

EDUCATIONAL IMPACT STATEMENT:

The Proposed Closure of J.H.S. 166 George Gershwin (19K166) and Opening and Co-Location of New School (19K338) with The UFT Charter School (84K359) in Building K166 Beginning in 2012-2013

I. Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to close J.H.S. 166 George Gershwin (19K166, “J.H.S. 166”), an existing middle school in building K166 (“K166”) located at 800 Van Sicten Avenue, Brooklyn, New York 11207, in Community School District 19. It currently serves students in grades six through eight. The DOE is proposing to immediately replace J.H.S. 166 with a new school (19K338, “New School”), a district middle school which will serve students in grades six through eight in K166.

If this proposal is approved, J.H.S. 166 will close at the conclusion of the 2011-2012 school year. All current students who have not been promoted to high school before the start of the 2012-2013 school year will be guaranteed a seat and automatically enrolled in New School.¹

J.H.S. 166 is co-located with The UFT Charter School (84K359, “UFT Charter”), an existing public charter school that currently serves students in kindergarten through eleventh grade in two separate sites. In one location, building K292 (“K292”), located at 301 Vermont Street, Brooklyn, NY, 11207, in Community School District 19, UFT Charter serves students in kindergarten through fifth grade. In another location, K166, UFT Charter serves students in grades six through eleven, and is phasing in to serve students in grades six through twelve in the building for the 2012-13 school year. Only the second location of UFT Charter, K166, is impacted by the proposed closure of J.H.S. 166 and the proposed opening of New School. K166 also houses two community-based organizations (“CBOs”), Beacon CAMBA and the East New York Campus Satellite (“ENY”), which is an extension of Medgar Evers College. A “co-location” means that two or more school organizations are located in the same building and may share common spaces like auditoriums, gymnasiums, libraries, and cafeterias.

J.H.S. 166 is a zoned middle school and currently admits students from the zone. UFT Charter admits students through a charter lottery application process with preference to District 19 residents. New School will admit students through an unscreened choice method, with a priority to students residing in its zone, through the District 19 Middle School Choice Process, which was recently adopted by District 19 and will be implemented for the first time for admission for the 2012-2013 school year. Additional information about these admission processes is contained in Section III of this proposal.

The DOE strives to ensure that all students in New York City have access to a high-quality school at every stage of their education. By closing J.H.S. 166 and replacing it with New School, the DOE is seeking to expeditiously improve educational quality in K166. If this proposal is approved, New School will develop rigorous, school-specific competencies to measure and screen prospective staff – including J.H.S. 166 staff who apply to work at New School. Based on these criteria, and in accordance with the staffing requirements in Article 18-D of the DOE’s existing contract with the United Federation of Teachers

¹ Summer school sites are determined yearly by the DOE. If this proposal is approved, students in J.H.S. 166 who require summer school to meet promotion or graduation requirements would attend summer school in one of these sites. More information on summer school can be found on the DOE’s Web site at: <http://schools.nyc.gov/ChoicesEnrollment/SummerSchool/default.htm>.

(“UFT”), New School will put in place a process aimed at hiring the best possible staff, thus immediately improving teacher quality and, by extension, improving the quality of learning. New School plans to develop new programs and school supports that are intended to improve student outcomes. Doing this important work to improve the quality of teaching and learning in the school, the DOE also will maximize New School’s chance of receiving up to \$850,000 in supplemental federal funding under the federal School Improvement Grant (“SIG”) program. New School will build on the strongest elements of J.H.S. 166 and incorporate new elements, including new talent designed to better meet student needs. Thus, the immediate closure and replacement of J.H.S. 166 with New School should give students access to a higher-quality educational option while they continue to attend school in the same building.

Background on the DOE Decision-Making Process

PLA Identification

Each year, the New York State Education Department (“SED”) designates a number of schools as Persistently Lowest Achieving (“PLA”) based on their low graduations rates or poor academic performance.² (The standards for the PLA designation are described in more detail below.) J.H.S. 166 was first designated as PLA during the 2010-2011 school year.³

Each year, the DOE comprehensively reviews all of its PLA schools, with the goal of determining what intensive supports and interventions would best benefit the students in these schools. During those reviews, the DOE looks at recent historical performance and demand data from the school, consults with superintendents and other experienced educators who have worked closely with the school, and gathers community feedback.

School Improvement Grants

The federal Elementary and Secondary Education Act established a School Improvement Fund that makes federal grants (known as SIG funding) available to states in order to help schools whose students are not making adequate yearly progress, such as PLA schools.⁴

To be eligible for SIG funding, one of the following four different intervention models must be implemented at a PLA school: (1) the Transformation model; (2) the Restart model; (3) the Turnaround model; or (4) the Closure model. The Transformation model augments instructional and student support services and creates new teacher incentive and teacher development systems to build and retain quality staff. Under the Restart model, schools are partnered with a non-profit Educational Partnership Organization (“EPO”) that makes recommendations to the DOE for specific school-based interventions to raise student achievement. In the Turnaround model, schools develop new instructional programs and student support services similar to those developed in Transformation, but also replace at least half of the school’s staff in order to improve teacher quality. In the Closure model, schools are closed and the students who attend the schools are enrolled into other existing schools.⁵

In addition, the Transformation and Restart models require the implementation of a comprehensive teacher evaluation system based on multiple measures. This new teacher evaluation system is intended to enable

² For the 2009-2010 school year, SED identified fifty-seven PLA schools across the State, including thirty-four in New York City. For the 2010-2011 school year, SED identified sixty-seven PLA schools across the State, including fifty-four in New York City.

³ For more information, please visit: <http://www.p12.nysed.gov/pla/>

⁴ SIG funding is available for PLA schools for a maximum of three years from the start of the school’s initial implementation of a model. J.H.S. 166 was first placed into a SIG model in 2011-2012 meaning that New School will be eligible for two years of funding.

⁵ For purposes of SIG, “School Closure” involves closing a school and enrolling the students who attended that school in other *existing* schools across the city. Because this would not result in the creation of replacement seats in the specific school community, the DOE does not use this model. For more information, please visit: <http://www.oms.nysed.gov/press/ATTAUSDOETurnaroundModels.2010.htm>

schools to improve student achievement through a more robust and rigorous teacher evaluation process, which in turn would result in more targeted support for struggling teachers and greater accountability for ineffective teachers by allowing for their expedited removal when they are not serving students well.

In May 2011, following the review of the 54 schools designated as PLA during the 2010-2011 school year, the DOE assigned 44 of the schools to one of the four federally-approved intervention models and submitted SIG applications to SED where appropriate. PLA schools that demonstrated the potential to improve with the supports provided for within the Transformation and Restart models were selected to begin implementation of one of those models in school year 2011-2012. Following SED's review and approval, 19 schools were assigned to the Transformation model and 14 schools were assigned to the Restart model. Eleven schools which the DOE concluded were not able to quickly improve student performance were assigned to implement the phase in/phase out version of the Turnaround model, where one or more new schools replace the PLA school over a number of years, while the PLA school stops accepting students and phases out gradually. In the remaining ten schools, the DOE wanted to collect additional information to determine the most appropriate intervention, and thus these schools were not assigned a SIG model. Instead, the DOE provided \$300,000 in Title I funding to each of those schools to support them to begin some initial improvement work and plan for more intensive intervention in subsequent years.

With respect to J.H.S. 166 specifically, the DOE applied to SED to place the school into the Restart model. SED approved the application, which made J.H.S. 166 eligible for up to \$850,000 in SIG funding per year for three school years. However, as explained below, J.H.S. 166's continuing eligibility for these funds under the Restart model was conditioned upon the DOE and the UFT agreeing by January 1, 2012 to implement of a new teacher evaluation system.

Unfortunately, by the January 1, 2012 deadline, the DOE was unable to reach an agreement with the UFT on integral elements of this new teacher evaluation system. Because of this, SED informed the DOE that all New York City PLA schools in either the Transformation or Restart models would no longer receive SIG funding to continue the school reforms supported by these models.

After SED informed the DOE that the Transformation and Restart models were no longer available to New York City schools and that funding had been suspended, the DOE began to look at alternative approaches it could take to ensure that the supports and funding started under the Transformation and Restart models could continue and be strengthened. Furthermore, the continuing lack of a new teacher evaluation system led the DOE to further evaluate other options that were available to improve teacher quality.

After these evaluations, the DOE concluded that a number of PLA schools, including J.H.S. 166, should be closed and replaced with new schools. New School will incorporate the strongest elements of J.H.S. 166 while also allowing new staff to be put in place. By closing J.H.S. 166 and opening a new school, the DOE will (1) align the DOE's intervention strategy with the school's most recent performance data and the DOE's most recent assessment of the steps which must be taken to improve performance at the school and (2) be able to immediately increase the quality of teachers serving students currently attending J.H.S. 166.

J.H.S. 166's most recent Progress Report was released at the end of September 2011, after the DOE's decision to implement the Restart model at the school. That decision was predicated on trends in student progress between 2008-2009 and 2009-2010 which led the DOE to determine that the Restart model, which along with Transformation is a relatively less intensive intervention, was the best fit for the school. However, J.H.S. 166's metrics declined further during the 2010-2011 school year and based on this most recent data, the DOE believes that students at J.H.S. 166 would be better served by implementation of a more intensive intervention. This is because the data show that the school was struggling even more than the DOE had thought at the time it chose the Restart model for the school. The DOE also received feedback from members of the New York State Board of Regents that the pace of change in some Transformation and Restart schools was not quick enough to meet the challenges faced by the school. Thus, the DOE decided to propose that J.H.S. 166 be closed and replaced with a new school that would incorporate the strongest elements of J.H.S. 166, while also allowing new staff, who can accelerate the pace of improvement, to be put in place.

When the DOE placed J.H.S. 166 in the Restart model, it hoped that it would be able to quickly reach an agreement with the UFT regarding a comprehensive teacher evaluation system. Unfortunately, that proved impossible. As a result, schools in the Transformation and Restart models were forced to enter another school year without the ability to evaluate and, if necessary, replace their staff in a way that would best support student outcomes. Even though the DOE and the UFT have recently moved closer to an agreement on evaluations, as of this date there is still no agreement in place. This creates the strong possibility that these schools will enter yet another school year with limited ability to remove ineffective teachers. Moreover, even if the DOE and UFT do reach an agreement on evaluations, it will likely take at least two years for poor performing teachers to be removed from the classroom. Given the downturn in J.H.S. 166's data as discussed below, the DOE has concluded it cannot wait that long to implement the staff changes necessary to improve student outcomes.

Per Article 18-D of the DOE's collective bargaining agreement with the UFT, when a new school is created to replace a school that is being phased out or closed, the principal of the new school must develop and implement school-based competencies for hiring teaching staff.⁶ Then, a Personnel Committee is created to screen the teaching applicants for the new school using these criteria. Personnel Committee membership, at minimum, consists of two representatives appointed by the UFT President, two representatives appointed by the superintendent (or the Chancellor) and the principal of the new school.

The teachers in the school to be directly replaced by the new school have the right to apply and be considered for positions at the new school. If sufficient numbers of displaced staff apply, at least 50% of the new school's pedagogical positions shall be selected by the Personnel Committee from among the appropriately licensed, most senior applicants from the closing school, who meet the new school's qualifications.

Any remaining teacher vacancies will then be filled by the Personnel Committee from applicants from the existing teacher pool, or as with all new district schools, if the school is unable to find sufficiently qualified applicants from within the existing teacher pool, the school will be provided an exception to hire up to 40% of its teaching positions from outside of the current teacher pool.

Through the process noted above for hiring instructional staff into a new school, the DOE historically has demonstrated an ability to hire high quality teaching staff into the new school and not rehire staff from the closing school who do not meet the new school's qualifications. As discussed in more detail in Sections V and VI, if this proposal results in a turnover of staff in excess of 50%, New School will become eligible for SIG funding pursuant to the Turnaround model, while also preserving eligibility under the existing SIG model if a final agreement is reached on teacher evaluations. Therefore, in conjunction with this proposal, the DOE will submit a new SIG application to SED for J.H.S. 166 and New School, seeking to continue the SIG funding necessary to build on the work that began under the old model and to implement new and revamped programs in New School to improve student achievement even further and more quickly. However, the DOE intends to proceed with this proposal regardless of whether SIG funding is available, because it believes that the proposed staff, structural, and programmatic changes at New School will better serve students.

New School will guarantee a seat for all students currently attending J.H.S. 166 who are not promoted to high school before the start of the 2012-2013 school year and will admit future new sixth-grade students through the District 19 Middle School Choice Process. New School will be able to continue and augment those supports that are currently demonstrating some success at J.H.S. 166, and replace those interventions

⁶ The use of "locally adopted competencies to measure the effectiveness of staff" is a required element of the Turnaround model, one of several models (discussed below) for addressing the problems of persistently low achieving schools supported by federal School Improvement Grant funding. Federal guidelines provide the following examples of "competencies": "acting with initiative and persistence, planning ahead, flexibility, respect for and sensitivity to norms of interaction in different situations, self-confidence, team leadership, developing others, analytical thinking, and conceptual thinking." The guidelines explain that "it is important to develop a set of competencies specifically designed to identify staff that can be effective in a turnaround situation because, in a turnaround school, failure has become an entrenched way of life for students and staff, and staff members need stronger and more consistent habits in critical areas to transform the school's wide-scale failure into learning success."

that have been less effective. New School will build upon the best elements of J.H.S. 166 and will incorporate new elements to support student achievement. It will also fulfill the DOE's commitment to providing targeted support and greater accountability for teachers.

Performance and School Environment at J.H.S. 166

SED identifies elementary or middle schools as PLA if their students' performance on the English and Math State tests is among the lowest five percent of schools in New York State and the school's results have not improved significantly in the previous three years. J.H.S. 166 was identified as a PLA school in 2010-2011 because the school fell into this State-defined category based on its students' low performance on the English and Math tests and insufficient improvement in the school's results over time.

J.H.S. 166 has struggled to improve, and its performance during the last few years confirms the DOE's assessment that the school continues to require significant intervention to improve student outcomes. The DOE believes that the most recent data supports taking more aggressive action by closing J.H.S. 166 and opening New School. The new structural and programmatic elements that are part of this proposal, and the ability to quickly screen and hire staff who are able to implement those enhancements, will allow the DOE to address the core problems that have led to the poor performance highlighted below.

- Low student performance at J.H.S. 166 has been a persistent trend. In 2010-2011, a majority of J.H.S. 166 students remained below grade level in English and Math. In 2010-2011, only 11% of students were performing on grade level in English – putting the school in the bottom 8% of City middle schools in terms of English proficiency. Only 22% of students were performing on grade level in Math – putting the school in the bottom 8% of City middle schools in terms of Math proficiency.
- In 2009-2010, J.H.S. 166 was in the bottom 18% Citywide for Math proficiency and in the bottom 9% Citywide for English proficiency. In 2008-2009, J.H.S. 166 was in the bottom 9% Citywide for Math proficiency and in the bottom 1% Citywide for English proficiency.
- Additionally, J.H.S. 166 is not adequately helping students to make progress. In 2010-2011, the school was in the bottom 23% of City middle schools in terms of learning growth in English and in the bottom 27% of City middle schools in terms of learning growth in Math. Learning growth measures students' annual growth on the State English and Math tests relative to students who earned the same score the year before, taking into account student demographics. If these conditions persist, J.H.S. 166 students will fall further behind their peers.
- The Progress Report measures the progress and performance of students in a school as well as the school environment, compared to other schools serving similar student populations. J.H.S. 166 earned an overall C grade on its 2010-2011 annual Progress Report, with a D grade on Student Performance, a C grade on Student Progress, and a D grade on School Environment.
- J.H.S. 166 was rated “Developing” on its most recent Quality Review in 2010-2011, indicating deficiencies in the way that the school is organized to support student learning.⁷ J.H.S. 166's review indicates that the school has failed to establish structures to improve the level of parent involvement and failed to bolster the development of rigorous, challenging tasks that are aligned to key Common Core State Standards.
- The school's attendance rate is one of the lowest among middle schools Citywide. The 2010-2011 attendance rate was 87%, putting J.H.S. 166 in the bottom 6% of New York City middle schools in terms of attendance.

⁷ Quality Reviews rate school on the following four-point scale: “Underdeveloped” or “U” (the lowest possible rating), “Developing” or “D,” “Proficient” or “P,” and “Well Developed” or “WD” (the highest possible rating). For more information about Quality Reviews, please visit the DOE's website at: <http://schools.nyc.gov/Accountability/tools/review>.

Despite a number of challenges the school has faced, the data indicates that some elements of J.H.S. 166 are worth preserving in the new school.

- J.H.S. 166 appears to be making some strides in Math proficiency with students with disabilities in self-contained (“SC”) classrooms. Fourteen percent of students in SC special education classes were proficient in Math in 2010-2011, in the top 25% Citywide. The DOE will seek to preserve J.H.S. 166’s efforts to support these students in New School, while implementing new supports to assist other student populations who continue to struggle at J.H.S. 166, including students with disabilities who receive Special Education Teacher Support Services (“SETSS”), English Language Learner (“ELL”) students, and especially the lowest performing students (students performing in the lowest third on State proficiency tests).
- While the school’s overall Quality Review score was “Developing,” the Quality Review indicated some areas of strength such as that the school makes good organizational decisions around the use of time and programming to support plans for improvement in student performance, and that the school has developed data-driven, focused goals that are infused into school planning documents thereby guiding school-wide improvement plans. With the new supports and restructuring, the DOE expects that New School will be able to effectively leverage these areas of strength while improving student outcomes for all.

The chart below summarizes key performance data for J.H.S. 166 over the past three years:

J.H.S. 166 George Gershwin	2008-2009	2009-2010	2010-2011
<i>School Performance and Progress</i>			
Overall Progress Report Grade	B	C	C
Progress Report Progress Grade	B	B	C
Progress Report Performance Grade	A	D	D
Progress Report Environment Grade	D	C	D
Quality Review Score	N/A ⁸	P	D
<i>Performance Data⁹</i>			
English Language Arts % Proficient (Levels 3 and 4)	33%	13%	11%
Math % Proficient (Levels 3 and 4)	54%	24%	22%
<i>Other Key Performance Indicators</i>			
Attendance Rate	89.9%	88.9%	87.1%
<i>2010-2011 State Accountability Status¹⁰</i>	Restructuring (year 2) Comprehensive		

Overview of Past Strategic Improvement Efforts at J.H.S. 166

For the past several years, the DOE has supported J.H.S. 166 in order to ensure that it was equipped to provide a quality education for its students.

⁸ Not all schools receive a Quality Review every year.

⁹ In 2010, SED adjusted the “cut scores” on annual mathematics and English Language Arts exams, raising the score required for students to achieve Level 3 (grade-level proficiency) or higher on the exam. As a result, the percentage of students performing at grade level fell significantly at schools statewide, including most New York City schools. While the percentage of students achieving proficiency declined, on average, New York City’s students’ raw scores on the tests remained largely unchanged relative to the prior year.

¹⁰ For more information, visit: <http://www.p12.nysed.gov/irs/accountability/>.

Leadership Support:

- Coached and trained leadership on implementing plans in support of Citywide instructional initiative.
- Provided Special Education Student Information System training.
- Provided leadership training, coaching, and mentoring for the principal and leadership staff to help them set clear goals for the school and improve student performance, including around addressing targeted areas in need of improvement identified in the school's Quality Reviews.
- Supported through the process of utilizing the Danielson framework.
- Discussed strategies with school leadership to utilize data analysis to address areas in need of improvement via observations

Instructional Support:

- Trained leadership on implementing plans in support of Citywide instructional initiatives, including implementing Common Core Learning Standards.
- Supported the school in assessment design, curriculum mapping, and student feedback as tools aimed at meeting the necessary standards and expected student outcomes.
- Trained staff on implementing Response to Intervention plans.

Operational Support:

- Advised school staff on budgeting and human resources.
- Provided grant development support.
- Provided guidance to school administration with teacher licensure and staff removals.

Student Support:

- Provided training for school staff regarding the discipline code, attendance protocols, and anti-bullying strategies.

Even with these supports, however, the DOE has determined that J.H.S. 166 does not have the capacity to quickly improve student achievement. Rather, the DOE believe that the most expeditious way to improve the educational program for the students currently attending J.H.S. 166 is to close the school and replace it with New School next year. This will allow the DOE to put in place a process to screen and hire the best possible staff for New School, giving all students currently attending J.H.S. 166 who are not promoted to high school before the start of the 2012-2013 school year access to an improved faculty.

Prior to issuing this proposal, the DOE met with the J.H.S. 166 community. On January 18, 2012, District 19 Community Superintendent Rose-Marie Mills met with J.H.S. 166's School Leadership Team ("SLT"), parents, teachers, and community members to discuss this proposal and the impact it would have on the school community.

The DOE will continue to seek and review community feedback while this proposal is under consideration by the Panel for Educational Policy ("PEP").

II. Proposed or Potential Use of Building

According to the 2010-2011 Enrollment, Capacity, Utilization Report (the "Blue Book"), K166 has a target capacity of 1,304 students. (The concept of "target capacity" is explained below.) In 2011-2012 the building is serving 924 students,¹¹ yielding a utilization rate of 71%.¹² This means that the building is "underutilized" and has extra space to accommodate additional students.

¹¹ 2011-2012 audited register.

¹² All references to building utilization rates in this document are based on target capacity data from the 2010-2011 Blue Book. Utilization rates referenced for the 2011-2012 school year are based on audited enrollment and do not include Long Term Absences ("LTAs"), students who have been absent continuously for 30 days or more as of the 2011 audited register. This

If this proposal is approved, J.H.S. 166 will be closed after the 2011-2012 school year and will no longer serve any students. In its place, New School will open for September 2012. Seats in New School will be guaranteed for all students currently enrolled in J.H.S. 166 who do not graduate by the start of the 2012-2013 school year. UFT Charter will continue to phase in as planned, and will grow in K166 to serve students in sixth through twelfth grade in 2012-2013, at which point UFT Charter will have reached full scale.

The current and proposed grade spans for the schools in the building are as follows:

Grades Spans			
DBN	School Name	2011-2012	2012-2013
19K166	J.H.S. 166	6-8	-
19K338	New School	-	6-8
84K359	UFT Charter	6-11	6-12

If this proposal is approved, New School will serve approximately 460-490 students in grades six through eight beginning in the 2012-2013 school year. This includes a guaranteed seat for the 267 students currently in grades six and seven at J.H.S. 166, as well as an expectation of a certain number of holdover eighth grade students who need extra time to meet promotional standards.

New School’s enrollment projection is slightly greater than J.H.S. 166’s current enrollment, as a result of an increased projection for the school’s sixth grade. This larger projection is due to other significant changes in school utilization that have been approved for District 19 for the 2012-2013 school year. The PEP has approved two grade truncations of elementary schools that were serving kindergarten through sixth grades, but starting in the 2012-2013 school year will only serve kindergarten through fifth grades.

As a result, students who would have otherwise only entered J.H.S. 166 in seventh grade would enter the school one year earlier. If this proposal is approved, these students may attend New School one year earlier than they would have attended J.H.S. 166, or any other middle school, now that the Middle School Choice process is being implemented in District 19.

UFT Charter is projected to serve 564-772 students in grades six through twelve when it completes its phase-in and reaches full scale in 2012-2013.¹³

If this proposal is approved, once J.H.S. 166 is closed and New School is opened, and once UFT Charter has completed its phase-in, there will be approximately 1,024-1,212 students served in K166 in 2012-2013, yielding a projected utilization rate 79-93%.

methodology is consistent with the manner in which the DOE conducts planning and calculates space allocations and funding for all schools. In determining the space allocation for co-located schools, the Office of Space Planning will conduct a detailed site survey and space analysis of the building to assess the amount of space available in the building.

¹³ Enrollment projections are based on the charter school’s authorized enrollment pursuant to its charter application.. Actual enrollment will depend on applicant demand.

The current and projected enrollments for each school and building utilization rates are as follows:

DBN	School Name	2011-2012 Audited Register	2012-2013 Projected Enrollment
19K166	J.H.S. 166	436	-
19K338	New School	-	460 - 490
84K359	UFT Charter ¹⁴	488	564 - 722
Total Building Enrollment		924	1,024 - 1,212
Utilization		71%	79% - 93%

As described in more detail in 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 goals for classroom capacities (which are lower than the UFT 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).

The most recent year for which target capacity has been calculated for buildings is 2010-2011. The DOE’s utilization rates for the 2011-2012 school year and beyond are based on the 2010-2011 target capacity, which assumes that the components underlying that target capacity (scheduled use of classrooms, goal classroom capacity, etc.) remain constant. Thus, utilization rates for 2011-2012 and beyond provide only an approximation of a building’s usage because each of the factors underlying target capacity may be adjusted by principals from year to year to better accommodate students’ needs. For example, changing the use of a room from an administrative room to a homeroom at the high school level will increase a building’s overall target capacity because for high schools administrative rooms are not assigned a capacity. Holding enrollment constant, this change will result in a lower utilization rate. Similarly, if a room previously used as a kindergarten classroom is subsequently used as a fifth grade classroom, the building’s target capacity will increase because we expect that a fifth grade class will have more students than a kindergarten class. This is reflected in the fact that the DOE’s goal classroom capacity is higher for fifth grade classrooms than for kindergarten classrooms. In this example, as well, assuming enrollment is constant, the utilization rate will decrease.

III. Impact of the Proposal on Affected Students, Schools, and Community

A. Students

Impact on Academic and Extracurricular Offerings and Partnerships at J.H.S. 166 and New School

New School will put in place a variety of structural and programmatic changes designed to improve student learning from the levels currently seen at J.H.S. 166. These structural and programmatic changes will be enabled and supported by New School’s hiring process which will allow the DOE to screen and hire those

¹⁴ 2011-2012 enrollment at UFT Charter is reflective of the grades served in K166. In 2011-2012, this is sixth through eleventh grades, and as noted previously, UFT Charter is phasing in and will serve sixth through twelfth grades in K166.

teachers with the specific skills and talent necessary to properly implement these changes. This will give all non-graduating students currently attending J.H.S. 166 access to an improved faculty.

Given the number of structural and programmatic changes that must be made in order to ensure that New School is able to effectively serve the needs of the students currently attending J.H.S. 166 the DOE believes that the newly screened and hired staff will be among the most important changes at New School.

The DOE's intention in proposing the closure of J.H.S. 166 and replacement with New School is to rapidly create an improved instructional environment that incorporates the best elements of J.H.S. 166 with new staff and new programmatic elements in a new school.

Pending an ongoing needs assessment, new elements planned for New School include but not limited to: a new mission for the school focused on the performing arts; an instructional model based on arts, literary, and consistent use of student assessment to ensure that teachers are using data to drive instruction; a departmentalized faculty structure that will allow for more content-specific collaboration among colleagues and more planning across grade levels; additional socio-emotional supports to address holistic needs of students.

J.H.S. 166 currently partners with several organizations. The DOE anticipates that, if this proposal is approved, New School will partner with all of the same organizations. In addition to traditional partnerships, as a Restart school, J.H.S. 166 was matched with an Education Partner Organization ("EPO"), Center for Educational Innovation – Public Education Association ("CEI-PEA"), a New York City-based non-profit organization.

As previously stated, there is a Beacon CAMBA program housed in K166. Beacon Centers are run in partnership with other community organizations to provide education, recreation, cultural activities, health information and screenings, youth leadership, and social services to the school's students, their families, and other neighborhood residents. Medgar Evers College ENY has its satellite campus in K166 and has a linkage partnership with the East New York Development Corporation. If this proposal is approved, New School is expected to continue these partnerships. More detailed information about these partnerships and the EPO are included below.

J.H.S. 166 also offers several sports and after-school extra-curricular activities and clubs. If this proposal is approved, New School is expected to offer at least the same sports, extra-curricular activities, and clubs.

New School Mission

The mission of New School is to engage middle school students to become lifelong learners by developing their interest and talents in the performing arts. New School will use the performing arts, including orchestral music, drama, choral music, and dance, to foster a connection to the community, to prepare students for high school and post-secondary experiences, and to expose students to different artistic areas. This represents a significant change from the mission of J.H.S. 166, which was more narrowly focused on supporting students' transition from childhood to adolescence and developing their skills for application in new areas of study. New School instead will explicitly target preparing students for high school and beyond with the performing arts as an underlining theme to engage students in their own learning process.

Students at New School will have diverse experiences within the performing arts, learn about the historical and cultural context of music and the performing arts, and develop skills to interpret and elicit greater understanding of classic dramatic works, musical theater, and dance. To effectively prepare students for the twenty-first century and align student experiences with real world demands, students will participate in all aspects of the creative process, from creation to writing, directing, production, and performance. New School will make use of the existing state of the art audio and engineering sound board production recording studio at J.H.S. 166. Career readiness skills in broadcasting, sound mixing, audio production, and studio performance management will be developed. Theatrical production modules will be created for

students so that small groups of students will be involved in all aspects of the creative process, aligned with the Common Core Learning Standards and an interdisciplinary curriculum for grades six through eight.

[Partnership with Center for Educational Innovation – Public Education Association](#)

In summer 2011, as a condition of implementing the federal Restart model, J.H.S. 166 began a partnership CEI-PEA, a New York City based nonprofit EPO. CEI-PEA's staff of experienced leaders in public education provide hands-on support to improve the skills of teachers and school leaders, increase parent involvement, and channel cultural and academic intervention programs into schools. Under the Restart model, CEI-PEA was working closely with J.H.S. 166 leadership to make recommendations for specific interventions to raise student achievement at the school and to provide support services including hands-on support to improve the skills of teachers and school leaders, strategies to increase parent involvement, and cultural and academic intervention programs.

New School is planning to continue the partnership with CEI-PEA. This will allow New School to build upon efforts started at J.H.S. 166 to create a productive environment in which students thrive academically, socially, and emotionally. CEI-PEA will be working with New School's leadership to develop, implement, and refine the schools' new elements. In addition, within the improved structures and systems of New School, CEI-PEA, will continue the important work it had started to support teachers to improve their effectiveness and develop strong student accountability systems to ensure all students are on track for success.

[Instructional Model and Curricula](#)

New School's core instructional program will focus on Common Core Learning Standards, language objectives, and competencies to enhance independent thinking skills and expression of student voice. Performing arts will be the theme across all grade levels and curriculum areas to ensure student engagement. Performing Arts programs will include dance, choral music, and drama. Modules in each of these areas will allow for concentration in each area to assist students in mastery of specific performance and life skills, culminating in public performances and celebrations. Culminating activities in the performing arts in grades six and seven will serve as an interdisciplinary project and assessment for student learning aligned with the Common Core Learning Standards, such as character analysis, higher order thinking skills, and text complexity. The eighth grade class will present a capstone project allowing students to demonstrate knowledge and skills in the performing arts including audio and engineering sound board expertise or other skills that they have acquired through their three-year experience. This instructional model is not currently in place at J.H.S. 166. While New School will offer a performing arts theme across the curriculum, New School is also committed to improving math instruction and building students' core skills in math and numeracy.

In order to ensure that the performing arts mission is fully integrated with instruction, New School will seek to plan and implement thematic units relating to the arts across grade levels, a practice which is currently not effectively or systematically happening at J.H.S. 166. New School will use Universal Design Learning in order to promote higher-order thinking with project based learning. For example, students would use performance assessments such as monologues, soliloquies, one act plays, poetry, speeches, and other performing arts to scaffold and highlight mastery of Common Core Learning Standards. In addition, New School will significantly increase the focus on interdisciplinary planning across grade levels by using the performing arts as a platform for encouraging student participation in community issues. New School will also create partnerships with artists, musicians, CBOs, non-profit organizations, and music- and performing arts-themed elementary schools to nurture and develop life-long learners who appreciate and value the performing arts.

Literacy will also be a core focus area for New School. As part of its school-wide literacy program, J.H.S. 166 adopted the ARC 100 Book Challenge which provides additional progress monitoring and assessments to ensure that each student is at an appropriate reading level, by allowing for increased independent reading

and stamina, easier access to reading level-appropriate classroom libraries, continuous progress monitoring, and greater teacher to student coaching and staff collaboration. The school has also used School Pace, a web-based program that allows teachers, parents, and students, to communicate progress in this literacy program. In coordination with the literacy initiative, each student receives an independent reading level assessment which identifies skills and vocabulary for mastery and movement into the next reading level. The program supports student self monitoring through a student incentive component. To allow for more individualized instruction, State and local assessments are complemented by independent reading level and writing assessments three times annually, and curriculum is monitored and revised at grade level and content area inquiry team meetings.

New School will continue the ARC 100 Book Challenge work begun at J.H.S. 166 and will develop leveled research lab libraries, which are project-based learning labs that are differentiated by student proficiency and based on Common Core Learning Standards, to enhance interdisciplinary learning and implementation of Common Core Learning Standards. This will allow for access to the Common Core Learning Standards to all students at all reading levels. New School staff will participate in curriculum development and each will create their own unit of study using task bundles as a model in all content areas.¹⁵ Common assessments will be developed by staff during common planning.

Finally, the consistent use of data will be critical to informing teachers' instruction. Under the Restart model, J.H.S. 166 had begun to implement systems for using data to identify and implement instructional programs that are research-based, vertically aligned, and aligned to State academic standards. J.H.S. 166 has started using multiple measures to assess student learning, including Acuity Periodic and Predictive Assessments and Curriculum Associates' i-Ready Program, to assess and strengthen student skill levels as they relate to state assessments. New School will also implement common assessments in each content area at the beginning of each unit to track student progress throughout the year. These assessments will be used by departments at grade level meetings to evaluate the instruction, supplements and/or interventions needed within the current unit. In addition, J.H.S. 166 began implementation of Datacation, a school-wide data collection and analysis system for teachers, students, and parents to access the most recent data of student performance. This and other uses of technology, such as Rubicon Atlas, will be expected at New School to support excellent teacher practice and allow teachers to deepen their instructional planning and differentiation strategies for students.

School Schedule

All classes at New School will be departmentalized, which means that they will be taught by teachers who have specialized in a subject, such as mathematics or English Language Arts. J.H.S. 166 is not currently organized in a departmentalized structure. Moving to a departmentalized structure will help to ensure that teaching staff will have a deeper level of content knowledge and subject matter expertise, resulting in a more meaningful teaching and learning experiences for students.

All grade six students will participate in a rotating schedule every six weeks, exposing students to all areas of the performing arts and nurturing various talents and interests. Rotations will include audio and engineering studio, choral music, drama, orchestral music, and dance. By doing this, New School will allow student exposure to content as well as the ability to choose a form of the performing arts as their declared concentration to further explore when they enter grades seven and eight. Based on student need and interests, New School will consider similar refinements to the schedule for seventh and eighth grades in order to maximize learning time and increase student engagement in the curriculum.

Common planning time for New School staff will be programmed on a weekly rotating schedule for grade-level teams to meet and develop aligned units of study, revised curriculum, and common assessments.

¹⁵ Task bundles refer to Common Core-aligned tasks embedded in a unit of study, aimed to support schools in implement the DOE instructional expectation. For more information about Common Core-aligned task bundles visit the website: <http://schools.nyc.gov/Academics/EarlyChildhood/EducatorResources/default.htm>

Regular department meetings will also be scheduled. The RESOLUTION A Grant¹⁶ will be used to fund laptops for all teachers to access Datacation for data analysis and Rubicon Atlas for curriculum mapping. Desktop computers will be purchased for students for Academic Intervention Services (“AIS”) and extended day for SuccessMaker, Curriculum Associates’ i-Ready, and other computer based enrichment and remediation programs.

Additional time for inquiry work¹⁷ or interdisciplinary planning will be determined by a School-based Option (“SBO”) vote on the usage of 37.5 minutes of additional school day time. The SBO process allows individual schools to modify provisions in the collective bargaining agreement or DOE regulations as related to class size, rotation of assignments or classes, teacher schedules and/or rotation of paid coverage for the school year. Rather than enforcing a one-size-fits-all model for how all schools must extend its day, structure schedules, or set faculty meeting times, the SBO process allows each school to determine how these elements may be most effectively implemented for its own situation and needs, based on approval by staff and the principal. The principal and union chapter leader must agree to the proposed modification which will then be presented to school union members for vote. Fifty-five percent of the voting members must affirm the proposed SBO in order for it to pass. The SBO process is available to all schools, including PLA schools.

Academic Intervention and Enrichment for Students

Under the Restart model, J.H.S. 166 began implementing the Sheltered Instruction Observation Protocol (“SIOP”), which distinguishes sheltered instruction classes from mainstream instruction and is designed to make grade-level academic content understandable for ELL students while at the same time developing their English language skills. All teachers had begun training in various intervention models, including SIOP. The Extended Day program was expanded at J.H.S. 166 to include the usage of Pearson’s SuccessMaker, which is an educational software program that provides additional assessments for students. ARC 100 Book challenge has also been used during the extended day program.

Building upon those initiatives to increase learning time for targeted students, New School will redefine the focus of academic intervention by creating an administratively tracked team that is closely aligned to the Response to Intervention¹⁸ model to provide small group and/or individual targeted instruction. In addition, the role of the Pupil Personnel Team will be expanded to encompass the Response to Intervention Team as well as attendance team.

New School will continue to build upon and refine strategies in utilizing the supplemental programs for academic intervention including Pearson’s Success Maker, Curriculum Associates’ i-Ready, ACUITY, Supplemental Education Services, Renaissance Learning and STAR Assessments, Ramapo Classroom Management for teachers and paraprofessionals. New School will use a variety of instructional methodologies including differentiated curriculum, 1:1 conferencing, data driven grouping, re-teaching and pre-teaching support, and pull out and push in instructional specialists including reading, ELL, and special education. All of these strategies will serve and benefit all students.

To meet the needs of higher achieving students, New School will strengthen honors level work in each grade level to enrich and challenge students appropriately. Advanced students will engage in an action research model opportunity, or a reflective and experimental model of inquiry-based learning that engages students. Students will also be provided with opportunities to build leadership skills.

¹⁶ RESOLUTION A is a Capital funding allocation, not a grant, therefore there is no application process. The funding is provided by local City Council or Borough President's offices to needy schools in their respective communities.

¹⁷ Inquiry-based learning is an instructional method that focuses on active learning. Progress is assessed by how well students develop experimental and analytical skills as opposed to memorizing facts.

¹⁸ Response to Intervention is a method of academic intervention used to provide early, systematic assistance to students who are having difficulty learning.

Support for Students with Disabilities and ELL Students at New School

J.H.S. 166 currently offers currently offers Integrated Co-Teaching (“ICT”) classes, Self-Contained special education (“SC”) classes, and Special Education Teacher Support Services (“SETSS”). If this proposal is approved, current J.H.S. 166 students with disabilities will receive mandated services at New School in accordance with their IEPs. J.H.S. 166 currently offers ESL services, which will continue to be offered at New School. Current ELL students at J.H.S. 166 who enroll at New School will continue to receive mandated services at New School.

An AIS team will facilitate small-group instruction for pre-teaching, re-teaching, and enrichment in all grade levels and content areas or units of study in addition to SETSS instruction for students with disabilities, and training on the ICT model for ICT teachers to allow for additional grouping and differentiation. Training will take place for all staff on differentiating instruction and implementing IEPs in accordance with the mandated services for each student and aligning them to the Common Core Learning Standards.

Human Capital

New School will seek to create a strong new administrative team by designing it to include one assistant principal, two deans, one Project SAVE coordinator, one IEP teacher, a data specialist, an arts coordinator, an ELL Coordinator, and a Literacy and Math Coach to provide professional development, modeling, and mentoring to all teachers. New School also plans implement enhanced departmental common planning through a combination of department and grade-level common planning meetings to plan thematic units of study and to analyze student work. An Instructional Technology Team is planned to develop resources and content for all subject areas, ability levels and grade levels and to infuse technology through all thematic units and curriculum maps. These changes to school administration and planning priorities will factor into New School’s hiring practices

New School will provide continual support and professional development to faculty and staff to effectively deliver the instructional vision and practices for the school. Support will be provided on:

- Performing Arts Programs, including Dance, Choral Music and Drama
- SIOP
- Response to Intervention/Attendance
- Common Core Learning Standards and Curriculum Mapping
- ARC 100 Book Challenge

Successful resources in place under the Restart model from J.H.S. 166 will continue to be implemented at New School, such as goal setting activities for administrative staff, teachers, and students, and providing support to faculty through in-house coaches, Lead teachers, mentors, and the UFT Teacher Center.

If this proposal is approved, New School will be able to utilize the Lead Teacher program to hire a dedicated educator to support the professional development and capacity building of school staff. Lead teachers spend half their time teaching classes and half their time serving as professional development resources for their schools. New School will also be able to utilize the New York City Teaching Residency for School Turnaround¹⁹ which offers a pipeline of teachers specially trained to work in schools identified as lowest-performing. Residents undergo school-embedded training program in a low-performing school and are equipped with specific knowledge and strategies to be successful in a school undergoing significant reform. Additionally, New School will have access to The Teachers of Tomorrow, an incentive program designed to recruit and retain teachers at schools that are experiencing a teacher shortage (which include PLA schools) by providing them with tax-free grants for up to four consecutive years.

Based on available resources and needs assessments, New School will also pursue strategies to embed the best practices and expectations from the DOE’s Teacher Effectiveness work into the professional

¹⁹ <http://nycteachingresidency.ttrack.org/>

development framework. As part of this effort, New School leadership will plan to seek learning opportunities such as utilizing coaches, to receive guidance on how to implement a more comprehensive system for observing teachers and deliver more specific, actionable, verbal and written feedback to teachers. The New School will also pursue learning opportunities to learn how to more effectively document and track progress against key milestones for teachers, using the Danielson framework.

Socio-Emotional Student Supports

New School will put in place a new peer mediation strategy to address the normal friction of adolescents in middle school. This will be accomplished through outside training and leveraging of staff that have prior experience with this model. The school will also have deans as peer mediators who will hold advisory hours to train students to mediate student situations that may arise throughout the year. Individualized targeted interventions through advisory, and programs like Respect for All, will help to develop a new school culture that is focused on meeting the physical, emotional and recreational needs of all students and their families. New School will also expand on J.H.S. 166's supplemental educational services ("SES") program and capability through a relationship with a new SES provider, Sports in Arts Foundations. This provider will specifically work on math and English skills on Pearson's SuccessMaker, karate, dance, and/or other forms of the Arts.

New School will strengthen existing partnerships with local New York City Police Department Youth Officers and the Fire Department to develop role models, advisors, and mentors to work with the students. New School will also initiate new programs that support student wellness and build and expand existing initiatives that have been successful. It will continue partnerships that J.H.S. 166 established with East New York Medical Center school-based health, dental, and mental health clinic to expand their services further to include an ophthalmologist on site. New School will also look to strengthening parent engagement programs, including offering arts-based workshops for families and students.

New School will also continue the Breakfast in the Classroom program to ensure all students begin their instructional day with a free, nutritious meal.²⁰ The free breakfast campaign is based on scientific research that links children's nutrition with improved academic performance and psychological well-being. By offering Breakfast in the Classroom, New School will support improved attendance, punctuality and behavior, and support student's attention, memory, and achievement.

Currently, J.H.S. 166 does not offer the CHAMPS (Cooperative, Healthy, Active, Motivated, and Positive Students) program. New School will pursue participation in the CHAMPS Middle School Sport and Fitness League which provides resources to middle schools to promote physical activity through traditional and non-traditional sports and fitness activities, such as flag football, floor hockey, table tennis, cricket, double-dutch, dance, and yoga, in order to encourage physical activity and school connectedness for students regardless of their athletic ability.

Impact on Partnerships

In addition to the above mentioned partnerships, according to the 2011-2012 Middle School Directory,²¹ J.H.S. 166 has partnerships with:

- **Higher Education Institutions:** The City University of New York Creative Arts Team, Medgar Evers College
- **Not-for-Profit:** East New York Development Corporation – Beacon Program, Man Up, East New York United Concerned Citizens, Inc.

²⁰ <http://www.opt-osfns.org/osfns/>

²¹ <http://schools.nyc.gov/NR/rdonlyres/65D6799F-6A2E-4510-816D-00145B9FF446/111834/District19MSD1.pdf>

As previously stated, J.H.S. 166 currently partners with CEI-PEA , and New School is planning to partner with CEI-PEA, as well. If this proposal is approved, the DOE will work with New School to ensure the smooth transition of all the above existing partnerships from J.H.S. 166 to New School.

As previously mentioned, New School also has plans to create partnerships with artists, musicians, CBOs, non-profit organizations, and music and performing arts-based themed elementary and high schools to nurture and develop life-long learners who appreciate and value the Performing Arts.

UFT Charter, currently located in K166, already has established relationships with several partners. The DOE anticipates that those partnerships will be unaffected by closure of J.H.S. 166 and co-location of New School.

Impact on Sports and Extra-curricular Programming

According to the Middle School Directory, J.H.S. 166 currently offers the following sports, extracurricular activities, and clubs:

Clubs	Boys Sports	Girls Sports	Co-ed Sports
Band, Dance, Drama, Recording Studio	Baseball, Basketball, Flag Football, Rugby, Swimming	Dance, Double Dutch, Step, Swimming	Baseball, Swimming

If this proposal is approved, New School is expected to offer at least the same student athletics as J.H.S. 166 offers. The availability of the PSAL program for the schools in K166 is expected to remain the same despite the closure of J.H.S. 166 and opening of New School. New School is also expected to offer at least the same extra-curricular activities and clubs as J.H.S. 166.

As with all schools Citywide, it is difficult to predict precisely how changes might be implemented as decisions will rest with school administrators and will be made based on student interests and available resources. That is true for any City students as all schools modify extracurricular offerings annually based on student demand and available resources.

Impact on Students Attending UFT Charter in K166

The proposed closure of J.H.S. 166 and proposed opening of New School will not impact the academic or extracurricular program offerings or partnerships at UFT Charter. The proposed closure of J.H.S. 166 and opening of New School will not impact the enrollment or admissions process of UFT Charter. As noted previously UFT Charter is currently phasing in and serves grades six through eleven in K166. As planned, UFT Charter will phase in to serve grades six through twelve in 2012-2013 in K166.

Enrollment Options for Current J.H.S. 166 Students and Future Middle School Students – District 19 Middle School Choice Process

Under this proposal, all current J.H.S. 166 students who are not promoted to high school before the start of the 2012-2013 school year will have a guaranteed seat in New School. This includes all sixth- and seventh-grade students, as well as any eighth-grade students who are not promoted to high school before the start of the 2012-2013 school year.

All incoming sixth-grade students who have applied to J.H.S. 166 and are matched to that school in the District 19 Middle School Choice Process will be automatically enrolled in New School. Students will also have the option of applying to another school through the District 19 Middle School Choice process, should they elect to do so.

The DOE believes that New School will support student success at a level that the current school cannot, and therefore all students are encouraged to take advantage of their guaranteed seat in the new school. However, all students' currently attending Title I schools that is in Improvement Year 2 status or worse (including PLA schools), including J.H.S. 166, are eligible to apply for a transfer to another school through the DOE's existing No Child Left Behind ("NCLB") Public School Choice Process. More information about this process can be found at the DOE's Web site at:

<http://schools.nyc.gov/choicesenrollment/changingschools/default>.

On May 17, 2011, the District 19 Community Education Council voted to adopt "Middle School Choice" for admissions beginning in the 2012-2013 school year. Middle school choice allows students to use a single application to rank and apply to middle schools throughout the District, including zoned middle schools outside the zone in which they reside. Zoned students still have priority for admission to zoned schools, but other District 19 students will also be eligible to attend those schools through the choice process.

As a result, all District 19 students entering middle schools in the 2012-2013 school year and beyond will do so via the District 19 Middle School Choice process. Students will rank their preferences from among District 19 choice middle schools.²² These options include:

- Choice middle schools or programs with a screened application process (admission is based on criteria designated by the school);
- Choice middle schools or programs with an unscreened or limited unscreened application process (limited unscreened schools admit students on the same basis as unscreened schools except that they give preference to students who have attended a school information session);
- Zoned middle schools
- Schools serving students in kindergarten through eighth grade with an unscreened or limited unscreened application process that have available seats for middle school students (elementary students in these schools have the right to remain for middle school and receive priority, all other seats become available through this process); and
- Secondary schools serving students in grades six through twelve with an unscreened, limited unscreened, or screened application process.

Through the Middle School Choice process, students receive priority admission into their zoned middle school when they rank that school on their District 19 Middle School Choice application.

Any student who does not receive an offer to attend one of the schools ranked on his or her middle school application will receive a placement in either: (1) the district where the student attends public elementary school; or (2) the district to which the student is zoned to attend middle school. 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 19 students who indicated a preference for that school.

As discussed above, J.H.S. 166 currently admits students through a zoned admissions method only. With the adoption of the new District 19 Middle School Choice Process, J.H.S. 166 would have admitted students through an unscreened choice method, with priority to students who reside in the zone. If this proposal is approved, New School will to admit students through an unscreened choice method with priority to students who reside in the zone.

Students with IEPs participate in the middle school admissions process in the same manner as their non-disabled peers. The DOE supports middle schools by reviewing students' IEPs to focus on addressing the needs of students with disabilities by providing individualized service models that ensure students have access to the general education curriculum to the greatest extent possible. The middle school to which a student is matched develops a program to meet the student's needs. This process applies to students with IEPs transitioning to middle school in the same manner as it applies to all other students. Similarly, any

²² <http://schools.nyc.gov/ChoicesEnrollment/Middle>.

students with IEPs will continue to receive mandated services at the zoned middle school or the choice school to which they are matched, including any future students with disabilities at New School.

In accordance with DOE policy, ELL students participate in the middle school admissions processes in the same manner as their peers who are not ELL students. ELL students are placed according to the same criteria as their English-speaking peers.

Future sixth-grade students will continue to have access to a broad range of middle school options through the District 19 Middle School Choice process, and Borough-wide and City-wide middle school options. The table below outlines District 19, Borough-wide, and Citywide middle schools’ performance, the percentage of special education students (“SE”), the percentage of ELL students, the admissions method, target utilization rate, and site accessibility.²³

Additional information regarding special programs and courses offered by the schools listed here is available in the Middle School Directory, which is updated yearly.²⁴

District Choice Options

DBN	School Name	Building Code	Address	Grade Span 2011-2012	Grade Span at Scale	Building Utilization	2010-2011 Progress Report Grade	% SE	% ELL	Admission Method	Site Accessibility
DISTRICT Choice											
19K089	P.S. 089 Cypress Hills	K814	265 WARWICK STREET	K-8	K-8	74%	B	13%	50%	Screened*	Fully Programmatically accessible
19K171 ²⁵	I.S. 171 Abraham Lincoln	K171	528 RIDGEWOOD AVENUE	5-8	5-8	76%	F	7%	23%	Unscreened	Not functionally accessible
19K174	P.S. 174 Dumont	K174	574 DUMONT AVENUE	K-8	K-8	61%	C	14%	7%	Unscreened*	Not functionally accessible
19K202	P.S. 202 Ernest S. Jenkyns	K202	982 HEGEMAN AVENUE	K-8	K-8	72%	D	8%	5%	Unscreened	Not functionally accessible
19K218	J.H.S. 218 James P. Sinnott	K218	370 FOUNTAIN AVENUE	6-8	6-8	63%	B	16%	14%	Screened, Zoned	Not functionally accessible
19K292	J.H.S. 292 Margaret S. Douglas	K292	301 VERMONT STREET	6-8	6-8	71%	B	11%	7%	Unscreened, Screened	Not functionally accessible
19K302	J.H.S. 302 Rafael Cordero	K302	350 LINWOOD STREET	6-8	6-8	70%	C	8%	19%	Unscreened	Fully Programmatically accessible
19K306	P.S. 306 Ethan Allen	K306	970 VERMONT STREET	K-8	K-8	70%	F	14%	3%	Unscreened*	Not functionally accessible
19K311	Essence School	K190	590 SHEFFIELD AVENUE	6-8	6-8	61%	C	12%	7%	Screened, Zoned	Fully Programmatically accessible
19K328 ²⁶	P.S. 328 Phyllis Wheatley	K328	330 ALABAMA AVENUE	K-8	K-8	71%	D	11%	13%	Unscreened*	Not functionally accessible

²³ Target utilization rates are from the 2010-2011 Blue Book.

²⁴ <http://schools.nyc.gov/ChoicesEnrollment/Middle>.

²⁵ Starting in 2012-13, I.S. 171 will no longer serve 5th grade.

²⁶ Starting in 2012-13, P.S. 328 will not serve 6th grade.

19K364	I.S. 364 Gateway	K364	1426 FREEPORT LOOP	6-8	6-8	87%	C	8%	1%	Screened	Not functionally accessible
19K409	East New York Family Academy	K819	2057 LINDEN BOULEVARD	6-12	6-12	71%	A	2%	0.5%	Screened	Not functionally accessible
19K452	Frederick Douglass Academy VIII Middle School	K346	1400 PENNSYLVANIA AVENUE	6-8	6-8	79%	B	3%	1%	Screened	Not functionally accessible
19K678	East New York Middle School of Excellence	K072	605 SHEPHERD AVENUE	6-8	6-8	83%	B	20%	1%	Limited Unscreened	Fully Programmatically accessible
BOROUGH-WIDE Choice											
13K527	Urban Assembly Institute of Math and Science for Young Women	K313	283 ADAMS STREET	6-11	6-12	100%	B	13%	1%	Screened	Not functionally accessible
13K592	Khalil Gibran International Academy ²⁷	K287	50 NAVY STREET	7-8	9-12	55%		8%	22%	Screened	Not functionally accessible
14K614	Young Women's Leadership School of Brooklyn	K049	223 GRAHAM AVENUE	6-9	6-12	65%	A	10%	3%	Limited Unscreened	Not functionally accessible
17K543	Science, Technology and Research Early College High School at Erasmus	K465	911 FLATBUSH AVENUE	6-12	6-12	81%	B	2%	0%	Screened	Fully Programmatically accessible
17K590	Medgar Evers College Preparatory School	K590	1186 CARROLL STREET	6-12	6-12	114%	C	0%	0%	Screened	Fully Programmatically accessible
18K235	P.S. 235 Lenox School	K235	525 LENOX ROAD	K-8	K-8	88%	A	2%	1%	Screened*	Partially Programmatically accessible
20K609	Urban Assembly School for Criminal Justice	K223	4200 16 AVENUE	6-10	6-12	66%	A	13%	16%	Unscreened	Not functionally accessible
22K555	Brooklyn College Academy	K555	2900 BEDFORD AVENUE	7-12	7-12	222%	A	0%	0%	Screened	Fully Programmatically accessible
23K493	Brooklyn Collegiate: A College Board School ²⁸	K055	2021 BERGEN STREET	6-12	6-12	65%	F	5%	2%	Screened	Fully Programmatically accessible

²⁷ Khalil Gibran International Academy will be re-sited to District 15 at the close of the 2011-2012 school year. They will also be phasing in to serve high school grades only.

²⁸ As of February 9, 2012, the PEP approved the proposal to phase out the middle school grades of Brooklyn Collegiate beginning in the 2012-2013 school year.

23K518	Kappa V	K275	985 ROCKAWAY AVENUE	6-8	6-8	70%	A	18%	2%	Screened	Not functionally accessible
23K522	Mott Hall IV	K271	1137 HERKIMER STREET	6-8	6-8	52%	F	5%	2%	Screened	Not functionally accessible
23K644	Eagle Academy for Young Men II	K271	1137 HERKIMER STREET	6-9	6-12	52%	B	16%	3%	Limited Unscreened	Not functionally accessible
23K697	Teachers Preparatory High School	K175	226 BRISTOL STREET	6-12	6-12	89%	B	6%	2%	Screened	Fully Programmatically accessible
32K383	J.H.S. 383 Philippa Schuyler	K383	1300 GREENE AVENUE	5-8	5-8	77%	B	4%	1%	Screened	Fully Programmatically accessible
CITY-WIDE Choice											
01M539	New Explorations into Science, Technology and Math High School	M022	111 COLUMBIA STREET	K-12	K-12	99%	A	0%	0.2%	Screened*	Not functionally accessible
02M407	Institute for Collaborative Education	M475	345 EAST 15TH STREET	6-12	6-12	146%	B	0%	0.4%	Screened	Not functionally accessible
02M408	Professional Performing Arts High School	M017	328 WEST 48 STREET	6-12	6-12	97%	B	0%	2%	Screened	Not functionally accessible
02M442	Ballet Tech, NYC Public School for Dance	M905	890 BROADWAY	4-8	4-8	60%	B	0%	3%	Screened	Not functionally accessible
03M334	The Anderson School	M044	100 WEST 77 STREET	K-8	K-8	103%	A	0%	0.4%	Screened*	Fully Programmatically accessible
03M859	Special Music School	M932	129 WEST 67 STREET	K-8	K-8	57%	A	0%	1%	Screened*	Not functionally accessible
04M012	Tag Young Scholars	M117	240 EAST 109 STREET	K-8	K-8	76%	B	0%	0%	Screened*	Fully Programmatically accessible
21K239	Mark Twain I.S. 239 for the Gifted & Talented	K239	2401 NEPTUNE AVENUE	6-8	6-8	79%	A	2%	1%	Test Outcome	Not functionally accessible

* These schools give priority for middle school grades to continuing fifth-grade students.

Enrollment Impact for Current and Future UFT Charter Students

UFT Charter admits students through a charter lottery, giving preference to students who reside in District 19. A lottery is a system of random selection of applications that identifies students for enrollment.

Detailed information about charter schools in general and the charter lottery application process is available on the DOE’s Web site at: <http://schools.nyc.gov/community/planning/charters/Directory.htm>.

Students with disabilities and ELL students are treated the same as any other charter lottery applicant. If admitted to UFT Charter, students with disabilities will have their needs met pursuant to their IEPs. ELL students will also receive all mandated services.

Enrollment Impact for Future Middle School – Over-the-Counter Placements

J.H.S. 166 also admits students through the over-the-counter (“OTC”) placement process. OTC placement is a term that refers to the method of enrolling students who need a school assignment because they were not part of any admissions process for entry grades and/or were not enrolled in a New York City school at the time school started. These students fall into one of four categories:

- New to the New York City school system;
- Left the New York City school system and have returned;
- Are seeking transfers (based on the guidelines outlined in Chancellor’s Regulation A-101);²⁹ or
- Students who did not participate in the elementary or middle school admissions process for some other reason.

When a middle school eligible student arrives for an OTC placement, his or her school assignment is determined by his or her interest, his or her home address, which schools have available seats, and where applicable, transfer guidelines. Students are eligible to attend middle school based on the district of elementary school attendance or the district to which the student’s address is zoned for middle school. In un-zoned districts, the student visits a Borough Enrollment Office where he or she meets with a counselor who reviews options that will meet the student’s needs. However, in many districts, students may simply report to their zoned middle school at the start of the year.

In the 2011-2012 school year, across District 19, sixteen schools accepted 769 OTC students in grades six through eight, for an average of 48 OTC students per school.

While the DOE cannot predict the exact number of students who will apply to a particular middle school through the Middle School Choice Process or the number of students who will arrive through an OTC placement, the following analysis uses the data from the 2011-2012 school year to approximate future needs. The chart below provides an overview of how the current sixth-grade students arrived at J.H.S. 166:

	OTC	Zoned Admission	Holdovers
6th Grade	25	76	5

Additionally, J.H.S. 166 admitted 19 OTC students in grade seven and 28 OTC students in grade eight.

B. Schools

In 2012-2013, once J.H.S. 166 has closed, New School has opened, and UFT Charter has reached full-scale, there will be approximately 1,024-1,212 total students served in the building. The projected utilization for K166 at that point is approximately 79%-93%. The current and projected enrollment for the organizations in K166 is shown in the tables below:

J.H.S. 166:

	Grade 6	Grade 7	Grade 8	Total Enrollment
2011-2012 (audited)	106	161	169	436
2012-2013 (proj.)	-	-	-	-

²⁹ Per Chancellor’s Regulation A-101, students have the “right to return” to their prior school following discharge within one calendar year of discharge, subject to available seats. Therefore, it is possible that non-zoned students arriving for an OTC placement may be granted admission to a zoned school.

New School:

	Grade 6	Grade 7	Grade 8	Total enrollment
2011-12 (audited)	-	-	-	-
2012-13 (proj.)	150 - 160	155 - 165	155 - 165	460 - 490

UFT Charter:

	Grade 6	Grade 7	Grade 8	Grades 9-12 ³⁰	Total Enrollment
2011-2012 (audited)	118	112	85	173	488
2012-2013 (proj.)	90-115	135-173	110-140	229-294	564-722

As described in more detail in the attached Building Utilization Plan that accompanies this EIS, if this proposal is approved, there will be sufficient space to accommodate New School and UFT Charter in K166 pursuant to the Citywide Instructional Footprint (the “Footprint”). Please visit the New York City Department of Education website to access the Footprint, which guides space allocation and use in City schools: <http://schools.nyc.gov/community/planning/default.htm>.

Building Safety and Security

The DOE makes available the following supports to schools relating to safety and security:

- Providing “Best Practices Standards for Creating and Sustaining a Safe and Supportive School,” as a resource guide;
- Reviewing and monitoring school occurrence data and crime data (in conjunction with the Criminal Justice Coordinator and the New York City Police Department);
- Providing technical assistance via the Borough Safety Directors when incidents occur;
- Providing professional development and support to Children’s First Network Safety Liaisons;
- Providing professional development and kits for Building Response Teams; and
- Monitoring and certifying School Safety Plans annually.

C. Community

The DOE strives to ensure that all families have access to high-quality schools that meet their children’s needs. This proposal is intended to meet this goal by allowing the students currently enrolled in J.H.S. 166 to benefit from a new school with a rigorously screened staff, a new mission and new vision, and new programs.

The DOE believes that this proposal to close J.H.S. 166 and replace it with New School best meets the needs of the community. As discussed above, based on the school’s recent performance, J.H.S. 166 needs more aggressive intervention in order to give its students the best chance to succeed. Previously, the DOE sought to support the performance of students in J.H.S. 166 by implementing the Restart model. However, based on the school’s most recent performance data, the DOE has concluded that a more rigorous intervention is required to improve student outcomes. Thus, the DOE has decided to close the school and put in place a process aimed at hiring the best possible staff into a new school, thereby immediately improving teacher quality. The DOE has also decided to implement the existing programmatic changes at the school with new structural and programmatic changes.

The DOE believes that these interventions will give students the environment they need in order to succeed, while also minimizing disruption to the community by preserving the current use of the building in terms of the number of schools, types of schools, and grade levels served.

³⁰ In 2011-2012, this figure represents grades nine through eleven. In 2012-2013, when the school will have reached full-scale, this figure represents grades nine through twelve.

J.H.S. 166 is the only school in District 19 that serves sixth through eighth grade students that the DOE is proposing for closure and immediate replacement..

Impact on Middle School Seat Capacity in District 19

The District 19 seats eliminated by J.H.S. 166’s closure will be recovered by the opening of New School. As a result, the proposal to close J.H.S. 166 is not expected to yield a net deficit of middle school seats in K166 or in District 19.

In District 19:

- There are 3,042 sixth-grade seats in District 19 middle schools.³¹
- In 2011-2012, there are only 2,097 sixth-grade students enrolled in District 19 middle schools.
- Therefore, there is currently an excess, or surplus, of 945 sixth-grade seats in District 19 middle schools.

In K166 specifically:

- J.H.S. 166 is currently serving 106 sixth-grade students. Because of the projected enrollment increase due to other District 19 truncations, J.H.S. 166 would have been projected to serve 150-160 sixth-grade students.
- The proposed opening of New School in K166 is projected to create 150-160 sixth-grade seats.
- This means that the sixth grade seats in District 19 eliminated by J.H.S. 166’s closure will be recovered through the opening of New School.

Moreover, community residents may enroll in another District 19 middle school through the District 19 Middle School Choice Process or apply to other public charter schools in District 19, in Brooklyn, or Citywide.

There are three new District 19 middle schools, which are currently phasing in to serve middle school grades. All are listed in the table below:

District 19 Middle Schools Phasing In				
DBN	School	Grade Span 2011-2012	Grade Span at Scale	Admissions Method
84K769	Hyde Leadership Charter School- Brooklyn	K-2	K-12	Lottery
84K386	INVICTUS PREPARATORY CHARTER SCHOOL	5	5-8	Lottery
84K774	Achievement First Apollo Charter School	K-2	K-7	Lottery

In addition, District 19 students have several current charter middle school options. The table below lists charter schools located in District 19 that currently serve middle school grades, admit students through a lottery application process, and provide a preference for District 19 students. All students in District 19 will continue to have the opportunity to participate in these respective charter lotteries.

³¹ This figure includes both district and charter schools.

District Charter Options					
DBN	School	Grade Span 2011-2012	Grade Span at Scale	2011-2012 Total Enrollment ³²	Admissions Method
84K358	ACHIEVEMENT FIRST EAST NEW YORK CHARTER SCHOOL	K-7	K-12	638	Lottery
84K359	THE UFT CHARTER SCHOOL	K-11	K-12	913	Lottery
84K740	BROOKLYN SCHOLARS CHARTER SCHOOL	K-6	K-8	376	Lottery

Detailed information about charter schools will also be published annually and will be available in print or on the DOE Web site here: <http://schools.nyc.gov/community/planning/charters/For+Parents>.

This proposal is not expected to impact the ability of community members and organizations to obtain school building use permits at K166. This proposal is not expected to impact the fully programmatic accessibility of K166.

IV. Enrollment, Admissions and School Performance Information

J.H.S. 166

Admissions Data

Current Admissions	6-8: Zoned
Admissions After Proposed Closure of J.H.S. 166	N/A

Enrollment Data

	Grade 6	Grade 7	Grade 8	Total Enrollment
2011-12 (audited)	106	161	169	436
2012-13 (proj.)	-	-	-	-

Demographic Data

Percentage of Students Receiving ICT or SC services ³³	20%
Percentage of Students with IEPs ³⁴	30%
Percentage of ELL Students ³⁵	5%
Percentage of Students Eligible for Free or Reduced Lunch ³⁶	79%

School Performance Data

J.H.S. 166 George Gershwin	2008-2009	2009-2010	2010-2011
School Performance and Progress			
Overall Progress Report Grade	B	C	C
Quality Review Score	N/A	P	D
Performance Data			
English Language Arts % Proficient (Levels 3 and 4)	33%	13%	11%

³² Based on headcount as of October 1, 2011

³³ Students receiving ICT and SC services as percentage of total students from the 2011-2012 audited register.

³⁴ Students with IEPs as percentage of total students from the 2011-2012 audited register.

³⁵ ELL students as percentage of total students 2011-2012 audited register.

³⁶ Percentage of students eligible for free or reduced lunch from School Allocation Memorandum No. 8, FY12, July 5, 2011.

Math % Proficient (Levels 3 and 4)	54%	24%	22%
Other Key Performance Indicators			
Attendance Rate	89.9%	88.9%	87.1%
2010-2011 State Accountability Status	Restructuring (year 2) Comprehensive		

UFT Charter School @ building K166

Admissions Data

Current Admissions	Grades 6-11: Charter Lottery for grades K-7
Admissions After Proposed Closure of J.H.S. 166	Grades 6-12: Charter Lottery for grades K-7

Enrollment Data

	Grade 6	Grade 7	Grade 8	Grades 9-12	Total Enrollment
2011-12 audited)	118	112	85	173	488
2012-13 (proj.)	90-115	135-173	110-140	229-294	564-722

Demographic Data

Percentage of Students Receiving ICT or SC services	2%
Percentage of Students with IEPs	8%
Percentage of ELL Students	1%
Percentage of Students Eligible for Free or Reduced Lunch	78%

School Performance Data

The UFT Charter School (Grades K-8)	2008-2009	2009-2010	2010-2011
School Performance and Progress			
Overall Progress Report Grade	B	D	C
Quality Review Score	N/A	N/A	N/A
Performance Data			
English Language Arts % Proficient (Levels 3 and 4)	68%	28%	29%
Math % Proficient (Levels 3 and 4)	82%	34%	47%
Other Key Performance Indicators			
Attendance Rate	96.0%	93.6%	93.1%
2010-2011 State Accountability Status	In Good Standing		

The UFT Charter School (Grades 9-11)	2008-2009 ³⁷	2009-2010	2010-2011
School Performance and Progress			
Overall Progress Report Grade	N/A	N/A	N/A
Quality Review Score	N/A	N/A	N/A
Key Components of Performance and Progress			
% 10+ Credit Accumulation in Year 1	N/A ³⁸	77%	85%
4 Year Graduation Rate	N/A	N/A	N/A
6 Year Graduation Rate	N/A	N/A	N/A
% Graduating with a Regents Diploma	N/A	N/A	N/A

³⁷ The UFT Charter school has yet to graduate a twelfth grade class, and thus does not yet have a Progress Report score. Next year will mark the first year that UFT Charter has been fully phased in, and it will graduate its first senior class at the conclusion of the 2012-2013 school year.

³⁸ This was the first year that UFT Charter served a ninth grade class, thus there were not yet first year credit accumulations.

Attendance Rate	N/A	93%	91%
2010-2011 State Accountability Status	In Good Standing		

New School

Admissions Data

Current Admissions	N/A
Admissions After Proposed Closure of J.H.S. 166	6-8: District 19 Middle School Choice Process, unscreened selection criteria with priority to zone

Enrollment Data

	Grade 6	Grade 7	Grade 8	Total Enrollment
2011-12 (audited)	-	-	-	-
2012-13 (proj.)	150 - 160	155 - 165	155 - 165	460-490

Demographic Data³⁹

Percentage of Students Receiving ICT or SC services	20%
Percentage of Students with IEPs	30%
Percentage of ELL Students	5%
Percentage of Students Eligible for Free or Reduced Lunch	79%

School Performance Data

The New School does not yet have enrollment. Therefore, there are no performance data for the school.

V. Initial Costs and Savings

If this proposal is approved, once the closure of J.H.S. 166 and the opening of New School are implemented, the DOE will cease to allocate funds to J.H.S. 166, and will allocate funds instead to New School.

New School will be provided with a fixed per-school allocation of \$15,000 during its first year. All schools receive approximately \$225,000 in annual fixed Fair Student Funding (“FSF”) foundation allocations to fund administrative costs and an additional \$50,000 in Children First supplemental funding.

Estimated FSF for New School in its first year is \$2,029,727-\$2,162,101. The student achievement and need-based allocations are not taken into account in this estimate because incoming students’ achievement levels and needs cannot be predicted. All money allocated through FSF can be used at the principal’s discretion. All dollar amounts are based on FY12 allocations and are subject to change based on adjustments to the DOE’s overall operating budget.

This proposal is not expected to impose any costs on UFT Charter.

As discussed above, at the beginning of this school year J.H.S. 166 was receiving supplemental federal SIG funding to support implementation of the federal Restart model. The school was to have received \$850,000 in Restart money this school year. While the school otherwise complied with the changes required by the model, its eligibility for these funds under this model was and is conditioned upon the implementation of a

³⁹ Demographic data include for New School is anticipated based on the current student population at J.H.S. 166 but actual demographic data may differ.

new teacher evaluation system. When the DOE and the UFT failed to come to an agreement by January 1, 2012, SED suspended SIG funding to all schools in the Transformation and Restart models in the City, including J.H.S. 166. While the two sides have made progress in their negotiations, at present there is still no agreement on an acceptable teacher evaluation system. As a result, J.H.S. 166 is not currently receiving SIG funding, and cannot receive such funding until an agreement is reached.

Unlike the Transformation and Restart models, Turnaround does not require an agreement on teacher evaluations. Under Turnaround, a school makes programmatic changes comparable to those required by the Transformation and Restart models, but also replaces at least 50% of its teaching staff after using locally-adopted competencies to measure their effectiveness.⁴⁰ Thus, if the rehiring process at New School results in a SIG-acceptable level of staff turnover, New School will become eligible for SIG funding. Moreover, because the portions of the Turnaround, Transformation and Restart models unrelated to staff turnover are compatible, New School will also retain eligibility for SIG funding under the Transformation model in the event the DOE and UFT reach an agreement on teacher evaluations. Under this proposal, New School may be eligible for SIG funding under either the Turnaround model (if New School satisfies the above-described personnel requirements) or the Restart model (if an agreement on teacher evaluations between the DOE and the UFT is reached), thereby maximizing the school's chances for receiving SIG funding

The DOE will submit an application to SED to award SIG funding to New School pursuant to the applicable model. In that application, the DOE will also ask that SED restore SIG funding to J.H.S. 166 for the remainder of the current grant year and provide funding to New School in the subsequent years of the grant. However, the DOE plans to proceed with this proposal whether or not New School becomes eligible for SIG funding under either the Restart or Turnaround models.

Current J.H.S. 166 teachers who are not hired at New School will remain in excess.⁴¹

Barring system-wide layoffs, excessed teachers will be eligible to apply for other City positions, and any teachers who do not find a permanent position will be placed in the Absent Teacher Reserve ("ATR") pool, meaning that they will continue to earn their salary while serving as substitute teachers in other City schools. This will not count as a cost or savings to New School, but could increase overall ATR costs to the DOE.

This proposal is not expected to impose any costs on or affect the funding of UFT Charter.

In accordance with New York State Charter Schools Act of 1998 (as amended), the Chancellor or his/her designee must first authorize in writing any proposed capital improvement or facility upgrade in excess of five thousand dollars, regardless of the source of funding, made to accommodate the co-location of a charter school within a public school building. For any such improvements or upgrades that have been approved by the Chancellor, capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter school within the public school building. No facilities upgrades are planned at this time as a result of this proposal.

⁴⁰ Federal guidance suggests that teachers hired during the initial implementation of SIG may count towards this 50% requirement. The DOE is awaiting guidance from SED on whether SED will permit recently hired teachers to count towards the staff turnover requirement.

⁴¹ Excessing of staff occurs when a school requires fewer positions than the number of staff currently in the license area or job title.

VI. Effect on Personnel Needs, Costs of Instruction, Administration, Transportation and Other Support Services

A. Personnel Needs

If this proposal is approved, all teachers, administrative, and non-pedagogical staff at J.H.S. 166 will be excessed in the closure. This process will occur at the end of the 2011-2012 school year.

New schools follow the hiring process consistent with the procedures set forth in the collective bargaining agreement between the DOE and UFT. All new district schools opening in campuses where an existing school is phasing out or closing must adhere to Article 18-D of the UFT contract. Article 18-D requires that if a sufficient number of displaced teachers from Automotive High School apply, at least 50% of New School's positions shall be selected from among the appropriately licensed most senior applicants from J.H.S. 166 who meet the new school's qualifications. Guidance counselor, lab specialist, school secretary, and paraprofessional positions are also subject to Article 18-D.

Hiring decisions for New School for all teachers, whether they concern current J.H.S. 166 teachers or others, will be made based on competencies to measure the effectiveness of staff, determined by New School leadership. The priority will be to staff the school with the best teachers available. Staff will be selected by a Personnel Committee typically consisting of two Union representatives designated by the UFT president, two representatives designated by the Chancellor or superintendent, and the principal.

As noted, current J.H.S. 166 teachers who are not hired at New School will remain in excess.

As part of the Restart model this year, J.H.S. 166 had funding to hire Master and Turnaround teachers.⁴² These titles will not be available after the 2011-2012 school year due to the absence of an agreement with the UFT. While the positions will not be included at New School, the individual teachers in those positions currently will be welcome to apply to New School.

If approved, this proposal will not impact the personnel needs of UFT Charter. As stated previously UFT Charter is phasing in and new administrative staff and non-pedagogical positions may be created over the course of the school's continued phase-in.

B. Cost of Instruction

Funding will be provided in accordance with enrollment levels, allowing New School to meet the instructional needs of its student population. This is how funding is awarded to all schools throughout the City, with budgets naturally increasing or decreasing as enrollment fluctuates from year to year.

Most funding in school budgets is allocated on a per-pupil basis. The basic operating budget for J.H.S. 166 is, and the basic operation budget at New School will be, determined by the same FSF per capita entitlement used at all other New York City District public schools. Each student receives a per-pupil allocation based on the grade level of the student. FSF allocations are subject to variation, but for 2011-2012, the base per-pupil entitlement for middle schools is \$4,412.45.

In addition, FSF awards supplemental entitlements on a per-pupil basis for students who have additional needs and therefore cost more to educate. For example, during the 2011-2012 school year, middle schools received an additional \$2,043.69 per pupil for each ELL student they enrolled. At the middle school level,

⁴² Master teachers serve as instructional leaders in their content area, dedicated to working collaboratively with their colleagues to drive instructional improvement as an active developer, mentor, and coach of other teachers. Turnaround teachers are model educators in high need schools who help drive instructional improvement for their colleagues by maintaining a laboratory classroom, displaying exceptional results with their students, and facilitating lesson study with their peers—a teacher led professional development process.

supplemental funds are also awarded to each student who requires special education services, or who is performing below grade level upon enrollment. In the case of students who fall into more than one of these categories, schools are awarded supplemental funding to meet all of those needs.

While schools receive supplemental support for students with disabilities through FSF, that only represents part of the funding provided to support those students. Schools are budgeted to meet the needs of their students with disabilities as defined by their IEPs. If this proposal is approved, funding will be provided to meet the needs of all students with disabilities at New School in accordance with their IEPs.

FSF covers basic instructional expenses and FSF funds may, at the school's discretion, be used to hire staff, purchase supplies and materials, or implement instructional programs. As the total number of students enrolled grows, the overall budget will increase accordingly, allowing the school to meet the instructional needs of its larger student population. Similarly, if the total number of students enrolled falls, the budget shrinks accordingly, as the school will need fewer supplies and potentially a smaller staff.

As with all other schools Citywide, New School and UFT Charter may receive additional "categorical" funding based on student characteristics and needs. For example, federal Title I funding is awarded to schools based on the proportion of low-income students they enroll. Since New School is expected to serve the same population as J.H.S. 166, at approximately the same enrollment levels, the DOE anticipates that New School will receive roughly the same amount of Title I funding as J.H.S. 166 does, if this proposal is approved. UFT Charter is not currently eligible for Title I funding.

Please note that increased or reduced per capita funds allocated to the school as a result of this proposal do not represent net/incremental system costs. All dollar amounts are based on FY12 allocations and are subject to annual variation based on adjustments to the DOE's overall operating budget.

The General Education Charter School per-pupil rate is determined by the New York State Education Department, and is based on a formula used for all traditional public school districts. The formula divides the district's Approved Operating Expenditures by Total Allowable Pupil Units. Special education funding is an allocation that charter schools may qualify for and receive for serving students that receive special education services for more than 20% of the week as mandated by an IEP.

This proposal is not expected to impact the cost of instruction at UFT Charter.

C. Administration

All school supervisor and/or administrator positions assigned to J.H.S. 166 will be excessed when the school is closed, if this proposal is approved. All excessing will take place in accordance with existing labor contracts.

Administrative positions at New School will be filled pursuant to the process set forth in Chancellor's Regulation C-30. That process could result in New School having a different principal or assistant principals than J.H.S. 166.

If approved, this proposal will not impact the administration of UFT Charter.

D. Transportation

If this proposal is approved, transportation will continue to be provided to all organizations according to Chancellor's Regulation A-801: <http://schools.nyc.gov/NR/rdonlyres/21A1B11A-886B-4F74-9546-E875EE82A14C/40303/A801.pdf>. This proposal is not expected to impact the transportation services of UFT Charter.

E. Other Support Services

The provision of certain support services is described above. Other support services will continue to be provided consistent with Citywide policy if this proposal is approved. This proposal is not expected to impact the support services of UFT Charter.

Building Information

Building		K166
Type of Building		Junior High-Intermediate-Middle
Year Built		1956
Overall BCAS rating		2.38
2010-2011 Target Building Utilization		73%
2010-2011 Target Building Capacity		1,304
FY 2011 Maintenance Costs	Labor	\$28,311
	Materials	\$17,076
	Maintenance and repair contracts	\$111,106
	Service contracts	\$0
	Custodial operations costs—Materials	\$10,266
	Custodial operations costs—Custodial Allocation	\$306,323
FY2011 Energy Costs	Electric	\$151,443
	Gas	\$8,528
	Oil	\$136,190
Projects completed during the current or prior school year		No projects identified
Projects proposed in the capital plan		No projects identified
Accessibility of the building		Fully Programmatically accessible
Building attributes		Art Rooms, Auditorium, Cafeteria, Computer Rooms, Gymnasium, Library, Nurse's Office