



Amended Public Comment Analysis

Date: February 9, 2012

Topic: The Amended Proposed Phase-out of Middle School for the Arts (17K587) Beginning in 2012-2013

Date of Panel Vote: February 9, 2012

Summary of Proposal

On December 12, 2011, the New York City Department of Education (“DOE”) published an Educational Impact Statement (“EIS”) proposing to phase-out and close Middle School for the Arts (17K587, “MS for the Arts”), an existing middle school housed in Building K391 (“K391”), located at 790 East New York Avenue, Brooklyn, NY 11203, in Community School District 17, because of its low performance and its inability to turn around quickly to better support student needs. MS for the Arts currently serves students in sixth through eighth grades and admits students through the District 17 Middle School Choice Process through a screened academic selection method,¹ with priority to students residing in MS for the Arts’ residential zone. If this phase-out proposal is approved, MS for the Arts would no longer admit sixth grade students after the conclusion of the 2011-2012 school year. One grade will then be phased-out in each subsequent year and MS for the Arts will close after June 2014. Current sixth and seventh grade students, and eighth grade students who do not meet promotional standards at the end of this school year, will continue to be served and supported by MS for the Arts as they progress toward completion of middle school. Current eighth grade students who meet promotional standards at the end of this school year will be supported as they select a high school through the Citywide High School Admissions Process for enrollment in the 2012-2013 school year. On January 9, 2011 the DOE posted an amended EIS, which corrected typographical errors, including the percentage of Special Education and English Language Learners (“ELL”) in the Middle School Choice table, which can be found in Section IIIA, and provides additional information regarding District 17 middle school seat capacity, which can be found in Section IIIC.

MS for the Arts is currently “co-located” in K391 with the kindergarten through eighth grade classes of Achievement First Crown Heights Charter School (84K356, “AF Crown Heights”), an existing charter school. AF Crown Heights is phasing-in to serve students in ninth through twelfth grade in separate private space in another building. AF Crown Heights is managed by the charter management organization (“CMO”) Achievement First Network (“AF”). K391 also

¹ Selection criteria for a screened academic program includes: a review of student’s attendance and punctuality, in addition to a review of an essay/writing sample.

houses two community-based organizations (“CBOs”), CAMBA and Brooklyn Center. A “co-location” means that two or more school organizations are located in the same building and may share large, common spaces like the auditoriums, gymnasiums and cafeterias.

In a separate EIS posted in December 2011, the DOE has also proposed to open and co-locate a new middle school (17K722, “I.S. 722”) in K391, which would serve students in sixth through eighth grade when it reaches full scale in 2014-2015. This new middle school would give priority to students residing in the zone, and then admit sixth grade students through the District 17 Middle School Choice Process through a limited unscreened selection method.² If both this proposal and the proposal to co-locate I.S. 722 in K391 are approved, I.S. 722 will provide a new middle school option for District 17 families and replace the seats lost by this proposed phase-out of MS for the Arts. I.S. 722 would be co-located in K391 with MS for the Arts and AF Crown Heights as MS for the Arts phases-out and I.S. 722 phases-in. The DOE does not anticipate that the proposed phase-out and replacement of MS for the Arts will impact the permanent co-location of AF Crown Heights in K391 or the two CBOs.

Background on the DOE’s Decision-Making Process

Schools are identified for possible 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 (“SED”) as Persistently Low Achieving (“PLA”). 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 phase-out. Progress Reports are released by the DOE each fall and evaluate schools based on Student Progress, Student Performance, and School Environment, which includes attendance and survey feedback from parents, teachers, and sixth- to twelfth-grade students, where applicable. 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. A school’s Progress Report and its Quality Review may initially suggest a school should be considered for intervention, but no single criterion leads to a phase-out decision.

MS for the Arts earned an overall F grade on its 2010-2011 Progress Report. On the 2009-2010 Progress Report, MS for the Arts earned an overall D grade, and on the 2008-2009 Progress Report, MS for the Arts earned an overall C grade.

As a result, the DOE initiated a comprehensive review of MS for the Arts with the goal of determining what intensive supports and interventions would best benefit the MS for the Arts community. During that review, the DOE looked at recent and historical performance, consulted with superintendents and other experienced educators who have worked closely with the school, and gathered community feedback.

² Limited unscreened programs give priority to students who demonstrate interest in the school by attending a school’s Information Session or Open House events or visiting the school’s exhibit at any one of the Middle School Fairs.

After completing that review, the DOE believes that only the most serious intervention—the gradual phase-out and eventual closure of MS for the Arts—will best serve students and the community. Phasing-out and closing MS for the Arts will allow for new school options to develop in K391 that are intended to provide better options for families.

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

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

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

1. The CEC Representative, Kenneth Wright, expressed his opposition to the proposed phase-out and replacement of MS for the Arts. Further, Mr. Wright believes that this proposal will be detrimental to the local community, and District 17 at large.
2. MS for the Arts SLT Representative, Richard Thomas, expressed his opposition to the proposal, stating that:
 - a. The New York City External School Curriculum Audit (“ESCA”) was conducted at MS for the Arts during the 2011-2012 school year. The school is working to correct the weaknesses identified in the ESCA and the school has not been given sufficient time to turn around and improve.
 - b. The high number of special education students who participate in the general education classes divert the teachers’ instructional attention away from the general education students because of their behavioral, emotional, and learning issues.
 - c. The principal of MS for the Arts was promised that the school could have a screened admission, but it does not.
 - d. The new replacement school may not be any more successful than MS for the Arts.

3. A Staff Representative for Council Member Darlene Mealey expressed opposition to the proposed phase-out stating that she wants an explanation as to why the DOE is proceeding with the phase-out and replacement of MS for the Arts.
4. Multiple commenters expressed concern over the lack of supports that were provided to MS for the Arts. Many commenters stated that the school does not have adequate resources to support its students and that supports were not offered to the school to help aid in its turnaround.
5. Multiple commenters stated that MS for the Arts was not offered sufficient time to turn around and that the decision to phase out was made with more haste than other schools.
6. Multiple commenters MS for the Arts stated that they do not understand why phasing out a school benefits children or improves choice in the District.
7. Multiple commenters expressed concern about how the new replacement school will be any different than MS for the Arts and how the new replacement school will succeed.
8. Multiple commenters expressed concern that MS for the Arts is the only school in the District that provides art—and performing art—based programming options to students.
9. One commenter spoke out against the proposed phase-out of MS for the Arts and explained that, in teaching, one never tells a student to give up. This commenter feels as though the DOE is giving up on MS for the Arts.

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

10. Why did the DOE choose to phase out MS for the Arts rather than change school leadership and eliminate fifty percent of staff, which is essentially the result of the phase out process?
11. Why did the DOE's Quality Review and audit get released in February when the preliminaries only came out in August?
12. Why does the DOE not give a normal window of time to revamp and organize and implement the new Comprehensive Education Plan ("CEP"), which should be an absolute minimum of eighteen months?
13. Why does MS for the Arts offer not offer auditions for admission and instead admits zoned students and students through the Middle School Choice Process?
14. How did the DOE help students at MS for the Arts raise their learning abilities?
15. The DOE took away \$423,000 in funding over the past three years. Is this how students will strive to the higher standards?
16. What kind of intervention did the DOE do between 2009-2010 and 2010-2011 when MS for the Arts was struggling with performance?
17. What was the school's budget in 2009, 2010, and 2011?
18. Is there a correlation between the budget over the years and the school's poor performance? If there was a deficit, what interventions did the network do to compensate for this deficit? This is a school for the arts and therefore budgets make a major difference.

19. If safety was an issue at the school, did the DOE reach out to the New York Police Department (“NYPD”) or anyone from Council Member Mealy’s office to get assistance with helping students travel to and from school?
20. Please provide evidence and facts of how the DOE helped train leadership with truancy prevention.
21. What interventions/supports were offered to the school?
22. If the proposed phase out is approved, how will the DOE ensure that the seventh and eighth grade students at MS for the Arts will receive a quality education during the phase-out?
23. How will the DOE support teachers and students who will feel discouraged based on the fact that they are associated with a school that is branded as a failure?
24. Why was the process by which MS for the Arts was identified for phase-out accelerated?
25. What percentage of students at MS for the Arts are students with disabilities and what percentage of students are overaged? How does this compare MS for the Arts with the overall citywide average?
26. What resources have been provided to ensure success for all students? Please provide examples for special education students and ELL students.
27. Why is K391 underutilized?
28. If the proposal is approved, how will the remaining students in grades seven and eight be served in a school that the DOE has deemed a failing school?
29. Being that MS for the Arts is in the bottom percentile in Math and English Language Arts (“ELA”), what actions were taken to stop another phase-out in the K391 building?

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

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

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

32. The DOE received a comment via telephone in opposition to the proposed phase-out of MS for the Arts which asked what school specific supports were provided to MS for the Arts in an effort to keep the school open?
33. One commenter wrote in via email to express opposition to the proposed phase out, and communicated the following:
 - a. Sends child from District 18 to attend MS for the Arts because it provides arts education.
 - b. How can you close the school without giving teachers, students, staff, and the Principal ample time to turn around the school?

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

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

- Comments 30 and 31 did not relate to this proposal and therefore do not need to be addressed.
- Comments 2(c) and 13 are concerned with MS for the Arts’ current admissions process.

Currently, MS for the Arts offers first priority to students residing in the residential zone. After first priority has been given to students residing in the zone, admissions are then open to students and residents of District 17, through a screened academic selection method. As part of the selection criteria for MS for the Arts’ academic screened admission method, students must submit an essay/writing sample and students’ attendance and punctuality records are examined. At no point has MS for the Arts used auditions as a criterion for student selection and the Office of Student Enrollment has no request on file from the school asking for a revision to current admission policies.

- Comments 1, 3, 6, 9, 10, and 33(b) relate to the process by which the DOE decides to phase out a school and why the DOE decided to phase out MS for the Arts.

In a concerted effort to ensure that all students have access to high-quality school programs, the DOE annually reviews the performance of all schools Citywide. This process identifies schools that are having the most trouble serving their students.

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 most recent 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 New York State Education Department (“SED”); and/or
- for elementary schools, middle school, and high schools: received a recommendation on its most recent Joint Intervention Team (“JIT”)³ review for significant change in organizational structure or phase out/closure.

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 Citywide average. The Citywide average for 2010-2011 was 65.1%; and/or
- elementary and middle schools that have a higher ELA and Math average proficiency than their district average or the Citywide average (whichever is lower). The Citywide average for 2010-2011 is 50.6% proficient; and/or
- schools that received an A or B on the 2010-2011 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 2010-2011.

Schools that are removed from consideration for the most intensive support or intervention will receive differentiated support from their CFN team.

The remaining schools, which represent the schools that are struggling the most, are further investigated for more serious interventions that may include phase-out/truncation and replacement. The DOE considers a few key data points:

- student performance trends over time;
- demand/enrollment trends over time;
- interventions already underway;
- talent data;
- school culture/environment;
- district needs/priorities; and
- school safety data.

In addition to understanding the data, the DOE also works with school staff, parents, students, communities, and networks to get a holistic sense of what is happening at the school and what supports or interventions would most likely improve student outcomes. In early engagement meetings at these schools, the DOE heard from constituents about what is working and what is not before making a decision about the supports or interventions that can best support student outcomes.

³ A JIT review is an SED mandated intervention designed to assess a school’s educational program, using multiple measures of quantitative and qualitative information, and to make recommendations.

For the majority of schools the DOE investigates, it hopes that the school can turn around. To that end, the DOE may replace the principal, change staff, invest in new programs, or mentor teachers, and sometimes reconfigure grades to help the school change trajectory. But, in some cases, the DOE is left with a set of schools that it knows – based on quantitative and qualitative data – do not have the ability to improve quickly and a decision is made to propose to gradually phase out the school and give future students a better opportunity.

At the end of this multistep process, the DOE’s analysis and engagement directed it to a set of schools that quantitative and qualitative indicators show do not have the capacity to significantly improve. Deciding which course of action can best support the students and community of a struggling school is not easy, but the DOE is compelled to act based on its commitment to ensuring that every student has access to a high-quality school.

No single factor determines whether the DOE will propose to phase-out a school. Deciding to phase out a school is the toughest decision the DOE makes. But, in some cases, it is the right thing to do for the students of New York City.

In this specific case, through a thorough review process, it was determined that MS for the Arts was not delivering a high quality educational option for all of its students. MS for the Arts earned an overall D grade on its 2010-2011 Progress Report. On the 2009-2010 Progress Report, MS for the Arts earned a C grade, and on the 2008-2009 Progress Report, MS for the Arts earned an A grade.⁴ As a result, the DOE initiated a comprehensive review of MS for the Arts with the goal of determining which intensive supports and interventions would best benefit the MS for the Arts community. During that review, the DOE looked at recent and historical performance, consulted with superintendents and other experienced educators who have worked closely with the school, and gathered community feedback.

After completing that review, the DOE believes that only the most serious intervention—the gradual phase-out and eventual closure of MS for the Arts—will best serve students and the community. Phasing-out and closing MS for the Arts will allow for new school options to develop in K391 that are intended to provide better options for families. The DOE has taken action to ensure that students in this community do not fall further behind their peers.

- Comment 11 concerns the Quality Review (“QR”).

Last January, MS for the Arts received a Quality Review. In February, the results were shared with the school and in March the results were finalized and subsequently posted publicly. The school received a grade of Proficient.

⁴ 84% of elementary/middle schools Citywide received an A (97% received an A or B) on the 2008-2009 Progress Report. This school’s 2008-2009 Progress Report overall score was in the bottom 45% citywide.

MS for the Arts received a D on its 2010-11 Progress Report and was therefore required to have a QR in the 2011-12 school year. The QR is currently scheduled for March 2012.

The QR is one of many performance and other factors the DOE looks at when evaluating a school. Ultimately, the DOE has decided that MS for the Arts doesn't have the capacity to turnaround quickly to meet student needs, as evidenced by factors such as performance, progress, and enrollment decline. For further information, please refer to the response to comments 1, 3, 6, 9, 10, and 15 concerning the process by which the DOE decides to phase out a school and why the DOE decided to phase out MS for the Arts.

- Comment 12 concerns MS for the Arts' CEP.

Creating and updating its CEP is part of every school's annual planning process. In developing its CEP, schools should reflect on which practices at their school are helping them meet their student achievement goals and which practices need to be revised. Though the DOE wants to ensure that schools have time to implement the practices they indicate in their CEP, there is not a minimum timeframe given to schools before a portfolio change may be enacted. In cases where a school is not getting the job done for its students and the improvement strategies put into place, as indicated in its CEP, do not appear to be leading to increased student achievement, the DOE cannot be forced to wait for the school to finish implementing its current plan before it takes action at the school.

- Comments 15, 17, and 18 concern MS for the Arts budget.

MS for the Arts budget, both current and for previous years, is available online at: <http://schools.nyc.gov/AboutUs/funding/schoolbudgets/fy12SchoolBudgetOverview.htm?schoolcode=K587>

MS for the Arts' budget was reduced over the years, due to the Citywide budget reduction. The school's budget loss can also be attributed to the school's declining enrollment over the last several years. Tax levy school funding is distributed on a per pupil basis. Prior to the beginning of the year, principals hire a staff to begin on the first day of school with the expectation that the school will enroll a certain number of students, including certain numbers of special education and/or ELL students. If a school admits a substantially lower number of students or lower number of special education and/or ELL students than its anticipated targets, the DOE will make corresponding changes in the school's budget. Once enrollments have stabilized in late September, principals work with their Children First Networks to prioritize their budgets for the year and ensure there are adequate funds to pay for staff salaries and other resources. Schools are responsible for the financial impact of the change in register between the projection and the audited register. If they spend more funds than they would have been entitled to receive based on their actual enrollment, they are considered to have a "deficit."

It is not uncommon for schools to be faced with a deficit. The DOE works closely with principals to ensure a proper plan is in place. Over the past three years, over 200 DOE schools have accumulated approximately \$47 million in deficits.

Typically, deficits are a byproduct of budget overruns as a result of a school missing its projected enrollment target. Principals participate in the register projection process in the prior spring and must approve the projection for their school.

As mentioned above, tax levy school funding is distributed on a per pupil basis. If a school admits a substantial number of students or specific cohort of students below its anticipated target, it could have a material impact on the school's budget (e.g., 15 general education students = ~\$63,000, whereas 15 special education high school students in an integrated classroom setting = ~\$216,00). Students with greater special needs generate a higher pupil per capita in the Fair Student Funding allocation formula.

- Comments 2(a), 5, and 24 contend that the phase-out process is being accelerated for MS for the Arts and that not enough time was offered to turn around.

The DOE notes that the phase-out process for MS for the Arts is no different than any of the other schools that the DOE is proposing for phase-out this year and it is not being “accelerated” in any manner.

- Comments 2(d), 7, and 10 concern new school replacement plans.

This year, the Department is proposing to phase out seven schools and truncate three schools that were opened under this Mayoral administration. These ten schools represent less than 3% of the schools opened since 2002.

The DOE counts on each of its schools to provide a high-quality education to its students, and the DOE holds all schools to the same high standard. If a school is not getting the job done for students, whether it was opened recently or not, the DOE is compelled to take serious action to ensure its students do not fall even further behind.

In June 2010 MDRC, an independent research group, issued a report on NYC's new small schools strategy. MDRC concluded: “it is possible, in a relatively short span of time, to replace a large number of underperforming public high schools in a poor urban community and, in the process, achieve significant gains in students' academic achievement and attainment. And those gains are seen among a large and diverse group of students — including students who entered the ninth grade far below grade level and male students of color, for whom such gains have been stubbornly elusive.” (MDRC, “Transforming the High School Experience,” June 2010.)

New York City was ahead of the curve in complying with President Obama's call to close or turn around the lowest 5% of schools nationwide and provide better options to families. The DOE simply cannot stand by and allow schools to keep failing students. New York City's new schools strategy has helped to deliver on the core promise the DOE makes to families to provide *all* students with an excellent education.

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

As with all DOE schools, the proposed new middle school, I.S. 722 would serve all types of students. In terms of inherent differences between MS for the Arts and I.S. 722 would be led by a new principal. The Office of New Schools (“ONS”) selects new school leaders using a rigorous, four-phase process that assesses aspiring principals around core areas of Personal Leadership, Instructional Leadership, Community Leadership, and Student Support.

Once ONS approves new leaders and matches them to school sites, ONS will subsequently work with each principal during the New Schools Intensive, an ongoing workshop that equips these leaders with the necessary tools so that they are ready to open a new school. As a part of the New Schools Intensive, ONS leads weekly workshops focused on different aspects of school startup, and matches new leaders with visits to exemplary schools so that these leaders can see, firsthand, examples of existing successful schools that are implementing specific aspects of their own school models. ONS also provides a set of deliverables that the new leaders must produce and community engagement that they must see through, in addition to providing them with various other new school start-up tools in an effort to ensure that each new leader is well-prepared to open his or her new school in September.

Further, all teachers, administrative and non-pedagogical staff at MS for the Arts would be excessed over the course of the phase-out. This process would take place gradually as student enrollment declines with each successive graduating class. With fewer students, the school’s staffing needs will naturally be reduced.

New schools follow the hiring process consistent with the procedures set forth in the collective bargaining agreement between the DOE and United Federation of Teachers. New schools hiring that have an impact on a school that is closing or phasing out, shall be required to hire no less than 50% of the most senior qualified staff from the closing or phasing out school, if sufficient number of staff apply, until the impacted school is closed.

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

- Comments 2(b), 4, 14, 16, 20, 21, 26, 29, 32, and 33(b) relate to the supports that were provided to MS for the Arts.

The DOE notes that 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.

The specific supports offered to MS for the Arts include leadership, instructional, operational, and student supports. Each of these supports are both designed and intended to support all students, which include students with disabilities and ELL students. For MS for the Arts specifically, the Network:

- Provided 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.
- Coached and trained leadership on implementing plans in support of Citywide instructional initiatives and teacher effectiveness.
- Advised leadership in developing strategies around students with disabilities and ELL students' compliance and supports.
- Trained leadership on the development of comprehensive art programming and infusing art into the core curriculum.
- Supported and trained teachers in creating curriculum maps, strategies aimed at addressing various students' entry points into content, and other instructional tools to raise teacher practice and improve student achievement.
- Facilitated training for teachers in assessment design and the creation of rigorous tasks and rubrics aligned to Citywide instructional initiatives.
- Provided 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.
- Worked with teacher teams to support their work in establishing protocols for reviewing student data, evaluating strategies, and analyzing student work and growth.
- Coached art teachers to develop and implement literacy strategies into their lesson plans to enable students to access interdisciplinary learning.
- Advised school staff on budgeting, human resources issues, teacher recruitment, and building management.

- Supported staff in analyzing and improving attendance through best practices geared at strengthening school culture and the learning environment.
 - Trained 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.
 - Developed strategies and comprehensive plans aimed at improving student achievement and developing the quality of services targeted to support students at risk of not being promoted.
 - Facilitated the development of meaningful and rich relationships with various CBOs, including Above the Curve, Creative Outlet, Counseling in Schools, CAMBA, and Brooklyn Center in order to impact student achievement and deepen the rigor within the classroom.
- Comment 25 asks the DOE to compare the percentage of special education and overaged students at MS for the Arts with the Citywide averages.

As stated in the EIS, 23% of MS for the Arts students have an Individual Education Program (“IEP”) and 5% are ELL students. The Citywide average for middle schools is 17% of students have IEPs and 5% are ELL students. In terms of the percentage of overage students, MS for the Arts serves a student population of which 12% are overage. The Citywide middle school overage enrollment is 5%.

- Comment 8 and 33(a) expressed concern that MS for the Arts is the only school in the District that provides art and performing art-based programming options to students.

Through the Middle School Choice process, students receive priority admission into their zoned middle school when they rank that school on their District 17 Middle School Choice application. After a zoned school admits all zoned students matched during the middle school choice process, the school’s remaining spaces are open to out-of-zone District 17 students who indicated a preference for that school. According to the Middle School Directory, the following middle schools open to District 17 students offer programs in the arts:

- Parkside Preparatory Academy (17K002) offers the following special programs: Arts, Band, Photography, and Chorus and Parkside Preparatory Academy also partners with Partnership for the Arts and Neighborhood Music and Arts.
- Dr. Gladstone H. Atwell Middle School (17K061) offers the following special programs: Dance, Theatre, Film Development, Culinary Arts, and an enrichment class in Violin. Additionally, Dr. Gladstone H. Atwell Middle School is partnered with the Brooklyn Academy of Music (“BAM”).
- P.S 189 (17K189) partners with BAM.

- Walt Whitman (17K246) offers the following special programs: Visual Art, Media Art, Drama, Chorus, Band, TV Station, and Broadcasting. Walt Whitman is also partnered with BAM.
 - Middle School for Academic & Social Excellence (17K334) offers a robust academic curriculum that includes Cultural Arts and Problem Based Learning.
 - I.S. 340 (17K340) offers a special program in Art. Additionally, I.S. 340 is partnered with the Center for Arts Education and Creative Connections.
 - Elijah Strough Middle School (17K353) is partnered with the Brooklyn Museum, Ballet Hispanico, and the Brooklyn Public Library.
 - School of Integrated Learning (17K354) offers the following special programs: Choir, Steel Pan Ensemble, and Music. Additionally, the school is partnered with Hip Hop 4 Life.
 - Philippa Schuyler (32K383) is partnered with the Joyce Theatre.
 - The Mary McLeod Bethune Middle School (17K394, “MS 394”) offers special programs in Architectural Building & Design and Creating Comic Books. Additionally, MS 394 is partnered with BAM.
 - Ronald Edmonds Learning Center II (17K484) offers the following special programs: Visual Art, Drama, Dance, and Video Production.
 - The School for Human Rights (17K531) offers a special program in Instrumental Music.
 - School for Democracy and Leadership (17K533) offers special programs in Music and Art. Additionally, the school is partnered with Digital Art Alliance.
 - Urban Assembly School for Criminal Justice (20K609) offers special programs in Visual Arts.
- Comment 19 concerns school safety and past incidents pertaining to student travel to and from school.

The Office of School Safety confirms that there is a safe corridor in place for the dismissal at the end of the regular school day, which is made up of School Safety Agents and officers from the 70th Precinct. This safe corridor covers the main walking route from the school to East New York Avenue. Further, the Office of School Safety confirms that there has been little crime in the school or on the school’s perimeter.

- Comments 22, 23, and 28 are concerned how MS for the Arts will be supported throughout the phase-out period.

While the DOE knows that phasing out and replacing MS for the Arts is the right decision for this community, it takes seriously the obligation to provide high-quality support to students in schools that are phasing out. Supports for students in phase-out schools has evolved over several years as the DOE has learned what differentiated support is needed to support these schools and students.

If this proposal is approved, schools will receive support in the areas of budget, staffing, programming, community engagement, guidance, and enrollment, including, but not limited to:

- Helping the school provide students with options that support their advancement and fully prepare students for their next transition point.
- Working with school staff to foster a positive culture.
- Supporting school leadership in efficiently and strategically allocating resources to ensure a consistent and coherent school environment focused on student outcomes.

This past year, in September 2011, 26 schools began phasing out. These schools have received additional funding and specialized network support. Middle schools and high schools that began phasing out in September 2011 have been supported by the Phase Out Transition Support Network.

While the DOE does not know exactly what supports will look like for the 19 schools that are proposed for phase out this year, including MS for the Arts, or the 6 schools that are proposed for truncation, the DOE does know that it will continue to establish differentiated and deliberate support to those schools and students. These supports should help to continue a positive trend seen in phasing-out schools, specifically that, as high schools phase out, the four-year graduation rate rises as the dropout rate falls.

- Comment 27 concerns utilization of K391 and its current status as under-utilized.

As described in more detail in the 2010-2011 Enrollment Capacity Utilization Report (the “Blue Book”), which is available at <http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Enrollment/2010-2011-BlueBook.pdf>, a building’s target utilization rate is calculated by dividing the aggregated enrollment of all the school organizations in the building by the aggregated “target capacities” of those organizations. Each school organization’s “target capacity” is calculated based upon the scheduled use of individual rooms as reported by principals during an annual facilities survey, the DOE’s standards for maximum classroom capacities (which are lower than the United Federation of Teachers contractual class sizes and differ depending on grade level), and the efficiency with which classrooms are programmed (i.e., the frequency with which classes are scheduled in a given classroom).

Each year, the DOE's Division of Portfolio Planning ("Portfolio") conducts a transparent process to publish a list of underutilized buildings by applying consistent criteria to all school buildings and soliciting and incorporating school and community feedback. Inclusion on this list, which is informed by capacity and enrollment data, formally recognizes that a building potentially has excess space that can be utilized more efficiently. It is important to note, however, this does not imply that the DOE will propose a significant change in space utilization for the 2012-2013 school year. Any proposed changes would be preceded by an analysis by Portfolio in conjunction with a building review by the Office of Space Planning. In addition, these changes are subject to the public review process governed by Chancellor's Regulation A-190.

According to the 2010-2011 Blue Book, the building in which MS for the Arts is located, K391, has the capacity to serve 1,622 students. In 2010-2011, the building served only 1,151 students, yielding a utilization rate of just 71%. In 2011-2012, the building serves only 1,028 students, yielding a utilization rate of 63%. This is one indicator that the building is "underutilized" and has extra space to accommodate additional students.

Additionally, the DOE notes that enrollment at MS for the Arts has been declining over the years. In the 2006-2007 school year, MS for the Arts served 440 students in sixth through eighth grade. By 2010-2011, there were only 370 students enrolled in sixth through eighth grade, representing a 16% decrease in enrollment. Due to MS for the Arts' declining enrollment, fewer students were served in K391, and as a consequence the building's utilization rate went down.

- Comment 34 concerns class size.

Class size is primarily determined by how principals choose to program students at their school within their budget. Thus, no particular proposal, in and of itself, necessarily impacts class size. The Citywide instructional footprint relies upon the current programming at a school (number of sections) to determine the baseline footprint allocation. Decisions to co-locate schools are not based solely on the utilization figures in the Blue Book. The DOE also considers the total number of classrooms in the building and the number of sections currently programmed at all schools in the building or projected to be programmed to determine the availability of excess space and the baseline footprint for each school.

The DOE acknowledges that there some members of the schools' communities that are opposed to the proposal, and/or prioritize smaller class sizes. However, given the schools' longstanding performance struggles, we believe that phasing out certain schools and/or creating new educational options by co-locating new schools will best serve the families in these communities.

With respect to CSM's comments regarding the particular types of students who attend phase-out schools, it should be noted that schools progress report grades are based in part on a comparison of the school with peer schools serving similar populations of students. Poor performance report grades thus indicate that a school is not serving its students well,

both objectively and by comparison to other schools serving similar students. Moreover, the new schools proposed to open are anticipated to serve student populations similar to the phasing out school.

Changes Made to the Proposal

No changes have been made to this proposal.