



**Department of
Education**

Dennis M. Walcott, Chancellor

Public Comment Analysis

Date: February 8, 2012

Topic: The Proposed Co-location of New School P.S. 414 (14K414) with P.S. 019 Roberto Clemente (14K019) in School Building K019 Beginning in 2012-2013

Date of Panel Vote: February 9, 2012

A copy of the Educational Impact Statement (“EIS”) pertaining to this proposal can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Feb2012Proposals>

Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to open and co-locate a new zoned elementary school, P.S. 414 (14K414, “P.S. 414”), in school building K019 (“K019”), located at 325 South 3rd Street, Brooklyn NY 11211, in Community School District 14. P.S. 414 will serve students in kindergarten through fifth grade when it reaches full scale. Currently, K019 houses P.S. 019 Roberto Clemente (14K019, “P.S. 019”), an existing zoned elementary school serving students in kindergarten through fifth grade. In a separate EIS that was published on December 13, 2011, and which is available at:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Feb2012Proposals>, the DOE has proposed that P.S. 019 gradually phase-out because of its low performance. P.S. 019 is an existing zoned elementary school serving students in kindergarten through fifth grade. If both proposals are approved, P.S. 414 would be co-located with P.S. 019 in K019 for three school years. A “co-location” means that two or more school organizations are located in the same building and may share common spaces like auditoriums, gymnasiums and cafeterias. P.S. 019 is currently the only school organization housed at K019. However, District 79’s Office of Adult and Continuing Education (“OACE”) holds evening classes at K019. The DOE does not anticipate that this proposal will impact the evening classes offered at K019.

If the proposal to phase-out P.S. 019 is approved, P.S. 019 would no longer admit kindergarten students after the conclusion of the 2011-2012 school year. Multiple grades would be phased-out at P.S. 019 in 2012-2013, the first year of phase-out, and one grade would be phased-out in each of the following three years. Therefore, during the 2012-2013 school year, P.S. 019 would only serve students in grades three, four and five. In 2013-2014, P.S. 019 would only serve students in grades four and five. In 2014-15, P.S. 019 would only serve students in grade five. The school would close after June 2015.

P.S. 414 would open in K019 as a zoned district elementary school serving the same zone as P.S. 019. In the 2012-2013 school year, P.S. 414 would serve the kindergarten, first, and second grade students who would otherwise have attended P.S. 019 if it were not being phased-out. P.S. 414 would then expand one grade each year until it reaches full scale in 2015-2016 and serves students in kindergarten through fifth grade. During the years that P.S. 019 is phasing-out, P.S.

414 and P.S. 019 would be co-located in K019. Once P.S. 414 has completed its phase-in and P.S. 019 has completed its phase-out, P.S. 414 will be the only school in K019.

According to the 2010-2011 Enrollment, Capacity, Utilization Report (“Blue Book”), in 2010-2011, K019 had a target capacity to serve 759 students, and the building enrolled 378 students, yielding a building utilization rate of 50%. Currently, 355 students are enrolled in K019, yielding a building utilization rate of 47%. This means that the building is “underutilized” and has extra space to accommodate additional students.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at K019 on January 18, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 210 members of the public attended the hearing, and approximately 20 members of the public spoke. Present at the meeting were Camille Jabouin, Julie Rios, Amalia Marmolejo, Denise Furlani, Laura Keppis, Patricia Tambakis, Principal Maria Witherspoon and Annabel Caban of the P.S. 019 school leadership team (“SLT”), Ramon Peguero, Elaine Manatu, Tesa Wilson and Mario Aguila of the District 14 Community Education Council (“CEC”), and District 14 Community Superintendent James Quail. Deputy Chancellor for Equity and Access Dorita Gibson served as the Chancellor’s Designee. Also present were Brendan Lowe, Anthony Settle, Carrie Marlin, Margarita Nell, Cynthia Felix, Riccardo White, Jonathan Trejo, Rachel Taplinger, Dominique West, Camille Bridges, and Frank Thomas from the Department of Education.

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

1. A member of the P.S. 019 SLT asked:
 - a. Who is going to pay for the new school?
 - b. Why has the DOE not made public who the new teachers will be or who the administrators will be? Where is the plan? What is going to be done for the students who have to stay in P.S. 019?

2. A member of the P.S. 019 SLT stated that:
 - a. They are expecting a charter school in the building.
 - b. P.S. 414 is no guarantee of success or a college preparatory education. There is no proposal of an educational plan.

3. A parent asked the following question and made the following statement:
 - a. Why bring in a new school instead of changing what is happening here?
 - b. The DOE should invest more money in the kids who are here now. This school needs help.

4. City Councilmember Diana Reyna stated that:

- a. She demands a dual language program at P.S. 414. Children should learn both the Spanish and English languages because children learn culture through spoken language. Children should have access to a nurturing learning environment in both languages. Dual language programs exist in other places.
 - b. She demands that the new school be named Roberto Clemente. The community does not want to be stripped of rights.
 - c. She demands that the magnet grant stay at P.S. 019 and not be given to P.S. 414. The grant took a long time to put together and is designed to make sure there is an enriched curriculum. Just when the school is about to start the program for the first year, P.S. 019 is stripped of the opportunity to execute it.
5. A member of the P.S. 019 instructional team stated that the community wants to retain the name Roberto Clemente for the new school and wants a leader who knows the community and of whom the community approves.
6. A community member stated that:
 - a. We need a true change. No one is going to get rid of the name Roberto Clemente. The name is sacred in the community.
 - b. The Southside Community Schools Coalition (“SCSC”) is made up of every church and community organization, which are all unified. That organization insists on a seat at the table because the DOE has failed in the past and it cannot risk our children’s future.
7. Andrew Martin, on behalf of State Assemblyman Vito Lopez, stated that P.S. 414 should have a dual language program and that community members need to get united behind their elected representatives.
8. A parent stated that there should be new administration and new teachers where necessary, but that the new school should be called Roberto Clemente and should retain the majority of the teachers from P.S. 019.
9. A community member stated that:
 - a. A new program or new school may not make a difference. Instead, teachers should be given the opportunity to perform.
 - b. The Roberto Clemente name should not be disrespected because of someone else who was at fault.

Additionally, a number of questions were submitted in writing to DOE at the Joint Public Hearing:

10. Isn't it better to keep P.S. 019 open than to replace it with another school that may have the same challenges? Instead of closing P.S. 019, why didn't you add dual language programs?
11. Multiple attendees submitted questions regarding the name of P.S. 414.

In addition to collecting feedback at the Joint Public Hearing referenced above, the DOE solicited feedback on this proposal via email, telephone and an internet feedback form.

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

The Southside Community Schools Coalition submitted the following demands in writing to the DOE:

12. We demand that the SCSC be formally recognized as an advisory body for decisions regarding District 14 schools, particularly with respect to the development of P.S. 019.
13. We demand, with respect to the proposed transformation of P.S. 019, that the SCSC participate in the decision-making on the hiring criteria of incoming school leadership; the development of new academic curricula and/or grant-funded programs; school outreach/recruitment and enrollment; monitoring of school resources (budgets, grants, etc.); and overall oversight of the school moving forward.
14. We demand that the DOE reissue the "RFP" for the transformation of P.S. 019 to expand the range of proposals for consideration. Additionally, as a recognized advisory body, that the SCSC be part of the review process.
15. We demand that any transformation of P.S. 019 stipulate that the name stays as is, "The Roberto Clemente School".
16. We demand the assurance that the magnet grant previously awarded to PS 19 is secured, and will be maintained as part of the development of the school.
17. We demand that the new P.S. 019 School Leader be bilingual (English/Spanish) and culturally competent.
18. We demand that the new P.S. 019 School Leader be experienced working with and creating effective programs for English Language Learners, specifically dual-language programs.
19. We demand that the new P.S. 019 School Leader be skilled and experienced in networking with community organizations and resource development.
20. We demand that the new P.S. 019 School Leader be experienced in progressive, accelerated academic approaches to address the holistic development needs of our young people.

21. We demand that the transformation of P.S. 019 include the integration of a dual-language program.
22. Class Size Matters (“CSM”), submitted written comments objecting to all of the proposed phase-outs and truncations proposed by the DOE. In opposing the DOE’s proposal to phase-out and eventually close these schools, the CSM comments cited the following reasons: (1) none of the Educational Impact Statements for the proposals include discussion of how the proposed phase-outs or, where applicable, the co-locations would affect class size; (2) the Citywide Instructional Footprint does not include class size standards; (3) the Educational Impact Statements use utilization figures from the DOE’s Blue Book, which does not take into account the need to reduce class sizes in schools Citywide; (4) the community members, faculty, and families of schools that have been proposed for phase-out have opposed the proposed phase-outs and truncations; (5) the schools that have been proposed for phase-out and/or truncation have high concentrations of “at-risk” students, as defined as English Language Learner students, students with disabilities, and economically disadvantaged students.

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

Comment 1(a) pertains to funding for new schools.

As noted in the EIS for this proposal:

P.S. 414 is expected to receive \$4,085.30 in total additional per-pupil funding annually based on projected increases in total enrollment. These estimates are based on current Fair Student Funding (“FSF”) per capita allocation levels and are subject to annual variation. FSF covers basic instructional expenses and FSF funds may, at the school’s discretion, be used to hire staff, purchase supplies and materials, or implement instructional programs. As the total number of students enrolled grows, the overall budget will increase accordingly, allowing the school to meet the instructional needs of its larger student population.

In addition, FSF awards supplemental allocations on a per pupil basis to students who have additional needs and therefore cost more to educate. For example, during the 2011-2012 school year, elementary schools received an additional \$1,633.71 per pupil for each ELL student they enrolled. It is difficult to project the total supplemental funding that P.S. 414 will receive as it phases in because future students’ achievement levels and needs cannot be predicted for each of the next five years, but the school will be awarded supplemental funding for higher-need students according to the same formula as all other schools Citywide, ensuring that funds are in place to meet those students’ needs.

As with all other schools Citywide, P.S. 414 may receive additional “categorical” funding based on student characteristics and needs. For example, federal Title I funding is awarded to schools based on the proportion of low-income students they enroll. If P.S.

414 is a Title I school and the school continues to meet Title I criteria, the school's Title I funding award would grow as the school population grows.

While schools do receive supplemental support for students with disabilities through FSF, that only represents part of the funding provided to support those students. Schools are budgeted to meet the needs of their students with disabilities as defined by their Individualized Education Programs ("IEPs). As P.S. 414 expands, funding will continue to be provided to meet the needs of all students with disabilities in accordance with their IEPs.

Please note that increased or reduced per capita funds allocated to the school as a result of this proposal do not represent net/incremental system costs. All dollar amounts are based on FY12 allocations and are subject to annual variation based on adjustments to the DOE's overall operating budget.

Comment 1(b) pertains to staffing at the new school, including the timeline for announcing new hires.

If this proposal is approved, P.S. 414 will need to hire additional teachers during each year of the grade expansion as the total number of students enrolled in the school increases over each of the next three years. The precise number of positions needed for the 2012-2013 school year will be determined once annual budget register enrollment projections are released in the spring of 2012. Similarly, the number of new positions created to serve students in kindergarten through fifth grade will be determined based on annual enrollment projections available as the school grows to serve those grades.

All new district schools opening in campuses where an existing school is phasing out must adhere to Article 18-D of the United Federation of Teachers contract. Article 18-D requires that if a sufficient number of displaced staff from the closing or phasing-out school apply, no less than 50% of the new schools' pedagogical positions shall be selected from among the appropriately licensed most senior applicants from the closing or phasing-out school—in this case, P.S. 019—who meet the new school's qualifications. Guidance counselor, lab specialist, school secretary and paraprofessional positions are also subject to Article 18-D.

Comment 2(a) pertains to future use of the K019 building.

At this time, the DOE has no proposed use for the K019 building other than the proposed phase-out of P.S. 019 and the proposed phase-in of P.S. 414.

Comment 2(b), 9(a), and 10 pertains to the quality of P.S. 414, the new school proposed to replace P.S. 019.

On average, the DOE's new schools are overwhelmingly outperforming the phased-out schools they have been designed to replace while serving students who are demographically similar. Ultimately, the DOE holds all schools accountable to the same high standards. While the DOE believes in the potential of P.S. 414 to be a high quality elementary school option for families of

District 14, the DOE will ultimately hold P.S. 414 accountable to the same high standards to which all City schools, including P.S. 019, are held.

Comments 3(a, b), 8 and 10 challenge the DOE's strategy of phasing-out and replacing low performing schools generally, or challenge the DOE's determination that P.S. 019 specifically is a school in need of phase-out.

The DOE is committed to providing a portfolio of high quality school options to students and families. A part of that strategy involves identifying the City's lowest performing schools and determining whether they can turn around quickly to better serve their student population. For those schools that the DOE determines lack the capacity to turn around quickly to better serve their student population, the DOE recommends the most serious intervention: gradually phasing-out a school over time by no longer enrolling new students.

P.S. 019 is a school that the DOE has determined warrants this intervention. As noted in the EIS proposing to phase-out P.S. 019:

- The overwhelming majority of P.S. 019 students remain below grade level in English and Math. Last year, only 22% of students were performing on grade level in English – putting the school in the bottom 3% of elementary schools Citywide in terms of English proficiency. Only 22% of students were performing on grade level in Math – putting the school in the lowest percentile among elementary schools Citywide in terms of Math proficiency.
- P.S. 019 is not adequately helping students to make progress. P.S. 019 is in the bottom 1% of elementary schools Citywide in terms of learning growth in English and the bottom 7% of elementary schools Citywide in terms of learning growth in Math. Learning growth measures annual student growth on State ELA and Math tests relative to similar students. If these conditions persist, P.S. 019 students will fall further behind their peers in other schools.
- The Progress Report measures the progress and performance of students in a school, as well as the school environment, compared to other schools serving similar student populations. On the 2010-2011 Progress Report, P.S. 019 received the lowest overall Progress Report score of any elementary school in the City. The school received an overall F grade, including an F grade for Student Performance and Student Progress and a B for School Environment.
- P.S. 019 was rated “Developing” on its most recent Quality Review in 2010-2011, indicating deficiencies in the way that the school is organized to support student learning. Quality Reviews evaluate how well schools are organized to support

student learning, and schools can receive the following ratings: Underdeveloped (“U”), Developing (“D”), Proficient (“P”), and Well Developed (“WD”).¹

For these reasons, the DOE is confident that phasing-out P.S.019 over time is the right intervention for students and families in District 14.

Comments 4(a), 7, 10, and 21 pertains to programming at P.S. 414, including the potential for dual language programming.

Instructional and programmatic decisions at P.S. 414 will ultimately be made by the school’s administrators. English Language Learner students who are eligible for particular services will receive their required services.

Comments 4(b), 5, 6(a), 8, 9(b), 11 and 15 pertain to issues of symbolic importance regarding P.S. 019, including the name The Roberto Clemente School.

The name of P.S. 414 will ultimately be determined by the new school leader of P.S. 414, in conjunction with the Office of New Schools. The new leader may choose to seek and consider input from the school community, including the public commentary collected here.

Comment 4(c) and 16 relates to the disbursement of a federal magnet grant currently allocated to P.S. 019.

The DOE has sought guidance from the United States Department of Education regarding the federal magnet grant that P.S. 019 has received. This magnet grant was awarded for a three year term and 2012-2013 is the third and final year of its disbursement. Further information regarding the distribution of this magnet grant will be shared with the relevant parties as it becomes available.

Comments 5, 6(b), 13, 14, 15, 17, 18, 19, and 20 relate to the criteria for hiring a school leader for P.S. 414, including the process by which the DOE develops new schools and selects leaders to open new schools.

The DOE is constantly recruiting exceptional educators who are interested in opening and leading new schools. More information on the application process to open a new district school is available on the DOE’s Office of New Schools website:

<http://schools.nyc.gov/community/planning/newschools/NewSchoolsProposalProcess/default.htm>.

¹ For more information about Quality Reviews, please visit the DOE’s website at: <http://schools.nyc.gov/Accountability/tools/review>.

While the DOE is always interested in selecting new leaders from diverse backgrounds, the DOE abides by all relevant federal, state and local statutes prohibiting discrimination on the basis of race, color, national origin, religion, or sex.

With respect to the comment that the DOE should issue an “RFP” for the replacement of P.S. 019, the DOE notes that Chancellor’s Regulation A-190, which is based in part on New York State Education Law §2590-h, requires the DOE to issue an EIS each time it proposes a significant change in school utilization, such as a phase-out or a replacement school. No “RFP” is required.

Comment 12 pertains to the process of engaging the community regarding the proposed phase-out, including engagement with community based organizations and elected officials.

The DOE is committed to engaging with the community, included its elected representatives, for all proposals that require a significant change in school utilization, as detailed in Chancellor’s Regulation A-190.

Prior to this Joint Public Hearing, the DOE held early engagement meetings with P.S. 019 staff and families on October 12, 2011, in addition to meetings held with elected officials and community based organizations representing District 14. Additionally, the DOE has solicited feedback regarding this proposal via a dedicated phone line, a dedicated email address, and a dedicated online feedback form.

The DOE will continue to engage the community at every possible point regarding this and other proposals for the 2012-2013 school year.

Comment 22 concerns class size.

Class size is primarily determined by how principals choose to program students at their school within their budget. Thus, no particular proposal, in and of itself, necessarily impacts class size. The Citywide instructional footprint relies upon the current programming at a school (number of sections) to determine the baseline footprint allocation. Decisions to co-locate schools are not based solely on the utilization figures in the Blue Book. The DOE also considers the total number of classrooms in the building and the number of sections currently programmed at all schools in the building or projected to be programmed to determine the availability of excess space and the baseline footprint for each school.

The DOE acknowledges that there some members of the schools’ communities that are opposed to the proposal, and/or prioritize smaller class sizes. However, given the schools’ longstanding performance struggles, we believe that phasing out certain schools and/or creating new educational options by co-locating new schools will best serve the families in these communities.

With respect to CSM's comments regarding the particular types of students who attend phase-out schools, it should be noted that schools progress report grades are based in part on a comparison of the school with peer schools serving similar populations of students. Poor performance report grades thus indicate that a school is not serving its students well, both objectively and by comparison to other schools serving similar students. Moreover, the new schools proposed to open are anticipated to serve student populations similar to the phasing out school.

Changes Made to the Proposal

In response to public feedback, the following changes to the proposal were made:

- No changes have been made.