

Public Comment Analysis

Date: February 8, 2012

Topic: The Co-location of a New High School, The Academy for Software Engineering (02M546), in School Building M460, Beginning in 2012-2013

Date of Panel Vote: February 9, 2012

Summary of Proposal

On December 22, 2011, the New York City Department of Education (“DOE”) issued an Educational Impact Statement (“EIS”) proposing to open and site a new high school, The Academy for Software Engineering (02M546, “Software”), in school building M460 (“M460”) located at 40 Irving Place, Manhattan, NY 10003, located within the geographical confines of Community School District 2 (“District 2”). If this proposal is approved, Software would be co-located with Washington Irving High School (02M460, “Washington Irving”), an existing high school that serves students in grades 9-12; Gramercy Arts High School (02M374, “Gramercy Arts”), an existing high school that serves students in grades 9-12; the High School for Language and Diplomacy (02M399, “Language and Diplomacy”), an existing high school that currently serves students in grades 9-11; International High School at Union Square (02M438, “International”), an existing high school that currently serves students in grades 9-10; and New School 1 (02M533, “New School 1”), another new high school proposed in another EIS posted concurrently with this proposal. 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 9-12 at full scale. In addition, M460 houses a Young Adult Borough Center (“YABC”).¹ 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.

The DOE issued an amended EIS on January 20, 2012. The amended EIS clarified that the nurse’s office is operated by a school-based health center (“SBHC”) and that this proposal is not expected to impact the SBHC, but did not significantly revise the proposal itself.

¹ Young Adult Borough Centers 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.

In a separate EIS posted on December 22, 2011, the DOE proposed to phase out and eventually close Washington Irving. Also in a separate EIS posted on December 22, 2011, the DOE proposed to open and co-locate an additional new high school, New School 1, in M460. These proposals have also been amended to clarify the impact of each proposal on the SBHC. These amended EISs can be accessed on the DOE's Web site at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Feb2012Proposals>.

The proposed co-location of Software in building M460 is part of the DOE's central goal to create new school options that will better serve future students and the community at large. Software will offer a rigorous academic program with a Career and Technical Education ("CTE") course of study and prepare students for post-secondary work.² Software will admit students through the Citywide High School Admissions Process, and will have a limited unscreened admissions method. The new school will open during the 2012-2013 school year, when it will serve approximately 105-115 students in the ninth grade. Software will gradually phase in by adding one grade per year. The school is expected to reach full scale in 2015-2016 and will serve approximately 420-460 students in grades nine through twelve.

In the event that the phase-out of Washington Irving is not approved, the DOE will re-examine the availability of space in the building, and may, as appropriate, revise its proposal to co-locate Software in M460. Such a revised proposal will be described in a revised EIS.

Washington Irving currently serves a total of 1,039 students in ninth through twelfth grades.³ Washington Irving is co-located with Gramercy Arts, Language and Diplomacy, International, and the YABC in school building M460.

If the Panel for Educational Policy ("PEP") approves the proposal to phase out Washington Irving, the school will no longer admit new ninth-grade students after the end of this school year. However, Washington Irving will continue to serve students currently enrolled in the school. Washington Irving's enrollment will decrease gradually over the next three years, and the school will complete phasing out in June 2015.

I. Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal and the proposals to phase out Washington Irving and co-locate New School 1 were 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, DOE 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

² 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.

³ 2011-2012 Unaudited Register as of October 31, 2011.

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 related to the Software proposal were made at the joint public hearing on January 31, 2012:

1. *Ellen McHugh, CCSE, asserted that:*
 - a. The DOE’s belief that New School 1 and Software will improve student outcomes is odd. The Deputy Chancellor says the Washington Irving school 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.
 - b. The new schools might not have the resources needed to serve the children currently enrolled in Washington Irving.
2. *Tamara Rowe, CEC 2 Representative, asserted that 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. Washington Irving currently 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.*
3. *Lizbeth Colin, Washington Irving SLT Representative, asserted that:*
 - a. School Improvement Grant funding previously earmarked for Washington Irving will now be directed to New School 1 and Software, even though half of the new schools opened by the DOE have been closed.
 - b. Ms. Colin also asserted that money is better invested in existing schools rather than opening new schools.
4. *Gregg Lundahl, Washington Irving SLT Representative and UFT Chapter Leader, asserted that:*
 - a. 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.
 - b. 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.
5. *Sharon Taylor, Washington Irving SLT Representative, asserted that instead of opening new schools, the DOE should install new innovations into existing schools.*
6. *City Councilwoman Rosie Mendez asserted that 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.

7. *Leo Casey, Vice President of the United Federation of Teachers*, asserted that the DOE says the new schools may have the same population as the old school and meet the city average. However, the old schools were concentrated with special-needs students, with English language learners, 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.

Oral comments made at the joint public hearing

8. Several commenters asserted that the Mayor is not collaborating with parents and teachers.
9. Several commenters asserted that charter schools, which are harder to get into than Washington Irving, are going to enter the building.
10. One commenter asserted that the Mayor wants to bring in charter schools, run by corporations he owns.
11. One commenter asserted that the new school is going to be limited unscreened, but that does not guarantee they will serve special needs students.
12. 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.

The following questions were submitted in writing at the joint public hearing on January 31, 2012.

13. One commenter asked what the quality and ranking is 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?
14. One commenter asked whether the new proposed high school's admissions process will be screened or unscreened.
15. One commenter asked what the new schools are going to do that the current school cannot do.
16. One commenter asked why the DOE is investing money in new schools when it is cheaper to invest in existing schools.

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 the school system many times, first wanting to cut vocational education and then wanting 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, 2 comments were received from 2 individuals (via email or phone) opposing the proposal. The comments cited the following reasons for that opposition:

- 17. Both 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.
- 18. 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.
- 19. 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.

2 comments were received from 1 individual (via email and phone) supporting the proposal. The comments cited the following reasons for that support:

- 20. 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.

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

- 21. 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

Comments 1a, 2, 4a, 7, 11, and 14 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, English language learners, 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 13 and 15 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, and, as such, they 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 aren't, 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.

Comment 3a asserts that School Improvement Grant funding that was previously earmarked for Washington Irving would now be given to the two new proposed schools.

Washington Irving was previously approved by the New York State Education Department ("SED") to receive a School Improvement Grant in order to implement the Transformation model one of four federally approved models for school interventions. However, as Chief Academic Officer Suransky stated during the hearing, the Transformation model requires that districts implement a new teacher evaluation system. The DOE and the city teachers' union (and other districts and unions statewide) were unable to agree on such a system. As a result the New York State Education Department has suspended Transformation funding to most districts statewide, thus making Washington Irving ineligible for continued SIG funding next year.

The DOE believes that the new schools will be eligible for SIG funding under another model, Transformation, that does not require a new evaluation system.

Comments 3b, 5, 16, 18, and 19 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 often postpones the strong action needed to improve outcomes for future students. 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 18 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 20 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.

High School Admissions Process

Comments 11 and 14 ask 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

Comments 4b, 9, 10, 17 assert that the DOE has ulterior motives for closing Washington Irving and replacing it with the two new schools, beyond Washington Irving'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 did not consider any other factors not related the performance of Washington Irving, demand for the school, and the school's ability to serve students when it decided to propose the phase-out of Washington Irving without. Moreover, Washington Irving has not been proposed for phase-out in order to make space for the new schools.

Again, 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.

Support and Resources

Comment 1b questions whether the new schools will receive enough resources.

Funding is provided to all schools, including 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. Many high schools across the City with small enrollments, and therefore smaller budgets, are able to support programs that enable their students to be successful. The proposed replacement schools would receive additional funding to support start-up operations in addition to their Fair Student Funding allocations.

Community Engagement

Comments 6, 8, and 12 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 talking with the community about their reflections of the school's strengths and weaknesses. This engagement is above and beyond what is mandated by State law.

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

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

The DOE also distributed reports for each school that summarized school performance, school supports, and potential action steps. These are 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.

Comment 6 asserts that the decision to phase-out and replace Washington Irving has already been made.

The DOE anticipates that the PEP will vote on the proposal to phase-out Washington Irving and the proposals for the two replacement schools on February 9, 2012. No proposal is final until approved by the PEP.

Comments 21a-e regard the proposal's impact with respect to 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.

V. Changes Made to the Proposal

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