Department of Education
Cathleen P. Black, Chancellor

Public Comment Analysis

Date: February 2, 2011

Topic: The Proposed Phase-out of P.S. 114 Ryder Elementary (18K114)

Date of Panel Vote: February 3, 2011

Summary of Proposal

P.S. 114 Ryder Elementary (18K114, "P.S. 114") is an existing zoned elementary school located at 1077 Remsen Avenue, Brooklyn, NY 11236, in Community School District 18, in Building K114 ("K114"). It currently serves students in Kindergarten through fifth grade and offers a full-day Pre-Kindergarten program. The New York City Department of Education ("DOE") is proposing to phase out and eventually close P.S. 114 based on its poor performance, and the DOE's assessment that the school lacks capacity to turn around quickly to better support student needs.

If this proposal were approved, P.S. 114 no longer admit Kindergarten, first, and second grade students or offer a Pre-Kindergarten program after the conclusion of the 2010-2011 school year. Current students in grades two, three, and four would continue to be served by P.S. 114 and be supported as they progress toward completion of elementary school at P.S. 114 to middle school via the District 18 Middle School Choice Process. Current students in grade five would be supported in participating in the District 18 Middle School Choice Process consistent with current practice. Beginning in the 2011-2012 school year after grades K, 1, and 2 are phased out, P.S. 114 would serve one grade less each subsequent year until it completes its phase-out in June 2014.

In 2011-2012, P.S. 521 would open in K114 as a new zoned elementary school that would serve the same zone as P.S. 114. In 2011-2012, P.S. 521 would serve 85-100 students in kindergarten, 85-100 students in first grade, 85-100 students in second grade, and 125-145 students in third grade. In the 2012-2013 school year, P.S. 521 would grow to serve 125-145 fourth grade students. Once P.S. 521 completes phasing in at the end of the 2013-2014 school year, it would serve approximately 550-645 students in kindergarten through fifth grade. Pending continued funding availability, P.S. 521 would offer a pre-kindergarten program beginning in 2011-2012.

In 2011-2012, Explore Charter School ("Explore") would open in K114 and would serve approximately 56 students in kindergarten, 56 students in grade one, 56 students in grade two, and 56 students in grade three, admitted through the charter lottery application process with a preference for District 18 students. In 2012-2013, Explore would expand to serve approximately

56 additional students in fourth grade. In 2013-2014, Explore would serve approximately 336 students in kindergarten through fifth grades.

In addition, Explore is working with its authorizer State University of New York State ("SUNY") to revise its charter license in order to further provide a priority preference for District 18 students who are currently residing in a zone where a school is phasing out or where phase out has been proposed in an EIS issued by the DOE. This year, P.S. 114 is the only school that is scheduled to phase out in the District, and, therefore, if Explore's proposal to revise its charter is accepted by SUNY, students zoned to P.S. 114 will receive priority preference in the 2011-2012 charter lottery application process. However, in the future, all District 18 students who are residing in a zone where a school is phasing out or proposed to phase out may receive priority preference as well.

Current kindergarten, first-grade and second-grade students at P.S. 114 would be guaranteed a seat at the new zoned elementary school, P.S. 521, which would open in K114 in September of 2011. In addition, Explore, the new charter school, would admit incoming kindergarten, first-grade, second-grade and third-grade students through the charter lottery application process this spring.

The building in which P.S. 114 is located, K114, has the capacity to serve 986 students. In 2009-2010, the most recent year for which audited enrollment data is available, the building only served 844 students, yielding a utilization rate of just 86%. P.S. 521 and Explore would be "co-located" with P.S. 114 as P.S. 114 phases out. In 2013-2014, once P.S. 521 has completed phasing in, Explore serves kindergarten through fifth grades, and P.S. 114 has completed its phase-out, there will be approximately 905-1,000 total students served in the building, yielding a target building utilization of 101%.

On December 17, 2010, the DOE published an EIS proposing to phase out and eventually close P.S. 114 based on its poor performance and the DOE's assessment that the school lacks capacity to turn around quickly to better support student needs. On December 29, 2010, the DOE amended this EIS to correct typographical errors and formatting, delete a redundant table and correct two erroneous references to the District 19 Middle School Choice process instead of the District 18 process. The EIS was revised on January 12, 2011, to modify the proposed phase-out enrollment plan for P.S. 114, which was initially described in the original EIS published on December 17, 2010. In addition, this revised EIS identified the charter school that will open in K114 in 2011-2012, clarified text and footnotes related to building capacity and utilization, included information related to charters occupying DOE space, included 2010-2011 unaudited register information, and included estimated 2010-2011 building utilization rates. The EIS was amended on January 14, 2011, to correct one erroneous mention of the State Education Department ("SED") as the charter authorizer and clarify that the lottery priority for Explore would give preference to students who currently attend a school that is phasing out or where phase-out has been proposed in an EIS issued by the DOE. Copies of the original and amended EIS are available at the P.S. 114 main office and available online: http://schools.nyc.gov/community/planning/changes/brooklyn/default.htm

Summary of Comments Received Prior to the Official Public Comment Period

Certain comments were received during meetings with parents and community members prior to the comment period on this proposal. Although these comments were not received during the comment period, as a courtesy, the DOE wishes to acknowledge that comments were received which expressed desire for new leadership, concern about educational and cleanliness issues at the school, and opposition to a phase-out proposal. Opposition to the phase-out and desire for new leadership are contained in the comments and responses below; in particular, see comments 2 and 16.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at P.S. 114 Ryder Elementary School on January 28, 2011. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 220 members of the public attended the hearing, and 35 people spoke. Present at the meeting were District 18 Superintendent Beverly Wilkins; P.S. 114 Principal Charmaine Luke; P.S. 114 School Leadership Team representative Sonja Hampton; P.S. 114 Parent Association representative Crystal King; and Community Education Council 18 representative James Dandridge.

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

1. New York City Council member Charles Barron commented that resources that would be used to open new schools, particularly charter schools, should instead be allocated to P.S. 114. P.S. 114 lacked resources such as science labs, after-school programs, athletic programs, and proper facilities. He stated this proposal was part of an agenda to replace district schools with charter schools in the long run. He further stated that the DOE noticed these problems years ago, but did nothing to address them.

2. A member of the P.S. 114 Parent Association, Crystal King, commented that the school leadership mismanaged the school for four years despite opposition from parents and staff and only removed the principal when she presented immediate danger to the students. She also stated that the City's requirement that the school repay $180,000 led to loss of guidance counselors, workbooks, and support services for students. She claimed that further principal instability disrupted the school environment, and students affected by the Haitian earthquake were not properly supported by the DOE, which affected the school's performance.

3. James Dandridge, a representative of Community Education Council 18, commented that parents and public officials should unite to oppose the proposal.

4. New York State Assembly member Alan Maisel commented that the DOE is closing schools because the DOE is committed to serve charter schools ahead of district schools.

5. New York City Council member Lewis A. Fidler commented that he has contributed one million dollars to fund capital projects and programs in P.S. 114, but the DOE did not provide similar resources. P.S. 114 should be provided more resources instead of being closed.

6. Brandon Bloomfield, a representative of N.Y. State Senator John Sampson's office, commented P.S. 114, which served Haitian refugees affected by the recent earthquake, should not be closed because of previous principal mismanagement and resources that were lost due to mismanagement.

7. New York State Assembly member M. Nick Perry commented that more resources should be allocated to P.S. 114 and the school should not be closed.

8. Several commenters commented that P.S. 114 should not be closed because school leadership mismanaged the school.

9. Several commenters commented that P.S. 114 should be closed because it is not meeting the needs of the students and that parents deserve other options.

10. Several commenters commented that P.S. 114 should not be closed because the school was rated "proficient" on previous Quality Reviews and found to be in good standing by the New York State Education Department. They also stated that other schools that performed more poorly should be phased out instead of P.S. 114. They also stated that the school's students' performance do not indicate a pattern of failure because the school was once a magnet school.

11. One commenter commented that P.S. 114's history as a community school should be protected, and thus, the school should not be closed.

12. Several commenters commented that the school should not be closed because of its ties to the community.

13. One commenter commented that the parents were not properly consulted before the decision to phase out P.S. 114 was made.

14. One commenter stated that the Educational Impact Statement was difficult to understand and that it was not properly distributed to the parents because most parents lacked Internet access.

The DOE received several comments at the Joint Public Hearing which did not directly relate to the proposal, and, therefore, will not be addressed.

1. New York City Council member Charles Barron stated that Chancellor Black is not qualified to be Chancellor.

2. One commenter stated that the joint public hearing was unfair because it started late.

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

15. The DOE received a letter from New York City Council member Lewis A. Fidler opposing the proposal for the following reasons:
    a. P.S. 114 has successfully educated the children of Canarsie for decades and dedicated teachers have overcome challenges to provide this fine education;

b. The school has struggled as a result of destructive changes imposed by the DOE, including the placement of an ineffective and possibly corrupt management; one recent principal is currently being investigated;
c. The new administration deserves a chance to turn the school around before phase-out is implemented;

16. Comments submitted on behalf of the school's UFT membership stated the following:
    a. The State evaluation of the school is more favorable to the school and should be regarded as more important because it is based on common core standards and state exams; criticized the DOE's statements about P.S. 114's progress, interpretation of the 2008-2009 Quality Review, and use of Progress Report data, and noted that the school received a B in the previous two years.

    b. The decision seems driven by a desire to push the public school out of prime real estate to fit in a new charter school.

    c. The principal installed in 2004 was not provided proper supervision, and she drove the school into debt, and the budget mismanagement is what led to the loss of services at the school. The mismanagement is not mentioned in the proposal.

    d. The proposal process has not been transparent and has not been communicated well. It seems the decision was made well ahead of time. Inaccurate fact statements and notices were sent home. Three versions of the EIS were not available in the main office. The website only offered the December 17 version until January 14, 2011. Also, the notices sent home do not match the ones found on the PEP website.

    e. The EIS was edited from saying the phase-out would take several years to saying it would take only two years.

    f. The provisions for pre-kindergarten programming have only been indicated with the caveat that the arrangements are pending funding allocations.

    g. The school was not given the supports claimed in the documents.

    h. The EIS fails to mention that cut-off scores for proficiency were changed from last year to this year in its presentation of the progress report data.

    i. The reference to guaranteed seats in the EIS are clearly contradicted by references to the "lottery application process" to be held by the charter.

    j. In an early version of the EIS, the DOE states it cannot say with accuracy whether the building capacity and utilization figures are accurate.

    k. All the school needs is a competent leader, which it has not been given.

    l. Called for more support for parents.

17. Multiple commenters expressed positive feelings about the school, saying they want it open for the following reasons:

    a. The school is the best in the world, has been in the community for over 100 years and is tight knit and safe, where family members can come to the school and it is important to the students to spend time there and have personal experiences.
    b. There's a new library and water fountains.
    c. Students will be upset and many people will be worried and students don't want to see their teachers cry.
    d. The school prepares students to move to higher grades and students learn English as a second language there, and the school helps the community, and the students are good kids.
    e. Teachers work hard and care and have proof the school is good on charts, vocabulary words, posters, and signs, and give presents to the good students
    f. The Principal is serious about her job and food service employees make good food.
    g. "Preps" at the school are wonderful and the school has had great programs for the students, like Teachers of Tomorrow and opportunities to volunteer. .
    h. All the kids will have to leave and find a new school.
    i. Last year's test scores can't be blamed on teachers and students.

18. A student commenter asked if the school is closing because she didn't do her homework or because she misbehaved.
19. The DOE received a comment concerning all phase-out proposals calling for a moratorium on school closings, which stated that the DOE is the servant of the people and is not acknowledging the community's opposition to these proposals. The commenter suggested a facilitated discussion process which would work towards consensus.

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

- Comments 1, and 7 note that P.S. 114 lacks resources for after school programs, and athletic programs. P.S. 114's special programs and courses include the District 18 Astral program for gifted and talented students in the fourth and fifth grade, which provides an enriched curriculum expanding the learning experience in the form of challenging activities designed for critical and creative thought. The Astral program is not part of the Citywide Gifted and Talented program or testing process. It no longer enrolls students into its entry grade in any school in the City, and is in the process of phasing out. Students currently enrolled in the Astral program at P.S. 114 would continue to remain in that program until they matriculate to middle school, assuming they meet promotional requirements. The DOE anticipates that in the future the new zoned school, P.S. 521, which would serve the same zone as P.S. 114 in the same building, would offer extracurricular activities and instructional programs based on student demand and available resources. The DOE also notes that as P.S. 114 phases-out the DOE will work

with the school to support current students as they work to meet promotional requirements. Students with special needs and English Language Learner students would continue to receive their mandated services.

The commenters also note that P.S. 114's building lacks resources, such as science labs. According to the Instructional Footprint, elementary schools such as P.S. 114 are not required to have science demonstration rooms or science labs. Moreover, the DOE continues to monitor the facility and has planned to add new lighting fixtures to classrooms, corridors, and administrative spaces and is in the process of replacing the electrical system. P.S. 114 also requested additional desktop computers and smart boards for the 2010-2011 school year; the DOE has provided these additional resources as requested.

- Comment 17(d) suggests that students learn English as a second language at P.S. 114, and cited this as a reason to not close the school. The DOE notes that if approved, as P.S. 114 phases-out the DOE will work with the school to ensure that students with special needs and English Language Learner students would continue to receive their mandated services. Also, that the new zoned school would offer future elementary students with mandated services.

- Comment 17 (g) suggest that the school has had great programs for the students, like Teachers of Tomorrow and opportunities to volunteer. The DOE recognizes that P.S. 114 staff members and parents have worked hard to improve the school, but the school has not turned around. Additionally, the DOE notes that there are no immediate proposed changes to available instructional or extracurricular programs currently offered at P.S. 114. The DOE will also work to ensure that the new zoned school will offer similar programs currently serving the students and community.

- Comment 17 (b) suggests that the new library and water fountains should prevent the school from closing. The library and water fountains will not be impacted by the proposed phase out of P.S. 114.

- Comments 2, 6, 8, 15(b), and 16(c) commented that the school's previous principal mismanaged the school's budget. The DOE understands that parents may be upset about the previous principal's conduct at the school. Because of those concerns, the principal was removed in 2008, and a new principal was assigned to P.S. 114 in August of 2009. While school leadership is very important, it is but one component of a school, and the DOE believes that the school's history of poor student performance indicates that P.S. 114 has failed to develop the proper infrastructure to meet the needs of its students and families. Additionally, P.S. 114 has historically failed to provide its parents and students with a culture that fosters the proper learning conditions that students and their families deserve—this is evidenced by the fact that it has received an F on the Environment subsection of the Progress Report for three consecutive years. These scores are reflective of a school that has failed to provide high expectations for its students and has been ineffective in communicating with its parent body. As described in further detail in the response to comments 7 and 15(c) of this document (on page 7 and 8), P.S. 114 students

have not shown signs of growth over the last three years, and if these downward trends continue to persist, P.S. 114 students will continue falling further behind their peers in schools. Regardless of any mistakes or mismanagement in the past, the fundamental issue at stake is whether P.S. 114 is serving its students. As always, the interests of students come first, and if a school is not serving its students' needs, then the DOE must consider intervention for the school. In the instance of P.S. 114, the DOE has determined that only the most serious intervention—phase-out and replacement of P.S. 114—is necessary to best serve students and the community. It will allow for new school options to develop in Building K114.

Contrary to the suggestion that the principal's mismanagement of funds led to a loss of $180,000 in the school's budget, that loss is primarily attributed to the school's declining enrollment over the last several years. Tax levy school funding is distributed on a per pupil basis. Prior to the beginning of the year, principals hire a staff to begin on the first day of school with the expectation that the school will enroll a certain number of students, including certain numbers of special education and/or English Language Learner students. If a school admits a substantially lower number of students or lower number of special education and/or English Language Learner students than its anticipated targets, DOE will make corresponding changes in the school's budget. Once enrollments have stabilized in late September, principals work with their Networks to prioritize their budgets for the year and ensure there are adequate funds to pay for staff salaries and other resources. Schools are responsible for the financial impact of the change in register between the projection and the audited register. If they spend more funds than they would have been entitled to receive based on their actual enrollment, they are considered to have a "deficit." The DOE will typically hold the school 'harmless' for the first year it incurs such a deficit. For future years, the DOE will work with the school to create an interest-free repayment plan.

It should be noted that it is not uncommon for schools to be faced with a deficit. The DOE works closely with principals to ensure a proper plan is in place to address a deficit. In fact, over the past three years, over 250 DOE schools have accumulated approximately $47 million in deficits; the DOE has forgiven $23 million of that.

P.S. 114, at one point, assumed a deficit of nearly $200,000 due to declining enrollment and corresponding adjustments made to its allocation.. Also, in fiscal year (FY) 2008, all schools, including P.S. 114, were required to cut their budgets by 1.75%. The DOE and the school created a deficit rollover payment plan that allowed the school to distribute its repayments in installments in FY2009, FY2010, FY2011, and FY2012. The school was also permitted to excess two guidance counselors, which essentially freed up money to pay back some of its debt.

The DOE does not believe that the budget deficit is responsible for P.S. 114's inability to improve its performance. For example, P.S. 114's 2008-2009 Quality Review also cited serious concerns that are not related to the budget deficit, such as the lack of adequate individualization of instruction to meet each student's needs or inability to provide regular feedback to students to support their academic growth.

- Comments 3 and 9 expressed that parents and students should oppose the phase out of P.S. 114, but did not offer any reasons why the proposal should not be approved. As a result, the DOE will not respond to these comments.

- Comments 4 and 16(b) suggested that the DOE has prioritized serving charter schools ahead of district schools. The DOE supports parent choice and strives to ensure that all families have access to diverse schools that meet their children's needs. To support parent choice, the DOE proposes to open and co-locate new district and charter schools in existing buildings to expand the range of options for students. The DOE has replaced 91 of the City's lowest-performing schools and opened 474 new schools to increase the school options available to parents and students. Of the 474, 365 are traditional public schools and 109 are public charter schools. As a result, we've created more good choices for families.

- Comments 5 and 16 (g) suggest that the DOE has not provided funding for capital projects or programs in P.S. 114. Over the past three years, the DOE has spent nearly one million dollars on math and literacy coaches, staff developers, a teacher center that holds resources for staff, and professional development at P.S. 114. P.S. 114 also requested additional desktop computers and smart boards for the 2010 school year; the DOE provided these additional resources as requested.

- Comments 7, 15(c) and 16 (b), 16 (k),17 (d), 17(f) and 17 (i) suggest that the current school leadership and staff should be allowed more time to attempt to improve its performance and suggests that the school has prepared students to move to higher grades, and that last year's test should not be blamed on teachers and students. P.S. 114 earned a D grade on its 2009-2010 Progress Report, including an F grade in the Student Performance and Environment sub-sections and a D grade in the Student Progress sub-section. P.S. 114 earned an F grade on the Environment sub-section in 2009 and 2008. Furthermore, in 2008-09, P.S. 114 was in the bottom 12% of Citywide elementary schools in terms of the percent of students making one-year progress in math. In 2009-2010, P.S. 114 was in the bottom 8% of Citywide elementary schools in terms of learning growth in math and the bottom 14% of Citywide elementary schools in terms of learning growth in English. These academic performance trends indicate that P.S. 114 students will only fall behind their peers in other schools, and only the most serious intervention, the gradual phase-out and eventual closure of P.S. 114, will address the school's longstanding struggles and allow for new school options to develop in K114 that will better serve future students and the broader community. The DOE has had enormous success around the City replacing our lowest-performing schools with new schools that do better. We owe it to our families to give them the best possible options, and in some cases that means replacing low-performing schools with new ones.

- Comment 10 and 16 (a) suggested that P.S. 114 should not be phased out based on the school's Quality Reviews because it was previously rated "Proficient." Although P.S. 114 was rated "Proficient" in 2006-2007, on its 2008-2009 Quality Review, P.S. 114 was rated "Underdeveloped," the lowest possible rating. P.S. 114's 2008-2009 Quality Review also cited a number of serious concerns. Specifically, the reviewer indicated that there

was inadequate individualization of teaching to meet each student's needs. The report further indicated that the school needed to do a better job of providing regular feedback to students to support their consistent academic growth. In 2007-2008, P.S. 114 received the second lowest rating of "Underdeveloped with Proficient Features." Thus, for two consecutive years, P.S. 114 has received the lowest or second lowest score on its Quality Review.

- Comment 16(a) suggests that the State evaluation is more favorable to the school and should be regarded as more important in determining the decision to propose a phase-out. The DOE recognizes that as noted in the EIS, P.S. 114 received a 2010-2011 State Accountability Status of "In Good Standing". The DOE recognizes that P.S. 114 staff members and parents have worked hard to improve the school, but the school has not turned around. As described in the EIS and on pages 7 and 8 of this document, P.S. 114 has historically failed to provide its parents and students with a culture that fosters the proper learning conditions that students and their families deserve—this is evidenced by the fact that it has received an F on the Environment subsection of the Progress Report for three consecutive years. These scores are reflective of a school that has failed to provide high expectations for its students and has been ineffective in communicating with its parent body. Furthermore, in 2008-09, P.S. 114 was in the bottom 12% of Citywide elementary schools in terms of the percent of students making one-year progress in math. In 2009-2010, P.S. 114 was in the bottom 8% of Citywide elementary schools in terms of learning growth in math and the bottom 14% of Citywide elementary schools in terms of learning growth in English. P.S. 114 students have not shown signs of growth over the last few years, and if these downward trends continue to persist, P.S. 114 students will continue falling further behind their peers in schools

- Comment 18 and suggests that the school is being proposed because she did not do her homework or because she misbehaved. This is not true. The proposal to phase-out P.S. 114 is based on the factors described in the previous two bullets of this document.

- Comment 16(g) suggests that the school was not offered the support. To help the school's efforts to improve, the DOE has offered numerous supports to P.S. 114, including:

  Leadership Support:
  - Offered extensive coaching for the principal on how to supervise and evaluate assistant principals and teachers, to promote a safe school environment, and to implement discipline and intervention policies.
  - Offered to help the principal develop P.S. 114's Comprehensive Education Plan and set school-wide goals.
  - Connecting administrators with other schools to learn best practices that can be replicated at P.S. 114.

  Instructional Support:
  - Offered training to the principal and assistant principal on the new state curriculum, curriculum planning, and developing rigorous lessons.

- Offered to work with the principal on a year-long study that looked at the rigor of instruction for English Language Learners and students with disabilities.
- Offered teacher training in the use of data to drive instruction and the Common Core State Standards, curriculum planning, and administering periodic assessments.
- Offered to help teacher teams promote collaboration and align P.S. 114's curriculum across grade levels and content areas.

Operational Support:

- Offered to coach school staff on budgeting, human resources, recruiting and retaining talented teachers, building management, and operational compliance issues.

Student Support:

- Offered to work with the school to identify strategies to improve school safety.
- Offered to help the school contract with Educators for Social Responsibility to improve student discipline practices.
- Offered to hold training sessions on how to deal with student suspensions and re-entry of suspended students.

Safety Support:

- Offered Best Practices Standards for Creating and Sustaining a Safe and Supportive School resource guide.
- Offered to review and monitoring of school occurrence data and crime data in conjunction with the Criminal Justice Coordinator and the NYPD.
- Technical assistance when incidents occur via the Borough Safety Directors.
- Offered professional development and support to CFN Safety Liaisons.
- Offered professional development and kits for Building Response Teams.
- Offered to monitor and certification of School Safety Plans annually.

- Comments 11, 12, 15(a),17 (a), 17 (c) and 17 (e) note that P.S. 114 should not be closed because it has close, historical ties to the community and cited emotional concerns for teachers and students. The DOE understands the emotions involved in the prospect of phasing out a school, especially when a school has been a part of the community like P.S. 114 has been. However, history is not a reason to keep a school open when it is failing to serve its students. The DOE also believes that the P.S. 114 community will continue to care for students as it phases-out. In addition, the new DOE zoned elementary school, P.S. 521, and Explore will also continue to care for students in the community and establish strong community ties.

- Comment 16 (l) called for more parent supports. The DOE acknowledges that parent involvement at P.S. 114 is low and will incorporate such feedback into its work to support current P.S. 114 students and replacement plans for the school going forward.

- Comment 15(d) and 16(i) question the replacement plan for the seats lost due to the proposed phase out of P.S. 114 and suggests that siting Explore in building K114 would

create a two-tier school system between district schools and charter schools. First, The DOE does not anticipate that siting a charter school in the building would create a two-tier system; rather, this siting along with a new public elementary school in the building would create new educational opportunities for residents in the P.S. 114 zone and district. Explore will admit students through an application lottery with a preference for District 18 students. Charter schools are expected to serve student populations that reflect the district in which they are located. In addition, Explore is working with its authorizer, State University of New York ("SUNY"), to revise its charter license in order to further provide a priority preference for District 18 students who are currently residing in a zone where a school is phasing out or where phase out has been proposed in an EIS issued by the DOE.[1] This year, P.S. 114 is the only school that is scheduled to phase out in the district and therefore, if Explore's proposal to revise its charter is accepted by SUNY, students zoned to P.S. 114 would receive priority preference in the 2011-2012 charter lottery application process. However, in the future all District 18 students who are residing in a zone where a school is phasing out or where phase out has been proposed in an EIS issued by the DOE may receive priority preference as well.

Going forward, students who are zoned to P.S. 114 may enroll in the new zoned elementary school, P.S. 521, that will serve students zoned to P.S. 114 in the same building, or they may choose to apply to enroll at Explore.

- Comment 17(h) raised concerns that all the students would need to leave and find a new school as a result of this proposal to phase out P.S. 114. To the contrary, as described in the EIS, current students in grades two, three, and four would continue to be served by P.S. 114 and be supported as they progress toward completion of elementary school at P.S. 114. Current students in grade five would enroll in middle school consistent with current practice. Beginning in the 2011-2012 school year, the new zoned elementary school would enroll Kindergarten, first, and second grade students. The new zoned school would serve the same zone area as P.S. 114 and would be located in the same building that currently houses P.S. 114. Additionally, as described in detailed in the prior response, Explore Charter school will also open in the building and provide a priority preference to the P.S. 114 zone.

- Comment 13, 14, and 16(d), 16(e) relates to the community engagement and communications process and amendments and revision to the EIS. Prior to the decision to propose the phase out of P.S. 114, the Superintendents facilitated meetings with the school community including the School Leadership Team, parents, and teachers to explain the DOE's rationale on why the school was struggling. A letter was sent home to notify parents of a meeting on December 9, 2010, in students' backpacks. The DOE also reviewed with these community members what supports had been put in place at the school already. They listened intently to parents, school staff, students, and other members of the community for feedback. The DOE distributed Fact Sheets about the proposal, and these were also made available on our Web site. In addition, the DOE set up a dedicated website and voicemail to collect feedback on this proposal. The joint

[1] In order to enact this preference, Explore will have to revise its current charter license with SUNY and the revisions must be voted upon by the authorizer before the preference may be enacted.

public hearing regarding this proposal was held on January 28, 2011, and all comments made at the joint public hearing were included in this analysis of public comment.

The Educational Impact Statement was published on December 17, 2010. A letter was back packed home to notify parents of the proposal. The letter advised parents that the EIS was available on the website and copies of the Educational Impact Statement were available in P.S. 114's main office. The EIS was amended on December 29, 2010 to correct typographical errors and formatting, delete a redundant table and correct two erroneous references to the District 19 Middle School Choice process instead of the District 18 process, but this amended EIS did not modify or revise the proposal itself. The proposal was revised on January 12, 2011 to modify the proposed phase-out enrollment plan for P.S. 114 which was initially described in the original EIS published on December 17, 2010. In addition, the revised EIS identified the charter school that will open in K114 in 2011-2012, clarified text and footnotes related to building capacity and utilization, included information related to charters occupying DOE space, included 2010-2011 un-audited register information, and included estimated 2010-2011 building utilization rates. The revised EIS was amended on January 14, 2011 to correct one erroneous mention of the State Education Department ("SED") as the charter authorizer, and clarified that the lottery priority for Explore would give preference to students who currently attend a school that is phasing out or where phase-out has been proposed in an EIS issued by the DOE. All amendments and the revision were posted online, and the principal was instructed to make available hard copies at the P.S. 114 main office. In addition, updated Public Hearing notices advising parents of the publication of the amended EIS, the revised EIS, and the amended revised EIS were back-packed home to P.S. 114 students following each publication. The public hearing notices and the panel notices on the Panel for Education Policy website are formatted differently but contain the same information. They are separate documents.

- Comments 16(f), and 16(j) state that EIS states that the pre-kindergarten programming are pending funding allocations Indeed, all universal pre-kindergarten programming is dependent on funding allocations and will be determined prior to the start of the 2011-2012 school year. This is the case for any school interested in offering a universal pre-kindergarten program. Given that P.S. 114 currently offers pre-kindergarten programming, the expectation is that if approved, the new zoned school would also offer the same pre-kindergarten programming.

- Comment 16 (h) suggests that the EIS fails to mention the changes to the cut-off scores in the presentation of the Progress Report data. To the contrary, the EIS includes a footnote related to the 2009-2010 Progress Report cut-scores: "In 2010, the New York State Education Department adjusted the "cut scores" on annual mathematics and English Language Arts exams, raising the score required for students to achieve Level 3 (grade-level proficiency) or higher on the exam. As a result, the percent of students performing at grade level fell significantly at schools statewide, including most New York City schools. While the percent of students achieving proficiency declined, on average, New York City's students' raw scores on the tests remained largely unchanged relative to the prior year."

- Comment 16(j) contends that in an early version of the EIS, the DOE stated it could not accurately provide building capacity and utilization figures. In fact, the EIS posted on December 20, 2010 stated that the building capacity and utilization figures were not "precise indicators" of a school's over or underutilization, and the amended revised EIS published on January 14, 2011 clarifies that projected utilization rates for 2010-2011 and beyond provide an approximation of a building's usage. However, the EISs also state that the Office of Space Planning conducts walkthroughs to further assess the amount of available space in the building. Indeed, just such a building survey and walkthrough was conducted at P.S. 114 on October 15, 2010 by Charles Fisher, Brooklyn Director of Space Planning.

- With regard to comment 19, the central goal of the Children First reforms is to create a system of great schools. Every child in New York City deserves the best possible education. This starts with a great school – led by a dedicated leader with a vision for student success. To ensure that as many students as possible have access to the best possible education, since 2003 New York City has replaced 91 of our lowest-performing schools with better options and opened 474 new schools: 365 district schools and 109 public charter schools. As a result, we've created more high-quality choices for families.

  Based on feedback from communities in 2009 and 2010, the DOE made improvements to its timeline and process for communicating with schools and families early and often throughout the investigation and decision making process. This year, we talked to school leadership, parents, SLTs, CECs, elected officials, and local CBOs about our ideas about how to improve struggling schools. We convened these meetings to discuss our proposals and to hear feedback and new ideas.

  The Department developed and distributed "Fact Sheets" for each school we talked with. These fact sheets described proposals, the rationale behind them, included relevant data, and provided clear instructions for how to offer feedback. They were posted on our website and distributed at meetings.

  When we announced the Department's recommendation to propose the school for phase out, dedicated teams of educators and engagement specialists spent several days back in these schools meeting with teachers, parents, and students.

  In January, Joint Public Hearings were held for all proposals and public feedback was collected at these meetings and through dedicated email and phone numbers. The Department's analysis of public comment is contained in this document.

Changes Made to the Proposal

No changes have been made to this proposal as a result of public comment.