy is designed to serve students who are ELLs, so it is to be expected that this school serves the largest percentage of ELL students among the schools on the campus. There are currently about 200 more ELL students enrolled throughout the five existing small schools in building X475 as compared to the number of ELL students enrolled at Kennedy. The schools in this building, including the proposed new charter schools, will continue to serve ELL students in this building in the future.

In regard to comment 2(a), parents were informed about the joint public hearing concerning the co-location proposal via parent letters and notices that were backpacked home with students. On January 18, 2011, parent letters and public notices were sent to principals at all co-located schools with instructions to backpack the letter and notice of public hearing home with every student. All principals in the X475 building were also asked to provide hard copies of the Educational Impact Statement (“EIS”) and Building Utilization Plan (“BUP”) describing the co-location proposal in their main offices. On February 8, 2011, following the Panel for Educational Policy vote regarding the phase-out of Kennedy, an updated letter and another copy of the notice of the joint public hearing were sent to principals (along with Spanish translations) at all co-located schools. All principals were again asked to backpack these letters and notices home. Representatives at all schools in the building confirmed that the letters and notices had been backpacked home and hard copies of the EIS and BUP were available in their respective main offices.

Comments 2(b), 2(c) and 3 concern the new schools’ enrollment processes and the population of students the new schools will serve. Admission to both schools will be through a charter lottery process. Any 8th grade student who has met graduation requirements is eligible to enter the 9th

grade lottery for September 2011. Priority in admission will be given to students of District 10. Applications for the schools can be found at one of the community forums organized by New Visions for Public Schools (“New Visions”), at the New Visions office located at 320 West 13th Street, 6th Floor in Manhattan or on the New Visions website at: <http://www.newvisions.org/Charter/Student%20Application>.

A list of scheduled community forums can be found below. Applications can be submitted until April 1, 2011 and the lottery will be held on April 15, 2011. Students and families will be notified by mail about the outcome of the lottery.

New Visions’ community outreach and student recruitment efforts have consisted of a variety of strategies. All outreach materials are available in English and Spanish. These include: brochure, FAQ, applications and flyers promoting our orientation sessions and school opening. The New Visions website www.newvisions.org/charter includes all materials and offers families the opportunity to apply online or download the application.

Representatives of the new charter high schools have visited all middle schools in District 10, have given presentations at parent teacher conferences, and are collaborating with many community based organizations and faith based organizations throughout the Bronx, focusing on District 10. They also hosted four community forums for families to learn about the school. These forums were scheduled on the following dates:

- Jan 20th - St. Stephen' United Methodist Church, 146 West 228th Street, Bronx NY 10463
- Feb 9th - Mosholu Montefiore Community Center- 2450 DeKalb Avenue, Bronx NY 10467
- Feb 12 – 13th - Martin Luther King New Schools Fair
- Feb 28th - Mosholu Montefiore Community Center- 2450 DeKalb Avenue, Bronx NY 10467

As discussed above, the schools will give preference to students of District 10. All other students will be considered equally, regardless of their ELL or special education status. Students will not need to take a test to be admitted to the schools. New Visions has a history of commitment in serving the Bronx: it currently supports 25 Bronx high schools, including four schools located on the Kennedy High School Campus. The current schools supported by New Visions serve the district proportionate share of ELL and students with disabilities. Additionally, New Visions is encouraging ELL and students with disabilities to apply in the applications for High School for the Humanities and High School for Advanced Math and Science.

Comment 2(d) questions what type of support that Kennedy will receive as it phases out. During the proposed phase-out, the DOE will build on our past efforts to help the school by:

- Providing teacher training around issues including curriculum planning, improving teacher practices, and tailoring instruction to individual student needs.
- Fostering opportunities for teachers and administrators to connect with colleagues in other more successful schools, allowing them to learn from one another, improve teaching and better support students.

- Facilitating partnerships with community based organizations to support youth development initiatives at the school

As a school identified as PLA, Kennedy is eligible for School Improvement funds to support the Turnaround model. In most cases schools undergoing the Turnaround model must replace the principal and at least 50% of the staff. In New York State, the Turnaround model also allows for a school to be phased out and replaced by a new school over time. If Kennedy were selected by the State to implement a School Improvement Grant model (i.e., Transformation, Turnaround, or Restart), School Improvement funds for implementing its plan would be shared between Kennedy and the new proposed high schools to be co-located in X475, and will be available to support programs at both schools that will actively advance students towards graduation.

Under the approved proposal to phase-out Kennedy, all current Kennedy students would have the opportunity to graduate from Kennedy assuming that they continue to accumulate. Current first-time ninth-grade students will also have the option to apply to a different school for tenth grade through the High School Admissions Process. Repeating ninth-grade students, as well as current tenth-, eleventh-, and twelfth-grade students would complete high school at Kennedy if they continue to earn credits on schedule. As the school becomes smaller, students would receive more individualized attention to ensure that they receive the support needed to succeed. Alternatively, students can also meet with their guidance counselor to review options such as transfer schools or Young Adult Borough Centers.

Comments 4(a), 5(a), and 7(b) concern the quality of the replacement options for Kennedy. High School for the Humanities and High School for Advanced Math and Science intend to offer a rigorous academic program and prepare students for post-secondary work in the humanities, and math and science, respectively. The proposed new charter schools would be managed by New Visions. Although these two charter schools are the first charter schools that New Visions has been approved to open, the organization has a strong track record of success. New Visions has opened many new small high schools in New York City, including four of the schools on the Kennedy High School Campus: BETA, BSLF, Marble Hill, and Bronx Theatre. BETA and Marble Hill earned A grades, BSLF earned a B grade, and Bronx Theatre earned a C grade on their respective 2009-2010 Progress Reports. The DOE believes that co-locating these two new schools in the Kennedy High School Campus would create much needed additional high-quality educational options in the community.

Comments 4(b) and 15 refer to the large high-need population at Kennedy and calls upon the DOE to ensure that these students and similar future students are supported. The DOE acknowledges that Kennedy currently serves a high need-population: 22% of students require special education services and 22% are ELLs. A number of students also are admitted to the school “over-the-counter,” i.e., students who were not part of any admissions process for the entry grade and/or were not enrolled in a New York City school at the time school started.

Students who would have been served by Kennedy would be served by other new and existing high schools in the City. High school admissions are based on a citywide choice process, with students ranking up to 12 high schools in order of preference during the “Main Round” of high school admissions. Students who listed any of the program offerings at Kennedy on their high

school admissions application have the opportunity in February to submit a new application (New School Choice Form) with revised school rankings.

Students who may have attended Kennedy through “over-the-counter” admissions will continue to be served by one of the 481 schools that admit students over-the-counter during the peak enrollment period. Moreover, in the Bronx, the number of schools that admit over-the-counter students during this period has increased from 123 to 128.

While the DOE cannot predict the exact number of students who will apply to a particular high school through the High School Admissions Process or the number of students who will arrive over the counter, the DOE utilized historical data to predict the volume and demographic of students it will need to serve as a result of the proposed phase-out. It is critical that the needs of all students – whether they arrive through the admissions process or over-the-counter (i.e.) – are met. Of the 210 ninth-grade students who were admitted to Kennedy through the High School Admissions process, 24% are students with disabilities and 21% are ELLs. And of the 140 students who arrived ‘over-the-counter’, 12% are students with disabilities and 18% are ELLs.

Additionally, the DOE is proposing to open 7 new high schools in the Bronx for the 2011-2012 school year. Each of these schools will admit students through the Limited Unscreened Admissions method through the High School Admissions process. Four new school co-locations were approved at the PEP’s February meetings: Pelham High School for Language and Innovation and Bronxdale High School at the Christopher Columbus Campus, The Metropolitan Soundview High School at the Monroe High School Campus, and Bronx Envision at the X098 building.

Comment 6(b) expresses concern that students will “overwhelm” other Bronx high schools as a result of Kennedy’s phase-out and recommends giving more seats to E.L.L.I.S. Academy.

This year, the DOE proposed to phase-out eight high schools in the Bronx, including Kennedy. All of these proposals were approved by the PEP at the February 1, 2011 and February 3, 2011 meetings. The DOE has plans in place to replace lost seats in the Bronx. Based on the November 1, 2010 enrollment register, the eight schools that are proposed to phase-out are serving a total of 759 new ninth-grade students. However, these seats will be recovered through seats at new high schools. In fact, with the opening of new schools in the Bronx last year and the seven anticipated new schools this year, the DOE will have created the capacity for approximately 990 ninth-grade seats for new students in the Bronx, which is more than enough to offset the 759 seats anticipated to be lost by the eight proposed phase-outs. Factoring in new ninth grade seats that were made available by expanding capacity in existing schools this year, there will be capacity for approximately 1,510 ninth-grade seats in 2011-2012. Again, four of the seven new proposed school co-locations were approved at the PEP’s February meetings: Pelham High School for Language and Innovation and Bronxdale High School at the Christopher Columbus Campus, The Metropolitan Soundview High School at the Monroe High School Campus, and Bronx Envision at the X098 building.

In addition, the two new charter schools proposed to be co-located in X475 will offer 800-1,200 seats once they reach full scale, which will replace the approximate 1,100 seats that will be lost

by Kennedy's phase-out. In 2011-2012, the two new charter schools will provide priority to students who reside in District 10 in the Bronx, so they will serve students living in the community.

With regard to the request to increase the number of seats at E.L.L.I.S. Academy, this school is designed to serve students identified as having an Interrupted Formal Education (SIFE) and who are over-age, as well as ELL students. Students who enroll in this school do not participate in the standard High School Admissions Process. Going forward, the DOE will continue to assess the demand for high school seats at E.L.L.I.S. Academy and schools that serve a similar population, and may consider increasing available seats if such a demand exists for the school and if there is appropriate space to accommodate such an expansion.

Comments 8(a), 12, and 15 contend that Kennedy is overcrowded and raise concerns that the building will continue to be overcrowded in the future. In fact, building X475, has a target capacity of 3,992 students and enrolls approximately 3,084 students in 2010-2011, yielding a building utilization rate of 77%. This means the building is "underutilized" and has extra space to accommodate additional students. Kennedy is currently using 9 full size rooms in excess of its baseline room allocation as set forth by the Citywide Instructional Footprint (the "Footprint"). During the course of its phase-out and the phase-in of the two new high schools, Kennedy will continue to be allocated its baseline allocation of rooms based on its enrollment, which will decrease each year. Once two new high schools have completed their expansions and Kennedy has completed its phase-out in 2014-2015, there would be approximately 2,750-3,400 students served in the building, yielding an estimated building utilization rate of approximately 85%.

For more information concerning the allocation of space in X475, please see pages 14-17 of the EIS describing the proposed phase-out of Kennedy. Please also refer to the EIS describing the proposal to co-locate two new schools in building X475 and the accompanying Building Utilization Plan ("BUP").

Comments 6(b), 7(b), 9, 10, 11, and 13 concern the structure of charter schools, the students they serve and the resources available to them. Charter schools are public schools open to all residents of New York City. They are publicly funded in a manner similar to district schools, but may be operated by non-DOE organizations. Each school is governed by an independent board of directors. Under recent amendments to New York state law, for-profit entities may not operate new charter schools in the state.

Public charter schools are not able to select their own students, but rather must admit students through a lottery process. Lotteries select students randomly from among an applicant pool. Charter schools typically offer priority for students residing in the district in which the charter is located.

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

With regard to space allocation, the Footprint is applied to both DOE and public charter schools to ensure equitable allocation of classroom, resource and administrative space.

Finally, under recent amendments to state law, public charter schools must 1) serve all students who are admitted through their lotteries, and 2) serve a percentage of students with disabilities and ELLs comparable to the district average. Charter schools that fail to meet the special education and/or ELL targets set by their authorizer risk being closed or having their renewal applications rejected.

Comments 4(c), 6(a), 7(a), 8(b, c), and 14 concern the need for transparency and community input in connection with the proposal to co-locate two new schools in the X475 building.

With respect to discussions about the co-location of two new schools in the X475 building, DOE representatives spoke with various community members, including elected officials, about what kinds of schools were needed in the community. The proposal to co-locate two new schools was not published at the same time as the phase-out proposal because the DOE had not yet determined what replacement plan was best for the X475 building.

On January 13, 2011, the *New York Times* published an article that shared preliminary information regarding schools which may be proposed to be located in buildings around the city. Shortly after this article was published, the DOE announced its proposal to site the two charter schools in building X475.

Elected officials and community members recognize the impact New Visions has had in supporting the other schools on the Kennedy Campus. New Visions will continue to support their other schools on the Kennedy campus, including Kennedy as it phased out.

The DOE has solicited community input on this proposal in several ways. During the “public comment” period, which began once the proposal was published, the DOE publicized an e-mail address and telephone number dedicated to accepting additional feedback about the proposal.

Furthermore, a joint public hearing was held at the school on February 15, 2011, during which interested parties had an opportunity to provide input on the proposal to co-locate two new schools on the Kennedy campus. Approximately 10 members of the public attended the hearing, one person spoke, and four questions were submitted.

In response to concerns that the joint public hearing and comments regarding the proposal are not considered as part of the decision-making process, this Analysis of Public Comment records and addresses all comments submitted through the dedicated e-mail address and phone number, as well as comments made at the joint public hearing. This Analysis will be provided to the Panel for Educational Policy prior to its vote on this proposal on March 1, 2011.

In addition to the joint public hearing that was scheduled for February 15, 2011, on January 18, 2011, Deputy Chancellor Santiago Taveras and DOE representatives held a parent meeting at Kennedy where they discussed both the phase-out and replacement proposals.

The DOE also made efforts to introduce the proposed new leaders of the new schools to the community. New Visions was represented at a meeting on February 16, 2011 at 1 Fordham Plaza in which all proposed new high school leaders from the Bronx were invited to the Bronx High School President's Council meeting. Additionally the leaders of the new schools will be meeting with elected officials on February 28, 2011 to discuss the new school proposal. Finally, as mentioned above, New Visions has engaged in an extensive outreach effort so that Bronx families are aware of the new schools and how students and families can apply.

Comment 16 concerns the future status of the X475 building's name. The building will continue to be called the John F. Kennedy Educational Campus. It should be noted that many high school campuses also choose to continue using the campus name for their athletic teams.

Changes Made to the Proposal

No changes have been made to this proposal.