

Public Comment Analysis

Date: February 8, 2012

Topic: The Proposed Co-location of a New High School, 02M534, in School Building M883, Beginning in 2012-2013

Date of Panel Vote: February 9, 2012

Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to open and site a new high school (02M534, “New School”), in school building M883 (“M883”) located at 34 West 14th Street, Manhattan, NY 10011, located within the geographical confines of Community School District 2 (“District 2”). If this proposal is approved, New School would be co-located with Legacy School for Integrated Studies (02M429, “Legacy”) and a District 75 school’s inclusion program, P721M@M883 (75M721, “P721M@M883”), which is one site of a multi-site District 75 school, P721M (75M721, “P721M”) and serves students in grades nine through twelve.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.

In a separate Educational Impact Statement (“EIS”) posted on December 22, 2011, the DOE proposed to phase out and eventually close Legacy. This EIS can be accessed on the DOE’s Website at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Feb2012Proposals>.

The proposed co-location of New School in building M883 is part of the DOE’s central goal to create new school options that will better serve future students and the community at large. New School would offer a rigorous, college-preparatory program, would be open to students through the Citywide High School Admissions Process, and would have an unscreened admissions method, giving priority to Manhattan students and residents. New School would open during the 2012-2013 school year, when it would serve approximately 105-115 students in the ninth grade. New School would gradually phase in by adding one grade per year. The school is expected to

¹ District 75 provides Citywide educational, vocational, and behavior support programs for students who are on the autism spectrum, have significant cognitive delays, are severely emotionally challenged, are sensory impaired, and/or are multiply disabled. District 75 provides services to students in a variety of settings, including elementary, middle, and high schools, students’ homes, hospitals, and agencies. These programs are located at more than 310 sites in the Bronx, Brooklyn, Manhattan, Queens, Staten Island, and Syosset, New York. Please visit the DOE website for additional information about District 75 programs at <http://schools.nyc.gov/Offices/District75/default.htm>.

reach full scale in 2015-2016 and would serve approximately 420-460 students in grades nine through twelve.

In the event that the phase-out of Legacy is not approved, the DOE would re-examine the availability of space in the building, and may, as appropriate, revise its proposal to co-locate New School in M883. Such a revised proposal would be described in a revised EIS.

75M721 is an existing District 75 school that serves a combined total of 213 students in ninth through twelfth grades during the 2011-2012 school year.² 75M721 currently has five sites in Manhattan, including P721M@M883.³ P721M@M883 serves 10 high school-aged students with a range of disabilities.⁴ Students are placed in District 75 programs based on their individual needs and recommended special education services. P721M@M883 is a District 75 inclusion program. P721M@M883 students are enrolled in Legacy general education classes based on their Individualized Education Program (“IEP”) recommendations and receive Special Education Teacher Support Services (“SETSS”). In an inclusion program, a student with special education needs receives services in a general education classroom along with general education students.

Legacy is a high school that serves 313 students in grades nine through twelve. It admits students in ninth and tenth grades through the Citywide High School Admissions Process. Additional information about the High School Admissions Process is described in further detail in Section III.A of the EIS.

The DOE has proposed to phase out Legacy after an extensive review of data and community feedback indicating that the school is unable to turnaround despite numerous efforts to improve instruction and school organization. As noted in the EIS posted on December 22, 2011, performance at Legacy has been poor for many years.

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

If the proposal to phase out Legacy and the proposal to open and co-locate New School are approved, beginning in 2012-2013, P721M@M883’s inclusion program currently associated with Legacy would continue to exist as Legacy phases out and would be associated with New School as it phases in, so that the inclusion program will continue to exist in M883. Current P721@MM883 students would continue in the inclusion program at Legacy; entering ninth grade students would be enrolled in New School.

² 2011-2012 Unaudited Register as of October 31, 2011.

³ The main site for 75M721 is P721M@M641, which serves high school-aged students at 250 West Houston Street, New York, NY 10014, in Manhattan’s Community School District 2, and the three other sites are: (1) P721M@M615, which serves high school-aged students at 131 Avenue of Americas, New York, NY 10013; (2) P721M@M477, which serves high school-aged students at 345 Chambers Street, New York, NY 10282; and (3) P721M@M844, which serves high school-aged students at 400 First Avenue, New York, NY 10010.

⁴ School-reported data.

The proposal can be found at:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Feb2012Proposals>. This school will continue growing to full-scale as Legacy phases out. The New School will open in September 2012 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.

If both of these proposals are approved, beginning in 2012-2013, the P721M@M883 inclusion program currently associated with Legacy would continue to exist with respect to current students as Legacy phases out. P721M@M883 would also be associated with New School as it phases in, so that M883 will continue to host a high school inclusion program.

The details of this phase-out proposal have been released in an Educational Impact Statement (“EIS”) which can be accessed here:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Feb2012Proposals>.

Copies of the EIS are also available in the main offices of Legacy and P721M@M883.

I. Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal and the proposal to phase-out Legacy was held at building M883 on February 1, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 200 members of the public attended the hearing, and 35 people spoke. Present at the meeting were Deputy Chancellor Marc Sternberg; Manhattan High Schools Superintendent Tamika Matheson; District 2 Community Education Council (“CEC 2”) Representative Tamara Rowe; CEC 2 Representative Elizabeth Weiss; Legacy Principal Joan Mosely; Legacy School Leadership Team (“SLT”) Representative and Citywide Council for High Schools (“CCHS”) Representative Juan Pagan; Legacy SLT Representative Justin Watson; Legacy SLT Representative Angielina Reyes; Legacy SLT Representative Debbe Cordts; Legacy SLT Representative Zacarias Rivera; Legacy SLT Representative Camille Kinlock; Legacy SLT Representative Harry Rivas; Legacy SLT Representative and Student Body President Keyla Marte; P721M Principal Antoinette Bello; CCHS Representative Martin Krongold; CCHS Representative Stanley Ng; Manhattan High Schools Presidents Council Representative Carlos Ruiz; Yareni Sanchez, a representative of New York City Council Speaker Christine Quinn; and Alec Schierenbeck, a representative of Manhattan Borough President Scott Stringer.

The following comments and remarks were made at the joint public hearing on February 1, 2012:

1. Multiple commenters voiced concerns that the DOE does not take parent and community engagement seriously and does not develop policies in cooperation with school communities.
2. Multiple commenters noted that some schools that were founded to replace phase-out schools have now themselves been proposed for phase-out.
3. One commenter asked how many new schools have failed.

4. Several commenters expressed concern about the DOE’s policy of phasing out and replacing underperforming schools, claiming that the school system is not the place for experimentation.

II. Summary of Issues Raised at the Hearing Not Related to the Proposal

5. One commenter asserted that the DOE sees the school’s building as prime real estate.
6. One commenter asserted that when the Mayor is gone, the next mayor will throw all uses of data out the window, because the use of data will be associated with the DOE’s abuse of data. This means any advantageous use of data will be eliminated as well.
7. One commenter asserted that the DOE is avoiding responsibility.
8. One commenter asserted that the Deputy Chancellor is merely a puppet to the DOE.
9. One commenter asserted that every time the DOE closes a school and starts new one, the DOE claims that it serves similar students. The only reason the DOE closes schools is so they no longer have to the school in statistics. The DOE closes schools with the worst statistics to improve their statistics.

III. Summary of Issues Raised in Written and Oral Comments Submitted to the DOE Regarding the Proposal

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

10. 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

Comment 1 concerns community engagement in the DOE’s decision-making process.

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 six public charter schools) that were eligible for an intensive support plan or intervention. In these conversations the DOE shared information about

school performance, and talked 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 we may take to improve it. We 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 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.

Prior to issuing this proposal, the DOE sought and received feedback from the Legacy community about strategies to better support students and improve outcomes at the school. Additionally, on November 16, 2011, former Community School District 3 Superintendent Sara Carvajal held meetings with the teachers and the School Leadership Team, which includes students, to discuss what is and is not working at Legacy, and how we can work together to serve students better. Parents were also invited to a meeting with the superintendent held on November 16, 2011; however, only one attended—a representative of the Citywide Council on High Schools.

The DOE also solicited community feedback via phone and email, including creation of a dedicated web page for this purpose at:

<http://schools.nyc.gov/community/planning/changes/manhattan/proposal?id=78>.

Comments 2, 3, and 4, concern other schools that have been opened or phased-out. This year, the DOE is proposing to phase out seven schools and truncate three schools that were opened under the Bloomberg Administration (since 2002). These 10 schools represent less than 3% of the more than 500 new schools opened since 2002. We count on each of our schools to provide a high-quality education to its students—and we hold all schools of them all to the same high

standard. If a school is not getting the job done for students – whether it was opened recently or not – we are compelled to take serious action to ensure its students don't fall even further behind.

Comment 10 concerns the proposal's impact on 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.