



## **Public Comment Analysis**

Date: February 8, 2012

Topic: The Proposed Phase-out of Washington Irving High School (02M460)  
Beginning in the 2012-2013 School Year

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 phase out Washington Irving High School (02M460, “Washington Irving”), an existing high school in building M460 located at 40 Irving Place, New York, NY 10003, within the geographical confines of Community School District 2. It currently serves students in grades nine through twelve. The DOE is proposing to phase out Washington Irving based on its poor performance and the DOE’s assessment that the school lacks the capacity to turn around quickly to better support student needs.

If this proposal is approved, Washington Irving will no longer admit new ninth-grade students after the conclusion of the 2011-2012 school year. The school will continue to phase out one grade level at a time until it closes following the 2014-2015 school year. Current students will be supported as they progress towards graduation while remaining enrolled at Washington Irving. In cases where students do not complete graduation requirements by June 2015, the DOE will help students and families identify alternative programs or schools that meet students’ needs so that they may continue their education after Washington Irving completes phasing out.

Washington Irving is co-located with Gramercy Arts High School (02M374, “Gramercy Arts”), an existing high school that serves students in grades nine through twelve; the High School for Language and Diplomacy (02M399, “Language and Diplomacy”), an existing high school that currently serves students in grades nine through eleven; and International High School at Union Square (02M438, “International”), an existing high school that currently serves students in grades nine through ten. Language and Diplomacy and International are both currently phasing in, gradually growing to full scale as they each add a new grade of students annually. They both will serve students in grades nine through twelve at full scale.

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. In addition, M460 houses a Young Adult Borough Center (“YABC”).<sup>1</sup>

Washington Irving offers eight Career and Technical Education (“CTE”) programs.<sup>2</sup> It admits students in ninth and tenth grades through the Citywide High School Admissions Process in screened and educational option programs. Additional information about CTE programming and the High School Admissions Process is contained in Sections III.A and III.C of the EIS. If this proposal is approved, Washington Irving will begin phasing out one grade at a time beginning in September 2012 and will complete its phase-out after the 2014-2015 school year. In separate EISs, also posted on December 22, 2011, the DOE is proposing to open two new high schools, 02M533 (“New School 1”) and The Academy for Software Engineering (02M546, “Software”), both of which will offer CTE programs, in building M460 in September 2012. The proposals can be found at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Feb2012Proposals>. The new schools are proposed to open with ninth grade, adding one grade annually and reaching full scale in the 2015-2016 school year with a grade span of nine through twelve. International and Language and Diplomacy will continue to phase in as planned, and Gramercy Arts will continue at its current grade span in the building.

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

A joint public hearing regarding this proposal was held at building M460 on January 31, 2012. Approximately 75 members of the public attended the hearing, and 48 people spoke. Present at the meeting were Shael Polakow-Suransky, Chief Academic Officer; Washington Irving SLT Chair Marian Burnbaum; International Principal Gaylea Pritchard-Silvers, Gramercy Arts SLT Representative Denise Goldman; Gramercy Arts Principal Denise DiCarlo; Language and Diplomacy Principal Sandy Mayol; Gail Wright; Mark Winter; Washington Irving SLT Representative and United Federation of Teachers (“UFT”) Chapter Leader Gregg Lundahl; Washington Irving SLT Representative Lizbeth Colin; Washington Irving SLT Representative Sharon Taylor; District 2 Community Education Council (“CEC 2”) Representative Tamara Rowe; CEC 2 Representative Sarah Chu; Citywide Council on High Schools (“CCHS”) Member Juan Pagan; CCSE Representative Ellen McHugh; UFT Vice President Leo Casey; Leslie Peña (representing Assemblyman Brian Kavanagh); Patrick McCullen (representing Assemblyman Brian Kavanagh); Jared Chausow (representing State Senator Tom Duane); Enrique Lopez (representing State Senator Tom Duane); Councilwoman Rosie Mendez; Vanessa Lopez (representing Councilwoman Rosie Mendez).

The following comments and remarks were made at the joint public hearing on January 31, 2012:

##### *1. Ellen McHugh, CCSE, asserted that:*

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<sup>1</sup> Young Adult Borough Centers (“YABCs”) are evening academic programs designed to meet the needs of high school students who might be considering dropping out because they are behind or because they have adult responsibilities that make attending school in the daytime difficult. Students graduate with a diploma from their home school after they have earned all of their credits and passed all of the required exams while attending the YABC.

<sup>2</sup> CTE programs integrate rigorous academic study with workforce skills in specific career pathways. Students participate in programs that meet business and industry standards. Students receive instruction in an industry-related area and have the opportunity to graduate high school with industry-specific competencies and skills that lead to postsecondary education, further industry training and/or entry into the workforce.

- a. This EIS is not an Educational Impact Statement, but rather an expanded building usage proposition.
  - b. The EIS does not mention new curriculum development, programs to increase proficiency in reading or math, or anything to indicate that children with disabilities will have access to new and improved academic or educational programs.
  - c. This is odd because the Deputy Chancellor says the organization is not working, and organizations are made up of people. There is nothing to suggest that the new people coming in would be able to properly serve these students, who are likely to be the same types of students currently enrolled in Washington Irving.
  - d. Up to 20% of the students at Washington Irving have Individualized Education Plans (“IEPs”), which is challenging. The issue is that when the school is overloaded with one type of disadvantaged student, it places a tremendous strain on teaching staff.
  - e. She questions whether or not the new schools would have the resources needed to serve the children currently enrolled in Washington Irving.
2. *Tamara Rowe, CEC 2 Representative, asserted that:*
- a. She has gone through the high school process with a child who has an IEP and found it dismaying that the education system becomes increasingly segregated as a child moves from grade to grade.
  - b. She has reviewed the EIS, done research, and wonders what accounts for the change between 2009 and 2011. Was it a difference in incoming students? Did the regional scores or metrics change? Was there a change in attendance?
  - c. Over the last five years, Washington Irving has lost its highest-performing students and gained many high-needs students, resulting in the school now serving a much different population. Washington Irving accepts all students, including over-the-counter-students, regardless of whether or not they have an IEP. Currently, Washington Irving has a high proportion of English language learners (“ELLs”) and 16% of its students have IEPs, 7% are in self-contained classes, and 93% are Black or Hispanic, which is very different from the other smaller schools and the small schools the mayor has opened. Washington Irving’s performance metrics are suffering as a result of serving such a high proportion of high needs students.
  - d. If the adult program at Washington Irving closes, where will the students who need specialized instruction go?
3. *Sarah Chu, CEC 2 Representative, asserted that:*
- a. Each year the DOE closes more and more schools. Closing the school will not help currently enrolled students. Current students will have two choices: either transfer to another school with a high concentration of special needs students or stay in school that is dying, and schools that are dying lose resources.
  - b. She is concerned with the use of data. You have to show diversity of data to underscore your point. An internal DOE study shows that if you concentrate high needs students in a school, the school will not be set for success. Other data show that increasing socioeconomic diversity will lead to success.
  - c. In the education system, we have some students who are very easy to educate, but we cannot take credit for their good scores when they are concentrated into

certain schools and concentrating other students with high needs into other schools. The students who need help the most are not being educated.

4. *Lizbeth Colin, Washington Irving SLT Representative, asserted that:*
  - a. 28% of Washington Irving students are high needs, including her daughter, whom she believes received the support she needs from Washington Irving staff and faculty and has received a good education. Additionally, she understands what it is like to be a high needs student because she was an ELL herself.
  - b. She heard that the school was proposed for transformation, but three months later was proposed for phase-out. She asserted that nothing can transform in three months and that the school should have been given more time.
  - c. The money will now be directed to a new school even though half of the new schools have been closed.
  - d. The DOE is trying to close the school because it does not look pretty and is old.
  - e. The DOE is playing politics with students.
  - f. She questions whether the DOE provided support to the school during the transformation and insists money is better invested in existing schools rather than opening new schools.
5. *Marian Burnbaum, Washington Irving SLT Representative, asserted that:*
  - a. She questions why children in the NYC public school system are able to miss 40 to 100 days of school without the participation of all applicable city agencies to bring these students to school or discharge them as appropriate. Washington Irving's graduation rate for students who regularly attend school would meet or exceed the Citywide average.
  - b. Washington Irving serves much higher needs populations than other schools and has a larger budget and more personnel to attend to those students' needs, but other schools have been added to the building, and the school's budget and enrollment have decreased as a result, while class size has increased. Washington Irving's strongest small learning community, the performing arts house, was carved out of Washington Irving to form Gramercy Arts High School.
  - c. This year, Washington Irving was assigned 77 over-the-counter students. Its high need students are 19% ELLs and 16% Special Education students that now leads to about 35% of its population. The school is being compared to schools with fewer high-risk and high-needs populations.
  - d. While Washington Irving's job is becoming more difficult, the DOE has shifted its progress report criteria each year. It seems like the DOE does not want schools to fully understand the rubric by which they are measured.
  - e. Washington Irving staff and faculty are among the hardest working in the DOE. They are highly qualified, some of whom have doctoral degrees. The faculty can work anywhere, but chose to work with high risk and high needs students in order to make a difference. Washington Irving and its teachers are being punished for staying to work with these students.
  - f. Students at Washington Irving need support from their teachers, but also from social workers, guidance counselors, and other professionals. Washington Irving can improve the performance with the right kind of support. The system needs to be reformed, not the school.

- g. The transformation model funding was going to help improve the school, and its attendance rate was already showing improvement during the first few months of the school year before the phase-out proposal was announced.
  - h. The school also selects some external students who applied to Washington Irving in grade nine, but the Office of Enrollment chooses not to send them to the school. She questions why the DOE did not populate these schools with an equal number of students at each program level. All schools should be composed of 25% of students at each level (1, 2, 3, 4). If you even out all schools, you would even out the performance. This should be mandatory; the system should embrace diversity and integration rather than concentrate similar types of students in separate schools. Leaving things unchanged amounts to economic segregation, which is just as harmful as racial segregation.
  - i. Because the community has worked very hard with the principal to move the school's students forward and run innovative programs and partnerships, Washington Irving and the staff deserve to be recognized and celebrated, not phased out.
6. *Gregg Lundahl, Washington Irving SLT Representative and UFT Chapter Leader, asserted that:*
- a. Phase-outs cause many people who have committed their lives to the schools being closed a great deal of pain. The teachers at Washington Irving would become ATRs if the school is phased out. There are currently a lot of ATRs assigned to Washington Irving, and it is clearly difficult to continually adapt to new schools as an ATR. Some people say the ATR is designed to try to get teachers to quit, and the more expensive, experienced teachers have given the best years of their lives but go unappreciated.
  - b. When the school closes, it will bring pain and suffering and stigma to the students and the whole community.
  - c. Manhattan's "Ivy League" schools only take 6% high-needs students and only 1% of the population in the DOE's new schools are high-needs students.
  - d. The system is set up so that some schools are assigned to win and some schools are assigned to lose, and following rules in order to avoid being a losing school does not matter because the rules keep changing. Schools are forced to warehouse students with high needs, and even if they achieve certain levels, they will be replaced with new boutique schools that get their money instead.
  - e. Students with high needs are concentrated at certain schools by design and in order to serve people with influence who know how to use the byzantine enrollment process, which creates a separate and unequal, segregated school system. All of this serves the mayor instead of the public. Later on the mayor will apologize for what he has done to Washington Irving. This has all contributed to the destruction of a 100 year-old organization within the span of ten years.
  - f. Washington Irving only had three months to use its federal grant money.
7. *Sharon Taylor, Washington Irving SLT Representative, asserted that:*
- a. Washington Irving is rare among public schools in that it embraces an inordinately large and fragile population including special education, ELLs, underserved minorities, and students who may be homeless.

- b. She believes the staff and faculty provide strong support for students and has seen her son's reading proficiency increase by four grade levels, so Washington Irving should stay open with the same staff.
  - c. Washington Irving should continue with the transformation model, and continue to receive federal funding.
  - d. Instead of opening new schools, the DOE should install new innovations into existing schools.
  - e. She takes issue with the data because it does not tell the whole story. She believes that statistics are lethal, inaccurate, and skewed. Instead, Washington Irving should be measured by its rich human outcomes.
  - f. She asks what exactly the DOE did to help transform Washington Irving.
8. *Juan Pagan, CCHS Representative, asserts that:*
- a. He lived in a NYC housing development in the Lower East Side for over 30 years and has witnessed the aftermath of what children have suffered from being marginalized and pushed to the side without any resources, as is being done at Washington Irving, Legacy School for Integrated Studies, and other schools slated for phase-out.
  - b. The phase-out process falsely characterizes the students as failures. Mr. Pagan further asserted the opinion that the DOE has ruined the most important time of students' lives.
  - c. Washington Irving is a legacy high school (many other schools throughout the city are) and is being threatened by a misguided and misgoverned DOE.
  - d. These are merely effects of a larger problem: the defective system imposed by Mayor Bloomberg that ignores the democratic process, excluding parents, teachers, and educators. They have excluded the people whom it affects the most, the ones who could make a difference. The DOE has been using children as expendable pawns in the game to set up schools to fail, then close them.
  - e. The Mayor brags about a high success rate, though only 13% of Black and Latino children are prepared for college.
  - f. He questions how many students out of that 87% of Black and Latino students, who are not prepared for college, end up in remedial courses in college, drop out, become unemployed, or end up in jail?
9. *City Councilwoman Rosie Mendez asserted that:*
- a. She opposes the DOE's proposal to phase out Washington Irving. Washington Irving has not been provided sufficient time to implement the original transformation model. The school has shown improvement in the past three years: an increase in the graduation rate from 38% to 55%. Yet, after one year of a decrease in the graduation rate this past year (to 48%), the DOE has proposed phase-out. The DOE should consider all the prior years besides this last one in terms of years of improvement. Principal Bernard Ascona should be commended for the improvements he's made. Teachers should be commended and the community should not be punished through closing the school.
  - b. The DOE publicized that it planned to close the school in October, in November it had meetings with the community and parents, and in December it announced two new schools that are going to be placed. Two weeks into January, the Mayor announced at the State of the City that one of the schools is going to be Software

Engineering Academy. All of this led up to tonight's hearing and prior to the Panel for Education Policy hearing. The speed of this process shows a lack of respect for the democratic process, and it seems that this is a predetermined decision to allow this school to close.

10. *Leo Casey, Vice President of the United Federation of Teachers, asserted that:*
- a. This is a case of failure by design. When Merryl Tisch says the DOE is warehousing high-needs kids in schools without providing resources, she could have been talking about Washington Irving.
  - b. The DOE says the new schools have the same population as the old school, and met the city average. However, the old schools were concentrated with special-needs students, with ELLs, much higher than the city average. One school has huge numbers of self-contained students and other school has only minimally disabled students. The DOE must stop warehousing students with high needs in the Washington Irving across the city and give the students the chance they deserve and give the schools the ability to serve them.
  - c. To cover up the reality of the pre-determined nature of the phase-out and the process through which the DOE has arrived at the phase-out, the DOE plays a statistical three-card monty. This is lying by statistics and dishonorable behavior for an educator who should be about educating all students.

*Oral comments made at the joint public hearing*

11. Several commenters asserted that the Mayor is not collaborating with parents and teachers.
12. One commenter asserted that half of the students are levels one and two when they enroll, but 50% of special education students are now graduating with regents and local diplomas. It is a success when students who come in not reading get to sixth-grade reading level by graduation.
13. One commenter asserted that as a special education expert in other high-performing schools, she had been asked to help them get rid of special education students, insisting that these other schools are not following the rules and must be held accountable.
14. Several commenters asserted that this process is destroying the community and that the Mayor prefers to destroy, rather than support. They expressed the opinion that these policies will greatly harm children who attend these phase-out schools.
15. Many commenters asserted that the most vulnerable children (i.e. special needs students and ELLs) are being concentrated together and warehoused, ultimately dropping out.
16. Several commenters asserted that charter schools, which are harder to get into than Washington Irving, are going to enter the building.
17. Many commenters asserted that the teachers at Washington Irving are high-quality professionals who work beyond school hours and care deeply about their students.
18. Several commenters asserted that Washington Irving is more than just a school, that it is often the only place of safety and stability in the lives of hundreds of children.

19. A commenter asserted that students at Washington Irving are taught not only standard academics, but also social graces and things they need to survive in the real world.
20. One commenter asserted that the students who are not accepted at schools such as Stuyvesant and Brooklyn Tech would be forgotten.
21. One commenter asserted that the destruction of Washington Irving started with the previous principal.
22. Several commenters asserted that the current principal, Bernardo Ascona, has improved the school.
23. One commenter asserted that the Mayor wants to bring in charter schools, run by corporations he owns.
24. One commenter asserted that the DOE does not have money because charter schools only pay \$1 per year in rent.
25. One commenter asserted that the new school is going to be limited unscreened, but that does not guarantee they will serve special needs students.
26. One commenter asserted that many of her students live in homeless shelters who are difficult to track down when they miss class. The staff at Washington Irving make daily phone calls and home visits, but attendance continues to drop.
27. Many commenters asserted that Washington Irving serves all students, including large proportions of the most challenging students, such as those in self-contained classes, but many other high-performing schools simply do not take these students.
28. One commenter asserted that Bette Midler donated one million dollars for a beautiful library, but the school cannot afford a librarian.
29. One commenter questioned the statistics related to special education asserting that there are two categories of special education: most restrictive and least restrictive. Gramercy Arts auditions students and 12% are in least restrictive special education while and 0% are classified as most restrictive. The commenter asserted that Washington Irving, with over 1,000 students, has 10% classified as least restrictive and 9.47% classified as most restrictive. The commenter asserted that Language and Diplomacy is limited unscreened, 16% least restricted, and one student is most restrictive. International is screened, one student is least restrictive, and no student is most restrictive. The commenter asserted that the other schools in the building do not accommodate special needs students to the same degree as Washington Irving.
30. Several commenters asserted that they do not know what to tell their children or students about what is going to happen to Washington Irving or what is going to happen to the students as the school is phased out.
31. One commenter asserted that the Deputy Chancellor is not answering questions directly, but instead giving statistics.
32. One commenter asserted that it is always an exciting opportunity to walk into this school, as it is over 100 years old and has a committed faculty. She has been to graduations and asserts that it could have the future president or mayor.
33. Several commenters asserted that the decision has already been made to phase out the school and that the public hearing is meaningless.
34. One commenter asserted that the Mayor, Chancellor, and Deputy Chancellor do not care about what happens to the school, but the Washington Irving community cares.
35. One commenter asserted that she is a volunteer in the school, worked in District of Columbia Public Schools in a variety of high-needs schools that served similar

populations. She asserted that Washington Irving is the best school serving high-needs populations she has ever seen.

36. Several commenters asserted that they are examples of Washington Irving's success because they attended and graduated from the school and went on to college.
37. Several commenters asserted that when you phase out a school, you phase out students' desire and encouragement.
38. One commenter asserted that her daughter has progressed very well at Washington Irving and that she is not proud of what DOE is doing.
39. One commenter asserted that she has many family members that have attended schools throughout NYC and that she has never seen such a hard working principal as Bernardo Ascona. She asserted that Bernardo Ascona is not a principal who is prejudiced. Instead, he is for every race and interested in seeing everyone reach the top.
40. Several commenters asserted that Washington Irving's parent coordinator, Mr. Ariza, is very hard-working.
41. Two commenters asserted that they are 2011 Washington Irving graduates who were enrolled in college. They asserted that their time at Washington Irving was well worth it and that, even though they had difficulties, their teachers and principal strived for the best for them.
42. Two commenters asserted that the staff and faculty brought the school grade from an F to a C, but that students were dumped at Washington Irving, the police department invaded the school because of the Mayor, but that they survived, graduated, and went to college.
43. Two commenters asserted that the DOE has made Washington Irving carry deadweight, students who may not even be at the school anymore.
44. Several commenters asserted that Washington Irving has made measurable progress over the past three years, steadily making strides on AYP, graduation rates, and credit accumulation.
45. Several commenters asserted that they do not understand why the DOE's strategy has changed so frequently: restart one year, then transformation, then turnaround, and then phase-out.
46. One commenter asserted that if the DOE knew this was going to happen, it should have given Washington Irving a chance to put forward its own proposal to open its own new school; it is not fair.
47. One commenter asserted that his students come from all over NYC, such as East New York, the Lower East Side, Washington Heights, Parkchester. The only place they do not come from is Gramercy.
48. One commenter asserted that when his mother died, his students made him a thousand cranes; this is not an atmosphere of failure, it is an atmosphere of love.
49. Several commenters asserted that if the school closes, its students would be pushed around in the system.
50. Several commenters asserted that the DOE is only looking at numbers, but need to put numbers aside and look at the students.
51. One commenter asserted that students, who have worked so hard to improve their school, should be rewarded, not punished.
52. One commenter asserted that most of the students he works with come to this country recently and are expected to pass the regents exam in two years; Washington Irving takes children like these and deals with them.

53. One commenter expressed a strong objection to a multi-billionaire mayor having control of the school system. It is something the Occupy Movement understands, and others are beginning to get.
54. One commenter asserted that he was called by his son's assistant principal in Tennessee asking him to bring his son with him to NYC. He was failing, but Washington Irving helped him move from an F student to an A and B student.
55. One commenter asserted that the teachers are excellent but sometimes get distracted by other students who misbehave.
56. Several commenters asserted they have family members who wish to attend Washington Irving in the future.
57. One commenter asserted that to say a failing school cannot turn around is like saying a failing student cannot graduate. Washington Irving has had many successful graduates, thus the school is capable of more than the DOE believes.
58. One commenter asserted that Washington Irving has very high education standards and a strict attendance policy.
59. One commenter asserted that her son enrolled in Washington Irving from Florida in September. He passed all his regents exams, thus, Washington Irving is not failing.
60. One commenter asserted that the DOE is only looking at the graduation rate and attendance, but not at student stories. She asserted that she arrived in 2005 without very much English and is now successfully taking college-level classes at Columbia with encouragement from the guidance counselor.
61. One commenter asserted that he is a Washington Irving senior. He grew up in a broken home, lived in a homeless shelter, but now plans to graduate and go to college. He asserts that closing the school would destroy memories and impact everything he has learned.
62. One commenter asserted that she graduated from Washington Irving in 2005 and had baby while at the school. Her English teacher encouraged her to stay; she graduated, is now a college graduate, and will become a high school English teacher.

The following questions were submitted in writing at the joint public hearing on January 31, 2011.

63. Several commenters asked what the DOE did to support Washington Irving and avoid this situation from happening.
64. One commenter asserted that the peer index for the 2010-2011 report card was calculated on the eighth-grade test scores of less than half of the school's population. The commenter questions why Washington Irving is being judged by such faulty data. The commenter questions how the progress report could capture a realistic picture of Washington Irving's progress when less than half of the population's baseline abilities are accounted for.
65. Several commenters asked how the DOE expects a school to improve if it is labeled as a persistently low-achieving school. How would a child achieve if he/she is labeled a low achiever? What parent would want to send his/her child to a low-achieving school?
66. One commenter asked what is the quality and ranking of the other schools mentioned in proposals for the new schools. How would co-locating these other schools improve the quality of Washington Irving and why?

67. One commenter asked whether the new proposed high school's admissions process will be screened or unscreened.
68. One commenter asked why the Office of Enrollment does not send Washington Irving high-achieving students who apply to the school and whom the school ranks.
69. Several commenters asked where the turnaround money will go if Washington Irving is phased out.
70. One commenter asked what the new schools are going to do that the current school cannot do.
71. One commenter asked why the DOE is investing money in new schools when it is cheaper to invest in existing schools.
72. One commenter asked how the current students get support at a phase-out school as it gets fewer and fewer resources.
73. One commenter asked, if the DOE proposes to close Washington Irving because it is failing, then why does it continue to send high-needs students to the school. Why does the DOE continue to send over-the-counter students to schools it wants to close?

### **III. Summary of Issues Raised at the Hearing Not Related to the Proposal**

- *Lizbeth Colin, Washington Irving SLT Representative, asserted that:*
  - a. She felt very insulted as a parent when the Deputy Chancellor arrived at a past parent engagement meeting late.
- One commenter asserted that the Mayor has reorganized system many times, first wanting to cut vocational education and then wanted to reinstate it.
- One commenter asserted that it is shameful that business leaders and politicians run the accountability system rather than educators.
- One commenter asked why there is no accountability for the ineffective mayoral control.

### **II. Summary of Issues Raised in Written and Oral Comments Submitted to the DOE regarding the proposal**

In total, 7 comments were received from 7 individuals (via email or phone) opposing the proposal. The comments cited the following reasons for that opposition:

74. Multiple commenters asserted that Washington Irving is not a failing school and only needs time and resources to turn around. Programming and budget cuts have hurt the school. The DOE's and the New York State Education Department's policies are what have caused Washington Irving to perform poorly, such as the Children First Network support structure that does not seem to work.
75. Multiple commenters asserted that the highest performing students at Washington Irving have been rerouted away from the school to Gramercy Arts, leaving a large high needs population behind. In return, high-needs students have been sent to Washington Irving in much higher proportions than other schools, especially charter schools and the new schools created under Mayor Bloomberg. In fact, only two high schools in Manhattan, Washington Irving and Murray Bergtram, accept special education students requiring a 15:1 self-contained setting, which violates federal law and is discriminatory. 33% of

Washington Irving students are ELL or have disabilities. Moreover, students who are enrolled in Washington Irving come in with very few students performing on grade level.

76. Multiple commenters asserted that the phase-out has been proposed in order to make way for a charter school, to get rid of teachers who will have to become ATRs, and/or privatize education and funnel cash to consultants and education corporations.
77. Multiple commenters asserted that Washington Irving should not be phased-out because Washington Irving has produced success stories for the majority of the students that have attended it in the past and who attend it now, and there are thousands of kids who need to go to a school like Washington Irving.
78. One commenter asserted that Washington Irving teachers have been successful with special education students despite the onerous requirements from the DOE, all of which they have met. The problem does not lie with the school but lies with the DOE.
79. One commenter asserted that the DOE has closed nearly all of the vocational high school programs in the City, and opening new ones now is reinventing the wheel.
80. One commenter asserted that a lot of money could be saved by keeping existing schools open and not operating so many small schools in the same building.
81. One commenter asserted that as a special education expert in other high-performing schools, she had been asked to help them get rid of special education students, insisting that these other schools are not following the rules and must be held accountable.

5 comments were received from 2 individuals (via email or phone) supporting the proposal. The comments cited the following reasons for that support:

82. Multiple commenters asserted, as neighbors to the school, that the school should be phased out because it is obvious that academic quality and behavior of the children has not improved over the past several years. There have been incidents of violence that have caused concern to nearby residents, and students block the way for passersby on the streets and sidewalks. The school is turning the area into a rough and frightening neighborhood.
83. A commenter asserted that Washington Irving should be phased-out and no new schools should put into the building unless they require academic achievement as a prerequisite for admission because it is otherwise just shuffling kids around and serving high-needs students in the building is not serving the neighborhood well. The building should be used for a charter school or government offices instead.

A letter was received from CEC 2 Representative Sarah Chu reiterating points she made at the joint public hearing and expressing additional points.

84. She does not support the proposal for the following reasons:
  - a. Closing Washington Irving would cut short the potentially transformative process that is in progress at the school. Though Washington Irving was given an opportunity to improve through the School Improvement Grant Transformation model, the DOE cut this opportunity short.
  - b. The DOE should infuse new resources at Washington Irving instead of phasing it out. That the school's improvement is not at the pace acceptable to the DOE is not a signal for closure, but rather, it is a signal for more resources. All other options have not been exhausted yet.

- c. Washington Irving’s 2010-2011 Quality Review does not support the notion that the school should be phased out.
- d. Chief Academic Officer Suransky’s characterization of community expressions to keep the school open as saying that Washington Irving students cannot learn misrepresents the community. Rather, the community was saying that the school cannot be overloaded with challenges and stripped of resources, yet be expected to flourish.

Class Size Matters (“CSM”), submitted written comments objecting to all of the proposed phase-outs and truncations proposed by the DOE.

85. In opposing the DOE’s proposal to phase-out and eventually close these schools, the CSM comments cited the following reasons:

- a. 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;
- b. The Citywide Instructional Footprint does not include class size standards;
- c. 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;
- d. The community members, faculty, and families of schools that have been proposed for phase-out have opposed the proposed phase-outs and truncations;
- e. 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.

#### **IV. Analysis of Issues Raised, Significant Alternatives Proposed and Changes Made to the Proposal**

##### Success of Replacement Schools

Although the comments in this category relate more directly to the proposals to co-locate new schools in building M460, the DOE is including responses in this comment analysis as well.

Comments 1c, 25 relate to the projected demographics of the new schools proposed for co-location in building M460.

Comparing the student demographics of the high schools the DOE has already phased out to the small schools created in their place, the schools are very similar in terms of the percentages of Black and Latino students, ELLs, and students with disabilities. The new schools on the whole serve more Black, Hispanic, and students with disabilities than the schools they replaced and than the Citywide average:

- Black or Hispanic
  - New Small Schools – 93.1%
  - Phase Out Schools – 92.7%
- ELL

- New Small Schools – 16.9%
  - Phase Out Schools – 16.2%
- SPED (with IEP's)
  - New Small Schools – 13.9%
  - Phase Out Schools – 13.3%
- Self-Contained
  - New Small Schools – 2.5%
  - Phase Out Schools – 4.8%
- Integrated Co-Teaching
  - New Small Schools – 8.7%
  - Phase Out Schools – 0.1%

Comments 66 and 70 ask about the background of the schools proposed for co-location and how they are a better option than Washington Irving.

The two schools proposed to be opened and co-located in building M460 will be new schools, so do not have any data yet. The two schools are each described in their own EISs, which were also published on December 1, 2011. Moreover, 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.)

The DOE's 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. Moreover, the two new schools will be Career and Technical Education ("CTE") schools that offer programs within the Health Science, Information Technology and Scientific Research and Engineering career clusters.

Comments 71, 79 draw into question why the DOE is investing money in new schools instead of investing in existing schools.

Indefinitely trying to improve a school that has struggled for years is not a gamble the DOE is willing to take. The DOE has had success across the City by replacing the lowest-performing schools with new schools that do better. The DOE owes it to families to give them the best possible options, and in some cases that means replacing low-performing schools with new ones. Considering the more positive student outcomes from the replacement of the lowest-performing schools, it is more cost-effective to spend money on new schools than to continue to fund schools that are not able to turn around.

Comment 79 asserts that opening new CTE schools after having closed so many of them is an inefficient strategy.

The DOE is committed to providing high-quality CTE programming to students. When a school is unable to serve its students well, whether it the school offers CTE programming or not, sometimes intervention as severe as phase-out is required. Due to its commitment to high-quality CTE programming, the DOE has proposed to open two new CTE schools in building M460, and the DOE believes that these new schools will be able to serve their students at better than Washington Irving's performance indicates it has.

Comment 83 asserts that the new schools should screen their students or charter schools or government offices should fill the space.

The two new schools proposed to be co-located in M460 will be limited unscreened schools, meaning any student may apply to enroll in these schools. The DOE is committed to using its space efficiently to create strong options for all of its students and has not proposed to create new schools in the building that screen students.

#### Proportion of High-Needs Population

Comments 2a, 2c, 3b, 5c, 6e, 10a, 10b, 12, 13, 15, 47, 75, and 81 assert that students with high needs are assigned to and concentrated in specific schools.

In New York City, high school admission is based on a Citywide choice process, with students ranking up to 12 high school programs in order of preference. High school students with IEPs are admitted in the same manner as general education students. ELL students are admitted to high schools in the same manner as their non-ELL peers. The DOE does not guide students into certain schools based on whether they are part of a particular demographic group. Many schools Citywide serve high proportions of high-need or underserved populations and produce positive academic outcomes, as described in the response to the next set of comments below.

Additionally, according to the 2011 Progress Report, Washington Irving was composed of 20% ELLs, 66% students receiving free lunch, 17% students with IEPs, 6% students in self-contained ("SC") classes, 3% students in Integrated Co-Teaching ("ICT") classes, and 5% students with Special Education Teacher Support Services ("SETSS") modifications. Meanwhile, the Citywide averages of those populations were comparable, with 13% ELL, 66% free lunch, 15% IEP, 3% SC, 6% ICT, and 4% SETSS.

Comments 1d, 2d, 3d, 4a, 5e, 7a, 10c, 12, 26, 27, 42, 43, and 52 assert that Washington Irving has faced difficulties because of its high level of high needs students relative to other schools who are more difficult to serve than other students. Washington Irving should be evaluated in light of this disparity between it and other schools.

Washington Irving’s performance has been evaluated with consideration for the proportion of high needs populations it serves. The progress report uses a peer index to compare schools serving similar students in terms of demographics. Schools in the lowest peer index have the highest-need students in terms of demographics.

Schools earning Ds and Fs represent only about 19% of the grades earned by schools in the bottom third of the peer index, and about 17% of grades earned by schools in the middle third. On the other hand, 51% of schools in the bottom third earned As and Bs and 60% of schools in the middle third earned As and Bs. There are many more schools with a very low peer index—as low as the schools proposed for phase out—that earned As and Bs than earned Ds and Fs.

The schools that earned Ds and Fs did not receive those grades because they have high-need students; they received those grades because they are not serving those students well, objectively and by comparison to other schools serving similar students. For example, of the graded schools with the ten lowest peer indexes (the ten highest-needs schools in New York City), three schools received As, one school received a B, three schools received Cs, and only three received a D or F.

In fact, schools in the lowest third of the peer index that received As and Bs are demographically similar to the schools in the lowest third that received Ds and Fs:

	<b>D's &amp; F's (21 Schools)</b>	<b>A's &amp; B's</b>
Avg % IEP	18.8%	19.0%
Avg. % CTT/SC	13.0%	14.0%
Avg. % Over-age	9.7%	11.3%
Avg. % Free/Reduced Lunch	79.8%	82.5%
Avg. % male	49.5%	50.7%

Comment 29 asserts that Washington Irving serves a high population of students that require the most restrictive environment versus least restrictive environment, in comparison to other schools.

While it is true, as indicated above, that 13% of Washington Irving students are served in SC and ICT classes, there are many other schools, also as indicated above, that serve the same proportion of students in these settings that perform at a higher level than Washington Irving.

Comments 6c and 10b assert that the new schools that have been opened under mayor Bloomberg are not serving high needs students.

As detailed above, new schools that have replaced phase-out schools have served largely the same proportions of high needs students as the schools they have replaced.

Comment 73 asks why the DOE continues to assign high-needs students to the school and send students through the over-the-counter process if it intends to close the school.

If this proposal is approved, Washington Irving will no longer admit new students beginning in the 2012-2013 school year. However, the school has not yet been approved for phase-out, and so it has continued to serve students in the same manner as all other schools not approved for phase-out.

#### High School Admissions Process

Comments 5h, 68 assert that Washington Irving does not receive all the particular students it requests in the High School Admissions Process.

As explained above, high school admission is based on a Citywide choice process, with students ranking up to 12 high school programs in order of preference. Students are matched to high schools based on their preference. Therefore, enrollment at a particular high school may depend in part on demand for that school. As stated in the EIS, demand for Washington Irving has fallen steadily over the past few years. Washington Irving High School has four Educational Option programs and two Screened programs to which students apply as part of the High School Admissions Process. Between 2009-2010 and 2010-2011, demand for its Educational Option programs decreased significantly from 3.3 applications per seat to 1.5 applications per seat and remains well below the Citywide average of 8.5 applications per seat across all school programs.

Comment 5h asserts that students should be enrolled with a more equitable distribution across schools.

Again, students are admitted to high schools based on a Citywide choice process and are matched to schools based on their ranking of that school. Washington Irving does admit students to four of its six programs through the Educational Option admissions method. Educational option programs are designed to attract a wide range of academic performers. Each program has a certain proportion of seats reserved for students with high, average, and low reading levels. From the applicant pool, half the students are chosen from among students ranked by the school administration and half are selected randomly. If students score in the top 2% on their previous year's English Language Arts reading exam and list an educational option program as their first choice, they are guaranteed a match to that program.

Comment 67 asks about the admissions policy of the new schools proposed for co-location.

Both new schools are proposed as limited unscreened schools, meaning any student may apply to these schools.

## Decision to Phase-out Washington Irving

Comment 2b asks what the factors were that led to Washington Irving's struggles.

Just as numerous factors led to the decision to propose the phase-out of Washington Irving. However, no one single factor could be pointed to as the cause of the school's struggles; Washington Irving has struggled for years with low attendance rates and other factors that have led to significantly low school environment survey results. Over the years, the DOE has identified these struggles and provided targeted supports, yet Washington Irving has been unable to improve. Washington Irving's struggles are longstanding and demonstrate that a significant structural change is necessary and Washington Irving does not have the capacity to turn around quickly. Some of these factors that led to the decision to phase-out Washington Irving include:

- Graduation rates at Washington Irving have remained at or below 55% for the last ten years. Last year, Washington Irving High School's four-year graduation rate (including August graduates) was 48%—well below the Citywide average of 65% and in the bottom 7% of high schools Citywide.<sup>3</sup>
- If Regents diplomas alone counted toward graduation—as will be the case next school year—the four-year graduation rate at Washington Irving would drop to just 41%, in the bottom 18% of high schools Citywide.
- First-year credit accumulation is a key predictor of student success because students who fall behind early in high school often have trouble getting back on track to graduate. In 2010-2011, 72% of first-year students at Washington Irving High School earned at least 10 credits, which puts Washington Irving in the bottom 29% of high schools Citywide. (The Progress Report defines students earning at least 10 credits as students who earn at least 6 of those 10 credits in 3 of the following 4 subject areas: Math, English, Science, and/or Social Studies.)
- 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. Washington Irving earned an overall F grade on its 2010-2011 annual Progress Report, with D grades on Student Progress and School Environment, and an F grade on Student Performance.
- Additionally, in 2009-2010 and 2010-2011 the school was designated by the State as Persistently Low Achieving and is currently implementing the Transformation federal SIG model.

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<sup>3</sup> The 2011 graduation rate cited for Washington Irving represents the City's calculation of the four-year graduation rate on the 2010-2011 Progress Reports. Like the State-calculated Citywide graduation rate, it includes August graduates, and typically there is only modest deviation between our calculation and the State-calculated rate. State-calculated graduation rates for the Washington Irving Class of 2011 are still being audited by the State and will not likely be available until Spring 2012, at which time the State-calculated Citywide graduation rate for 2011 will also be released by the New York State Education Department. The most recent available State-calculated Citywide average four-year graduation rate (including August graduates) was 65% for the Class of 2010.

- Only 30% of students in the Class of 2010 (students who entered high school four years earlier) enrolled in a two- or four-year college by December 31, 2010, 20 percentage points below the Citywide average of 50%, putting Washington Irving in the bottom 15% of high schools Citywide.
- The school's attendance rate remains below most other high schools. The 2010-2011 attendance rate was 74%, compared with the Citywide high school average of 86%, putting Washington Irving in the bottom 3% of all high schools Citywide in terms of attendance.
- Demand for Washington Irving has fallen steadily over the past few years. Washington Irving High School has four Educational Option programs and two Screened programs to which students apply as part of the High School Admissions Process. Between 2009-2010 and 2010-2011, demand for its Educational Option programs decreased significantly from 3.3 applications per seat to 1.5 applications per seat and remains well below the Citywide average of 8.5 applications per seat across all school programs.

Comments 4d, 4e, 6a, 6d, 16, 23, 53, 76 assert that the DOE has ulterior motives for closing Washington Irving, beyond the school's academic struggles.

The DOE has proposed the phase-out of Washington Irving for the reasons outlined in the EIS and detailed above. The DOE does not believe the school can turn around quickly enough to support student needs and produce positive student outcomes. The DOE decided to propose the phase-out of Washington Irving without consideration of any other factors not related the performance of Washington Irving, demand for the school, and the school's ability to serve students.

Comments 5i, 7b-d, 8c, 17, 18, 21, 22, 32, 35, 36- 42, 44, 47, 48, 51, 54, 55- 60, 62, 74, 77, 78, 80, 84b, and 84c assert that the school should not be phased out because it needs more time to improve, it does not deserve to be phased out, its rich history should be preserved, it has too many success stories to be a school that needs to close, and/or keeping the school open is a better idea than opening new schools.

As stated in the EIS, the DOE has proposed to phase-out Washington Irving based on its poor performance and the DOE's assessment that the school lacks the capacity to turn around quickly to better support student needs. In a concerted effort to ensure that all students have access to high-quality school programs, the Department of Education annually reviews the performance of all schools Citywide.

First, the DOE compiles a preliminary list of schools that meet one or more of the following criteria:

- Received a grade of D, F, or a third consecutive C or worse on the 2010-11 Progress Report; and/or
- Received a rating of Underdeveloped on the most recent Quality Review; and/or

- Was identified as Persistently Lowest-Achieving (PLA) by the State Education Department; and/or
- Received a recommendation on their 2010-11 JIT review for significant change in organizational structure (type c) or phase out/closure (type d).

Next, the DOE applies additional criteria to determine which schools are most in need of support or intervention. The DOE removes from consideration schools that meet any of the following criteria:

- High Schools that have a higher graduation rate than the city average. The city average for 2010-11 is 65.1%; and/or
- Schools that received an A or B on the 2010-11 Progress Report; and/or
- Schools that earned a Well Developed or Outstanding score on the most recent Quality Review; and/or
- Schools receiving a Progress Report for the first time in 2010-11.

The DOE identifies the schools that are on the list as struggling schools.

Some of the struggling schools are further investigated for more serious interventions that may include phase out and replacement. The DOE narrows the list by looking at a few key data points:

- Student performance trends over time;
- Demand/enrollment trends over time;
- Interventions already underway (e.g. SIG model);
- Talent data;
- School culture / environment;
- District needs / priorities; and
- School safety data.

For this smaller set of schools, the DOE undertakes in-depth conversations with school communities and networks to get a granular sense of what is happening at this school, and whether more significant action is needed. The DOE continues to consider performance data, school culture, and demand information.

The DOE also does early engagement with these schools' leadership, parents, and community leaders to hear their opinions on why the school is struggling and what can be done to address its weaknesses. This year the DOE held meetings at 47 schools (41 district schools and 6 public charter schools) and incorporated feedback from these meetings into the investigation process.

As discussed in detail in the EIS, no single factor determines whether a school will be proposed for phase out or truncation.

Despite attempts to help a school meet the needs of its students, a school still may not develop the culture and conditions to effectively support student achievement and success. In these cases,

in which additional support is not helping a school turn around quickly enough to support students, the DOE believes that structural changes to the way a school is organized are needed.

Comments 6b, 8a, 14, 34, 37, 61 assert that phase-out is painful for the community.

The DOE agrees. Deciding to phase out a school is the toughest decision the Department makes. But it is the right thing to do for the students of New York City. Indefinitely trying to improve a school that has struggled for years is not a gamble the DOE is willing to take. As discussed above, the DOE has had success across the City by replacing the lowest-performing schools with new schools that do better. The City owes it to families to give them the best possible options, and in some cases that means replacing low-performing schools with new ones.

Comments 1a, 1b, 7e, 18, 19, 31, 50, 60 assert that the DOE's measures used to evaluate Washington Irving are not adequate and they do not capture the human element. The measures are too reliant on statistics.

As stated above, the decision to propose the phase-out of Washington Irving is not dependent on any single factor. Also, as explained above, the DOE works hard to capture a holistic understanding of the school as an organization by undertaking in-depth conversations with school communities and networks to get a granular sense of what is happening at this school, and whether more significant action is needed. The DOE also conducts early engagement with these schools' leadership, parents, and community leaders to hear their opinions on why the school is struggling and what can be done to address its weaknesses. However, the DOE continues to consider performance data, school culture, and demand information. The DOE believes that its approach of starting with data and incorporating other information based on conversations with school communities is the best way to evaluate the long-term prospects of a school.

Comment 8b asserts that the phase-out process characterizes students as failures.

The DOE does not consider any students to be failures. The proposal to phase-out Washington Irving is based on the school's ability to serve its students, and not on the students' abilities to keep the school opened. To be sure, student performance is dependent on the quality of education they are receiving from their schools. If a school is not producing positive student outcomes, it is not due to the failure of the student body.

### YABC

Comment 2d asserts the people who attend the YABC will have nowhere to go if this proposal is passed.

As stated in the EIS, the YABC program will continue to operate in the M460 building as Washington Irving phases out and will not be affected by the proposed phase-out. Once the

phase-out of Washington Irving is complete, the YABC program is expected to remain in the building and will continue to provide services as long as there is demand for the program.

#### Impact on Current Students at Washington Irving

Comments 3a, 30, 37 question what will happen to current students at Washington Irving if the proposal is passed.

As described in the EIS, students currently enrolled at Washington Irving will have the opportunity to graduate from Washington Irving, assuming that they continue to earn credits on schedule, in addition to the following options:

- Current, first-time ninth-grade students would have the option of completing high school at the school if they continue to earn credits on schedule. They may also apply to attend a different high school as a tenth-grader in September 2012 by participating in the second round of the High School Admissions Process in March.
- Current, repeating ninth-grade students would complete high school at the school as long as they earn credits on schedule. As the school becomes smaller, these students would receive more individualized attention to support them toward graduation and to help them prepare for post-secondary education and/or career plans. Students would also be encouraged to meet with their guidance counselor to review progress toward graduation.
- Current tenth-, eleventh-, and twelfth-grade students who are on track to graduate would complete high school at the school if they continue to earn credits on schedule. As the school becomes smaller, these students would receive more individualized attention to support them toward graduation and to help them prepare for post-secondary education and/or career plans. Students would also be encouraged to meet with their guidance counselor to review progress toward graduation.
- Current tenth-, eleventh-, and twelfth-grade students who are not on track to graduate should meet with their guidance counselors to review their progress toward graduation and to discuss their options. Students could complete high school at the school or consider applying to a transfer high school.

Comment 72 asks what will happen to students as resources dwindle because the school loses enrollment due to the phase-out.

As stated in the EIS, Washington Irving will continue offering all classes needed to support current students as they work to meet graduation requirements and earn their high school diplomas. As total enrollment at the school declines throughout the course of the phase-out, the school will likely need to scale back its elective course offerings. It is difficult to predict how those changes might be implemented, as decisions would rest with school administrators and would be based on student demand as well as staff and budget conditions at the school. As appropriate, the DOE will work with Washington Irving to ensure that students continue to have opportunities to pursue elective academic coursework through collaborative offerings with other schools in the building, online coursework, or in partnership with higher education institutions in the City. Washington Irving will continue offering student athletics and other extracurricular

program options, but the number and range of programs offered may gradually diminish due to declining student enrollment as the school phases out. The availability of the Public School Athletic League (“PSAL”) program for the schools in M460 is not expected to diminish as a result of the phase-out proposal because all schools in the building participate in the program.

Generally, as the school becomes smaller, students receive more individualized attention and support to help them advance through to graduation. Students who are not on track to graduate meet with their guidance counselor to discuss their options. Depending on their age, academic profile, and credit accumulation, some students may be better served at a Transfer High School or Young Adult Borough Centers. These programs have strong track records for helping over-age, under-credited students get back on track toward graduation.

The data recently released as part of guidelines set by Local Law 2011/043 supports these claims:

- Four New York City public high schools stopped serving students in July 2011: Bronx Coalition Community School, Canarsie High School, EBC/ENY HS for Public Safety & Law, and Far Rockaway High School.
- Prior to phase-out, these schools struggled to meet basic requirements for student success. In 2007, just 35.7% of students that entered these schools four years earlier graduated on time. The schools’ combined graduation rate increased to 37.0% in 2008, 39.7% in 2009, and 44.5% in 2010.
- 17.2% of students transferred to another DOE school or Young Adult Borough Center (YABC) and 22.1% voluntarily withdrew or were discharged after 20 consecutive days of non-attendance.

The data above is only for students still enrolled in the last year of phase out in schools that closed in 2011. However, the positive graduation rate trends are born out in the data Citywide. On average, a school’s graduation rate improves as the school phases out; prior to phase-out schools had an average graduation rate of 38.0% while the average graduation rate in a school’s closure year was 56.4%.

#### Options for Students Who Would Otherwise Attend Washington Irving

Comment 20, 49 questions where students who would otherwise attend Washington Irving would go to school if the proposal is passed.

As stated above, there is a very low demand for seats at Washington Irving. Nonetheless, as stated in the EIS, there are 120 schools in Manhattan that admit students through the over-the-counter process. Additionally, as stated in the EIS, the proposed phase-out of Washington Irving is one of several previously and concurrently proposed changes to high school seats in Manhattan. These proposed changes include: phasing out schools, co-locations of new schools to replace phase-out schools, grade expansions of existing schools, and enrollment expansions of existing schools.

The DOE plans for high school capacity on a borough-wide basis and bases enrollment planning on ninth-grade seats. Taking into account the planned and proposed changes to high school

utilization in Manhattan, with the addition of the 495-552 ninth-grade seats in new high schools, grade expansions at middle schools, and enrollment expansions at high schools, as compared with the loss of 367 seats from the proposed phase-out schools, the DOE will have created more than enough new ninth-grade seats to offset those lost. Factoring in all anticipated increases and decreases, there would be a net additional capacity of approximately 128-185 new seats in Manhattan for September 2012.

For the 2011-2012 school year, there were a total of 16,267 ninth-grade seats available in Manhattan.<sup>4</sup> A total of 15,905 new ninth-grade students enrolled in Manhattan high schools in 2011-2012, leaving 362 excess seats borough-wide.

### Persistently Lowest-Achieving

Comment 65 asks how a school can thrive if it has been labeled a Persistently Lowest-Achieving (“PLA”) school, considering the stigma of that label for the students and the school.

The DOE does not label schools as PLA. Rather, that determination is made by the New York State Education Department (“SED”). All schools identified by the SED as PLA, regardless of the school’s Progress Report grade and Quality Review scores, are considered for more intensive support or intervention including the possibility of phase-out. In December 2010, SED identified 67 PLA schools across the State, including 43 in New York City. High schools are identified as PLA based on the school’s graduation rate and/or their state test performance.

### School Improvement Grant

Comments 4b, 5g, 6f, 7c, 9a, 45, and 84a assert that Washington Irving has not been given enough time to use its school improvement grant. They also question why the DOE has changed its mind.

The DOE had early engagement conversations with three schools that are currently in the Transformation model, including Washington Irving.

These schools were put into the Transformation model because the DOE believed the core supports which are part of the model could potentially raise student achievement under the leadership of a principal who has a track record of success. However, because performance gains at these schools are unacceptably low, the DOE needed to take a closer and deeper look at the schools to determine whether Transformation is the appropriate intervention for the school and students.

The DOE proposes phase out for schools when a combination of factors leads us to believe that a school cannot support student achievement, even with additional financial and programmatic

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<sup>4</sup> Current ninth-grade seat capacity is based on 2010-2011 ninth grade seat targets for all high schools (excludes District 75, District 79); seat targets schools that have a zoned admissions element were updated to equal the number of ninth-grade new admits.

support. When New York City's SIG application was drafted and submitted in May, the DOE believed that Washington Irving could have capacity to improve with supports from the Transformation model.

In 2008-09, Washington Irving High School's four-year graduation rate (including August graduates) was 38%. In 2009-2010, Washington Irving High School's four-year graduation (including August graduates) was 55%. This upward trend suggested the possibility that supports could increase student achievement to adequate levels, so the DOE applied to implement the Transformation model in this school.

However the school's most recent progress report, released at the end of October 2011, indicated that a more significant intervention was required to support increased student performance. (Washington Irving declined from a C in 2009-2010 to an F in 2010-2011.) The school's four-year graduation rate (including August graduates) was 48%. This decline and acutely low-level of achievement (well below the Citywide average of 65.1%, and in the bottom 7% of high schools Citywide) led the DOE to conclude that the Transformation model was no longer appropriate.

The Transformation model is the least aggressive and invasive of the available SIG models. Given this school's declining performance, Transformation is no longer an adequate intervention. Moreover, in January 2012, SED suspended funding to all Transformation schools in New York City (and many other Transformation schools across the state) because districts and teachers' unions could not agree on the improved teacher evaluation system that SED requires in order to receive Transformation funding. Thus, even if the DOE had not proposed the phase-out of Washington Irving, the school would not have been eligible to continue receiving SIG funds to support the Transformation model in future years.

For all of these reasons, the DOE is switching to the Turnaround/phase-out model to more aggressively impact and improve the culture and achievement in the school building so that the DOE can better support current and future students and families.

Comment 69 asks what will happen to the federal funding that had been slated to be given to Washington Irving for implementing the transformation model.

The DOE is currently in conversation with the State Education Department (SED) to discuss the funding implications of this proposal. The DOE is working with SED to ensure that if this proposal is approved, the DOE can ensure any of the Transformation's positive changes remain in place as these schools phase-out.

### Support and Resources

Comments 4f, 5f, 7f, 63, 74, and 84b assert that no support has been given to Washington Irving by the DOE, that the school needs more support, and ask specifically what was done to support the school.

All schools receive support and assistance from their superintendent and Children First Network, a team that delivers operational and instructional support directly to schools. Struggling schools receive supports as part of system-wide efforts to strengthen all schools; and they also receive individualized supports to address their particular challenges. The DOE does everything it can to provide struggling schools with leadership, operational, instructional, and student supports that can help turn a struggling school around.

Struggling schools will have a targeted action plan developed by their network. These plans will identify concrete action steps, benchmarks, and year-end goals aimed at immediately improving student achievement. This plan will outline the specific support the network will provide to the school to address the most urgent areas of need, including:

- Leadership coaching;
- Professional Development on instructional strategies for struggling students;
- Identifying grants aimed at specific needs of the school;
- Introducing new programs;
- Supporting the development of a smaller learning environment; and
- Staff and/or leadership changes.

As stated in the EIS, over the previous years, the DOE has offered numerous supports to Washington Irving, including:

**Leadership Support:**

- Extensive leadership training and mentoring for the principal and assistant principals to help them set clear goals for the school while developing the school's Comprehensive Education Plan and Language Allocation Plan.
- Coaching and training leadership on implementing plans in support of Citywide instructional initiatives.
- Supporting leadership and staff in generating meaningful strategies for improving the quality of classroom visitations and instructional feedback, as a way to raise teacher practice and improve student outcomes.

**Instructional Support:**

- Supporting and training teachers in collaborative teaching and classroom engagement strategies as a way to deepen instructional expectations, student interest, and classroom rigor.
- Supporting the school in assessment design, lesson planning, and curriculum mapping as tools aimed at meeting the necessary standards and expected student outcomes.

- Training for staff on successful ways to implement an inquiry team and using protocols to analyze student progress and performance as a way to understand teacher effectiveness and student outcomes.

### **Operational Support:**

- Advice for school staff on budgeting, human resources, teacher recruitment and building management.
- Supporting school staff on developing strategies and practices for improving student attendance and creating strategies for targeting attendance concerns.
- Supporting school staff in the implementation of the School Improvement Grant as a way to raise student outcomes and generate improved levels of teacher effectiveness.
- Supporting the development of a Small Learning Communities (“SLC”) grant and assisted in writing a grant application that allowed the school to participate in the Performance-Based Assessment/Learning Site Pilot.

### **Student Support:**

- Training for the School Based Support Team in comprehensive guidance programs and evidence-based counseling strategies targeted at developing and improving the capacity for social and emotional supports at the school level.
- Comprehensive training to implement a rigorous advisory program that offers college advising and social and emotional supports to students.
- Working closely with the school to facilitate enrichment activities including a Junior Night, Senior Night, and College Visits.

### **CTE-Specific Support:**

- Advising and supporting leadership in process to gain approval for CTE programs.
- Providing opportunities and training for administrators and CTE coordinators to develop their capacity with Carl D. Perkins Vocational and Technical Education Act (“VTEA”) funding and CTE data management to further the CTE mission and vision at the school.

Washington Irving has received individualized support plans, as well as centralized services that the DOE provides to all schools—yet despite this extensive assistance, the school has failed to meet the needs of its students and families.

Comment 1e and 5b asserts that Washington Irving’s resources are dependent on having higher enrollment numbers.

Funding is provided to all schools, including Washington Irving and the proposed replacement schools, in accordance with enrollment levels, allowing the school to meet the instructional

needs of its student population. This is how funding is awarded to all schools throughout the City, with budgets naturally increasing or decreasing as enrollment fluctuates from year to year.

Most funding in school budgets is allocated on a per-pupil basis, based on Fair Student Funding. Each student receives a per-pupil allocation based on the grade level of the student, with additional per pupil allocations provided to meet the unique needs of certain students, such as ELLs or special education students. While Washington Irving's enrollment may have shrunk over time, many high schools across the City with much smaller enrollments, and therefore smaller budgets, are able to support programs that enable their students to be successful. Washington Irving also receives additional Federal funding through a grant to support Small Learning Communities.

The proposed replacement schools would receive additional funding to support start-up operations in addition to their Fair Student Funding allocations.

Comment 28 questions why the school cannot afford to hire a librarian.

Each school's principal, in consultation with the School Leadership team, decides how to use the school's budget to best support student achievement. Thus, the school likely decided that a librarian was not the best use of available funds.

Comment 24 asserts that a shortage of funding for the school is caused by charging \$1 per year for charter schools to use DOE space.

The DOE provides space to public charter schools in DOE buildings where feasible. Charter schools are public schools and serve New York City public school students. Just as district public schools are not required to pay rent, the DOE allows public charter schools to use space in school buildings on similar terms.

#### Attendance

Comment 5a asserts that more should be done by powers outside of the school about Washington Irving's attendance rate, which contributes to Washington Irving's struggles.

All schools receive support and assistance from their superintendent and Children First Network ("CFN"). CFNs support includes assistance in youth development areas, including attendance. As described above, Washington Irving has received supports targeted at improving Washington Irving's attendance rate. Despite those central supports, attendance at Washington Irving continues to lag.

#### Progress Reports/School Performance Measures

Comment 5d asserts that Progress Reports do not accurately reflect a school's performance because they are always changing and schools do not know what is expected from them.

The DOE continually takes steps to enhance the Progress Report to ensure that it captures meaningful information about schools. However, many key metrics, like graduation rates, have consistently been used to assess schools from year to year.

Comment 64 asserts that the 2010-2011 Progress Report did not properly account for the test scores of incoming eighth-graders.

The Progress Report is used Citywide as an accountability tool; all schools are subjected to the same methodology with regard to any calculation. Washington Irving has been measured in three main categories: student performance, student progress, and school environment. Each school's Progress Report (1) measures student year-to-year progress, (2) compares the school to peer schools, and (3) rewards success in moving all children forward, especially children with the greatest needs. When comparing Washington Irving to peer schools, all students are accounted for, consistent with the methodology applied to all schools Citywide.

#### Community Engagement

Comments 8d, 9b, 11, and 46 assert that the community has not been given enough opportunity to participate in decisions made by the DOE.

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 the DOE shared information about school performance and spoke 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 Department of Education'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 summaries that were handed out at feedback meetings and are posted on the DOE website.

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

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 Department's analysis of public comment will be available on-line prior to the vote.

Comments 9b, 10c, 33 assert that the decision to phase-out and replace Washington Irving has already been made.

The PEP will vote on the proposal to phase-out Washington Irving and the proposals for the two replacement schools on February 9<sup>th</sup>. No proposal is final until approved by the PEP.

#### College Preparedness

Comments 8e, 8f assert that not enough students are being prepared for college and ask what happens to the large percentage of Black and Hispanic students who are not prepared for college.

The DOE does not dispute that more of students, particularly minority students, need to be better prepared for college upon completing high school. However, the DOE believes that Washington Irving is not successfully preparing students for college, and that the schools being proposed to replace Washington Irving will achieve higher levels of college preparedness for students.

#### Support for the Proposal

Comment 82 supports the proposal and does not require a response.

#### Joint Public Hearing

With respect to comment 84d, Chief Academic Officer Suransky remarked throughout the hearing, and the DOE has asserted throughout this public comment analysis, that the student populations represented at Washington Irving are capable of academic success. This success is seen at schools throughout the City that serve students with very high levels of needs, yet produce positive student outcomes. It is correct that, throughout the public comment at the hearing, many individuals stated that Washington Irving's struggles have been a result of a high concentration of high-needs students. According to a transcript of the hearing, at no point did any DOE representative imply that the community was sending any other message.

#### Class Size

With respect to comments 85a-e, 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.

## **V. Changes Made to the Proposal**

No changes have been made to the proposal in response to public feedback.