



Date: March 22, 2010

Topic: Proposed Phase-Down of Alfred E. Smith Career and Technical Education (CTE) High School (07X600)

Date of Panel Vote: March 23, 2010

Summary of Proposal

In December 2009, the Department of Education proposed to phase out Alfred E. Smith Career and Technical Education High School (“Smith”) based on a longstanding history of poor academic performance. An educational impact statement for this proposal was published on December 11, 2009 and a joint public hearing was held on January 11, 2010. Based on the feedback from the community and the demand for an automotive program to continue to exist in the Bronx, the DOE subsequently revised the original proposal to phase out and eventually close Smith, instead proposing to retain the school’s Automotive program while phasing out the other CTE programs offered at the school.

In the 2010-2011 school year, Alfred E. Smith will begin phasing out the existing construction trades and architectural engineering programs. For the 2010-2011 school year and subsequent school years, students will only be accepted to the automotive technology program. The construction trades and architectural engineering programs will gradually phase-out until those programs close at the conclusion of the 2012-13 school year. All students currently enrolled in non-automotive CTE programs at Alfred E. Smith will have the opportunity to continue with their CTE pathway and graduate from the school.

The details of the revised proposal for Alfred E. Smith were originally set forth in a revised educational impact statement issued on January 27, 2010 and a joint public hearing was held on February 12, 2010. The revised educational impact statement indicated that the space made available by the phase down of Smith would be used to house two schools, Bronx Haven High School (08X381, “Bronx Haven”), an existing transfer school serving students in grades 9-12, and The New York City Charter High School for Architecture, Engineering, and Construction Industries (“AECI”). The proposal to co-locate Bronx Haven and AECI with Smith in X600 was explained in a separate educational impact statement, also issued on January 27, 2010.

In response to public comment received expressing concern that AECI would not fulfill the community's needs, the DOE decided not to site AECI in X600. The DOE is instead proposing to site only Bronx Haven with Smith in X600 for the 2010-2011 school year. Accordingly, on March 3, 2010 the DOE issued a revised educational impact statement for the Smith proposal and revised the educational impact statement for the AECI/Bronx Haven co-location proposal. A joint public hearing on the revised proposal was held on March 19, 2010.

Summary of Comments Received at the Joint Public Hearings

The first joint public hearing regarding this proposal was held at school building X600 on January 11, 2010, before the DOE made any revision to the proposal. The hearing was open to the public, and all interested parties the opportunity to comment on the proposal. Approximately 530 people attended, and 103 people spoke. All speakers opposed the proposal to phase-out and close Smith, citing the following reasons: (1) Alfred E. Smith is a needed Career and Technical Education high school in the Bronx; (2) the trades taught at Smith allow many students to secure jobs in the automotive, plumbing, construction and carpentry industries; (3) Smith is a vital part of the Bronx community; (4) the school has shown improvements that are not captured in Progress Reports; (5) the teachers at Smith are supportive; and (6) Smith serves a high number of minority students who may not be able to afford college, but who are highly successful upon graduation due to the training they receive at the school.

After the DOE revised the proposal to phase-out Smith completely and instead proposed the phase down of Smith to just its automotive technology program, a second joint public hearing was held on February 12, 2010. The hearing was open to the public, and all interested parties the opportunity to comment on the proposal. Approximately 125 people attended the hearing, and 70 gave comments, all in opposition. The reasons cited for opposition to the proposed phase-down of Smith were very similar to those cited at the first hearing. Many speakers focused on the variety of career path preparation provided by the building trades programs. Also, speakers wondered why the DOE is proposing to phase out the construction trades and architectural engineering programs at the school when the graduation rates for those programs are similar to automotive technology graduation rate. Some speakers expressed concerns regarding what will happen to students who have applied to Smith for the 2010-2011 school year.

A third and final joint public hearing was held on March 19, 2010, after the DOE revised its proposal to co-locate AECI and Bronx Haven with Smith in X600. All interested parties had an opportunity to provide input on the proposal. Seven members of the public spoke in opposition to the proposal, citing concerns about lost career opportunities for students, the potential for Smith to improve services for students, sharing space, and improper use of the building for programs other than trade programs. Two members of the public spoke in favor of the proposal to co-locate Bronx Haven in the building, citing the school's strong community partnership and the need to expand services for students who are at-risk.

One speaker voiced neither support nor opposition to the proposal but stated that endorsed building trades career and technical education programs are important to the community and must be maintained. Additionally, the speaker voiced his appreciation for the willingness of the DOE to work with members of the community on the planning for the Smith

campus. As a community industry leader, he expressed his commitment to work with the DOE on ensuring the creation of an additional viable option on the campus that will offer an endorsed diploma in the construction trades and architectural engineering pathways.

Summary of Issues Raised in Written and Oral Comments and Significant Alternatives Suggested

Since the educational impact statement on the proposal to phase out and eventually close Smith was published on December 11, 2009, approximately 80 oral comments and approximately 376 written comments regarding the original proposal and the revised proposal have been submitted. Comments were submitted by current students at Smith, alumni from the school, teachers, community members, and industry representatives. All comments opposed the closure of Smith. A summary of the comments made by each group is set forth below.

One advocacy organization submitted general comments objecting to all proposed co-locations of schools being considered by the Panel on March 23, 2010. A summary and analysis of these comments is included in the attached appendix.

Current Alfred E. Smith Students

Most comments regarding the Smith proposal were submitted by current students opposed to the phase out of any programs at the school. The students noted several reasons for why they believe Smith's programs should remain open. They stated that they feel the school offers them opportunities and options when they graduate. Many suggested that the school is getting better and that the graduation rate is improving. Students also said Smith offers something most high schools do not—college preparation and career preparation. They stated that Smith offers a choice of careers in the trades that are lucrative after high school and that the school offers a “hands on” education so that students learn about trades in the classroom and through internships. Students further noted that most people cannot learn a trade until they go to college and must pay for the education, but at Smith, students can learn a trade for free. Many students noted that with the trade certification they receive from Smith along with a diploma, they could become members of unions throughout the country.

Students noted that they like attending Smith. They said that it is the only school of its kind in the Bronx. They also noted that the school gives minorities a chance to succeed and has kept many students from the streets. In addition to academic training, students noted the life skills they learned as well as the practical skills. In addition, many students indicated that they are gaining leadership skills. Students also noted that the sports programs offered at Smith offer students excellent extracurricular activities. They praised the quality of teachers and the amount of personal attention they receive from the faculty. Some students noted that Smith serves special needs students very well. Many students noted that Smith is a “family” and that they feel safe at the school. They said that the community will suffer without the school.

Finally, many students argued that the school should not be closed, but instead given a chance to succeed. They stated that the statistics used by the DOE are not representative of the school, people and community that are affiliated with the school.

Smith Alumni

Alumni noted that attending Smith gave them outstanding opportunities in various fields including in the trades, business, and the military. Some argued that closing Smith would limit opportunities for minorities in the Bronx. Many alumni argued that Smith made them who they are and expressed that they would like to see their children attend the school.

Smith Teachers, Staff and Administrators

Teachers at Smith noted that the school is the only CTE school in the Bronx. They asserted that the fact that the school received a “C” grade three years in a row does not mean that the school is failing, noting that a “C” grade is not a “D” or an “F.” Teachers further noted that the school gives kids outstanding opportunities after they graduate and that Smith graduates are highly marketable. Some teachers also noted that Smith serves a large special needs population. Finally, the principal of the school submitted a letter stating that the statistics used by the DOE in their analysis of Smith were incorrect or problematic.

Parents

Parents of Smith students noted that some kids do not go to college, and Smith gives these kids opportunities. Many noted that the school has been a fixture in the Bronx community for over 60 years, and stated that closing the school would be detrimental to the community.

Adult Education Students

A number of students enrolled in the adult education program at Smith submitted comments expressing opposition to the proposal to close Smith. They expressed concern over where they would learn the skills taught at Smith if the school closed. They stated that the adult education program at Smith is an asset to the entire Bronx community.

Members of the Community

Members of the community also submitted comments in opposition to the proposal to phase out Smith. They noted that Smith is a pillar in the community and a stepping stone for success. They also stated that the school helps keep kids off of the streets in a blighted neighborhood and offers opportunities to students. Many believe that the community would suffer if Smith closed.

In addition, members of the community noted that in the current recession, Smith students who are trained in vocations can help the American economy recover. They also noted that the school trains students for “green” and environmental jobs, which are important in this economy.

The community has expressed concerns regarding what will happen to the current partnerships that Smith has developed with industry leaders throughout the greater New York City region. The community also expressed concerns about what other options will be available to students who wanted to attend the construction trades programs in 2010.

Class Size Matters

One advocacy organization, Class Size Matters, submitted comments in opposition to the proposal to phase down Smith to its automotive technology program. These comments can be summarized as follows: (1) the community did not have ample time to respond to the January 27, 2010 revised educational impact statement and the educational impact statement was not in compliance with the law, noting that the fact that AECI was no longer going to be co-located at X600 was a substantial change to the EIS; (2) using a four-year graduation rate rather than a five-year graduation rate in an evaluation of a CTE school is inappropriate because the New York Board of Regents uses a five-year graduation rate, not the four-year rate; (3) use of the four-year graduation rate is especially inappropriate given the large number of special education students and high percentage of homeless students at Smith; (4) the DOE controls the graduation rates of high schools through its admission process by sending low performing students to certain schools, like Smith; (5) the demand for seats at Smith is relatively high; (6) Smith offers state-approved vocational programs in industries where there are shortages throughout the city; (7) Smith should be preserved rather than replaced with programs that will take years to develop; (8) closing Smith will lead to overcrowding in other schools; (9) small schools like those that would replace Smith usually have fewer special education, English language learner, and overage students; (10) the phase down of Smith would add more teachers to the Absent Teacher Reserve pool; (11) the DOE has failed to explain what will happen to current students who do not graduate at the end of the three-year phase out period; (12) up to 30 percent of the last two graduating classes of schools of schools that have been phased out were discharged; and (13) there is no evidence offered in the educational impact statement that the administration made efforts to improve Smith.

In addition, Class Size Matters proposed alternative measures that the DOE should take instead of phasing out any programs at Smith, which are summarized as follows: (1) an “internal assessment should be made by the DOE about why this decision to phase out Smith should be released to the public, so that it can be more readily evaluated”; (2) an independent analysis should be conducted with more complete and accurate comparative data about how Smith serves its high needs student population compared with other schools; (3) an assessment should include information about the fiscal impact of the school’s closure and its impact on overcrowding elsewhere; and (4) the DOE should develop a turn-around strategy implementing targeting improvements, including reducing class size, reinstating the support role of the superintendent, reforming its accountability system as well as other reforms that will raise student achievement, boost graduation rates, reduce the discharge rate and enhance the learning environment.

Industry Representatives

In addition to those groups noted above, comments were submitted by representatives in various industries, including:

- Metropolitan Transportation Authority
- City Garden Club of New York
- Mike Holt Enterprises
- Smalls Electrical Construction, Inc.
- GTS Electrical Corp.
- Shanska Mechanical & Structural, Inc.
- Robert Parchment Plumbing & Heating
- Plaza Construction Corp.
- Park Square Electrical Corp.
- LFF Construction Services
- Center for An Urban Future
- Ahern Painting Contractors
- Helberg Electrical Supply
- Crescent Electrical Supply Company
- J-Track LLC
- Calcedo Construction
- Bobtek Electrical Corp.
- P. Boyd, CPA, PLLC, Certified Public Accountants & Consultants
- Transport Control Engineering, P.C.
- Minelli Construction Company, Inc.
- Robert W. Parchment Plumbing & Heating, Inc.
- Cooper Electrical Supply
- Artinian & Associates, Inc.

Comments received from these industry representatives can be summarized as follows: (1) they have been impressed by Smith students because they are eager to learn; (2) Smith has a supportive staff; (3) closing vocational schools is bad for the country and the economy; (3) New York City is suffering in this economy and needs more graduates in the trades; (4) CTE high schools often have higher graduation rates than other high schools; (5) local construction companies need Smith for talent and to keep NYC construction viable and competitive; and (5) closing Smith will close trades for minority students. Several of these industry representatives suggested that the DOE “develop a new academic plan that meets the DOE’s college prep standards for students with a primary focus on trades and technical development.”

Petition

The DOE also received a petition to “Keep All Alfred E. Smith Career and Technical High School Programs Open in Their Full Capacity.” The petition summary states the following:

The DOE is planning to phase down or phase out the Construction Trade Endorsed Diploma Program at Alfred E. Smith Technical Education High School. This high school offered several opportunities, teaching students trades such as carpentry, plumbing,

electrical, auto mechanics, drafting and HVAC. Phasing down the school will be eliminating [sic] opportunities for thousands of future students to earn a living and join the middle class straight out of high school.

This petition was signed by approximately 6,000 people.

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

Many of the comments summarized above expressed concern over phasing out and closing Smith. However, based on feedback from the community—including very strong support from the school’s partners in the automotive industry—the DOE revised its initial recommendation, instead proposing to retain the school’s automotive technology program while phasing out the other CTE programs offered by the school. Although the automotive technology program will remain open, strong reasons remain for phasing out the other programs offered at the school. The DOE believes that phasing out these programs will allow the school to focus its efforts to improving academic instruction and student achievement for its automotive students.

Students enrolled in CTE programs must complete all high school graduation requirements in addition to any specialized requirements associated with achieving their CTE certification. Smith has a longstanding history of providing inadequate academic support to its students, which has resulted in unacceptably low graduation rates at the school. Smith received a C grade on its Progress Report for three consecutive years.

Smith’s four-year graduation rate is low. In 2007-08, the four-year graduation rate at Smith was 37.4 percent. Last year, that rate rose to 45.7 percent, still well below the citywide average of 60 percent and in the bottom six percent citywide. While this is progress, the school’s graduation rate in 1998 was 44 percent—indicating that little progress has been made in improving school outcomes over the course of a decade. If Regents diplomas alone counted toward graduation—as will be the case in just two years—the school would have a graduation rate of just 29 percent.

Further, although some commenters stated that the DOE should not use the school’s four-year graduation rate as a measurement of the school’s performance due to the large number of special education students enrolled at the school and that the school should not be phased out because of its high percentage of special education students and English language learners, the school is not serving these populations well. Eleven percent of students at the school are English language learners, and twenty-one percent receive special education services. Smith’s graduation rate for special education students is substantially lower than other schools with a similar population and the overall graduation rate is in the bottom 6 percent citywide.

Class Size Matters cited the State Education Department’s recent adoption of five-year graduation rates as a reason for opposition to the phase-out proposals. This policy, however, was adopted by the Regents in October and therefore does not apply to previous years’ graduation rates. Additionally, the DOE expects schools to support students in earning a high school

diploma within four years. High schools are designed to graduate students in four years and while we recognize that some students need additional time the four-year graduation rate is the standard that is the current standard used by the state to develop their list of low performing schools.

Students at Smith fall off-track early, with only 56.9 percent of first-year students accumulating at least 10 credits last year. Attendance at the school is very low, with average attendance of 77.2 percent during the 2008-09 school year compared to 90.0 percent citywide. Student and parent demand for the school is low and declining. Smith received 4.1 applications per seat in 2009, down from an already low 4.7 applications per seat the prior year. The 2009-10 citywide average is 8.4 applications per seat. In addition, other CTE schools in the Bronx have much higher demand.

The school was deemed “Proficient” on its 2009 Quality Review, but that report cited several conditions that suggest the school is ill-equipped to quickly turnaround to better support students in its current structure. For example, the report indicated that teacher professional development was weak, and that instruction was insufficiently differentiated to support individual student needs.

The claim that the statistics used by the DOE were incorrect is unfounded.

Contrary to the suggestion of some commenters, the DOE has offered substantial support to Smith in an effort to help it improve. Instructional support and professional development have been provided by the school leadership team, UFT Teacher Center and the school support organization in the following areas of concentration:

- Developing, broadening and refining the school's CTT program;
- Developing supervisory CTT observational skills;
- Conducting extensive work on the Professional Teaching Standards; and
- Providing professional development on using the inquiry process to facilitate the development of core instructional strategies around Small Learning Communities, professional learning communities and grade levels.

Despite the support it has received, the evidence for turnaround remains weak.

In opposition to the phase out of Smith, many comments submitted expressed that Smith has dedicated teachers. Class Size Matters noted that the ATR pool may increase as a result of Smith’s closure. Because Smith is phasing down rather than phasing out completely, Smith will continue to operate and maintain a teaching staff. Teachers that are excessed will have the opportunity to apply to openings at other schools throughout the city. While the DOE recognizes that there are costs associated with the opening of new schools and with teachers put into excess, the greater cost is that of the thousands of students who have passed through the schools proposed for closure without graduating or developing proficiency. Cost can only be considered in the context of what is earned in return. In these cases, too few students have earned the education we owe them, and the costs are born by not just the DOE, but those children, their

families, and society at-large.

Many commenters who submitted public comment and spoke at the hearings noted that Alfred E. Smith is one of the only remaining CTE programs of its kind in the Bronx and asked why the DOE is proposing to phase out the construction trades and architectural engineering programs at the school when the graduation rates for those programs are similar to automotive technology graduation rate. The Department recognizes that Smith offers the only automotive CTE program in the Bronx and that the school has developed strong partnerships with leading automotive companies that would take time to re-establish in a new automotive program. Moreover, the automotive program has many unique qualities that would make it difficult to immediately replace with another school. Based on these considerations and feedback from the community about the value of Smith's automotive program to students in the Bronx, the DOE has revised its proposal to phase out Smith, and instead proposed to retain the automotive technology program while phasing out the other CTE programs offered at the school. Reducing the school's total enrollment to the student population in the automotive program alone will enable the school to offer the same sort of personalization available in our new, small schools, which have achieved academic outcomes surpassing citywide averages even while serving some of the City's highest-need students.

As for the other CTE programs offered at the school, some commenters noted that building trades provide students with entry into unions. Others expressed concern over what will happen to the current partnerships that Smith has developed with industry leaders. Many individuals stated that the elimination of these programs would cause the community to suffer. The DOE is working with construction industry leaders in the community to develop a new school to open in X600 for the 2011-2012 school year. The DOE will ensure that this new school offers pathways in construction trades and/or architectural engineering and that certifications offered by the new school may provide students with entry into unions. The DOE will continue offer various pathways to students and will seek to maintain community relationships. Moreover, the DOE is committed to maintaining the relationships that have been established with industry leaders to ensure that students continue to have opportunities to develop skills in these career pathways with industry support.

With respect to the comment concerning the comparative graduation rates of the different programs at Smith, the DOE does not officially calculate performance data at schools by disaggregating the results of students who attend different programs within a school. The disaggregated graduation rate data that is available for Smith by program does not include students who drop out and only includes students that have reached their senior year; thus, these statistics are misleading and overstate the actual graduation rate of the students who were enrolled in the program.

At the same time, the DOE has proposed to co-locate Bronx Haven Transfer School in Building X600—utilizing available space in the building. X600 is an underutilized building as evidenced by the 75% target building utilization in 2008-2009. The transfer school will provide an option for over age and under-credited students in the Bronx.

The community has expressed concerns regarding what will happen to students who have applied to Smith for the 2010-2011 school year. Any current eighth grade student who applied to any of the programs at Smith through the citywide high school applications process for the 2010-2011 school year will receive a match letter from the DOE on March 24, 2010. Students who receive a match to one of the phasing out programs at Smith – the Building Construction Technology or Architectural Engineering programs – will be advised that due to the phase down of the school, the programs will no longer be available to incoming ninth graders in 2010-2011. In order to provide these students with a high school program match, these students will be required to submit an appeal through their middle school guidance counselors by May 17, 2010. Students may choose up to three programs in their appeals. The results of the appeal process will be issued to students in June. In the event a student does not file an appeal, the Office of Student Enrollment will provide another appropriate placement for the student.¹

The community has also expressed concerns about what other options will be available to students who wanted to attend the construction trades programs in 2010. In planning the phase down of Smith, the phase-out of other high schools, school re-sitings, and the opening of new schools, the DOE has ensured that with the phase-down of Smith there will continue to be available CTE options and a sufficient number of high school seats in the Bronx and throughout the City to serve students who would have otherwise attended Smith. There are 41 CTE programs available to students in the Bronx. These programs are located in 16 high schools, four of which are designated as CTE high schools.

In addition, there are twenty-one other high schools in the city that offer a total of 33 CTE pathways in construction, engineering and technology. These schools are located across all five boroughs.

Some noted that the new schools that would replace Smith would accept fewer special education students, a large proportion of the students that Smith currently serves. During the 2008-2009 school year, ninth-grade enrollment at new schools included 14.2 percent special education students and 13.6 percent English language learners, compared to 12.8 percent special education students and 10.3 percent English language learners citywide. When looking across a school's entire population, new schools also serve more special education students and ELL students than the citywide average. In 2008-2009, new schools served an average of 12.3 percent special education students and 12.6 percent English language learners compared with 11.6 percent and 10.8 percent, respectively, citywide.

Some Smith students noted that extracurricular activities at Smith offer good opportunities for students. Because Smith is phasing down rather than phasing out completely, extracurricular activities at the school should continue provided there is sufficient student demand.

¹ Due to pending litigation on the DOE's school phase-out proposals for 2010-2011 school year, the High School Admissions Process timeline is subject to change. Thus, the date on which eighth grade students receive their high school matches and the appeals process could be pushed back to later dates.

Multiple commenters noted that Smith should not be compared to other high schools because it's a CTE school. The DOE holds all schools accountable and expects that all high schools provide a high quality education and help students graduate with a high school diploma. The fact that Smith is a CTE school does not mean that the DOE should hold it to a lesser standard. In fact, there are existing CTE schools that are serving their students quite well, such as Queens Vocational and Technical High School, which has a 73% graduation rate.

Some adult education students fear that adult education programs at Smith will be eliminated. There are no plans at this time to eliminate any adult education programs at the school. Decisions about programs are made by the school leadership in conjunction with the central office that oversees the particular program.

One commenter noted that the January 27, 2010 EIS did not comply with the law and the public did not have an opportunity to respond. We believe that the EIS did comply with the law. Moreover, in subsequent revisions of the EIS we have provided additional information. In addition there have been three hearings regarding the proposals related to Smith and the comment period has been open since December 11, 2009.

The claim that the DOE controls graduation rates by sending low performing students to schools like Smith is false. Students have the opportunity to apply to up to 12 high school choice options. Students who do not participate in the high school choice process are given options to attend schools where there is available space. The DOE does not place students in Smith based on their test scores.

Some also stated that phasing down Smith and placing new schools in the building will lead to overcrowding in the building. However, the building has a 2008-2009 utilization rate of 75% and the DOE believes there is sufficient space to house Bronx Haven as well as continue to offer the automotive program at Smith.

One commenter claimed that the DOE did not explain what will happen to students who cannot graduate at the end of the planned three-year phase out. Smith is not closing and, therefore, students will have the opportunity to remain in the school and work towards graduation. This commenter also noted that up to 30% of the last two graduating classes of schools that have phased out have been discharged. According to the state graduation rates for 2009 which were just released 25% of the students dropped out of the school. We do not think this is acceptable and our proposal will help to address this by creating a high quality options for students so they do not drop out of school.

Finally, a few commenters state that alternatives to keep the school open were rejected without proper consideration. This claim is untrue. The proposal was revised to reflect input from the community. Alternative proposals are being rejected because we believe that we can develop a strong option in conjunction with the building trades partners that will better serve students interested in the construction trades.

A copy of the educational impact statement for this proposal can be obtained at http://schools.nyc.gov/NR/ronlyres/676176D9-06BC-42A9-9C45-C5D3C5110CD3/78558/X600_AlfredSmithrevisedEIS_3311.pdf.

Appendix: Response to General Comments Regarding Proposed Co-locations of Schools

Summary of Issues Raised and Significant Alternatives Suggested

One advocacy organization submitted general comments objecting to all proposed co-locations of schools. In opposing the DOE's proposed co-locations, the comments cited the following reasons: (1) the DOE did not use accurate data in analyzing the utilization and capacity of school buildings; (2) the utilization formula used by the DOE is inadequate and assumes inappropriate target class sizes; (3) charter schools and the DOE's new small schools enroll fewer high needs students than district and citywide averages, leading to higher concentrations of high needs students in district schools; and (4) the expansion of charters and new small schools has eliminated critical space from existing district schools.

The comments suggest a moratorium on any new co-locations until an independent review is conducted to assess the capacity in existing public school buildings and make determinations about the amount of space required to reduce class size to mandated levels.

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

The comments assert that the DOE did not use accurate data in analyzing utilization and capacity of school buildings. The data used in analyzing the utilization and capacity of school buildings comes from "The Enrollment, Capacity and Utilization Report" (also known as the "Blue Book"), which is the standard by which the DOE measures the maximum capacity of a school building compared to the enrollment. These calculations are based on information provided by principals in the Annual Facilities Survey conducted by the School Construction Authority. In addition to considering the Blue Book information, the DOE conducts a physical survey of school buildings and takes into consideration current programming prior to proposing a change in utilization.

With regard to the comment regarding the use of inappropriate target class sizes, the DOE does use aspirational targets for school buildings but feels that these goals are appropriate for ensuring a quality education for all students. The DOE understands that building usage varies by schools and leaves programming decisions to school leaders. However, it is important to have a standard means of assessing the use of our limited physical plant resources consistently across the city. The class size targets used for the 2008-2009 Blue Book calculations of target capacity and utilization are lower than those used for determining historical capacity and utilization.

Specific reference was made to targets in the City's Contracts for Excellence (CFE) class size reduction plan. DOE proposals for the co-locations of schools are based on current class sizes and the available space in each applicable building according to the citywide instructional footprint which prescribes the number of classrooms needed for each school. Proposals are not based on the space needed for a school to achieve class size reduction targets. The CFE targets are aspirational, are predicated upon levels of State CFE funding that may not occur due to the national recession, and do not reflect current class sizes. The DOE does not believe that the proposed co-locations will increase class size.

The comments assert that charter schools and the DOE's new small schools enroll fewer high needs students than the citywide and district averages, thereby leading to higher concentrations of high needs students in district schools. It is important to note that charter school admissions are done by lottery as required by State Education Law. Charter schools do in fact serve the full range of public school students as do the DOE's new small schools. The new small schools that have been created over the last six years are serving English language learners and special education students at a higher rate than schools citywide, with better outcomes. On average the new schools have a graduation rate of 75%. During the 2008-2009 school year, ninth-grade enrollment at new schools included 14.2 percent special education students and 13.6 percent English language learners, compared to 12.8 percent special education students and 10.3 percent English language learners citywide. When looking across a school's entire population, they also serve more special education students and ELL students than the citywide average. In 2008-2009, new schools served an average of 12.3 percent special education students and 12.6 percent English language learners compared with 11.6 percent and 10.8 percent, respectively, citywide.