



Dennis M. Walcott  
Chancellor

### **Public Comment Analysis**

Date: April 25, 2012

Topic: The Revised Proposed Closure of John Ericsson Middle School 126 (14K126) and the Opening and Co-Location of New School (14K317) with Believe Northside Charter High School (84K693) in Building K126 in 2012-2013

Date of Panel Vote: April 26, 2012

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### **Summary of Proposal**

On March 5, 2012, the New York City Department of Education (“DOE”) issued an Educational Impact Statement (the “March 5 EIS”) and Building Utilization Plan (the “March 5 BUP”) describing a proposal to close John Ericsson Middle School 126 (14K126, “Ericsson Middle”), an existing district middle school in building K126 (“K126”), located at 424 Leonard Street, Brooklyn, NY 11222, in Community School District 14. It currently serves students in grades six through eight. The DOE proposed to immediately close Ericsson Middle at the conclusion of the 2011-2012 school year and replace it with New School (14K317, “New School”), a new district middle school which will serve students in grades six through eight in K126. All current students who have not been promoted to ninth grade before the start of the 2012-2013 school year will be guaranteed a seat and automatically enrolled in New School.

As discussed in the March 5 EIS, the DOE proposed to co-locate New School with two charter high schools currently housed in K126, Believe Northside Charter High School (84K693, “Believe Northside”) and Believe Southside Charter High School (84K694, “Believe Southside”). These charter high schools have been phasing in and currently serve students in ninth through eleventh grades. As disclosed in the March 5 EIS, both of these high schools were subject to charter revocation.

On March 20, 2012, the DOE issued a revised EIS and revised BUP, which reflected that, subsequent to the issuance of the March 5 EIS and BUP, the New York State Education Department (“SED”) notified Believe Northside that it would no longer seek to revoke its charter or certificate of incorporation. However, SED concluded that it will revoke Believe Southside’s charter and certificate of incorporation. Thus, Believe Northside will continue to phase in and will serve students in ninth through twelfth grades as of the 2012-2013 school year, while Believe Southside will close at the end of the 2011-2012 school year. Believe Southside’s closure does not have an impact on the proposed closure of Ericsson Middle and the proposed opening of New School described herein. The revised EIS also included typographical corrections. The revised BUP reflected changes to the proposed space allocation and shared space schedule as a result of Believe Southside’s closure.

On March 29, 2012, the DOE issued an amended revised EIS, which corrects the admissions process of Ericsson Middle and New School and clarifies the status of the District 14 magnet grant, in which Ericsson Middle takes part.

K126 also provides space to a community-based organization (“CBO”), the Beacon program, which provides after school services that range from academic support to recreational activities. Neither the original nor revised proposal is expected to impact the CBO. A “co-location” means that two or more school organizations are located in the same building and may share common spaces like auditoriums, gymnasiums, and cafeterias.

Ericsson Middle admits students through the District 14 Middle School Choice Process through a screened method. Believe Northside and Believe Southside admits students through the Charter lottery application process.

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 Ericsson Middle and replacing it with New School, the DOE is seeking to expeditiously improve educational quality in K126. If this revised proposal is approved, New School will develop rigorous, school-specific competencies to measure and screen prospective staff – including Ericsson Middle 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. By improving the quality of teaching and learning in the school, the DOE also will increase New School’s chance of receiving up to \$800,000 in supplemental federal funding under the federal School Improvement Grant (“SIG”) program. New School will build on the strongest elements of Ericsson Middle and incorporate new elements, including new talent, designed to better meet student needs. Thus, the immediate closure and replacement of Ericsson Middle 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 the revised proposal are available in the amended revised EIS and revised BUP, which can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/April2012Proposals.htm>.

Copies of the amended revised EIS and revised BUP are also available in the main offices of Ericsson Middle, Believe Northside, and Believe Southside.

### **Summary of Comments Received at the Joint Public Hearing on the Revised Proposal**

A joint public hearing regarding this revised proposal was held at K126 on April 4, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 50 members of the public attended the hearing, and 19 people spoke. Present at the meeting were the Chancellor’s Designee, Deputy Chancellor David Weiner; Ericsson Middle Principal, Marcos Bausch; Ericsson Middle School Leadership Team (“SLT”) representatives Sergio Zamora and Michael Mena; and a Community Education Council (“CEC”) 14 representative Christopher Laukang. Representatives of Believe Northside and Believe Southside had also been confirmed to represent their respective schools at the hearing, but they chose not to attend. New York City Council Member Steve Levin and New York State Assembly Member Joseph Lentol also attended the hearing.

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

1. Council Member Levin opposed the proposal for the following reasons:
  - a. Ericsson Middle has served the community well, even if the school's test scores have not reflected it.
  - b. There are components of the school that should be built upon instead of closing the school.
  - c. More resources should be provided to Ericsson Middle to help the school improve now that a new principal has come to lead the school.
  - d. A task force should be convened to create long term plans that would provide Ericsson Middle with support and resources.
2. Assembly Member Lentol opposed the proposal for the following reasons:
  - a. It's unclear whether the current Restart model is successful because it has not been given enough time.
  - b. If there's federal funding attached to the original model, Ericsson Middle should remain under the current Restart model.
3. The Ericsson Middle SLT representatives opposed the proposal for the following reasons:
  - a. The Turnaround model is primarily aimed at teachers, and Ericsson Middle has already seen a significant amount of teacher turnover, more than double the City average.
  - b. Ericsson Middle faces a particularly challenging student population, 25% of which are ELL students. This should be taken into account when evaluating Ericsson Middle's performance.
  - c. Would the New School get SIG funding and the magnet grant if Ericsson Middle is closed and replaced by New School?
  - d. Ericsson Middle should have a chance to fully implement its improvements under the current Restart model and under its newly appointed principal.
4. The CEC representative stated that the CEC supports the principal who should be given time to implement improvements at Ericsson Middle.
5. A commenter opposed the proposal and contended that the Turnaround model is similar to the phase-out and replacement model, which has proven to be detrimental to students' psyches, parent confidence, and staff morale because closing Ericsson Middle is a signal to the community that neither Ericsson Middle nor New School is a school where students can succeed.
6. Multiple commenters contended that more resources should be given to Ericsson Middle because it has a new principal.
7. Multiple commenters contended that closing and replacing schools is too disruptive for students and that it is unclear how New School would be more successful than Ericsson Middle.
8. A commenter stated that it was unclear why Ericsson Middle has been proposed for this change.
9. Multiple commenters contended that the school has been unstable in the past because of poor leadership and that Ericsson Middle should not be closed because it has a new principal.
10. Multiple commenters contended that Ericsson Middle should not be closed because it received an overall grade of "B" on a Progress Report as recently as the 2009-2010 school year.
11. A representative of the Council of School Supervisors & Administrators ("CSA") stated the CSA opposed the proposal for the following reasons:
  - a. New staff would be hired at New School, but the qualifications have not yet been stated.

- b. The potential loss of half of Ericsson Middle’s staff would be disruptive to students.
  - c. If all of the Turnaround proposals are implemented, almost 1,800 teachers would be placed in the Absent Teacher Reserve (“ATR”), which would impose a cost of nearly \$180 million on the City. These are funds that should instead be used to support schools throughout the City.
12. A commenter stated that Ericsson Middle has programs that have helped students succeed.
  13. Multiple commenters contended that the proposal would be detrimental to students because it would disrupt their educational experience and existing relationships with supportive teachers.
  14. Multiple commenters contended that Ericsson Middle’s staff must educate students who have more challenging needs than other middle schools, and noted that Ericsson Middle’s percentage of students with Individualized Education Programs is higher than the City’s average, and Ericsson Middle serves more ELL students than other middle schools.
  15. A commenter questioned the added value of closing a school and opening a replacement school if the school that will be closed is already in the Turnaround model.
  16. A commenter asked for clarification about how first and second year teachers would be affected by this proposal.
  17. A commenter asked a question about why this proposal would succeed if more than half of Ericsson Middle’s teachers are already newly hired teachers.
  18. A commenter asked if “John Ericsson” could be incorporated in New School’s eventual name because John Ericsson is an important figure to the community and a part of the school’s identity.
  19. A commenter asked why Ericsson Middle should not remain open so the new principal could have a chance to implement new programs.

### **Summary of Comments Received at Other Public Meetings**

An information session regarding schools proposed for turnaround was hosted by the Brooklyn Borough President at Brooklyn Borough Hall on March 12, 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:

20. How would Ericsson Middle’s magnet grant be affected by the proposal? Would the other schools that have the magnet grant be affected by the proposal?
21. The previous principal negatively impacted Ericsson Middle.
22. A commenter asked about the financial cost of all turnaround proposals and recommended using the funds to instead support the existing schools, teachers, and programs.
23. A commenter stated that it is wrong to close schools because of a disagreement between the UFT and the Mayor.
24. A commenter stated that Transformation is a three-year model, but it is being changed after one and a half years.
25. A commenter asked why Boys and Girls HS got 2 consecutive F grades on its progress report, but isn’t being closed.
26. A commenter asked why the DOE is closing schools that recently received A or B overall grades on their recent Progress Reports.
27. A commenter asked who will write recommendation letters for students applying to college.
28. A commenter questioned the DOE’s ability to fix schools in light of some minor confusion regarding joint public hearing dates.
29. A commenter asked from where all the new teachers will be hired.

30. A commenter asked about accountability in future years with the replacement schools. Specifically, if the replacement schools do not progress, will the DOE close them and open another new school?
31. A commenter asked about how a new school will be more successful when the student population being served will be exactly the same?

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

The DOE received one written comment and no oral comments through the dedicated Web site and phone line for this proposal.

32. A commenter asked if there will be delays in the implementation of the Common Core Learning Standards as a result of these proposals.
33. A 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.
34. A commenter stated that all of the closure/replacement proposals will result in the shuffling of teachers from one school to the other.
35. A commenter asked about which schools have implemented the 18-D process successfully, how this was done, and how the success was measured.
36. A 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.
37. A commenter asked what supports are offered to schools that are implementing school closure and replacement.
38. A commenter asked about the measures that 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 models).
39. A commenter asked about the timeline for the implementation of the Turnaround model.
40. A commenter asked about the supports that networks and other entities have provided to the schools that are in PLA/SINI status or have declining Progress Report grades.
41. A 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.
42. A commenter asked about the impact of the new schools and implementing the closure/replacement approach.
43. A commenter asked about who makes up the planning team for each school.
44. A 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.
45. A 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.
46. A commenter asked if the JIT reports are available to the public.
47. A commenter asked if the proposed new school will receive over-the-counter, English Language Learner, and over-age under-credited students.
48. A commenter asked about the \$58 million designated to New York City schools as SIG funding and whether this figure represented what was suspended as of January 3, 2012, or does it date back further.

49. A commenter asked about whether a school that enters the Turnaround model would it automatically get funding or there would be a competitive process that takes place afterwards. The commenter also asked about how much funding each school would receive.
50. A commenter asked if the DOE will have to repay the funding spent on the contracts for restart schools.
51. One commenter asked about how summer school will be implemented.

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

- Comments 1(a) and 12 contend that Ericsson Middle has served the community well. Comments 10, 25, and 26 contends that Ericsson Middle should not be closed because it received an overall grade of “B” on a recent Progress Report.

Contrary to the commenters’ claims, Ericsson Middle is not adequately preparing students for the rigors of college and career, and low student performance has been a persistent trend. In 2008-2009, Ericsson Middle was in the bottom 3% Citywide for Math proficiency and in the bottom 10% Citywide for English proficiency. In 2009-2010, when Ericsson Middle indeed received an overall grade of “B” on its Progress Report, the school was also in the bottom 16% Citywide for Math proficiency and in the bottom 12% Citywide for English proficiency. In 2010-2011, a majority of Ericsson Middle students remained below grade level in English and Math. In 2010-2011, only 10% of students were performing on grade level in English – putting the school in the bottom 4% of City middle schools in terms of English proficiency. Only 16% of students were performing on grade level in Math – putting the school in the bottom 3% of City middle schools in terms of Math proficiency. The school’s 2010-2011 performance resulted in an overall D grade on its Progress Report.

- Comment 1(b) proposes that Ericsson Middle’s successful elements should be built upon and that the school should not be closed. Comment 1(d) proposes that a task force should be convened to create long term plans that would provide Ericsson Middle with support and resources. Comment 5 contends that the community will interpret the proposal to mean that New School will not be successful.

As stated above, after conducting a comprehensive evaluation, the DOE has concluded that closing Ericsson Middle and immediately replacing it with New School will allow New School to implement programmatic supports, reforms, and strategies to substantially improve student achievement outcomes rapidly. New School will build upon the best elements of Ericsson Middle and will incorporate new elements to support student achievement. For example, while Ericsson Middle currently has one dean and one guidance counselor, New School plans to have three deans/Academic Intervention Services teachers and two guidance counselors. New School will continue to partner with the Park Slope Center for Mental Health in providing on-site mental health services on a weekly basis. Also, pending the availability of space in the building, New School will pursue opportunities to offer a school-based health center in the building, which would expand the quantity of mental health services provided on-site and make health and mental services available on-site to all students on a daily basis. The DOE will also work with New School to ensure the smooth transition of all of Ericsson Middle’s existing partnerships to New School.

- Comments 1(c), 4, 6, 9 and 19 propose that Ericsson Middle should be allowed to remain open because a new principal was recently appointed to the school, and that the school should receive more resources. Comment 21 relates to Ericsson’s Middle previous principal.

The DOE recognizes that school leadership, while very important, is still only one component of a school. Ericsson Middle’s culture, systems, and staffing have not sufficiently supported student achievement. The proposal to close Ericsson Middle and immediately replace it with New School does not reflect an assessment by the DOE that Ericsson Middle’s newly appointed school leadership lacks the capacity to support Ericsson Middle. Rather, it reflects the DOE’s assessment that the challenges in Ericsson Middle are too great, and the need to overcome those challenges too urgent, to not take immediate action to address key aspects of the school’s culture, systems, and staffing. Additionally, it is important to note that the recently appointed principal at Ericsson is also the DOE’s proposed candidate to lead New School. The DOE believes in the new principal’s leadership and ability to do the difficult yet critical work of accelerating the pace of change in student learning.

- Comments 2(a), 2(b), 3(d), 8, 15, and 24 question the rationale behind the proposal and propose that Ericsson Middle should continue to operate under the current Restart model.

Comments 2(a), 2(b), 3(d) and 15 erroneously assume that Ericsson Middle is currently implementing either the Restart or Turnaround model. In fact, the school is currently implementing the Transformation model.

SED identifies a school as PLA either because the school failed to meet performance index targets and/or had a graduation rate less than 60% for three consecutive years. SED identified 54 schools in New York City as PLA as of December 9, 2010. As stated above, in May 2011, the DOE assigned 44 of 54 schools designated as PLA to one of the four federally-approved intervention models and submitted SIG applications to SED where appropriate. Following SED’s review and approval, 19 schools were assigned to the Transformation model and 14 schools were assigned to the Restart model. Ericsson Middle was one of the schools assigned to the Transformation 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 10 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 10 schools to support them to begin some initial improvement work and plan for more intensive intervention in subsequent years.

The DOE was unable to reach an agreement with the UFT by the January 1, 2012 deadline on integral elements of a new teacher evaluation system, which was a requirement of the Transformation and Restart models. 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 Ericsson Middle, should be closed and replaced with new schools. By closing Ericsson Middle 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 the students currently attending Ericsson Middle.

- Comments 3(a) and 17 contend that the proposal is unnecessary because Ericsson Middle has already experienced significant teacher turnover.

The DOE intends to proceed with this proposal because it believes that the proposed staff, structural, and programmatic changes at New School will better serve students. The challenges in Ericsson Middle are too great, and the need to overcome those challenges too urgent, to not take immediate action to address key aspects of the school's culture, systems, and staffing. While there is no set percentage or limit on the number of staff from the closing school who can be hired to work at the New School under this proposal, if the 18-D process results in a turnover of staff in excess of 50%, New School will become eligible for SIG funding pursuant to the Turnaround model. As stated in the EIS, federal guidance suggests that teachers hired during the initial implementation of a SIG intervention model (such as Transformation and Restart) may count towards the 50% turnover threshold under the Turnaround model. The DOE is awaiting guidance from SED on whether SED will permit recently hired teachers to count towards the Turnaround staff turnover requirement. Therefore, to the extent that Ericsson Middle has staff that were hired during the initial implementation of the Transformation model, it is possible those staff members may count towards the Turnaround staff turnover requirement.

- Comments 3(b) and 14 contend that Ericsson Middle serves a high needs population, which should be taken into account when evaluating the school's performance.

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

Specifically, in 2010-2011, 20% of Ericsson Middle's students were English Language Learner students, and 35% of Ericsson Middle's students had Individualized Education Programs, which exceeded both the district and citywide averages of English Language Learner students and students with Individualized Education Programs. However, other schools with similar student populations have performed far better than Ericsson Middle. For example, Esperanza

Preparatory Academy (04M372), which is in Ericsson Middle's peer group, received an overall Progress Report grade of "A" in 2010-2011. In 2010-2011, 28% of Esperanza Preparatory Academy's students were English Language Learner students, and 35% of Esperanza Preparatory Academy's students had Individualized Education Programs.

- Comment 5 argues that the Turnaround model is similar to the phase-out and replacement intervention model.

Under the Turnaround model, Ericsson Middle would be closed at the end of the 2011-2012 school year and current students would immediately begin attending New School. Under the phase-out/replacement approach, students at the phasing-out school remain at that school and do not transfer to the new schools. The DOE has chosen this immediate replacement approach over the phase-out model because Ericsson Middle already has school improvement interventions underway. The DOE believes the immediate replacement approach will allow New School to retain the best elements of the work already happening in Ericsson Middle.

- Comments 11(a), 16, and 29 relate to teacher staffing under Article 18-D of the UFT contract.

The guiding principle of this work is to effectively match teacher capacity to the needs of the students in a specific school along with structural changes to the new school that will enhance 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 United Federation of Teachers ("UFT"), which will allow a Personnel Committee to determine the best staff for the new school. The Personnel Committee consists of, at a minimum, 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 Fordham Leadership who are not hired at New School will remain in excess.

Barring system-wide layoffs, excess 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.

- Comments 7, 11(b), and 13 contend that the proposal would result in disruptions to students' relationships to current Ericsson Middle staff and administration, which would be detrimental to students' educational experience.

As stated above, the proposal to close and replace Ericsson Middle does not require New School to turnover any set percentage of staff. The DOE will encourage the most effective teachers at Ericsson Middle to join New School to anchor the school with their commitment to effective teaching and focus on student achievement. The DOE also believes that New School may have

the opportunity to hire highly-qualified new teachers who will infuse new talent into the community. Thus, the DOE believes that the proposal will lead to improved educational experiences for current Ericsson Middle students and future students at New School.

- Comments 11(c) and 22 relate to the contention that the DOE’s proposals to close and immediately replace schools throughout the City would impose a strain on personnel and resources, including significant financial costs.

Comment 11(c) estimated that the Turnaround proposals will cost the City \$180 million as a result of supporting excessed teachers in the Absent Teacher Reserve (“ATR”). This estimate depends upon several inaccurate and improbable assumptions: First, it assumes that 50% of the staffs in the 33 schools originally proposed will be replaced. However, the DOE has since withdrawn several proposals. Furthermore, comment 10 does not take into account that new schools may in fact hire back more than 50% of current staff. Second, the comment assumes that all teachers who are not re-hired at New School will join the ATR. Yet, it is highly likely that some members of the teaching staffs at the schools proposed for closure who do not apply or are not rehired at the new schools may choose to retire or leave the system to find jobs in other districts or paths. Therefore, these staff members will not in the ATR.

Furhtermore, in New York City schools are funded through a per pupil allocation. That is, funding “follows” the students and is weighted based on students’ grade level and needs (as indicated by their incoming proficiency level and special education/ELL/Title I status). If a school’s population declines from 2,500 to 2,100 students, the school’s budget decreases proportionally—just as a school with an increase in students receives more money. Even if the Department of Education had a budget surplus, a school with declining student enrollment would still receive less per pupil funding each year enrollment falls.

New schools are funded in the same manner as other schools: funding follows the students and is based on need (incoming proficiency level and special education/ELL/Title I status). While it is true that new schools receive start-up funding, the start-up funding they receive is an average of \$30,000 per year over the first five years for an elementary or middle school and \$34,000 for a high school. These annual amounts are not even large enough to cover the salary of a first year teacher.

- Comment 18 relates to New School’s name.

The proposal calls for Ericsson to be closed and replaced with a new school. While the DOE acknowledges the history of the John Ericsson name, a new school needs a new name and school identification number (DBN). 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.

- Comments 3(c) and 20 relate to Ericsson Middle’s magnet grant.
- Ericsson Middle is among the District 14 schools currently receiving federal magnet grant funding through the U.S. Department of Education (“US DOE”). This funding is intended to assist in desegregating and increasing diversity in public schools. Ericsson Middle is currently in its second year of funding under the three-year magnet grant. The DOE continues to work with the US DOE to confirm whether New School will be eligible to continue receiving these funds,

and the DOE will make every effort to facilitate a smooth transition of the magnet grant to New School.

- Comment 23 expressed the opinion that the DOE has targeted schools for closure and immediate replacement because the DOE and UFT failed to reach an agreement on the elements of a new teacher evaluation system.

The DOE is closing these schools because it believes that a more intensive intervention is required to rapidly improve educational quality for students. The new schools will incorporate the strongest elements of the former schools, while allowing new staff and new programs to be put in place. They will provide a better educational option to students on the campus more rapidly and with more certainty than current interventions.

- Comment 25 asked about why another school which has also been identified as PLA and has low progress report grades is not being closed. Decisions such as school closure and replacement are made on a case by case basis. There are a number of PLA schools which are not being proposed for closure/replacement and for which the DOE has not submitted new SIG applications to SED. This is because the DOE believes that the schools are making significant improvement as they are currently structured, and that closure/replacement would not assist the pace of this improvement.
- Comment 27 relates to recommendation letters for students. Students will still be able to request that their teachers write recommendation letters for high school, college, or for jobs. The DOE anticipates that whether or not the teachers remain in the replacement schools would not impact their willingness to support students in this manner. Further, the new schools will assist students in locating teachers who may not be employed at the new school following approval of this proposal.
- Comment 28 concerns the scheduling of joint public hearings for proposals regarding Cobble Hill School of American Studies and Franklin Delano Roosevelt High School. A handout for these proposals, which was distributed at the Brooklyn Borough President's Forum on turnaround schools, contained errors regarding the hearing dates for these two schools. However, all communications with the schools themselves, and the notices which were backpacked home with students, contained the correct dates.
- Comment 30 relates to the DOE's accountability for new schools. The DOE holds all of its schools to the highest standards and counts on each school to provide a high-quality education to its students. If a school isn't getting the job done for students – whether it was opened recently or not – the DOE is compelled to take serious action to ensure its students don't fall even further behind. The DOE anticipates that the replacement schools will be successful. However, when new schools created under this administration struggle, the DOE follows the same process to phase out and replace that school.
- Comment 31 asks how the closure/replacement plan will produce more successful schools when the student body remains the same. The DOE believes that the low student outcomes and underperformance of the PLA schools proposed for closure are the effect of a confluence of factors, including organizational structures, some members of the school staff, and in some cases, some members of the school leadership. However, the DOE believes that all students are

capable of high achievement, and that the replacement schools will be able to realize the potential of these students.

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

- Comment 32 relates to implementation of Common Core Learning Standards. This proposal will not delay the implementation of the Common Core Learning Standards into curriculum and classroom instruction. In fact, 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, the new school has the opportunity to determine where there were instructional gaps in the old school's curriculum, and develop a plan to support teachers in implementing the Common Core Learning Standards effectively in the new school.
- Comment 33 relates to 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 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 Ericsson Middle was posted on March 5, 2012. The DOE solicited feedback from parents through the joint public hearings, which for Ericsson Middle was held on April 4, 2012, as well as through voicemail and email. Parent feedback is incorporated throughout this document, which is presented to the PEP to help inform their decision about this proposal. The DOE also considered feedback received from the community in deciding whether to continue with the proposal.

The DOE also attended several meetings hosted by elected officials throughout the City. For example, the DOE attended a parent forum in Brooklyn, held at Brooklyn Borough Hall on March 12, 2012, which many community members attended. Feedback received at this forum is also incorporated throughout this document.

While the DOE understands that some parents disagree with the proposal, the DOE believes it is the right decision for students.

- Comment 34 suggested these proposals will result in teachers moving between PLA schools. The guiding principle of this work is to effectively match teacher capacity to the needs of the students in a specific school along with structural changes to the new school that will enhance 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 United Federation of Teachers ("UFT"), which will allow a Personnel Committee to determine the best staff for the new school. The Personnel Committee consists of, at a minimum, 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 Fordham Leadership who are not hired at New School will remain in excess.

Barring system-wide layoffs, excess 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.

- Comments 35 and 36 relate to the 18-D process and the DOE's success with implementing the closure/phase-out and replacement strategy in the past. As described above, the hiring process for new schools 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 37 relates the supports that are offered to schools that implement closure and receive replacement.
    - 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 38 asks about measurement of the new schools' student outcomes. Ericsson Middle 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, the new replacement school would receive an ungraded 2012-13 Progress Report. The Progress Report methodology is re-evaluated each year and this policy is subject to change.
- Comment 39 relates to the timeline for the implementation of the Turnaround model. This proposal, among others, will be presented to the Panel for Educational Policy on April 26, 2012. If it is approved, Ericsson Middle will close at the end of SY 2011-2012. The new school, with its new elements and staff, 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 40 asked 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 schools that are implementing the Restart model.

For the past several years, the DOE has supported Ericsson Middle in order to ensure it was equipped to provide a quality education for its students.

The DOE provided leadership training, coaching, and mentoring for the principal and assistant principals to help them set clear goals for the school, including designing plans to improve instruction and developing teachers. The DOE also supported and trained teachers in classroom engagement strategies as a way to deepen instructional expectations, student interest, and classroom rigor. It also trained leadership on implementing plans in support of Citywide instructional initiatives, including implementing Common Core Learning Standards. In addition, the DOE provided support to the school staff on budgeting and human resources. Finally, the DOE facilitated the development of meaningful and rich relationships with various community organizations, including Park Slope Mental Health, Sports and Arts in Schools Foundation, and Greenpoint Lions, in order to help promote student wellness and provide community service opportunities.

Even with these supports, however, the DOE has determined that Ericsson Middle does not have the

capacity to quickly improve student achievement. Rather, the DOE believes that the most expeditious way to improve the educational program for the students currently attending Ericsson Middle 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 non-graduating students currently attending Ericsson Middle access to an improved faculty.

- Comment 41 asked about the measurement of the new schools' student outcomes. New schools replacing closed schools will receive a progress report after the 2012-2013 school year; in other words, a Progress Report will be issued in the 2013-2014 school year assessing the school's progress during the 2013-2014 school year. The reports issued in 2013-2014 will only be based on those measures which provide "snapshots" of data over a one-year period, such as the percentage of students earning 10 or more credits in their first year for high schools and the percentage of students earning a 3 or 4 on the State Math exam for middle schools.

These schools will not, however, receive an overall progress report grade in 2012-2013, as this measure is dependent upon year over year growth, which will only be available after the schools' second year in existence. Therefore, these schools will receive an overall progress report grade for the first time after the 2013-2014 school year.

Regarding goals, performance benchmarks are included in the SIG application for each of these schools. These include:

- Reduce the percentage of students in the All Students subgroup who are performing below the Proficient level (Levels 1 and 2) on SED English language arts and Math assessments by 10% or more from the previous year;
  - Attain a minimum Total Cohort graduation rate of 60% after one year of implementation; (or) annually reduce the gap by a minimum of 20% between the school's Total Cohort graduation rate and the State's 80% graduation rate standard (for high schools only).
- Comment 42 concerns the impact of the new schools and implementing 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 this proposal, please refer to the Educational Impact Statement and Building Utilization Plan, copies of which are in the main offices of Ericsson Middle, Believe Northside and Believe Southside, as well as at:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/April2012Proposals.htm>.

- Comment 43 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 44, 45, and 46 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 which are failing to make sufficient progress.

JIT reviews that were conducted during the 2010-2011 school year, including the one for Ericsson Middle, 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 47 concerns whether the new school will serve over-the-counter, 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 over-the-counter students, English Language Learner students, students with disabilities, and over-age, under-credited students. For more specific information, please refer to the EIS describing the proposal.
- Comments 48 and 49 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 EISs, outstanding funding for the Turnaround and Restart schools was suspended by the New York State Education Department 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 up to \$800,000 per year as part the School Improvement Grant 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 50 relates to the funding spent on the contracts for schools in the Restart model. As stated above, Ericsson Middle currently is implementing the Transformation model. The DOE is currently working with six Educational Partnership Organizations ("EPO") to support 14 Restart schools. The DOE has committed to provide funding for the EPO contracts through the conclusion of this school year. This commitment should ensure that the programmatic initiatives that EPOs have in place this year at Restart schools can be completed with fidelity. This commitment to fund the contracts regardless of SED's reimbursement is only for this school year. The future work of EPOs may not continue if the DOE is unable to gain access to SIG funding.
- Comment 51 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 with 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>.

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.

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**

On March 20, 2012, the DOE issued a revised EIS and revised BUP, which reflected that, subsequent to the issuance of the March 5 EIS and BUP, the SED notified Believe Northside that it would no longer seek to revoke its charter or certificate of incorporation. However, SED concluded that it will revoke Believe Southside's charter and certificate of incorporation. Thus, Believe Northside will continue to phase in and will serve students in ninth through twelfth grades as of the 2012-2013 school year, while Believe Southside will close at the end of the 2011-2012 school year. Believe Southside's closure does

not have an impact on the proposed closure of Ericsson Middle and the proposed opening of New School described herein. The revised EIS also included typographical corrections. The revised BUP reflected changes to the proposed space allocation and shared space schedule as a result of Believe Southside's closure.

The March 5 EIS and March 5 BUP have been revised to reflect that Believe Southside will close at the conclusion of the 2011-2012 school year.

The revised EIS contains the following changes:

- Removed Believe Southside's projected enrollment from calculations of projected building utilization in 2012-2013;
- Clarified that Believe Southside will close at the conclusion of the 2011-2012 school year;
- Clarified that Believe Northside will remain open and complete its phase-in to serve students in ninth through twelfth grades;
- Corrected typographical errors.

The revised BUP contains the following changes:

- Removed Believe Southside's projected enrollment from calculations of projected building utilization in 2012-2013;
- Clarified that Believe Northside will remain open and complete its phase-in to serve students in ninth through twelfth grades;
- Clarified that Believe Southside will close at the conclusion of the 2011-2012 school year;
- Adjusted the proposed space allocations to reflect Believe Southside's closure at the conclusion of the 2011-2012 school year;
  - In the March 5 BUP, New School was to receive 18 total full-size classrooms, and Believe Northside was to receive 21 total full-size classrooms;
  - In the revised BUP, New School is to receive 26 total full-size classrooms, and Believe Northside is to receive 33 total full-size classrooms;
- Adjusted the proposed shared space schedule to reflect Believe Southside's closure at the conclusion of the 2011-2012 school year.

Additionally, as discussed above, on March 29, 2012, the DOE issued an amended revised EIS, which corrects the admissions process of Ericsson Middle and New School and clarifies the status of the District 14 magnet grant, in which Ericsson Middle takes part.