



## **Public Comment Analysis**

Date: February 8, 2012

Topic: The Proposed Opening and Co-location of a New Middle School (13K351) with Existing Schools Satellite Three Middle School (13K103), a District 75 Inclusion Program (75K369, P369K@I103 Satellite Three), P.S. 56 Lewis H. Latimer (13K056), and a District 75 Inclusion Program (75K369, P369K@P056K) in Building K056, Beginning in 2012-2013

Date of Panel Vote: February 9, 2012

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## **Summary of Proposal**

The New York City Department of Education (“DOE”) is proposing to open and site a new middle school, M.S. 351 (13K351, “M.S. 351”), at 170 Gates Avenue, Brooklyn, NY 11238, in Community School District 13, in Building K056 (“K056”). M.S. 351 would be a new District 13 middle school that would serve sixth through eighth grades and would admit students through the District 13 Middle School Choice application process with a limited unscreened admissions method. If this proposal is approved, in 2012-2013, M.S. 351 will begin enrolling 85-95 students in sixth grade; it would add one grade per year until it is full scale and serves sixth through eighth grade in 2014-2015

M.S. 351 would be co-located in the K056 building with the following schools: 75K369, a District 75 inclusion program (75K369, “P369K@P056”); 75K369, another District 75 inclusion program (75K369, “P369K@I103 Satellite Three”); Satellite Three Middle School (13K103, “Satellite Three”); and P.S. 056 Lewis H. Latimer (13K056, “P.S. 56”). 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.

Satellite Three is an existing middle school that currently serves sixth through eighth grade and admits students through the District 13 Middle School Choice process. P369K@I103 Satellite Three is a D75 inclusion program for students in grades K through 5; its students are enrolled in Satellite Three’s general education classes, and depending on their individual needs receive Special Education Teacher Support Services (“SETSS”). P.S. 56 is an existing zoned elementary school that serves students in Kindergarten through fifth grade; P.S. 56 also offers a Pre-kindergarten program. P369K@P056K is a D75 inclusion program for students in grades K through 5; its students are enrolled in P.S. 56’s general education classes, and depending on their individual needs receive SETSS.

The DOE does not anticipate that this proposal will affect the academic programs, extracurricular activities, or partnerships currently offered at P.S. 56, P369K@P056K, and P369K@I103 Satellite Three. Students with disabilities and English Language Learners (“ELLs”) will receive all mandated services.

In a separate Educational Impact Statement (“EIS”) published in December 2011 the DOE has proposed to gradually phase out and eventually close Satellite Three because of its low performance and inability to turn around quickly to better support student needs. If the phase-out proposal is approved, Satellite Three would no longer admit sixth grade students after the conclusion of the 2011-2012 school year. One grade would then be phased out in each subsequent year. During the 2012-2013 school year Satellite Three would serve students in seventh and eighth grade. In 2013-14, Satellite Three would serve students in eighth grade. Satellite Three would close after June 2014.

In 2010-2011, K056 had a target capacity of 883 students, but the building enrolled a total of 590 students, yielding a target building utilization rate of 67%. In 2011-2012, the building serves a total of 552 students, yielding a target utilization rate of 63%. This is one indicator that the building is “underutilized” and has extra space to accommodate additional students.

In 2014-2015, once Satellite Three has completed its phase out and M.S. 351 is at full-scale, there will be approximately 489-595 students served in the building, which would yield a target building utilization rate of approximately 55-67%.

If approved, M.S. 351 would replace the middle school seats that would be lost as a result of the phase-out and closure of Satellite Three and would provide a new educational option for families in District 13. This new middle school would admit sixth grade students through the District Middle School Choice Process with a limited unscreened admissions method. If the proposal to phase out Satellite Three and the proposal to open M.S. 351 are both approved, P369K@I103 Satellite Three’s inclusion program currently associated with Satellite Three would continue to exist as Satellite Three phases out and would be associated with the new middle school as it phases in, so that the inclusion program will continue to be provided in the K056 building.

The details of this proposal have been released in an Educational Impact Statement (“EIS”) which can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Feb2012Proposals>.

Copies of the EIS are also available in P.S. 56’s, Satellite Three’s, P369K@P056’s, and P369K@I103 Satellite Three’s main offices.

### **Summary of Comments Received at the Joint Public Hearing**

A joint public hearing regarding this proposal was held at building K056 on January 19, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal. While representatives from the Citywide Council for Special Education, P369K@P056K, and P369K@I103 Satellite Three were invited, not all chose to participate in the hearing. Approximately 220 people members of the public attended the hearing and 27 people spoke.

Present at the meeting were: Deputy Chancellor Kathleen Grimm; Community Education Council (“CEC”) 13 President Ben Green; School Leadership Team (“SLT”) Representative from P.S. 56, Arlette Williams; District 13 Community Superintendent Barbara Freeman; SLT Representatives from Satellite Three, Eric Nicholson and Zaher Idriss.

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

1. Ben Green, President of CEC 13, expressed that:
  - a. He supported the fact that the DOE is moving forward with a district middle school as the replacement option for Satellite Three, should the school be approved for phase-out.
  - b. He contended that high principal turnover rate is the main reason for Satellite Three’s poor performance and status as a failing school.
2. Satellite Three SLT Representative, Zaher Idriss, expressed that:
  - a. He was opposed to the proposed phase-out of Satellite Three.
  - b. How will bringing in a new middle school, which has yet to develop a vision or theme, help District 13 students?
3. P.S. 56 SLT Representative, Arlette Williams, expressed that:
  - a. She was opposed to the proposed phase-out of Satellite Three.
  - b. A co-location of another school in the building would be detrimental to the campus climate at K056.
4. CEC 13 Representative, Khem Irby, expressed that:
  - a. She was opposed to the proposed phase out.
  - b. DOE has provided no information on the proposed new middle school, and did not collaborate with the District 13 community.
5. Multiple commenters wondered how the new school will be more successful than Satellite Three.
6. One commenter expressed concern about:
  - a. The DOE claims that new schools opened under Mayor Bloomberg are better than those that have been replaced, yet in the latest round of closings 11 of the schools proposed for phase-out were opened during the mayor’s administration.
  - b. New schools often take at least four years to receive a progress report score.
  - c. Students are turned away from newly opened schools for reasons of poor academic achievement.

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

7. The DOE received an oral comment from Khem Irby of CEC 13 inquiring about a copy of the proposal for the new school to replace Satellite Three – MS 351. Ms. Irby expressed her concern about proposing a new school and not informing parents what this school will have that should be attractive to prospective 5<sup>th</sup> grade parents.

#### **The DOE received a comment at the Joint Public Hearing which did not directly relate to the Proposal**

8. CEC 13 Representative, Khem Irby spoke of the DOE's support for charter schools that are failing, and noted the grade expansion and proposed co-location of Community Roots Charter School in K287 after the school received an F rating on its 2009-2010 overall Progress Report.
9. 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 8 does not directly related to the proposal and does not require a response.
- Comments 1(b), 2(a), 3(a), and 4(a) are primarily concerned with Satellite Three, and are addressed in the public comment analysis for the proposed phase-out.
- Comment 1(a) expresses support for the proposed replacement school, M.S. 351, based on the fact that the DOE is proposing a district option as replacement.
- Comment 6(b) concerns progress reports for newly opened schools.

New York State English Language Arts (ELA) and Mathematics Tests are administered to students in third through eighth grade. Progress cannot be determined without two years of test data for a student. As described in the EIS, during the 2012-2013 school year, M.S. 351 would begin serving students in sixth grade. During the 2013-2014 school year, M.S. 351 would serve students in sixth and seventh grade, and would grow to full scale in 2015-2016, at which point it would serve students in sixth through eighth grade. Progress cannot be determined without two years of test data for a student. Therefore, M.S. 351 would receive its first progress report during the 2014-2015 school year. Full information on the Elementary and Middle School Progress Report can be found here: [http://schools.nyc.gov/NR/ronlyres/A82481C5-A351-47BA-BF8C-9F353E9CFB22/0/EducatorGuide\\_EMS\\_2011\\_10\\_03.pdf](http://schools.nyc.gov/NR/ronlyres/A82481C5-A351-47BA-BF8C-9F353E9CFB22/0/EducatorGuide_EMS_2011_10_03.pdf).

- With respect to Comment 3(b), there are currently hundreds of schools in buildings across the City that are co-located. In all cases, the Instructional Footprint is applied to all

schools in the building to ensure equitable allocation of classroom, resource and administrative space.

While the DOE acknowledges and commends the co-located schools in K056 for their positive relationship, the DOE does not anticipate that the proposed phase-out and eventual closure of Satellite Three will impact admissions, current or future student enrollment, or instructional programming at P369K@I103, P369K@P056K or P.S. 56. As described previously, P369K@I103 has an inclusion program in K056, which serves sixth through eighth grade students with a range of disabilities who attend Satellite Three's general education classes and, depending on their individual needs, receive SETSS. If the proposal to phase out Satellite Three and the proposal to open M.S. 351 are both approved, P369K@I103's inclusion program currently associated with Satellite Three would continue to exist as Satellite Three phases out and would be associated with the new middle school as it phases in, so that the inclusion program will continue to be provided in K056.

Additionally, K056 has the capacity to serve 883 students. In 2010-2011—the most recent year for which audited enrollment data is available—the building served only 590 total students yielding a target utilization rate of just 67%. In 2011-2012, the building served 552 total students, yielding a target utilization rate of 63%. This is one indicator that the building is “underutilized” and has extra space to accommodate additional students. In 2014-2015, once Satellite Three has phased out and M.S. 351 has phased in, there would be approximately 489-595 total students served in the building. The projected utilization for K056 at that point is approximately 55-67%. Therefore, the DOE believes there is sufficient space in K056 to accommodate P.S. 56, P369K@I103, P369K@P056K, M.S. 351 during the course of its proposed phase in, and Satellite Three during the course of its proposed phase out.

- One aspect of Comment 4(b) concerns the DOE's engagement to date with the community.

Consistent with the DOE's approach last year and its desire to incorporate school and community input in its decision-making process, in October and November the DOE had conversations with 47 struggling schools (41 district schools and 6 public charter schools) that were eligible for an intensive support plan or intervention. In these conversations we shared information about school performance and talking with the community about their reflections of the school's strengths and weaknesses. This engagement is above and beyond what is mandated by State law.

The goal for these engagement meetings was to begin or renew conversations with schools and their communities about their performance and the resulting actions the DOE may take to improve it. The DOE gathered feedback – to understand what is working, what is not working, and what the community has to say about it – before making a decision about whether the school should be given intensive support or phased out and replaced with a new option that can support student success.

Superintendents met with the school leadership team, staff and parents to explain the DOE's thinking on why the school is considered struggling and what particular factors show this to be the case.

The DOE also distributed reports for each school that summarized school performance, school supports, and potential action steps. These are easy-to-understand summaries that were handed out at our feedback meetings and are posted on the DOE's website.

Again, all of this happened prior to a decision about whether a school will be proposed for phase out or middle school truncation.

Prior to issuing this proposal, the DOE sought and received feedback from the Satellite Three community regarding strategies to better support students and improve outcomes at the school. The DOE held meetings with the Parent Teacher Association ("PTA") and the School Leadership Team ("SLT") on October 11, 2011, to discuss possible outcomes for Satellite Three due to its continued poor performance. The meeting was attended by approximately 39 people. The DOE also solicited community feedback via telephone and e-mail, and created a dedicated Web site to provide information to the public: <http://schools.nyc.gov/community/planning/changes/brooklyn/proposal?id=22>.

While parents had some positive comments about the school's recent change in leadership, programs offered after school, and an improvement in the overall school atmosphere, they had concerns about a number of issues such as:

- high teacher turnover rate;
- changes in administration;
- there is a lack of books for students;
- high student to teacher ratio;
- there is a desire for more adult leadership in the building.

Staff and parents did express positive feedback about the school leadership and the school structure, and while many members of the Satellite Three community objected to the possibility of phasing out the school, the DOE believes that drastic action must be taken given the school's longstanding performance struggles, and the very low demand for seats at the school. The DOE will incorporate community feedback as we continue to support current Satellite Three students working toward promotion, and as we develops plans to replace Satellite Three with other schools that are intended to better meet student and community needs.

When the DOE announced its 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 DOE's analysis of public comment will be available on-line prior to the vote.

- Comments 4(b) and 7 concern the replacement school, and when parents/local community members will have an opportunity to learn more about M.S. 351.

Beginning at the end of the winter, and into early this spring, the DOE will provide an opportunity for interested families and local District 13 residents to meet the proposed new leader of M.S. 351. There will additionally be information sessions and open houses for M.S. 351, so that families may become informed about the new school and its academic offerings.

- Comment 2(b), 5, and 6(a, c) concern the success of the replacement middle school, M.S. 351, and how this new option will benefit the local community.

This year, the Department is proposing to phase out 7 schools and truncate 3 schools that were opened under this Administration (since 2002). These 10 schools represent less than 3% of the schools opened since 2002.

The DOE counts on each of its schools to provide a high-quality education to its students—and it holds all schools to the same high standard. If a school is not getting the job done for students – whether it was opened recently or not – the DOE is compelled to take serious action to ensure its students do not fall even further behind.

In a June 2010 MDRC, an independent research group, issued a report on NYC’s new small schools strategy. MDRC concluded: “it is possible, in a relatively short span of time, to replace a large number of underperforming public high schools in a poor urban community and, in the process, achieve significant gains in students’ academic achievement and attainment. And those gains are seen among a large and diverse group of students — including students who entered the ninth grade far below grade level and male students of color, for whom such gains have been stubbornly elusive.” (MDRC, “Transforming the High School Experience,” June 2010.)

New York City was ahead of the curve in complying with President Obama’s call to close or turnaround the lowest 5% of schools nationwide and provide better options to families. The DOE simply cannot stand by and allow schools to keep failing our kids when it knows it can—and it must—do better. New York City’s new schools strategy has helped the DOE to deliver on the core promise it makes to NYC families to provide *all* students with an excellent education. Ultimately, after the DOE gathered feedback – to understand what is working, what is not working, and what the community has to say about it – it decided that Satellite Three does not have the ability to improve quickly enough, and therefore must be replaced with a new option that can support student success.

The DOE’s new schools are overwhelmingly getting the job done for students, and when they are not, and a school is struggling, it follows the same process to phase out and replace that school.

As with all DOE schools, M.S. 351 would serve *all* students. In terms of inherent differences between Satellite Three and the proposed new middle school, M.S. 351 would be led by a new Principal. The Office of New Schools (“ONS”) selects new school leaders using a rigorous, four phased process that assesses aspiring principals around core areas of Personal Leadership, Instructional Leadership, Community Leadership, and Student Support.

Once ONS approves new leaders and matches them to school sites, ONS will subsequently work with each Principal during the New Schools Intensive, an ongoing workshop that equips these leaders with the necessary tools so that they are ready to open a new school. As a part of the New Schools Intensive, ONS leads weekly workshops focused on different aspects of school startup, and matches new leaders with visits to exemplary schools so that these leaders can see, firsthand, examples of existing successful schools that are implementing specific aspects of their school models. ONS also provides a set of deliverables that the new leaders must produce and community engagement that they must see through, in addition to providing them with various other new school start up tools in an effort to ensure that each new leader is well prepared to open his or her new school come September.

Further, all teachers, administrative and non-pedagogical staff at MS for the Arts would be excessed over the course of the phase-out. This process would take place gradually as student enrollment declines with each successive graduating class. With fewer students, the school’s staffing needs will naturally be reduced.

M.S. 351 would 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 would be determined once annual enrollment projections are released in the spring of 2012. Similarly, the number of new positions created to serve students in sixth through eighth grade would be determined based on annual enrollment projections available as the school grows to serve those grades.

New schools follow the hiring process consistent with the procedures set forth in the collective bargaining agreement between the DOE and UFT. New schools hiring that have an impact on a school that is closing or phasing out, shall be required to hire no less than 50% of the most senior qualified staff from the closing or phasing out school, if sufficient number of staff apply, until the impacted school is closed.

- Comment 9 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**

No changes have been made to this proposal.