



Public Comment Analysis

Date: February 8, 2012

Topic: The Proposed Opening and Co-location of a New Middle School (17K722) with Existing School Middle School for the Arts (17K587) and Achievement First Charter Crown Heights (84K356) in Building K391 Beginning in 2012-2013

Date of Panel Vote: February 9, 2012

Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to open and co-locate a new middle school, I.S. 722 (17K722, “I.S. 722”), in Building K391 (“K391”) located at 790 East New York Avenue, Brooklyn, NY 11203, in Community School District 17. I.S. 722 will serve students in sixth through eighth grade and will admit students through the District 17 Middle School Choice Process through a limited unscreened selection method,¹ with priority to students residing in the MS for the Arts residential zone. If this proposal is approved, I.S. 722 will begin enrolling sixth grade students in 2012-2013 and would add one grade per year until it is at full scale and serves students in sixth through eighth grade in 2014-2015.

If this proposal is approved, I.S. 722 will be co-located in the K391 building with the following schools: Middle School for the Arts (17K587, “MS for the Arts”), an existing middle school serving students in grades six through eight, and the kindergarten through eighth grade classes of Achievement First Crown Heights Charter School (84K356, “AF Crown Heights”), an existing charter school managed by the Achievement First Network (“AF”) charter management organization (“CMO”). AF Crown Heights is also currently phasing-in to serve grades nine through twelve in a separate private space. K391 also houses two community-based organizations (“CBOs”), CAMBA and Brooklyn Center. A “co-location” means that two or more school organizations are located in the same building and may share large, common spaces like the auditoriums, gymnasiums and cafeterias.

In a separate Educational Impact Statement (“EIS”), published in December 2011, the DOE has proposed to gradually phase-out and eventually close MS for the Arts because of its low performance and inability to turn around quickly to better support student needs. If the phase-out proposal is approved, MS for the Arts would no longer admit sixth grade students after the

¹ Limited unscreened programs give priority to students who demonstrate interest in the school by attending a school's Information Session or Open House events or visiting the school's exhibit at any one of the Middle School Fairs.

conclusion of the 2011-2012 school year. One grade would then be phased-out in each subsequent year. During the 2012-2013 school year, MS for the Arts would serve students in seventh and eighth grade and, in 2013-2014, it would serve students in eighth grade. MS for the Arts would close after June 2014.

According to the 2010-2011 Enrollment, Capacity, Utilization Report (“Blue Book”), in 2010-2011, K391 had a target capacity of 1,622 students, but the building served only 1,151 students,² yielding a building utilization rate of 71%.³ In 2011-2012, the building serves only 1,028 students,⁴ yielding a building utilization rate of 63%.⁵

In 2014-2015, once MS for the Arts has completed its phase-out and I.S. 722 is at full scale, it is projected that there will be approximately 969-1,180 students served in K391, thereby yielding an estimated building utilization rate of approximately 60-73%.

If this proposal is approved, I.S. 722 would replace the middle school seats that would be lost as a result of the phase-out and eventual closure of MS for the Arts and would provide a new educational option for families in District 17.

Background on the DOE’s Decision-Making Process

The DOE has provided more detail on the decision to phase-out and close MS for the Arts in a separate EIS, which can be found on the DOE’s Website at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Feb32011Proposals>.

The DOE strives to ensure that all students in New York City have access to a high quality school at every stage of their education. Continuing to allocate space and resources to schools that are unable to significantly improve student performance is neither efficient nor equitable. As detailed in the MS for the Arts phase-out and closure proposal, the DOE believes that only the most serious intervention—the gradual phase-out and eventual closure of MS for the Arts—will best serve students and the community. Phasing-out and closing MS for the Arts will allow for new school options to develop in K391 that are intended to provide better options for families.

In determining the most optimal way to distribute space to schools, the DOE is proposing to open I.S. 722 in K391 in order to create a new middle school option that is intended to better serve the families of District 17.

There are currently 15 choice district middle schools located in District 17, including Middle

² 2010-2011 audited register.

³ All references to building utilization rates in this document are based on target capacity data from the 2010-2011 Blue Book. Utilization rates referenced for the 2010-2011 school year only include the number of students estimated to be regularly attending the school, and do not include Long Term Absences (“LTAs”), students who have been absent continuously for 30 days or more as of October 31, 2010.

⁴ 2011-2012 unaudited register as of October 31, 2011.

⁵ The utilization rate reported here may differ from that published in the 2010-2011 Blue Book because the building enrollment figures referenced throughout this document and used in the calculation of utilization rates are based on the unaudited enrollment as of October 31, 2011. This methodology is consistent with the manner in which the DOE conducts planning and calculates space allocations and funding for all schools. In determining the space allocation for co-located schools, the Office of Space Planning will conduct a detailed site survey and space analysis of the building to assess the amount of space available in the building.

School for the Arts. Of those: two received an overall grade of A on the 2010-2011 Progress Report, six received a B, three received a C, two received a D, including MS for the Arts, and two, received an F.

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

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at Building K391 on January 12, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 89 members of the public attended the hearing and 17 people spoke. Present at the meeting were: Chancellor's Designee, Deputy Chancellor Laura Rodriguez; Principal of MS for the Arts, Susan Hobson-Ransom; MS for the Arts School Leadership Team ("SLT") representative Richard Thomas; Achievement First Crown Heights Principal, Wells Blanchard and Achievement First Crown Heights Representative, Stephanie Merdez; District 17 Community Education Council ("CEC") Representative, Kenneth Wright; and District 17 Community Superintendent Buffie Simmons. State Senator Eric Adams, Assembly Member Karim Camara, and Staff Representative for Congresswoman Yvette D. Clarke were also present at the hearing, but did not make a public comment.

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

1. The CEC Representative, Kenneth Wright, expressed his opposition to the proposed phase-out and replacement of MS for the Arts. Further, Mr. Wright believes that this proposal will be detrimental to the local community, and District 17 at large.
2. MS for the Arts SLT Representative, Richard Thomas, expressed concern that the new replacement school may not be any more successful than MS for the Arts.
3. A Staff Representative for Council Member Darlene Mealey expressed opposition to the proposed phase-out and replacement of MS for the Arts.
4. Multiple commenters expressed concern about how the new replacement school will be any different than MS for the Arts and how the new replacement school will succeed.

The following questions that pertain to the replacement proposal were asked as part of the question and answer section of the Joint Public Hearing on January 18, 2011.

5. M.S. 391, the first school to be housed in this building, was also closed. It was followed by M.S. 587, which is now being closed. Will the replacement school close in the next five years as well?

The DOE received the following comments at the Joint Public Hearing which did not directly relate to the proposal and therefore do not require a response:

6. One commenter encouraged those in attendance to home school their children in an effort to circumvent the DOE's attempted de facto segregation of District 17 residents.
7. One commenter spoke only about another school, P.S. 161 the Crown.

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

8. 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

- Comments 6 and 7 do not relate to this proposal and therefore do not require a response.
- Comments 1 and 3 expressed a lack of support for the proposed phase-out and replacement of MS for the Arts.

The DOE is committed to providing a high quality educational option to all students. Through a thorough review process, it was determined that MS for the Arts was not delivering this. MS for the Arts earned an overall D grade on its 2010-2011 Progress Report. On the 2009-2010 Progress Report, MS for the Arts earned a C grade, and on the 2008-2009 Progress Report, MS for the Arts earned an A grade.⁶ As a result, the DOE initiated a comprehensive review of MS for the Arts with the goal of determining what intensive supports and interventions would best benefit the MS for the Arts community. the DOE looked at recent and historical performance, consulted with superintendents and other experienced educators who have worked closely with the school, and gathered community feedback. After completing that review, the DOE believes that only the most serious intervention—the gradual phase-out and eventual closure of MS for the Arts—will best serve students and the community. Phasing-out and closing MS for the Arts will

⁶ 84% of elementary/middle schools Citywide received an A (97% received an A or B) on the 2008-2009 Progress Report. This school's 2008-2009 Progress Report overall score was in the bottom 45% citywide.

allow for new school options to develop in K391 that are intended to provide better options for families. The DOE must take action to ensure that students in this community do not fall further behind their peers. The DOE believes that the opening of a new school will better serve future students.

- Comments 2, 4, and 5 expressed concern about how the new replacement school will be any different from MS for the Arts, and how the new replacement school will succeed.

This year, the Department is proposing to phase out seven schools and truncate three schools that were opened under this Mayoral administration. These ten 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 the DOE 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 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 students. New York City's new schools strategy has helped to deliver on the core promise the DOE make to families to provide *all* students with an excellent education.

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

As with all DOE schools, I.S. 722 would serve all types of students. In terms of inherent differences between MS for the Arts and the proposed new middle school, I.S. 722 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.

New schools follow the hiring process consistent with the procedures set forth in the collective bargaining agreement between the DOE and United Federation of Teachers. 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.

Beginning at the end of the winter, and into early this spring, the DOE will provide an opportunity for interested families and local District 17 residents to meet the proposed new leader of I.S. 722. There will additionally be information sessions and open houses for I.S. 722, so that families may become informed about the new school and its academic offerings.

- Comment 8 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.