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Chancellor

### Public Comment Analysis

Date: April 25, 2012

Topic: The Proposed Closure of Banana Kelly High School (08X530) and the Opening and Co-Location of a New High School (08X563) with Holcombe L. Rucker School of Community Research (08X332) in Building X039 Beginning in 2012-2013

Date of Panel Vote: April 26, 2012

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### Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to close Banana Kelly High School (08X530, “Banana Kelly”), an existing district high school in building X039 (“X039”), located at 965 Longwood Avenue, Bronx, NY 10459, within the geographical confines of Community School District 8. It currently serves students in grades nine through twelve. The DOE is proposing to immediately replace Banana Kelly with New School (08X563, “New School”), a new district high school serving students in grades nine through twelve in building X039.

If this proposal is approved, Banana Kelly will close at the conclusion of the 2011-2012 school year. All current students who have not graduated before the start of the 2012-2013 school year will be guaranteed a seat and automatically enrolled in New School.

Banana Kelly is co-located with Holcombe L. Rucker School of Community Research (08X332, “Holcombe L. Rucker”), an existing district high school serving students in grades nine through twelve. In addition, building X039 houses multiple community-based organizations (“CBOs”), Children’s Aid Society, Morris Heights Health Center, BuildOn, and Elevate NY. Banana Kelly and Holcombe L. Rucker School of Community Research currently use gym space at the Police Athletic League building (“PAL Longwood”) located at 991 Longwood Avenue, Bronx, NY 10459. New School would also use gym space there.

Banana Kelly admits students through the Citywide High School Admissions Process through the educational option admissions method. Holcombe L. Rucker admits students through the Citywide High School Admissions Process through the limited unscreened admissions method.

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 Banana Kelly and replacing it with New School, the DOE is seeking to expeditiously improve educational quality in building X039. If this proposal is approved, New School will develop rigorous, school-specific competencies to measure and screen prospective staff

– including Banana Kelly 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 (“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 will improve the quality of teaching and learning in the school. DOE also will maximize New School’s chance of receiving up to \$800,000 each year in supplemental federal funding under the federal School Improvement Grant (“SIG”) program for the remainder of the SIG grant. New School will build on the strongest elements of Banana Kelly and incorporate new elements, including new talent designed to better meet student needs. Thus, the immediate closure and replacement of Banana Kelly with New School should give students access to a higher-quality educational option while they continue to attend school in the same building.

The details of this proposal have been released in an Educational Impact Statement (“EIS”) which can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/April2012Proposals.htm>.

Copies of the EIS are also available in the main offices of Banana Kelly and at Holcombe L. Rucker.

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

A joint public hearing regarding this proposal was held at school building X039 on April 4, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 63 members of the public attended the hearing, and 18 people spoke. Present at the meeting were Banana Kelly School Leadership Team Representative Alison Ramirez; Holcombe Rucker School Leadership Team Representative Dr. CK Singleton; and Education Unit/Community Liaison from the Office of The Bronx Borough President, Erica Veras.

#### **The following questions, comments, and remarks were made at the Joint Public Hearing:**

1. Alison Ramirez, SLT representative, asserted that:
  - a. The new staff and policies at Banana Kelly are making a positive change.
  - b. She is realistic and understands that the funding tied to the Turnaround model is necessary to sustain current reforms.
2. Erica Veras, representing the Office of the Bronx Borough President, asserted that:
  - a. The Turnaround process is very expensive and the DOE should better utilize the associated funds to bring more resources to Banana Kelly.
  - b. Teacher removal through the Turnaround process further destabilizes the community.
3. A commenter asserted that the closure of 26 schools through Turnaround is not an educational strategy, but a ploy to avoid negotiations with the UFT and CSA.
4. A commenter, a student, asserted that the school is like a second home and family to him, and that losing the school will have a negative impact on the students.
5. A commenter asked whether the DOE believes that students will be negatively affected by the Turnaround proposal.
6. A commenter asserted that the school should not be closed, as it teaches students critical and creative thinking.
7. Multiple commenters asserted that firing teachers would not improve achievement at Banana Kelly. One commenter questioned the benefit of firing teachers at Banana Kelly, given that experienced teachers will end up in the Absent Teacher Reserve (“ATR”) pool, and will only be able to serve the school as substitute teachers.

8. A commenter asserted that Banana Kelly had previously been recognized as a “Beat the Odds” school, with the same faculty. How then can the current state of affairs be solely the fault of the faculty?
9. A commenter asserted that every decision regarding the school has been made by administrators unfamiliar with the school, with good intentions but a lack of understanding. These decisions have made it harder to work at the school.
10. One commenter asserted that the faculty is just finding out today that the 50% rule does not apply to Banana Kelly, which the commenter said evidences a lack of transparency. If this policy had been messaged from the beginning, teachers would not have had low morale and been worried about their jobs.
11. A commenter asked that the DOE clarify the policy on rehiring, specifically whether more than 50% of the staff can return.
12. A commenter asserted that Banana Kelly does not meet the DOE’s own criteria for closing a school, and has made progress in both graduation rates and credit accumulation. Another commenter asked why the EIS claims there is a “downturn” in Banana Kelly’s data when five out of seven indicators show improvement.
13. A commenter questioned why the DOE is planning to give support and resources to the proposed new school instead of Banana Kelly.
14. Multiple commenters asserted that the joint public hearing was just a formality and the community thinks challenging it is futile. Teachers are afraid to speak up and students believe their voices don’t matter.
15. A commenter asserted that closing Banana Kelly would deprive the students of all the connections the school has made with community organizations and businesses.
16. A commenter asserted that graduation rates at Banana Kelly have fluctuated as a result of ESL and special education students flooding the school while resources have been taken away; the school should not be closed as a result of these enrollment practices.
17. Multiple commenters asserted that the DOE should reinstate the Transformation model.
18. A commenter asserted that other schools are being closed in the Bronx, and questioned what new programs would actually be in the new school. A commenter asked whether students will have the opportunity to apply to other schools or if they will be automatically re-enrolled in Banana Kelly.
19. A commenter questioned whether it was necessary to change the name of the school.

The following questions, comments, and remarks were made at the Joint Public Hearing and are not related to the proposal:

20. A commenter asserted that colleges blame high schools, and high schools blame middle schools for students not being prepared, but the responsibility lies with the parents.
21. A commenter asserted that the Community Board 2 would like to be a part of the process to define the new school and ensure that all students receive a quality education. The Board would like all partnerships and programs to be retained and invites the principal to work with board to fix problems in the school as they arise.

### **Summary of Comments Received at other public meetings**

An information session was hosted by the Bronx Borough President at the Morris Educational Campus on March 15, 2012. The DOE attended that meeting to provide information to community members and answer questions.

The following questions, comments, and remarks were made at the information session:

22. One commenter asked about the requirements for leadership change pursuant to the Turnaround model.
23. One commenter asked about SIG funding in relation to Educational Partner Organizations (“EPOs”). Specifically, since there are no EPOs in the federal Turnaround model, who gets the equivalent money given to EPOs in restart, and who agreed to keep on the EPOs for these schools?
24. One commenter asked about the procedure for new schools to select the networks that will support them.

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

The following written questions, comments, and remarks were received through the dedicated Web site and phone line for this proposal.

25. One commenter asked if there will be delays in the implementation of the Common Core Learning Standards as a result of these proposals.
26. One commenter asked about the DOE’s engagement process for proposing to close the existing school and open a new school, and what part students, parents, and the community have in the process.
27. One commenter stated that all of the closure/replacement proposals will result in the shuffling of teachers from one school to the other.
28. One commenter asked about which schools have implemented the 18-D process successfully, how this was done, and how the success was measured.
29. One commenter asked about what evidence the DOE has that this approach works, and whether a short-term measuring tool can be part of the model.
30. One commenter asked what supports are being offered to schools being closed and replaced.
31. One commenter asked what measures will be used to evaluate the progress of the new schools, apart from progress reports and quality reviews. The commenter also asked about what evaluations the DOE has done to assess progress made under previous interventions (i.e., Transformation and Restart).
32. One commenter asked about the timeline for the implementation of the new model.
33. One commenter asked about the supports that networks and other entities have provided to the schools that are in PLA status.
34. One commenter asked about how summer school will be implemented.
35. One commenter asked about how quickly new replacement schools will receive progress report grades, what short-term benchmarks are built into the Turnaround plan, and whether performance goals are built into the Turnaround plan.
36. One commenter asked about the impact of the new schools and implementing the closure/replacement approach.
37. One commenter asked about who comprises the planning team for each school.
38. One commenter asked if the state mandates a Joint Intervention Team (“JIT”) review for every school that is Restructuring, Year 1; Restructuring, Advanced; and Persistently Lowest Achieving.
39. One commenter asked if a JIT review was done for each of the 25 high schools on the Turnaround list before the earlier intervention model (Transformation or Restart) was selected and before the Turnaround model was selected.
40. One commenter asked if the JIT reports are available to the public.

41. One commenter asked if the proposed new school will receive over-the-counter, English Language Learners (“ELL”), and over-age under-credited students.
42. One commenter asked if rising ninth-grade students can opt out of a Turnaround school.
43. One commenter asked about the \$58 million designated to New York City schools as SIG funding. Does this figure represent what was suspended as of January 3, 2012, or does it date back further?
44. One commenter asked if a school goes into Turnaround, does it automatically get funding or is there a competitive process that takes place afterwards? The commenter also asked about how much funding each school would receive.
45. The DOE received a petition opposing the proposals to close and replace schools, which was signed by approximately 1,300 people, on the following grounds:
  - a. The DOE should not close schools and instead support them, including providing proven programs and curricula, professional development, health services for students, and additional student time for tutoring and enrichment.
  - b. End the policy of sending large concentrations of high needs students to schools then targeted for closure.
  - c. End the policy of co-locating charter schools in buildings with struggling district schools or district schools assigned large numbers of high needs students.
  - d. Create a new chancellor’s district to support struggling schools and schools with large populations of high needs students, such as the one in place before the current administration.

The following questions, comments, and remarks were submitted but are not related to the proposal:

46. One commenter asked about the supports that networks and other entities have provided to the schools that are in SINI status or have declining progress report grades.
47. One commenter asked if the DOE will have to repay the funding spent on the contracts for restart schools.
48. One commenter asked if a new school replacing a restart school can choose not to keep its EPO.

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

Comment 1(a) mentioned the positive changes being made at Banana Kelly. The DOE commends and acknowledges the students and staff at Banana Kelly for their hard work and successes. However, the DOE believes that the students in this community will be better served by the new school.

Comment 1(b) recognizes the need for the proposal and does not require a response.

Comments 2 (a) and 13 state that the DOE should use the support, resources, and funds allocated for the closure and replacement proposal to Banana Kelly. Banana Kelly has been struggling to serve all of its students, and the DOE believes that the closure and replacement of the school would best serve the needs of the students in the school community. As stated in more detail in the EIS, the school’s network has provided support in many ways, but even with this support, the DOE has determined that Banana Kelly does not have the capacity to quickly improve student achievement. Further, the new school will be funded in the same manner as Banana Kelly is

funded. All schools are funded through a per pupil allocation, in which funding “follows” the student and is weighted based on students’ grade level and need (incoming proficiency level and special education/ELL/Title I status).

Comment 2(b) states that the teacher removal which will occur as a result of this proposal will destabilize the community. While closing a school may be a difficult experience for the community, the DOE believes that replacing Banana Kelly with a new school, which preserves the best elements of Banana Kelly but also puts the most effective educators in front of students, will allow the school’s students to improve more quickly—and this will be a long-term stabilizing force for the school and the community.

Comment 3 states that the closure and replacement strategy is a political strategy, rather than one aimed at improving student achievement, and Comment 36 asks about the impact of the new schools and the closure/replacement approach.

The DOE believes that the strategy of closing and replacing PLA schools will provide a better educational option to current students more rapidly and with more certainty than current interventions, which were simply not adequate in order to make the school an acceptable choice for current and future students. The closure/replacement strategy will preserve the elements of former school that have led to improvement, while giving the new school the wherewithal to build upon it and accelerate the pace of change.

By closing this school and replacing it with a new school, the DOE is seeking to quickly create a high-quality school environment that children need to prepare for success in college, work, and life. Schools that have historically undergone this process have track records of shifting the culture of the school further toward one that sets high expectations that support student learning and achievement.

For more specific information regarding the anticipated impact of a proposal, please refer to the EIS.

Further, to the extent that this proposal may help secure SIG funding for DOE students, this is an educational aim, not a political one, as these resources support student success. However, even if the DOE does not receive SIG funding as a result of this proposal, the DOE believes New School will be better positioned to promote student achievement than is Banana Kelly, in light of Banana Kelly’s inability to quickly improve.

Comments 4 and 5 discuss whether the school’s closure will have a negative impact on the students. The DOE recognizes that closing a school is a difficult experience for students, staff, and community members. However, whenever the decision is made to move forward with a proposal to phase out a school, it is because students deserve a better option. In this situation, the DOE believes the best way to better serve its students and improve outcomes more quickly is to close and replace Banana Kelly. Thus, the DOE believes that this proposal will positively, not negatively, impact students.

Comment 6 voices opposition to the proposal, since Banana Kelly teaches students critical and creative thinking. However, as described above, the DOE is proposing to implement a strategy that preserves those elements of the former school that have led to improvement; thus, the positive aspects of Banana Kelly’s instruction, including aspects that emphasize critical and creative thinking, will be incorporated and improved upon in the plans for New School.

In particular, as described in the EIS, New School’s instructional model will emphasize literacy development, listening, speaking, reading, and writing within all content areas. Key features of this model include integrating writing and non-fiction text across all content areas; creating an aligned interdisciplinary approach to teaching persuasive writing and research writing; reading and analyzing non-fiction informational texts; and aligning key assessment benchmark dates – i.e., mock Regents and Design Your Own (“DYO”) Periodic Assessment dates – to the trimester and state testing calendars to ensure that teachers have a clear picture of student progress towards Regents success. DYO periodic testing will occur once per trimester and mock Regents assessments will occur six to eight weeks prior to each state exam.

These elements will continue to foster the teaching of critical and creative thinking to students in the new school.

Comment 7 states that changing the teaching staff will not improve the student achievement at Banana Kelly. The DOE believes that since New School will put in place a process aimed at hiring the best possible staff—from existing Banana Kelly staff, other teachers in the hiring pool, and teachers new to the system—this will immediately improve teacher quality and, by extension, improve the quality of learning.

Regarding the portion of Comment 7 that addresses having the most experienced teachers in the ATR pool, the DOE is most concerned about having the most effective teachers, be they highly experienced or less so, in front of students in more permanent placements. Through the 18-D process, New School will hire the most qualified staff applying to the school. The remaining teachers are eligible to apply to other City schools, who also look to hire the most qualified teachers. In this way, those teachers who may enter the ATR pool as a result of this proposal would be teachers deemed not as highly qualified, whether they are more experienced or less experienced.

Comment 8 notes that the school has had success with its current faculty, so the current state of the school cannot solely be the fault of the faculty. The DOE commends Banana Kelly for having previously been a “Beat the Odds” school, but notes that Banana Kelly is failing students according to a number of performance metrics. While the DOE does not believe that the entirety of the situation is based on the quality of the current teaching staff, it is one significant factor. The DOE encourages the best teachers from the existing school to apply to the new school under the closure and replacement strategy.

Comment 9 asserts that all decisions have been made by administrators unfamiliar with the school. While decisions are made at the central level, they incorporate the feedback of administrators who are familiar with the school. Additionally, in May 2011, the DOE held meetings with PLA schools and their communities, including Banana Kelly, to discuss the schools’ performance and possible improvement strategies.

Comment 10 states that the faculty only recently learned that the new school can hire more than 50% of the current teachers, and that the school should have been told about this earlier, and Comment 11 asks for clarification on this policy. While the federal Turnaround model requires that no more than 50% of a teaching staff be rehired, this proposal is to close and replace Banana Kelly with a new school. The process that the DOE will follow to hire staff in the proposed new school is the 18-D process, which does not set a quota for the maximum number of current teachers who can be rehired.

If the 18-D process does result in a turnover of staff in excess of 50%, the new school will become eligible for SIG funding pursuant to the Turnaround model; however, the DOE is not setting nor allowed to set a quota regarding staff turnover.

Comment 12 suggests that Banana Kelly does not meet the DOE's criteria for a closing school. In fact, Banana Kelly does meet the DOE's criteria for a closing school, which include one or more of the following:

- Received a grade of D, F, or a third consecutive C or worse on the 2010-11 Progress Report; and/or
- Received a rating of Underdeveloped on the most recent Quality Review; and/or
- Was identified as Persistently Lowest Achieving ("PLA") by the State Education Department; and/or
- For high schools: Received a recommendation on their 2010-2011 JIT review for significant change in organizational structure or phase out/closure.

Banana Kelly met two of these criteria: the school received a C grade or worse on its three most recent Progress Reports and the school was identified as PLA.

Comment 12 also states that the school has made progress, even though the EIS says otherwise. This statement is inaccurate, as the EIS acknowledges both Banana Kelly's strengths and weaknesses, as the best elements of Banana Kelly will be retained in New School. The EIS states that "While Banana Kelly did show some improved performance in the 2010-2011 school year, data indicates that the educational environment is not improving with sufficient speed." The EIS includes the following highlights of both the school's successes and struggles:

- Banana Kelly has experienced some success in graduating students taught in Collaborative Team Teaching ("CTT") environments. 58% of students in CTT settings in the 2011 graduating cohort graduated in four years, in the 60th percentile for CTT students Citywide. The DOE will seek to preserve Banana Kelly's efforts to support these students in the New School, while implementing new supports to assist other student populations who continue to struggle at Banana Kelly, including other students with disabilities and over-age students.
- While Banana Kelly is not adequately preparing students for all of the rigors of college, the school is offering some college preparatory courses to students. In 2010-2011, 19% of students in the 2011 graduating cohort passed a college preparatory course. This result is in the 88th percentile of the school's peer group, which includes schools with students similar to those at Banana Kelly.
- While the school's overall Quality Review score was "Developing," the Review indicated some areas of strength, such as the administration's strong partnerships with outside organizations to provide students with socio-emotional and academic support, as well as a professionally collaborative environment in which teachers can grow. With the restructuring and new supports available when Banana Kelly closes and New School opens, the DOE expects that the New School will be able to effectively leverage these areas of strength while improving student outcomes.

However, the EIS also noted the following:

- Graduation rates at Banana Kelly have been consistently low for years. Last year, Banana Kelly's four-year graduation rate (including August graduates) was 55.6% — well below the

Citywide graduation rate of 65.1%, placing Banana Kelly in the bottom 16% of high schools Citywide.

- If Regents diplomas alone counted toward graduation—as is the case for most students this school year—the four-year graduation rate at Banana Kelly would drop to just 36%, putting the school in the bottom 12% of high schools Citywide.
- 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. Banana Kelly earned an overall C grade on its 2010-2011 annual Progress Report, with a D grade on Student Progress, a C grade on Student Performance, and a B grade on School Environment.
- The school’s attendance rate remains below that of most high schools. The 2010-2011 attendance rate was 77%, putting Banana Kelly in the bottom 6% of high schools Citywide in terms of attendance.
- First year credit accumulation is a key predictor of student success because students who fall behind early in high school often have trouble getting back on track to graduate. In 2010-2011, only 72% of first-year students at Banana Kelly earned at least 10 credits. This rate of credit accumulation puts Banana Kelly in the bottom 28% of high schools Citywide.
- Banana Kelly was rated “Developing” (D) on its most recent Quality Review in 2010-2011. Quality Reviews evaluate how well schools are organized to support student learning. Banana Kelly’s 2010-2011 Quality Review cited a number of serious concerns including: inadequate systems for evaluating the rigor of curriculum and instruction; inconsistent instructional practices for integrating rigor and higher order thinking; and teacher pedagogy that is not properly aligned to differentiated learning strategies.

Despite a number of challenges the school has faced, some data indicate that elements of Banana Kelly are worth preserving in New School.

Comment 14 questions whether community input, in particular student input, is included or whether the joint public hearing is a formality, and Comment 26 asks about the engagement process and what part students, parents, and the community play in the process. Last Spring, the Department held meetings to begin or continue conversations with PLA schools and their communities about the schools’ performance and possible improvement strategies. In January 2012, after taking into account a number of factors, the DOE decided to implement different, more intensive interventions at some PLA schools. At that time, superintendents and Children First Network staff met with school communities to talk about the DOE’s proposal to close and replace the school.

The DOE issued proposals to close and replace the a number of PLA schools between February 27 and March 5, 2012, consistent with applicable New York State law and Chancellor’s Regulations. The proposal for Banana Kelly was posted on February 27, 2012. The DOE solicited feedback from parents through the Joint Public Hearings, which for Banana Kelly was held on April 4, 2012, as well as through voicemail and email. That feedback is incorporated throughout this document.

The DOE also attended several meetings hosted by elected officials throughout the City. For example, the DOE attended a parent forum in the Bronx, held at Morris Educational Campus on March 15, 2012, which many community members attended. Feedback received at this forum is also incorporated throughout this document.

The DOE has considered all of this community feedback in deciding whether to continue with this proposal; indeed, the DOE withdrew several similar proposals based on continued review of community feedback and consideration of other factors. This document summarizing the community feedback is

presented to the PEP to help inform its decision about the proposal. While the DOE understands that some parents disagree with the proposal, the DOE believes it is the right decision for students.

Comment 14 also states that teachers are afraid to state their opinions. The DOE works to make the process for proposals and community engagement transparent and fair, and abides by the process laid out in State Education Law Section 2590-b, as detailed in Chancellor's Regulation A-190. However, if teachers feel that they cannot share their opinions publicly, they may use the email or voicemail listed above to share their feedback anonymously.

Comment 15 states that closing Banana Kelly will deprive students of connections with community-based organizations and local businesses. Similar to what was described above, the best elements of Banana Kelly, including relationships with partner organizations and businesses, will be preserved in the new school. More specifically, as stated in the EIS, Banana Kelly currently partners with several CBOs and other organizations. The partnerships and socio-emotional supports described below will be part of New School's comprehensive student support plans.

- **Children's Aid Society (CAS)** provides focused intervention for students with 65%-75% eighth-grade attendance.
- **Morris Heights Health Center** is a comprehensive school-based health care center that provides primary and pediatric health care, mental health, and dental care to students. This project was fully funded by an \$800,000 grant from the Bronx Borough President's office.
- **Changing the Odds** is a health program that educates students on health issues facing the South Bronx community. The organization offers teen pregnancy prevention programs, relationship counseling, and leadership development seminars.

Comment 16 states that the school has been sent too many ELL students and students with disabilities, and has had resources taken away. While it is true that the school's percentage of students with disabilities has increased over the last three years, the school's percentage of ELL students has declined over the same period. Further, as described earlier, schools are funded on a per pupil basis with an additional weight applied to students with additional needs. While Banana Kelly is in the 30<sup>th</sup> percentile in the City for graduating ELL students and is in the 31<sup>st</sup> percentile in the City for graduating students with disabilities, the school is only in the 16<sup>th</sup> percentile in the city for graduating all of its students. This suggests that the school is doing relatively better at serving ELL students and students with disabilities than it does for the general population of students in the school, when compared with other schools in the borough. Regardless, all schools are expected to meet all students' needs, and the instructional outcomes of Banana Kelly in recent years have not been adequate for general education, ELL students, or students with disabilities.

Comment 17 states that the DOE should reinstate the Transformation model. In the Spring of 2011, the DOE applied to SED to place Banana Kelly in the Transformation model, which SED approved, conditional upon the DOE and UFT agreeing by January 1, 2012 to implement a new teacher evaluation system. However, the DOE and UFT failed to reach an agreement on the elements of a new system, and at that juncture, the DOE reassessed the viability of Transformation as the best intervention model for maximizing improvement at Banana Kelly. At that point, the DOE determined a more pervasive intervention was needed to achieve the kinds of student outcomes that are acceptable for current and future students. Further, until the DOE and

UFT reach an agreement, Transformation is not an available model for the DOE to select for Banana Kelly.

Comment 18 asks what new programs will be in the new school. New School, like the other new Turnaround schools being opened in the Bronx, will offer a wide range of programming. At New School in particular, based on available resources, student need, and the availability of SIG funding, new elements planned for New School include but are not limited to: the addition of a supportive advisory program for ninth- and tenth-grade students, college preparation planning for eleventh- and twelfth-grade students, new instructional models to strengthen literacy and the acquisition of critical communications and higher-order thinking skills, new data collection practices to strengthen differentiated instruction, and plans to develop a bilingual program to support ELLs in their transition and acquisition of the English language. More detailed information is available in the EIS.

Comment 18 also asks whether students will be able to apply to other schools, or if they are automatically enrolled in the new school, and Comment 42 asks about whether rising ninth-graders can opt out of the replacement school. First time ninth-grade students in the 2011-2012 school year were eligible to apply to a new school for the 2012-2013 school year through the High School Admissions Process that was held last winter through this spring. Students who did not use this process and all other students will be guaranteed a seat in the new school.

Thus, all students who currently attend the school, as well as all of those who would otherwise have attended the existing school for the first time, will have a guaranteed seat in the new school. 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.

As indicated in the EISs, students who listed a school proposed for closure on their high school admissions applications had the opportunity to submit a new application during Round Two. Schools with available seats as well as some new high schools designated to open throughout the City for the 2012-2013 school year were available for these students to consider in that round. If a student already received a match in Round One (whether to a school proposed for closure, or any other school), that match will be nullified if the student receives a Round Two match, which are issued at the end of April.

In addition, all students in non-terminal grades who currently attend Title 1 Schools in Need of Improvement (“SINI”) Year 2 status or worse (including PLA schools), such as Banana Kelly, are also eligible to apply for a transfer to another non-SINI 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>.

Comment 19 asks whether it is necessary to change the name of the school. All schools must have unique names, and if this proposal is approved, the new replacement school must have a different name (and school identification number, or DBN) than the closing school. The DOE recognizes that the name for Banana Kelly is rooted in a strong relationship with a community-based organization, however, the new school must still have a new name. Consistent with Chancellor’s Regulation A-860, parents and community members associated with the proposed new school will be able to make suggestions for the name of the new school. As with all school names, the Chancellor retains final decision-making authority.

Comment 22 asks about requirements for leadership change under the federal Turnaround model. In this model, if a principal has been in his or her role fewer than three years, then the principal may become the principal of the proposed new school, subject to a waiver by SED. If the individual has served as

principal at the school for over three years at the time of the school's initial implementation of a SIG model, then the Turnaround model requires that he or she must be replaced.

Comment 23 asks about SIG funding and EPOs. Though it is strictly required as part of Restart, Education Law 211-e allows for EPOs to work with any persistently lowest-achieving school, under any SIG model. The decision whether or not to partner a new school with an EPO will be made on a case by case basis by the DOE.

Comment 24 asks about how new schools select networks. During the spring, new schools and networks have opportunities to learn about one another, after which new schools are asked to request networks (this occurs during at the same time as any requests from existing schools to change networks). Final decisions about school and network matches are expected in May.

Comment 25 asks about delays in implementation of Common Core as a result of these proposals. This proposal will not delay the implementation of the Common Core Learning Standards into curriculum and classroom instruction. Moreover, the DOE believes that by closing and replacing the school, the Common Core will be implemented in a more thoughtful and substantial way. In particular, as part of this process, New School has the opportunity to determine where there were instructional gaps in Banana Kelly's curriculum, and develop a plan to support teachers in implementing the Common Core Learning Standards effectively in the new school.

Comment 27 suggests these plans will result in teachers moving between PLA schools. The guiding principle of this is work is to effectively match teacher capacity to the needs of the students in a specific school along with making structural changes to the new school that will enhance the its ability to best serve our students. This means that the new replacement schools will only hire those teachers they believe will be effective and well-matched to their new missions.

The schools will accomplish this through the staffing process set forth in Article 18-D of the DOE's existing contract with the UFT, which will allow a Personnel Committee to determine the best staff for the new school. The Personnel Committee consists of the following five representatives: the school principal, two designees of the UFT President, and two designees of the Chancellor. The school-based Personnel Committee will evaluate applicants' qualifications. The Personnel Committee should strive to seek consensus in its hiring decisions; however, if consensus cannot be reached, decisions are made by majority vote.

In this way, the DOE believes that only those teachers who will be most effective will be hired by the new schools. As stated in the EIS, current teachers from Banana Kelly who are not hired at New School will remain in excess.

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 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.

Comments 28 and 29 ask about past implementation of the 18-D process, and specifically which schools have done this successfully, how, and what measurements of success were used. As described above, the hiring process for new schools that are replacing a closing/phasing out school is implemented according to Article 18-D of the existing contract between the DOE and the UFT. All teachers from the current school are eligible to apply for positions at the new school.

Since 2002, the DOE has opened approximately 200 new high schools as replacements for high schools that have been phased out or closed. Each of these new schools has hired its teachers through the 18-D process. As a group, these new schools have outperformed the schools they have replaced.

Below are a few examples:

- The new schools located on the Springfield Gardens Campus in Queens had a graduation rate of 68.0% in 2010, compared to Springfield Gardens High School's graduation rate of 41.3% in 2002.
- The new schools located on the Evander Childs Campus in the Bronx had a graduation rate of 69.1% in 2010, compared to Evander Childs High School's graduation rate of 30.7% in 2002.
- The new schools located on the Park West Campus in Manhattan had a graduation rate of 70.4% in 2010, compared to Park West High School's graduation rate of 31.0% in 2002.
- In 2010, the schools on the Van Arsdale campus in Brooklyn had a graduation rate of 82.9%—nearly 40 points higher than the former Harry Van Arsdale High School's graduation rate of only 44.9% in 2002.
- The Erasmus Hall Campus graduated only 40.7% of student in 2002. The new schools on the Erasmus campus are graduating 75.8% of students in 2010, a 35 percentage point increase over the closed school.

Comment 30 asks about the supports offered to the closing and replacement schools.

The existing schools will continue to be supported by their networks through the end of the school year. The students will also be supported through the efforts of the Office of Student Enrollment to ensure that students have a guaranteed seat in the new school and receive a clear understanding of their enrollment options. Replacement schools are being supported through several coordinated measures. Proposed principals for the replacement schools began working with the Division of Portfolio Planning, in February and March, as part of the Turnaround Principal Institute. In this intensive workshop, principals have been supported in planning for their schools along a wide spectrum, including such elements as mission-creation, curriculum planning, scheduling, and hiring, among other topics. Proposed leaders also continue to be supported by their Children First Network in this work.

If these proposals are approved, during the 2012-2013 school year and beyond, as they implement the plans being made this spring and summer, new schools will be supported by their networks, the Division of Portfolio Planning, and, where relevant, their EPOs.

Comment 31 asks about the measures that will be used to evaluate new schools in addition to progress reports and quality reviews. The Division of Portfolio Planning will work with the Networks that support each school to monitor each school's improvement plans and progress under these plans. Comment 31 also asks about the evaluation of progress under previous interventions. For the first cohort of SIG schools, identified in the 2009-2010 school year, the DOE used the progress report grades and quality review scores through the spring of 2011 to evaluate the progress of these schools. For the second cohort of SIG schools, identified in the 2010-2011 school year, the DOE made qualitative assessments about the schools through visits to the school by Networks, superintendents, other DOE senior staff, and representatives from SED.

Comment 32 asks about the timeline for implementation of this proposal. This proposal will be presented to the Panel for Educational Policy on April 26, 2012. If it is approved, the school will then begin the 18-D process. The new school, with its planned new elements and staff (made up of returning teachers and teachers new to the school), would open in September 2012 and would serve all students

currently in the school who have not graduated by that time, as well as any new students who would have otherwise begun attending the closed school.

Each school has unique elements in its new school plan, many of which will be implemented at the start of the 2012-2013 school year. However, some schools have plans to phase in the new elements more gradually. For more information about the specific plans of the new school, please see the EIS posted here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/April2012Proposals.htm>.

Comment 33 asks about support given to PLA schools in the past. PLA schools have been supported by their Children First Networks, as well as their EPOs, in the case of restart schools. As described in the EIS, for the past several years, the DOE has sought to support Banana Kelly in order to ensure that it was equipped to provide a quality education for its students.

**Leadership Support:**

- 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. Specifically, leadership staff was supported in targeting areas in need of improvement identified in the school’s Progress Report and Quality Reviews, such as credit accumulation and Regents Pass Rates, and was assisted with developing the school’s Comprehensive Education Plan.
- Worked with school leadership to design professional development aimed at strengthening school-wide procedures and curriculum aligned to the Common Core Learning Standards, and Citywide Instructional Expectations.
- Supported school leadership in managing and organizing teachers to best position them to address attendance and discipline issues within the classroom.
- Designed strategies with school leadership, using data from Progress Reports and Regents Exam results, to identify areas in need of improvement and also to improve instruction.
- Worked with principal and assistant principals to design strategies to develop teachers and promote teacher effectiveness, including training on the Danielson Framework.<sup>1</sup>

**Instructional Support:**

- Provided support to teachers and staff in implementing practices that impact and improve teacher instruction by utilizing classroom observations, analysis of student work, review of data, and inquiry.
- Coached teachers and leadership in analyzing student-level data to improve instruction and identify interventions for struggling students.
- Offered training for staff on successful ways to assess student progress through rigorous tasks and use the information to inform and improve teacher practice.

**Operational Support:**

- Advised school staff on budgeting, human resources, and building management.
- Supported school staff in Special Education compliance issues, including timely writing of Individualized Education Programs (“IEPs”), alternative assessments and other supports and strategies for improving instruction and plans for students with disabilities.

**Student Support:**

- Supported school leadership and counselors in developing strategies to build a safe and supportive school environment through guidance interventions, parent involvement, and community partnerships.

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<sup>1</sup> The Danielson Framework for Teaching is a research-based set of components of instruction grounded in a constructivist view of learning and teaching.

- Assisted school staff in developing strategies and practices for improving student attendance and creating strategies for targeting attendance concerns.

Comment 34 asks how summer school will be implemented. Summer school will continue to be implemented as in years past. Each year, a number of school buildings host summer school programs. Individual schools choose to affiliate to a particular building for summer school opportunities for their students, which may mean offering their own programs for their students, offering a summer school program in partnership with other schools.

Of the buildings that will be open to host summer school in 2012, some have schools which have been proposed for closure and replacement, though many do not. Regardless, all students currently attending a school proposed for closure and replacement will have the opportunity to attend summer school, either in their home building or in the one with which their school has affiliated. Students are typically assigned to summer school during June, and this same process will be in place this year for students in all schools, whether they attend one proposed for closure or not.

For more information about summer school, please see the DOE's Web site at:  
<http://schools.nyc.gov/ChoicesEnrollment/SummerSchool/default.htm>.

Comment 35 asks about measurement of the new schools' student outcomes. Banana Kelly will receive its last Progress Report in fall 2012 reflecting its performance in the 2011-2012 school year; this Progress Report will not include a grade. Under current policy new schools in their first year receive Progress Reports with no grade. Under this policy, the new replacement school would receive an ungraded 2012-2013 Progress Report, which includes benchmarks and performance goals. The Progress Report methodology is reevaluated each year and this policy is subject to change.

Comment 37 concerns planning teams for the new schools. Planning teams for each school are composed of the proposed leaders for the schools, as well as the schools' Children First Networks, and EPOs (where applicable). These teams are also receiving support from the Office of School Development, in the Division of Portfolio Planning.

Comments 38, 39, 40 concern JIT reviews for the schools proposed for closure and replacement. The DOE works with SED to conduct JITs for schools that become newly identified into one of the following categories:

- Restructuring, Year 1
- Restructuring, Advanced
- Persistently Lowest Achieving

JIT reviews are performed after the state identifies schools that are failing to make sufficient progress, and are mandated for these newly identified schools. JITs that were conducted during the 2010-2011 school year, including the one for Banana Kelly on March 8-9, 2011, can be found here:

[http://www.p12.nysed.gov/accountability/School\\_Improvement/Reports/1011/1011JIT.html](http://www.p12.nysed.gov/accountability/School_Improvement/Reports/1011/1011JIT.html).

Comment 41 concerns whether the new school will serve over-the-counter ("OTC"), ELL and/or over-age under-credited students. As stated in the EIS, new schools replacing closed schools will serve all types of students, including OTC students, ELL students, students with disabilities, and over-age, under-credited students. For more specific information, please refer to the EIS describing the proposal.

Comments 43 and 44 concern the availability of SIG funding. New York City received \$58,569,883 in funding from SED for 2011-2012 to support implementation of School Improvement Grants in 44 schools (19 Transformation, 14 Restart, and 11 phaseout replacements funded under the Turnaround model). As discussed in more detail in the EIS, outstanding funding for the Transformation and Restart schools was suspended by the New York State Education Department (“SED”) after the DOE and UFT were unable to reach an agreement on a new teacher evaluation system by January 1, 2012. The DOE is hopeful that this SIG funding will be restored to some of these schools based on the new SIG proposals submitted to SED in March 2012. If the State approves the DOE’s application to place New School into the Turnaround model, New School will be eligible for approximately \$800,000 per year as part of the SIG program. However, the challenges in these schools are too great, and the need to overcome those challenges is too urgent, to not take immediate action to address key aspects of the school’s culture, systems, and staffing, whether or not SED ultimately authorizes funding.

Comment 45 refers to signed by approximately 1,300 people opposing the proposals to close and replace schools. As stated earlier, the DOE has provided several supports to the schools in question, but believes only their closure and replacement will accelerate the pace of change needed to achieve the desired improvement for current students in these schools.

The DOE does not have a policy of concentrating high needs students at specific schools. However, the DOE works to support schools which have above average percentages of students with high needs, including ELLs, students with disabilities, overage and under-credited students, students who come into schools “over-the-counter,” and others.

The DOE sites charter schools based on the availability of space, and these co-locations are not based on the quality of the schools already located within the buildings. The DOE believes that students should be provided with as many high quality options as possible.

The DOE currently supports struggling schools through the Children First Network selected by each school. In some cases, these schools work with the network to create an action plan for improvement. Also in some cases, such as for some of the schools approved for phase-out during the 2010-2011 school year, struggling schools are supported through a designated Transition Support Network. Additionally, schools are supported by the Division of Students with Disabilities and English Language Learners, as well as the Office of Postsecondary Readiness.

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

No changes have been made to this proposal.