



## Amended Public Comment Analysis

Date: February 9, 2012

Topic: The Proposed Phase-out of P.S. 22 (17K022) Beginning in 2012-2013

Date of Panel Vote: February 9, 2012

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### Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to phase out and close P.S. 22 (17K022, “P.S. 22”), an existing elementary school located at 443 St. Marks Avenue, Brooklyn, NY 11238, in Community School District 17, in Building K022 (“K022”). P.S. 22 currently serves students in kindergarten through fifth grade and offers a full-day pre-kindergarten program. The DOE is proposing to phase out and eventually close P.S. 22 based on its low performance and its inability to turn around quickly to better support student needs.

If this phase-out proposal is approved, beginning in 2012-2013, P.S. 22 would no longer admit kindergarten students and would no longer offer first through third grade or its pre-kindergarten program. After P.S. 22’s kindergarten through third grades are phased-out, P.S. 22 would serve one less grade in each subsequent year until it completes its phase-out in June 2014. P.S. 22 students currently enrolled in kindergarten through second grade will be served in 2012-2013 in a new zoned elementary school, P.S. 705 (17K705, “P.S. 705”), that the DOE is proposing to open in K022 in a separate Educational Impact Statement (“EIS”). Current P.S. 22 fourth and fifth grade students who do not meet promotional standards at the end of this year, will continue to be served at P.S. 22 as it phases out and will be supported as they progress toward completion of elementary school.

In a separate EIS, the DOE has proposed to co-locate P.S. 705, a new zoned elementary school which would serve students in kindergarten through fifth grade when it reaches full scale in 2014-2015, in K022. In that EIS, the DOE has also proposed to co-locate a new public charter school, Explore Exceed Charter School (84KTBD, “Explore Exceed”), which would serve kindergarten through fifth grade when it reaches full scale in 2014-2015, in K022. The proposal to co-locate P.S. 705 and Explore Exceed in K022 is intended to provide new elementary school options for District 17 families and replace the seats lost by the proposed phase-out of P.S. 22. The DOE anticipates offering a pre-kindergarten program at P.S. 705 in K022, subject to the continued availability of funding. P.S. 705 and Explore Exceed would be co-located in K022 with P.S. 22 as it phases out.

P.S. 22 is currently the only school organization located in building K022.

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

Copies of the EIS are also available in P.S. 22's main office.

This analysis of public comment has been amended to clarify the supports offered to schools.

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

A joint public hearing regarding this proposal was held at K022 on January 24, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 96 members of the public attended the hearing and 19 people spoke. Present at the meeting were: the Chancellor's Designee, Deputy Chancellor Dorita Gibson; District 17 Community Superintendent, Buffie Simmons; District 17 Community Education Council ("CEC") representative Kenneth Wright; and P.S. 22 School Leadership Team ("SLT") representative Tameka Carter. New York City Council Member Letitia James also attended the hearing.

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

1. The CEC representative opposed the proposal and expressed the following concerns:
  - a. There is not sufficient data to justify the phase-out of P.S. 22.
  - b. The data from the 2009-2010 annual review was not shared with the P.S. 22 community.
  - c. The EIS does not explain why P.S. 22's performance declined or detail the programs that were initiated to help the school when P.S. 22's Progress Report declined from an "A" to a "C" to an "F."
  - d. The supports listed in the EIS are the same as those listed in the EIS for the proposals to truncate P.S. 161 and to phase-out Middle School for the Arts.
  - e. An evaluation of P.S. 22's teachers and comments from the CEC and the P.S. 22 SLT should have been included in the EIS.
  - f. It is unclear how the change in the English Language Arts ("ELA") and math assessment cut scores by the New York State Education Department affected P.S. 22's decline in Progress Report grades.
2. The SLT representative opposed the proposal and expressed the following concerns:
  - a. The decision to phase out P.S. 22 seems to have already been made because the DOE has proposed to open 17K705.
  - b. P.S. 22 needs an opportunity to turn its performance around because it has implemented new programs.
  - c. P.S. 22 should not be phased out because P.S. 277 in the Bronx has the same grades as P.S. 22 and the DOE has not proposed to phase it out.
  - d. P.S. 22 lost over \$600,800 in funding last year.
3. Council Member Letitia James opposed the proposal and expressed the following concerns:
  - a. The decision to phase out P.S. 22 seems to have already been made.
  - b. Phasing out P.S. 22 is not a viable strategy for providing better options to the community.

- c. The CEC and Council Member James' office were not contacted when P.S. 22's performance declined and additional resources should have been provided to P.S. 22.
  - d. Students with disabilities were not provided Individualized Education Programs ("IEPs") at P.S. 22.
  - e. What resources were provided to P.S. 22 in general? What resources were provided to English Language Learner ("ELL") students at P.S. 22?
4. Multiple commenters opposed the proposal but did not provide specific reasons.
  5. A representative of the Council of School Supervisors & Administrators president Ernest Logan expressed opposition to the proposal and stated that phasing out schools and replacing them with new schools is not an effective strategy because the DOE has proposed this year to phase out schools that it recently opened. Also, the representative stated that the schools that are targeted for phase-out generally have disproportionate numbers of poor and minority students.
  6. Multiple commenters opposed the proposal and stated that P.S. 22 has not received sufficient resources to succeed.
  7. A commenter opposed the proposal and stated that the after school program is greatly needed in the neighborhood.
  8. Multiple commenters opposed the proposal and stated that P.S. 22 should be given an opportunity to improve its performance.
  9. A commenter asked why all schools could not receive an "A" grade on their Progress Reports?
  10. Multiple commenters stated that P.S. 22 should not be graded on the same scale as other schools because P.S. 22 serves a large number of ELL students, students with disabilities, homeless students, and immigrant students.
  11. A commenter stated that P.S. 22's performance suffered because academic standards and the curriculum kept changing.
  12. A commenter stated that P.S. 22 should not be phased out because P.S. 277 in the Bronx was not phased out and the two schools have similar Progress Report grades.
  13. Multiple commenters stated that P.S. 22 offers a safe and nurturing environment to students and phasing out the school would be too chaotic for students who need additional support, such as ELL students, students with disabilities, homeless students, and immigrant students.
  14. A commenter stated that it is unfair that Community Roots Charter School, which received an "F" grade on its 2010-2011 Progress Report, be allowed to expand when P.S. 22, which received an "F" grade on its 2010-2011 Progress Report, be phased out.
  15. A commenter stated that P.S. 22 has received only one Quality Review in the past three years, so there is insufficient evidence that P.S. 22 should be phased out.
  16. A commenter stated that no meetings were held to discuss how to support P.S. 22 in previous years.

**The following questions were asked as part of the question and answer section of the Joint Public Hearing on January 24, 2012.**

17. What will happen to the administration and staff currently at P.S. 22?

18. How will students with IEPs be provided for at P.S. 22 during the phase-out and at the new school?
19. Why would P.S. 22 be phased out when P.S. 277 in the Bronx is not?
20. What would convince the DOE to allow P.S. 22 to remain open?
21. Why was no action taken earlier to help P.S. 22?
22. Will students with limited mobility be allowed to remain in K022?
23. What supports and resources were given to P.S. 22?
24. What was the time frame for the decision to phase out P.S. 22?
25. If the DOE is already proposing to replace P.S. 22, does that mean that the decision to phase out P.S. 22 already been made?

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

26. A commenter asked how the proposal would affect a student who is currently enrolled in second grade at P.S. 22.

Class Size Matters (“CSM”), submitted written comments objecting to all of the proposed phase-outs and truncations proposed by the DOE. In opposing the DOE’s proposal to phase-out and eventually close these schools, the CSM comments cited the following reasons: (1) none of the Educational Impact Statements for the proposals include discussion of how the proposed phase-outs or, where applicable, the co-locations would affect class size; (2) the Citywide Instructional Footprint does not include class size standards; (3) the Educational Impact Statements use utilization figures from the DOE’s Blue Book, which does not take into account the need to reduce class sizes in schools Citywide; (4) the community members, faculty, and families of schools that have been proposed for phase-out have opposed the proposed phase-outs and truncations; (5) the schools that have been proposed for phase-out and/or truncation have high concentrations of “at-risk” students, as defined as English Language Learner students, students with disabilities, and economically disadvantaged students.

CSM specifically suggests that this is a proposal for grade truncation and expansion with projected utilization rates of 104%-112% in 2017-2018

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

- Comment 1(a) contends that there is not sufficient data to justify the decision to propose a phase-out of P.S. 22, while comment 15 contends that the proposal is not justified because P.S. 22 has received only one Quality Review in the past three years.

Schools are identified for possible grade reconfiguration or phase-out for the following three reasons: (1) they received poor grades on their annual Progress Report; (2) they received a poor rating on their annual Quality Review; or (3) they have been identified by the New York State Education Department as Persistently Low Achieving. Specifically, under the DOE’s accountability framework, all schools that receive a D or F, or a third consecutive grade of C or lower on their annual Progress Report and all schools that received a rating of Underdeveloped on their most recent Quality Review are evaluated

for intensive support or intervention, including the possibility of grade reconfiguration and phase-out. To identify the appropriate action that will best serve the student community, the DOE reviews school data, consults with superintendents and other experienced educators who have worked closely with the school, and gathers community feedback. In the case of P.S. 22, after conducting this review, the DOE determined that P.S. 22 has failed to develop the proper infrastructure to meet the needs of its students and families. Thus, the DOE proposed to phase out P.S. 22.

During Quality Reviews, experienced educators visit a school over several days, observe classrooms and talk with students, staff and families. Schools are rated on a four-point scale, with “Underdeveloped” as the lowest possible rating and “Well Developed” as the highest. Not all schools receive a Quality Review each year. Rather, schools are selected for a Quality Review based on criteria established by the Office of Accountability. For more information about the 2011-2012 Quality Review selection criteria, please visit the DOE’s Web site at: <http://schools.nyc.gov/Accountability/tools/review>.

- Comment 1(f) relates to the New York State Education Department’s adjustment of “cut scores” in 2010 on annual math and ELA exams. Comment 11 contends that P.S. 22’s academic performance has declined because standards and the curriculum have changed.

In 2010, the New York State Education Department raised the score required for students to achieve proficiency on the exams. As a result, the percent of students achieving proficiency fell significantly at schools statewide, including most New York City schools. However, P.S. 22’s ELA and math proficiency were not the sole factor in the decision to phase out P.S. 22. The adjustment of the cut score is taken into account when the DOE creates Progress Reports to ensure that all students’ proficiency ratings are treated as if they were determined under the same cut scores.

- Comments 1(f), 9, and 10 relate to how the Progress Report is compiled.

The overall Progress Report grade is designed to reflect each school’s contribution to student achievement, no matter where each child begins his or her journey to career and college readiness. The methods are designed to be demographically neutral so that the final score for each school has as little correlation as possible with incoming student characteristics such as poverty, ethnicity, disabilities, and English learner status. To achieve this, the Progress Report emphasizes year-to-year progress, compares schools mostly to peers matched based on incoming student characteristics, and awards additional credit based on exemplary progress with high-need student groups. Each school’s performance is compared to the performance of schools in its peer group, which is comprised of New York City public schools with a student population most like the school’s population, according to the peer index. The peer index is used to sort schools on the basis of students’ academic and demographic background, and the formula to calculate a school’s peer index includes the percentage of students eligible for free lunch, the percentage of students with disabilities, the percentage of Black/Hispanic students, and the percentage of ELL students at the school. For elementary schools, each school has up to 40 peer schools, up to 20 schools with peer index immediately above it and up

to 20 with peer index immediately below it. Thus, P.S. 22 is grouped in its peer group with other New York City public schools with similar student academic and demographic background.

Progress Report grades are assigned based on the cut score tables that are displayed next to each grade on the Progress Report. Due to ongoing changes in state exams, the overall cut scores were determined for 2010-2011 based on a set grade distribution: 25% As, 35% Bs, 30% Cs, 7% Ds, and 3% Fs. Thus, not all schools could receive an “A” grade on their Progress Reports.

- Comment 1(c) contends that the EIS does not explain why P.S. 22’s performance declined. Comment 1(e) contends that an evaluation of P.S. 22’s teachers and comments from the CEC and the P.S. 22 SLT should have been included in the EIS.

Per Chancellor’s Regulation A-190, the EIS is not required to contain an explanation as to why the academic performance of a school that has been proposed for phase-out or grade reconfiguration has declined, an evaluation of the impacted school’s teachers, or comments from the affected CEC or SLT. Rather, the EIS must include: a) The current and projected student enrollment of the affected school; b) The prospective need for such school building; c) The ramifications of such school closing or significant change in utilization upon the community; d) Initial costs and savings resulting from the school closing or significant change in utilization; e) The potential disposability of any closed school; f) The impact of the proposal on affected students; g) An outline of any proposed or potential use of the school building for other educational programs or administrative services; h) The effect of the school closing or change in utilization on personnel needs, the costs of instruction, administration, transportation, and other support services; i) The type, age, and physical condition of the school building, maintenance, and energy costs, recent or planned improvements to such school building, and such building’s special features; j) The ability of other schools in the affected community district to accommodate students following the school closure or change in utilization; and k) Information regarding the school’s academic performance, including whether such school has been identified as Persistently Lowest Achieving, a School Under Registration Review, and/or under Differentiated Accountability Status (In Need of Improvement, Corrective Action, or Restructuring).

Although their comments are not required to be addressed in the EIS, the impacted CEC and SLT are mandated parties at the joint public hearing to discuss all proposals to close a school or to make a significant change in school utilization. An analysis of their comments on the proposal is included in this analysis of public comments.

- Comments 1(c), 3(c), 3(e), 6, 21, and 23 relate to the supports that were provided to P.S. 22. Comment 3(e) relates specifically to resources and supports that were provided to P.S. 22’s ELL students.

A list of the supports offered by the DOE to help the school’s efforts to improve performance is included in the EIS. They included:

**Leadership Support:**

- Extensive leadership training and mentoring for the principal and assistant principals to help them set clear goals for the school.
- Coaching and training of leadership on implementing plans in support of Citywide instructional initiatives and teacher effectiveness.
- Training and support for leaders in engaging teachers in improving instructional feedback and observing teacher practice.

**Instructional Support:**

- Supporting and training teachers in creating curriculum maps, in developing strategies aimed at addressing the various needs and learning styles of ELL student and students with disabilities.
- Facilitating training for teachers in assessment design and the creation of rigorous tasks and rubrics aligned with Citywide instructional initiatives.
- Professional development opportunities for teachers on literacy instruction and the development of best practices within the ELA curriculum, including lesson models, questioning strategies, and lesson planning. Professional development opportunities for teachers on numeracy and the development of best practices within math curriculum.
- Direct coaching to teachers on effective instructional practices.

**Operational Support:**

- Advising school staff on budgeting, human resources, teacher recruitment, and building management.

**Student Support:**

- Training 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.
  - Supporting school leadership in facilitating a process to remove the school from the Persistently Dangerous classification by strengthening school culture and documenting progress.
  - Assistance in developing strategies and interventions for attendance improvements.
- Comment 1(d) contends that the supports offered to P.S. 22 as cited in the EIS were not specific to P.S. 22 and that they are the same supports that were listed in the EIS for the proposed truncation of P.S. 161 The Crown (17K161) and the proposed phase-out of Middle School for the Arts (17K587).

All schools receive support and assistance from their respective superintendents and Children First Networks. The Children First Network is a team that delivers operational and instructional support directly to multiple 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 strives to provide struggling schools with leadership, operational, instructional, and student supports that can help turn a struggling school around. Schools take advantage of those supports they believe will best improve student performance. Thus, while some of the supports listed in the EISs may seem similar,

especially if the schools were in the same network, contrary to the comment, the supports cited in each respective EIS were made available to school that is the subject of that particular EIS.

Schools proposed for phase out will also receive individualized supports in the future. Like all struggling schools, phase out schools will have targeted action plans developed by their Children First 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, and may include: 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.

- Comments 2(a), 3(a), and 25 contend that the decision to phase out P.S. 22 has already been made.

These comments are incorrect. The proposed phase-out of P.S. 22 will not be final unless it is approved after a vote by the Panel for Educational Policy at its meeting on February 9, 2012.

- Comments 2(b), 8, and 20 contend that P.S. 22 should be given an opportunity to improve its performance. Comment 4 opposed the proposal in general.

After a comprehensive review of P.S. 22 with the goal of determining what intensive supports and interventions would best benefit the P.S. 22 community, the DOE concluded that only the most serious intervention, the gradual phase-out and eventual closure of P.S. 22, will best serve the school's students and community. Phasing out and closing P.S. 22 will allow for new school options to develop in K022 that are intended to provide better options for families. Indefinitely trying to turn around a school that has struggled for years is not viable, and the DOE has had success with replacing the City's lowest-performing schools with new schools.

- Comments 2(c), 12, and 19 contend that P.S. 22 should not be phased out because P.S. 277 (07X277), which also had an overall "F" Progress Report grade, was not proposed for phase-out.

While both P.S. 22 and P.S. 277 had overall Progress Report grades of "A" in 2008-2009, "C" in 2009-2010, and "F" in 2010-2011, the DOE concluded after comprehensive reviews of both schools that each school would best be served by different interventions.

- Comment 2(d) contends that P.S. 22's performance suffered because it lost over \$600,800 in funding in 2010-2011.

While the DOE acknowledges that the budget cuts have impacted schools across the City, budget cuts have not disproportionately impacted schools that have been proposed for phase-out. In 2010-2011, individual school budgets Citywide were cut by an average of

4%. It should be noted that principals have discretion over their budget and make choices about how to prioritize their resources.

- Comments 3(b) and 5 contend that phasing out schools and replacing them with new schools is not an effective strategy.

The DOE believes that closing a struggling school and opening a new school with new leaders and staff is a successful strategy to provide all students with an excellent education. In June 2010, MDRC, an independent research group, issued a report on New York City'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 counts on each of its schools to provide a high-quality education to its students and it holds 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 – the DOE is compelled to take serious action to ensure its students do not fall even further behind.

Comment 5 also contends that schools that have been targeted for phase-out generally have disproportionate numbers of poor and minority students. Specifically regarding P.S. 22, in 2010-2011, 100% of P.S. 22's students qualified for free or reduced lunch, and 91% of its students were black or Hispanic. Across District 17, the average percentage of students who qualified for free or reduced lunch was 80%, and the average percentage of black or Hispanic students was 96%. Thus, it is inaccurate to state that P.S. 22 has a disproportionate percentage of students who qualified for free or reduced lunch or were black or Hispanic.

- Comment 3(d) erroneously states that students with disabilities were not provided IEPs at P.S. 22. In fact, the percentage of students at P.S. 22 who have IEPs has risen from 13% in 2006-2007 to 21% in 2010-2011.
- Comment 7 relates to the after school programs that are offered at P.S. 22 in partnership with the Friends of Crown Heights and MoCADA.

As P.S. 22 phases out and as P.S. 705 and Explore Exceed phase in to K022, the DOE will work with those school organizations to foster opportunities for them to work with the community organizations that have supported P.S. 22 students in the past, specifically the Friends of Crown Heights and MoCADA.

- Comment 13 contends that phasing out P.S. 22 would present too great a challenge to P.S. 22's ELL, students with disabilities, students who have recently arrived in the country, and students in temporary or transitional housing.

If the proposal to phase out P.S. 22 is approved, while the phase-out is being implemented P.S. 22 will receive support in the areas of budget, staffing, programming, community engagement, guidance, and enrollment, including but not limited to:

- Providing teacher training around issues including curriculum planning, improving teaching practices, and tailoring instruction to individual student needs.
- Fostering opportunities for teachers and administrators to connect with colleagues in other more successful schools, allowing them to learn from one another, improve teaching, and better support students.
- Facilitating partnerships with community based organizations to support youth development initiatives at the school.

Furthermore, current students at P.S. 22 who receive ELL services will continue to receive all mandated services as P.S. 22 phases out. In addition, the existing Integrated Co-Teaching and self-contained special education classes and Special Education Teacher Support Services will continue to be provided as P.S. 22 phases out and students with disabilities will continue to receive mandated services in accordance with their IEPs.

- Comment 14 contends that it is unfair that Community Roots Charter School (84K536) was approved to expand even though it received an overall F grade on its 2010-2011 Progress Report while P.S. 22 has been proposed for phase-out because it received an overall F grade on its 2010-2011 Progress Report.

The DOE notes that P.S. 22 indeed received an overall F grade on its 2010-2011 Progress Report.

The commenter erroneously stated that Community Roots Charter School received an overall F grade on its 2010-2011 Progress Report. Community Roots received an overall F grade on its first Progress Report in 2009-2010, the school improved and received an overall C grade on its 2010-2011 Progress Report. Additionally:

- In 2010-2011, 67% of students were on grade level in ELA, up from 59% in 2009-2010. The 2010-2011 ELA proficiency scores place Community Roots in the top 18% of schools citywide and in the top 19% of schools district-wide.
- In 2010-2011, 71% of students were on grade level in Math, which places Community Roots in the top 33% of schools citywide.
- In 2010-2011, 100% of parent respondents on the Learning Environment Survey reported that they are “satisfied” or “very satisfied” with the school.
- Community Roots is a highly demanded school in the community, as demonstrated by the fact that the school has a significant waitlist and low student attrition. In 2011-2012, 410 students applied for 50 open seats in Kindergarten. Currently, 700 students remain on the waitlist.
- The student attrition rate for Community Roots was 2.67% in 2010-2011. In that year, 8 out of 300 students enrolled at Community Roots left the school.

On the other hand, in 2010-2011, only 30% of P.S. 22’s students performed on grade level in ELA, which placed P.S. 22 in the bottom 13% of elementary schools Citywide

and in the bottom 1% of schools district-wide. Also, in 2010-2011, only 33% of P.S. 22's students performed on grade level in math, which put P.S. 22 in the bottom 5% of elementary schools Citywide and in the bottom 7% of schools district-wide. In addition, demand for P.S. 22 has fallen steadily over the past several years. Overall student enrollment has declined 24% since 2006-2007, suggesting that families are seeking better options.

- Comment 16 contends that meetings should have been in previous years to discuss how to support P.S. 22. Comment 3(c) contends that the CEC and Council Member James's office were not contacted when P.S. 22's performance declined.

While no public meetings were held by the DOE in prior years to discuss how to support P.S. 22, P.S. 22's Progress Reports have been made available on the DOE's Web site. Reviewing P.S. 22's Progress Reports would indicate that P.S. 22 has struggled to improve its performance during the last few years. Furthermore, P.S. 22's Children First Network has been working to provide supports to P.S. 22 to help the school's efforts to improve its performance. Despite the availability of these supports, P.S. 22 has failed to develop the proper infrastructure to meet the needs of its students and families.

- Comment 17 asked how the administration and staff at P.S. 22 will be affected by the proposed phase-out.

As stated in the EIS, all teachers and administrative and non-pedagogical staff at P.S. 22 will be excessed over the course of the phase-out. This process will take place gradually as student enrollment declines with each successive graduating class. With fewer students, the school's staffing needs will naturally be reduced. All excessing will be conducted in accordance with existing labor contracts. For example, the current United Federation of Teachers contract would require excessing to take place in reverse seniority order within each given teaching license area. Barring system-wide layoffs, excessed teachers would be eligible to apply for other City positions, and any teacher who did not find a permanent position would be placed in the Absent Teacher Reserve pool, meaning that they would continue to earn their salary while serving in the capacity of a substitute teacher in other City schools. Should there be a vacancy in the school in a teacher's license area within one year of the teacher being excessed, the teacher would have a right of return to the school, consistent with applicable contractual provisions regarding teachers' seniority.

- Comment 18 asked how students who have IEPs will be served at P.S. 22 as it phases out. Comment 22 asked whether students with limited mobility would be allowed to remain in K022.

As stated in the EIS, students with disabilities will continue to receive mandated services in accordance with their IEPs as P.S. 22 phase out, and the existing Integrated Co-Teaching and self-contained special education classes and Special Education Teacher Support Services will continue to be provided.

It is also stated in the EIS that all current P.S. 22 students, including students with limited mobility, would either be served in the new zoned elementary school, P.S. 705, or would continue at P.S. 22 and be supported as they progress towards completion of elementary school and transition to middle school. If the proposal to phase out P.S. 22 and the proposal to co-locate P.S. 705 and Explore Exceed Charter School in K022 are approved, current kindergarten, first grade, and second grade students at P.S. 22 will be served at P.S. 705, which will open in September 2012 in K022. Current third and fourth grade students at P.S. 22 can remain enrolled at P.S. 22 as it phases out. P.S. 22 students who do not meet promotional standards for a grade that will not be offered at P.S. 22 in the following school year will be supported in transitioning to P.S. 705.

- Comment 24 asked when the decision to propose a phase-out and eventual closure of P.S. 22 was made.

Consistent with the DOE's approach in the 2010-2011 school year and its desire to incorporate school and community input in its decision-making process, meetings were held with schools that were eligible for an intensive support plan or intervention. In these conversations, representatives of the DOE shared information about the school's performance and talked with the community members about their reflections of the school's strengths and weaknesses. The District 17 Community Superintendent at the time, Rhonda Hurdle Taylor, met with P.S. 22's SLT, Parent Teacher Association, and faculty in three separate meetings held on October 12, 2011 to discuss possible outcomes for P.S. 22 due to its continued poor performance. The then-District 17 Community Superintendent met with P.S. 22's parent community on December 12, 2011 and December 15, 2011 to convey the decisions to propose the phase-out of P.S. 22. The EIS for the proposal was published on December 19, 2011. A notice to parents and a letter to parents about the proposal and the scheduled joint public hearing were distributed on December 21, 2011 to students to take home.

- Comment 26 asked how the proposed phase-out and eventual closure of P.S. 22 would affect a student who is currently enrolled in second grade at P.S. 22.

As stated in the EIS, if this proposal and the proposal to open and co-locate P.S. 705 and Explore Exceed are approved by the Panel for Educational Policy, current kindergarten, first grade, and second grade students at P.S. 22 will be served at the new elementary school, P.S. 705, which will open in September 2012 in K022.

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.

This is a proposal to phase out P.S. 22. There is no truncation or expansion involved. Further, In 2014-2015, when all the schools are phased out and the new schools are phased in, the utilization will only be 60-73%.

#### **Changes Made to the Proposal**

No changes have been made to this proposal.