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Chancellor

Public Comment Analysis

Date: April 25, 2012

Topic: The Proposed Closure of Herbert H. Lehman High School (08X405) and Opening and Co-Location of New School (08X569) with New High School (08X558), Renaissance High School for Musical Theater and Technology (08X293), and a District 75 Inclusion Program (75X721) in Building X405 Beginning in 2012-2013

Date of Panel Vote: April 26, 2012

Summary of Proposal

On February 28, 2012 the New York City Department of Education (“DOE”) issued a proposal to close Herbert H. Lehman High School (08X405, “Lehman”), an existing district high school in building X405 (“X405” or “Lehman Campus”), located at 3000 East Tremont Avenue, Bronx, NY 10461, 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 Lehman with New School (08X569, “New School”), a new district high school serving students in grades nine through twelve in building X405.

On March 30, 2012 the DOE issued an amended EIS correcting plans in the new school for CTE programming, updating language to reflect that new school 08X558 has been approved to be co-located in the X405 building beginning in September 2012, updating the enrollment projections for New School and building X405, updating the estimated building utilization rates, and updating the Instructional Footprint of the proposed New School.

If this proposal is approved, Lehman 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 seats and automatically enrolled in New School.

Lehman is co-located with Renaissance High School for Musical Theater and Technology (08X293, “Renaissance”), an existing district high school that serves students in grades nine through twelve, and a District 75 inclusion program (75X721, “D75 inclusion program”). 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. In addition, X405 houses a Young Adult Borough Center, Lehman YABC (X408, “YABC”) and a part-time GED Plus – Learning-to-Work program (X950, “GED Plus – LTW”).

75X721 in X405 is an inclusion program. In an inclusion program, a student with special education needs receives services in a general education classroom along with general education students. Students in the 75X721 program on the Lehman Campus are enrolled in Lehman general education classes based on their Individualized Education Program (“IEP”) recommendations and receive Special Education Teacher Support Services (“SETSS”) from a District 75 Special Education teacher.

If this proposal is approved, beginning in September 2012, the students enrolled in the District 75 Inclusion Program at Lehman will be enrolled in New School general education classes.

Lehman admits students through the Citywide High School Admissions Process through two programs: an educational option admission program, and a zoned admissions program. Renaissance admits students through the Citywide High School Admissions Process through a limited unscreened method. Students are placed in District 75 programs based on their individual needs and recommended special education services.

In a separate Educational Impact Statement (“EIS”) published on February 3, 2012, the DOE proposed the opening of a new district high school, 08X558, on the Lehman Campus beginning in 2012-2013. This proposal was approved by the Panel for Educational Policy (“PEP”) at its March 21, 2012 meeting. 08X558 will open with ninth grade and add one grade level each year until it serves grades nine through twelve at scale. 08X558 will admit students through a limited unscreened 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 Lehman and replacing it with New School, the DOE is seeking to expeditiously improve educational quality on the Lehman campus. If this proposal is approved, New School will develop rigorous, school-specific competencies to measure and screen prospective staff – including Lehman 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 to improve the quality of teaching and learning in the school will also maximize New School’s chance of receiving up to \$1,800,000 in supplemental federal funding under the federal School Improvement Grant (“SIG”) program. New School will build on the strongest elements of Lehman and incorporate new elements, including new talent designed to better meet student needs. Thus, the immediate closure and replacement of Lehman 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 amended EIS which can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/April2012Proposals.htm>.

Copies of the amended EIS are also available in the main offices of Herbert H. Lehman High School, and Renaissance High School for Musical Theater and Technology.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at school building X405 on April 2, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 500 members of the public attended the hearing, and 61 people spoke. Present at

the meeting were Lehman Principal Rose LoBianco; Lehman School Leadership Team Representatives Melvin Anne Looser Ubayed Muhith, and Lou Grillo; Renaissance SLT representative Tara Cuadra; Community Education Council (“CEC”) 8 Representatives Lisa Mateo and Janet Bosch; State Assembly Member Michael Benedetto; Panel for Educational Policy member Wilfredo Pagan; Education Unit/Community Liaison from the Office of The Bronx Borough President, Erica Veras; Vito Signorile from the office of Council Member James Vacca; Kenneth M. Kearns, District Manager for Community Board 10; and Deputy Chancellor Shael Suransky.

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

1. Assembly Member Benedetto questioned whether the proposed closure of Lehman is legal.
2. Several commenters stated that Lehman does not have sufficient funding, particularly related to students with special education needs, and budget cuts have hurt the school
3. One commenter mentioned having to pass through metal detectors as a reason students do not want to attend school.
4. A commenter stated that students are not being adequately prepared for the tests they are given.
5. Several commenters stated that the DOE is scapegoating teachers, rather than being accountable for the policies that the commenter alleges contributed to poor performance.
6. A few commenters discussed facilities issues experienced at Lehman, and the extra challenges they pose for teachers. One commenter provided a detailed list of items that she asserts are not working properly.
7. Multiple commenters talked about the positive impact Lehman has had on them as students and how it has helped them grow as individuals
8. Multiple commenters praised great teachers and the relationships they have with teachers at Lehman, and questioned how students would succeed without these teachers.
9. Multiple commenters asked how they would get college recommendations if their teachers are not at Lehman in the future.
10. Several commenters praised the extra-curricular activities at Lehman, including sports, robotics, dance, arts and theatre.
11. Multiple commenters suggested the Mayor is behind the proposed school closings.
12. Multiple commenters questioned how having multiple schools hiring new teachers would result in improved teachers at all schools, since some teachers would simply be going from one school to another.
13. Multiple commenters stated their opposition to the proposal in general terms.
14. One commenter stated that Mr. Suransky’s presence at the joint public hearing indicated that the Lehman community was doing a good job opposing the proposal.
15. Several commenters stated that as other large schools were closed, and new, smaller high schools opened, which did not admit students with special needs or English language learners, Lehman became one of the only choices left for these these types of students and the high percentage of English Language Learner and Special Education students in recent years has caused the decline of the school.
16. Several commenters pointed out the advantages of large high schools, especially the variety of sports and arts programs.
17. Multiple commenters praised the efforts of the current principal, and asserted she should be given a chance to continue her efforts to improve the school.
18. Multiple commenters cited strong ties between the community and the school, including several generations of friends and family members who attended the school, as well as teachers who attended the school as students.
19. One commenter stated that school closures do not work.

20. A few commenters stated the closure proposals are meant to work around the union or force negotiations with the union, and that they do not represent sound educational practices.
21. A few commenters stated the closure proposals would result in placing teachers in the Absent Teacher Reserve (ATR) pool. One commenter suggested this would be expensive.
22. Several commenters stated all attendees and the community as a whole opposed the proposal.
23. Several commenters asserted the DOE did not provide support to Lehman as it was experiencing difficulties in the past, including overcrowding.
24. A few commenters asserted the school performance would not change if the demographics of the students remained the same as at present.
25. Several commenters asserted that closing Lehman would have a detrimental impact on the community.
26. One commenter stated that schools are supposed to be stable environments for students, but the potential teacher turnover would create an unstable environment, similar to divorce.
27. Several commenters stated the closure would be very disruptive for students.
28. Several commenters stated that small schools are not the answer, and frequently students leave small schools to attend Lehman.
29. A few commenters stated that small schools and charter schools do not take special education and ELL students, which is why this population has increased at Lehman.
30. Some commenters stated that the closure is a done deal, and that the DOE does not listen to feedback from parents and community.
31. Some commenters questioned why the DOE believes the new teachers would be better than the teachers who are not rehired, as it takes several years to become a good teacher and because they will not be familiar with the Lehman environment.
32. A few commenters stated there was too much emphasis on standardized testing, resulting in lower-quality teaching.
33. Multiple commenters asked the DOE to provide more support for Lehman and its students rather than close the school.
34. Several commenters suggested the DOE should focus more on praising Lehman's strengths.
35. A commenter asserted that the DOE's Progress Reports are inaccurate.
36. One commenter stated that parents have the right to participate in 18-D committees for the hiring of school staff.
37. One commenter stated that other countries with high-performing schools do not pursue school closure as a strategy to improve student outcomes.
38. A few commenters suggested the DOE was motivated by saving money.
39. Multiple commenters stated they did not feel teachers should be fired.
40. One commenter stated that improvements at the school are due to the current teachers, yet these are the only people who may be removed from the school, as the students and principal will remain. This communicates to teachers that they have failed, yet they are the ones who are improving the school.
41. One commenter stated that Lehman would become a charter school in the future.
42. One commenter stated that hiring untenured teachers to replace tenured teachers would result in a greater burden on the remaining tenured teachers.
43. Several commenters stated that policies put in place by the prior principal were detrimental to the school.
44. One commenter asserted that Lehman produces more college-ready students than nearly any school in its peer group, and this statistic should be considered.
45. A commenter questioned whether any PEP member appointed by the Mayor has ever voted against a proposal, and if so, which member and when.
46. A commenter asked how the placement of a new school would affect current Lehman teachers.

47. A commenter asked whether new schools were more successful than old schools.
48. Several commenters questioned whether smaller schools were better than larger schools.
49. A commenter asked what would be done to help address the social issues that are keeping students from attending school, and suggested solutions including introducing social workers and tutoring for these students.
50. A commenter asked where new teachers would come from if 50% of the staff is changed.
51. A commenter asked how adding a new school and closing and replacing Lehman will solve the overcrowding in the building. Several commenters stated that Lehman is overcrowded.
52. Several commenters stated that closing Lehman would affect the enthusiasm and morale of remaining students and teachers.

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

53. One commenter noted that the Bronx Borough President was a Lehman student and on the football team.
54. Several commenters announced an event on April 19th to oppose proposed closures.
56. One commenter stated that the DOE has promised smaller class sizes in the past, but this has not occurred.
57. One commenter suggested that Mayor Bloomberg and Chancellor Walcott should teach.
58. Several commenters praised the students at the hearing for their academic and extra-curricular achievements, and for speaking at the hearing.
59. A few commenters suggested 50% of DOE staff should be replaced by new staff.
60. One commenter mentioned that Chancellor Walcott initially did not have time to visit the Lehman team at the Robotics competition in the Javits Center
61. A few commenters stated that having other schools co-located with Lehman does not benefit students, and results in more overcrowding and fewer resources.

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

The DOE received approximately 420 written comments and no oral comments through the dedicated Web site and phone line for this proposal.

62. State Assembly Member Catherine Nolan submitted a letter asserting that the benefits that might be gained from implementing turnaround will be negated by problems caused by the disruption, and supporting a continuation of the transformation model the school had been implementing.
63. Bronx Community Board 10 submitted a letter opposing the proposal to close and replace Lehman High School, also opposing the co-location of a new school on the Lehman campus, and supporting the efforts of the current principal.
64. Approximately 410 identical emails were received opposing the proposal to close and replace Lehman High School, the proposal to co-locate a new school on the Lehman campus, the DOE's application for SIG funding for Lehman under the Turnaround model, and also advocating for the end of Mayoral Control of public schools.
65. One email asked why the Mayor, Chancellor and members of the PEP were not present at the Joint Public hearings at Lehman. In addition, this email stated the school would not change if the student population and demographics did not change. The email expressed support for the current principal.
66. One email provided a list of facilities issues at Lehman.
67. One writer stated that school closures and campus schools were hurting the Public Schools Athletic League ("PSAL") and other school sports activities.

68. One writer asked how the proposed closure would affect students who take the SATs using the current Lehman “CEEB” code, and then have the school name and number change if the proposal is approved.
69. One writer expressed her support for the current teachers at Lehman, and questioned why teachers were accountable for students who failed their Regents tests because they did not attend class regularly.

The DOE received the following comments related to all proposals for closure and replacement of PLA schools.

70. One commenter asked if there will be delays in the implementation of the Common Core Learning Standards as a result of these proposals.
71. 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.
72. One commenter stated that all of the closure/replacement proposals will result in the shuffling of teachers from one school to the other.
73. One commenter asked about which schools have implemented the 18-D process successfully, how this was done, and how the success was measured.
74. 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.
75. One commenter asked what supports are being offered to schools being closed and replaced.
76. 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).
77. One commenter asked about the timeline for the implementation of the new model.
78. One commenter asked about the supports that networks and other entities have provided to the schools that are in PLA status..
79. One commenter asked about how summer school will be implemented.
80. 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.
81. One commenter asked about the impact of the new schools and implementing the closure/replacement approach.
82. One commenter asked about who makes up the planning team for each school.
83. One commenter asked if the state mandates a JIT review for every school that is Restructuring, Year 1; Restructuring, Advanced; and Persistently Lowest Achieving.
84. 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.
85. One commenter asked if the JIT reports are available to the public
86. One commenter asked if the proposed new school will receive over-the-counter, ELL, and over-age under-credited students.
87. One commenter asked if rising ninth-grade students can opt out of a turnaround school.
88. 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?
89. 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.

90. One commenter asked if the DOE will have to repay the funding spent on the contracts for restart schools.

The DOE received the following written comment related to all proposals for closure and replacement of Restart schools.

91. One commenter asserts that upon careful review of improvements in graduation rate, attendance and regents exam scores, the schools that had been pursuing “Restart” would be found to be a persistently improving school and therefore worthy of support and deserving of the opportunity to continue to make strides in that area. Please remove the 9 recently designated Restart schools from the chopping block: Richmond Hill, John Adams, Grover Cleveland, Newtown, John Dewey, Herbert H. Lehman, Banana Kelly, Bronx High School of Business and Grace Dodge

Summary of Comments Received at other public meetings

The following comments were received at a forum on the closure and replacement policy held in partnership with the Bronx Borough President on March 15, 2012 at the Morris Educational Campus

92. One commenter asked about the requirements for leadership change pursuant to the Turnaround model.
93. One commenter asked about SIG funding in relation to Educational Partner Organizations (EPOs). Specifically, since there are no EPOs in turnaround, who gets the equivalent money given to EPOs in restart, and who agreed to keep on the EPOs for these schools?
94. One commenter asked about the procedure for new schools to select the networks that will support them.
95. 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 written questions, comments, or remarks were submitted to the DOE and are not related to the proposal:

96. One commenter asked if a new school replacing a restart school can choose not to keep its EPO.
97. 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.

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

With regard to comment 1, which questioned the legality of this proposal to close and replace Lehman, the DOE notes that this proposal is being made in accordance with state law, as well as with Chancellor's Regulation A-190, which concerns the public review and comment process for proposals for changes in schools. It also adheres to a model established by the federal Department of Education for eligibility to apply for School Improvement Grant funding.

Comments 2, 15, 29 refer to the increase in the number of special education and English language learner students, the perceived lack of sufficient funding to serve these students, and budget cuts overall as the explanation of the decline of Lehman. These comments assert the strategy of opening small schools to replace large high schools is the cause of this increase.

Lehman's percentage of ELL students has increased only one percentage point over the past 3 years, and remains three percentage points below the citywide average (10% vs. 13%). While enrollment of students with IEPs has grown more quickly, and Lehman has a higher than average percentage of students with IEPs for Self-Contained ("SC") settings, it is also graduating these students at a relatively higher rate. In fact, Lehman is in the 68th percentile citywide for graduating SC students, while it is in the 10th percentile citywide for all its students. Thus Lehman is doing a better job meeting the needs of its students with IEPs than it is for its general education population.

In New York City, schools are funded through a per pupil allocation known as Fair Student Funding ("FSF"). That is, funding "follows" the students and is weighted based on students' grade level and need (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.

In addition, FSF awards supplemental entitlements on a per-pupil basis for students who have additional needs and therefore cost more to educate. For example, during the 2011-2012 school year, high schools received an additional \$2,043.69 per pupil for each ELL student they enrolled. At the high school level, supplemental funds are also awarded to each student who requires special education services, or who is performing below grade level upon enrollment. In the case of students who fall into more than one of these categories, schools are awarded supplemental funding to meet all of those needs.

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

With regard to comment 3, which attributes poor attendance to the school's use of metal detectors on campus, the DOE notes that there are currently 79 high school campuses in New York City that require students to pass through metal detectors in order to attend schools. While some students may find this process a deterrent to attending school, it is in place to help schools prevent potential safety incidents. Lehman's attendance rate is only 78%, putting it in the bottom

10% of schools Citywide, and the bottom 8% of schools in its peer group, which includes schools that also have metal detectors. Campus principals will work with the New York Police Department to determine if and when safety on the Lehman campus improves to the point where the metal detectors may be removed.

With regard to comment 4, general education students at all high schools are required to take the same number of Regents exams in order to earn a Regents high school diploma, and beginning in school year 2011-2012, only students who earn Regents diplomas will graduate (exceptions are students who earn IEP diplomas, and students who attend “portfolio” schools whose students are evaluated based on their portfolio of work). The best preparation for exams is strong instruction and student engagement throughout the school year, not just specifically Regents-preparation. Lehman also offered the following supports to help students prepare for Regents tests:

- Regents classes during the day, after school and on Saturdays
- Regents tutoring, targeted instruction (after school and on Saturdays), and skills building in assessment strategies

Professional Development for Staff: examples include but are not limited to:

- Professional development workshop offered to science teachers: “Review Lesson Strategies for Science”
- Resource materials provided for using visual analogies to engage students, processing diagrams and setting goals

Comments 5, 39, and 40 assert that DOE-implemented policies are what led to performance declines at Lehman, that teachers should not be fired as a result of the failure of these policies, and that it does not make sense to fire teachers who have been driving the improvements at Lehman. With respect to policies implemented, the DOE believes they have led to positive results. Graduation rates since 2005 have increased almost 19 percentage points. Policy changes during this period have afforded principals greater ability to select their school staff members to carry out their vision for educating students. Moreover, the DOE’s policies have provided all students greater opportunities to attend a school of their choosing: there are now 152 more high schools available than were available to students in 2002.

Comment 43 also states the declines at Lehman are due to poor leadership by the prior principal, who was appointed by the DOE. The DOE’s focus is on identifying approaches to achieve rapid improvement to student outcomes. Regardless of the reasons leading to poor performance, the proposal to close and replace Lehman is based on the DOE’s belief that this is the most effective way to achieve rapid improvement in student performance in this building.

With respect to teacher excessing, the 18-D process that would be implemented if this proposal is approved defines the hiring process for the new school, and requires 50% of the most senior qualified teachers who apply be rehired.. We believe the 18-D committee will be able to rehire the strongest teaching team within the requirements of the contract. Barring system-wide teacher layoffs, no teacher will be unemployed as a result of the proposal to close and replace Lehman. Teachers who are not rehired at the new school will have the ability to apply for other positions through the DOE Open Market process, or will continue to earn their salary as part of the ATR pool. While many or most staff members at Lehman may be excellent, there may also be teachers who might be a better fit in a different school environment. This provides New School with the ability to increase the level of instruction and align the staff around a common vision.

Comments 6 and 66 assert that facilities issues at Lehman contribute to the challenges teachers face and should be addressed. The DOE appreciates that these issues have been brought to its attention, and acknowledges that facility issues can be frustrating for teachers and students. Facilities issues are addressed through building custodians, through the Division of School Facilities (“DSF”) and the School Construction Authority (“SCA”). Which organization is responsible for any specific project is based mostly on the scale and scope of the issue, with the smaller projects being managed through custodians and DSF, and larger projects through the SCA. Large projects in particular are subject to availability of capital funding, and projects are prioritized based on their impact on student safety and the severity of the need. While we are unable to address every facility request in all school buildings due to resource constraints, the DOE does not believe that the issues raised are primary drivers of the student achievement concerns at Lehman. The DOE is working to address the items provided, and one of the speakers noted that some improvements had already been made.

Comments 7, 8, 10, and 34 focus on positive aspects of student experience, and praise teachers and programs at the school. The DOE agrees there are many positive aspects of Lehman High School. The proposal to close and replace the school seeks to build upon these strengths in order to create an even better school; schools that lacked similar strengths were proposed for phase-out, rather than immediate replacement by a new school serving all grades and guaranteeing seats for all current students. Extracurricular and sports programs are expected to continue at Lehman. At the same time, while acknowledging these strengths and the many students who spoke positively about their experiences in the school, the aggregate 50% graduation rate indicates that a large number of students are not having this same positive experience. Deputy Chancellor Suransky noted at the hearing that the current senior class started as approximately 2,000 freshman, but that more than half of those students are not currently on track to graduate, indicating a large number of students are not having a similarly positive experience.

Comment 9 concerns 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, this will not impact their willingness to support students in this manner. Further, New School will assist students in locating teachers who may not be employed at the new school following approval of this proposal.

Comment 11 asserts the Mayor is responsible for the proposals to close and replace Lehman and the other PLA schools. The Mayor did mention the proposals to close and replace a number of PLA schools in his State of the City address on January 12, 2012, however, these proposals were developed by the DOE.

Comments 12, 21, 31, 42, 50, and 72 raise concerns about the process of hiring new teachers, and the quality of teachers that would be hired. Each year 3,000-4,000 teachers change schools through the DOE’s Open Market hiring process. Teachers look for new jobs through the Open Market for many reasons, including the desire for a new challenge or different environment. Some of the teachers who are hired at the new school would be experienced teachers who apply through the Open Market. In addition to the Open Market, new schools may hire up to 40% of their teachers from outside the current DOE teacher pool. These may be new teachers, or teachers relocating from other cities.

As part of the New School hiring process, the principal will develop the job descriptions and school-based competencies that she believes are most important to enable the new school to be successful. Identifying teachers who share and support this vision will be an important component toward

improving instructional quality, and school leaders at the several schools implementing 18-D will be seeking different qualifications. Current Lehman teachers would also be able to apply for positions at other schools. Only those teachers who do not find other positions would be placed in the ATR pool, where they would be assigned as substitute teachers. So while there is likely to be some increase in the ATR pool, we are not able to predict the number of teachers, or cost. Moreover, the DOE believes that it is more important to focus on the improvements to student outcomes anticipated as a result of this proposal and the similar proposals for other PLA schools, than the potential increase in the total number of teachers system-wide.

It is similarly difficult to predict the percentage of teachers at the new school who would not be tenured. The DOE is not limiting the number of teachers the new school may hire from among current Lehman staff, and other new hires may be already tenured teachers seeking positions through the Open Market.

Comments 12 and 72 also suggest these plans 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, regardless of whether they come from high performing schools, low performing schools, or outside of the DOE.

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.

Comments 13, 22, 63, and 64 state general opposition to the proposal, for which all the responses in this analysis may be relevant. As explained throughout this document, while the DOE recognizes that school closure and replacement can be a difficult experience, the DOE believes this change is in the best interests of students and that New School will lead to more rapid improvement in student achievement.

Comment 14 suggests a relationship between the presence of Deputy Chancellor Suransky and the level of opposition to the proposal. The DOE makes every effort to have a Deputy Chancellor attend every joint public hearing related to proposals for closure or phase-out of a school; the specific Deputy Chancellor attending each hearing depends upon individuals' schedules, experience with or relationships to the specific schools, and areas of expertise.

Comments 16, 28, and 48 relate to the advantages and disadvantage of large schools versus small schools, and question whether smaller schools are better. The new school that replaces Lehman would continue to be a large comprehensive high school, with approximately 2,500 students. This scale will enable the new school to continue to provide a broad range of academic courses, including advanced courses and arts courses, extracurricular activities, and sports programs. The DOE has been opening smaller high schools in order to provide choices to students who may prefer or benefit from a smaller environment. While smaller schools may have fewer academic electives, they may provide greater personal attention or relationships with teachers, and greater ability to connect with each individual student. Since the DOE began implementing the small schools strategy, overall graduation rates have increased 19 points, and on Bronx campuses where large schools have been replaced by smaller schools, graduation rates have increased 30-35 percentage points. A recent study by MDRC also demonstrated an increase in graduation rates and college readiness at these small schools. Details of the MDRC study are available at <http://www.mdrc.org/publications/614/overview.html>.

Comment 17 and 65 praise the efforts of the current principal Rose Lobianco, and suggests she be allowed to continue her efforts. The DOE agrees that Principal Lobianco is providing strong leadership that is having a positive impact on students at Lehman, and that is why the DOE has named her as the proposed leader for New School. If this proposal is approved, Principal Lobianco will be able to continue building upon the strengths and positive changes she has already made at Lehman, which will contribute towards providing an improved experience at New School.

Comments 18 and 25 assert that the closure of Lehman would have a negative impact on the community, in part due to the length of time the school has been part of the community. Given the length of time Lehman has been open in this building, the specific leadership and teachers at the school have likely changed many times. As a result, disappointment at the proposed closure and replacement of Lehman is primarily symbolic for the community. The school building will continue to serve high school students in the same location; the students served in the building will continue to be part of the surrounding community, and will continue or develop new relationships with that community. The primary focus of the DOE must be on doing the best it can to serve current and future students, rather than retaining an organization that is not succeeding. While the change in school number and name is an important symbol, this is an opportunity to create an improved organization that will better serve more students, rather than incrementally adjusting a school that is graduating only 50% of its students simply to retain historical ties for alumni.

Comment 19 states that school closures do not work. Since 2002, the DOE has closed 58 high schools based on their poor performance, and opened 210 new high schools, including those scheduled to open in September 2012. The MDRC study noted above focused on comparing new high schools to existing schools that served similar populations, and provides evidence that the policy of replacing failing schools with new schools has resulted in improved student outcomes.

Comment 20 asserts that the proposal to close and replace schools is not sound educational policy, and that it is designed to work around the union. The DOE has demonstrated that closing and replacing low performing schools has improved student outcomes. The proposal to close and replace Lehman and the other PLA schools works within the agreement negotiated with the United Federation of Teachers (UFT), and specifically implements article 18-D of the UFT contract, which defines the practices for hiring teachers to new schools that are replacing closing schools.

Comments 23 and 33 question the support that has been provided to Lehman in the past, and suggest providing additional support instead of closure and replacement. Supports that have been provided to Lehman were detailed in the EIS, as follows:

Leadership Support:

- Provided extensive leadership training, coaching, and mentoring for the principal and leadership staff to help them set clear goals for the school and improve student performance, including implementing best practices to analyze student data, addressing targeted areas in need of improvement identified in the school's Progress Reports and Quality Reviews, and implementing Common Core Learning Standards, while developing the school's Comprehensive Education Plan.

- Provided targeted support and feedback to the principal to set short-and long-term goals aimed at improving student performance and helping more students graduate; assisted principal in adjusting these goals based on feedback and analysis.
- Worked with school leadership to improve systems for administering and grading Regents exams and analyzing results to improve student outcomes and graduation rates.
- Coordinated with leadership to ensure that the school meets the needs of English Language Learners.

Instructional Support:

- Coached and trained selected teachers and administrators extensively in developing tasks, unit maps, and rubrics aligned with Common Core Learning Standards, and in evaluating student work using the higher Common Core standards.
- Provided in-depth workshops to teachers and assistant principals to strengthen teacher practice, including using Danielson’s Framework for Teaching.
- Organized, coached, and participated in planning with teacher teams tasked with analyzing student-level data to improve instruction and identify interventions for struggling students.
- Revised organizational structures and responsibilities of departments and teacher teams to maximize effective teacher practices and increase student achievement; ensured that each department designed, implemented, and reviewed a Common Core-aligned unit of study.
- Instituted Instructional Rounds and team peer reviews to allow teachers to collaborate on identifying and reinforcing effective teacher practices.

Operational Support:

- Assisted school leadership with hiring, recruiting, and human resources issues.
- Worked with school leadership to develop budget, align budget with school goals, and adjust as necessary.

Student Support:

- Supported school leadership and counselors in developing strategies to build a safe and supportive school environment through guidance interventions, parent conferences, student mediations, and progressive discipline.
- Offered workshops for staff on topics including managing suspensions, positive behavioral interventions and supports, gang prevention and awareness, and conflict resolution.

Even with these supports and strategies, however, the DOE has determined that Lehman 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 Lehman 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 Lehman access to an improved faculty.

With respect to concerns about overcrowding, while overcrowding is not a desired situation, some high schools are managing to serve their students well despite even higher building utilization rates than the Lehman campus. Of the 43 high schools with greater than 1,500 students, 18 schools (almost half) had higher organization utilization rates in 2010-2011 than Lehman,(39 of the 42 had higher progress report grades than Lehman) and Lehman’s utilization rate has already decreased in 2011-2012. The proposal to replace Lehman also notes plans to reduce total enrollment on the campus over the course of the next four years in order to support the schools in providing better educational outcomes.

Comment 78 asks a similar question about supports provided to all PLA schools. PLA schools have been supported by their Children First Networks, as well as their EPOs, in the case of restart schools. Specific supports provided are listed in each EIS, in a similar format to those listed above for Lehman.

Comments 24 and 65 assert that if the student population at Lehman does not change, then the performance of the new school proposed to replace Lehman will not change. The premise of this comment seems to be that student demographics determine the educational outcomes of a school. The DOE disagrees with this assertion. Schools with similar student populations demonstrate a range of student achievement; this is a key determinant of the different Progress Report grades, which compare schools to other schools that serve similar students. Within Lehman's current peer group are schools achieving substantially better results for students similar to those currently attending Lehman.

Comments 26, 27, 52, and 62 suggest that the closure and replacement process will create disruptions that will have a negative impact on students. The percentage of teachers who will be new to the school is not fixed, and New School may rehire a large percent of Lehman's current staff. Any change in school staff will result in some disruption for some students. However, between 2010 and 2011, almost 15% of Lehman's teaching staff left the school, and the school does not appear to have viewed this level of change to be a difficulty. The DOE believes the benefits of hiring the most qualified teachers in order to improve the level of instruction on the Lehman campus for all students – including those that are not currently succeeding at Lehman -- outweighs the potential disruptions the change in staff might cause.

Comment 30 questions the DOE's openness to public feedback, and stated the closure was a "done deal." The DOE is committed to listening to public feedback and considering the information provided at joint public hearings as well as other forums. As evidenced by the recent decision to withdraw the closure and replacement proposals for several PLA schools, and several other decisions to withdraw proposals for different changes to schools, the DOE has demonstrated that no proposal is a "done deal" prior to the actual vote by the PEP.

Comment 32 asserts that the emphasis on standardized testing has resulted in lower quality teaching. At the high school level, state Regents tests are a requirement to receive a Regents diploma, and beginning in 2012-2013 will be a requirement to graduate high school. Thus students require instruction in the skills and content that will support their ability to pass Regents tests. The DOE believes that teachers who plan their instruction to teach all state standards at appropriate levels of rigor, and who plan around whole educational experiences rather than teaching to the test, will have prepared their students for the state tests.

Comment 35 states that the DOE Progress Reports are not accurate. Lehman has received an "F" on each of its two most recent Progress Reports, which have contributed to the assessment that closure and replacement of Lehman will better serve students. The DOE Progress Reports look at certain metrics across all schools to make performance comparisons across schools with similar student populations. Additional aspects of school performance are reviewed in a school's Quality Review. There may be aspects of school performance and environment that are not measured in the Progress Report. The data in the Progress Reports are primarily based on school registers, and thus any inaccuracies within the school register would be reflected in the Progress Report. However, the recent DOE audit of High School registers indicated there are only minimal inaccuracies in school-based data.

Comment 36 asserts that parents have a right to participate in the 18-D hiring committees. Proposed new leaders are encouraged to engage the broader parent community around the characteristics of

effective staff. The hiring committee must have a minimum of five members, including the principal, two appointees of the UFT, and two appointees of the DOE. Parents have not historically participated in the teacher hiring process at ongoing schools that need to replace staff. Comment 37 asserts that other countries do not close schools as an improvement strategy. Each country -- and in the United States each school district -- has circumstances particular to its student population, employment laws and regulations, educational leadership and history. The DOE is acting in accordance with its experience improving educational outcomes in New York City, and within all local laws, regulations and contracts.

Comment 38 suggests the DOE proposal is motivated by potential cost savings. This is not the case. There are no potential cost savings associated with this proposal. Barring system-wide layoffs, which are not currently envisioned, teachers who are not hired at the new school or at other schools will continue to receive their salary. It is possible that New School and other new schools proposed to replace current PLA schools may be eligible to receive incremental federal SIG funding. This would be a financial benefit, providing additional resources to schools, the opposite of a cost saving. Nevertheless, the DOE is committed to implementing this proposal, if approved, regardless of whether it receives SIG funding to support it.

Comment 41 asserts that Lehman will become a charter school in the future. This proposal would not convert Lehman to a charter school and the DOE has no plans to convert Lehman to a charter. The replacement school would be a district school. The other two schools on the Lehman campus are also district schools.

Comment 44 states Lehman does a better job of college readiness than its peers. This is accurate relative to its peer group, but there is still significant room for improvement. In 2010-2011, Lehman's college readiness index was 15%, and its college preparatory course index was 20%. This is consistent with the overall situation at Lehman where a portion of students are having a very positive experience, but the majority of students are not. New School will build upon and retain the strongest elements of Lehman, and will hopefully improve college readiness even further. Nevertheless, college readiness is only one factor used to evaluate schools; while Lehman is performing well relative to its peers, in several other areas, such as 4-year graduation rate, attendance, and credit accumulation, Lehman scores at the bottom of its peer group.

Comment 45 asks for examples of Mayoral appointees to the PEP voting against proposals. The PEP consists of 13 appointed members and the Chancellor. Each borough president appoints one member and the mayor appoints the remaining eight. The PEP members extensively deliberate on proposals and therefore the votes are not always unanimous. However, after deliberation, the PEP has approved every proposal put before it, with the exception of proposals that have been withdrawn. The DOE has withdrawn proposals prior to PEP meetings. For detailed information about the voting records of the PEP members, please see the meeting minutes from the PEP meetings, available online at: <http://schools.nyc.gov/AboutUs/leadership/PEP/meetings/MinutesofAction/default.htm>

Comment 46 asks about the impact of New School on current Lehman teachers. Both New School and Westchester Square Academy, another new school that has been approved to open on the Lehman campus in September 2012, will follow 18-D, which provides for hiring preference to current Lehman teachers.

Comment 47 asks whether new schools are more successful than old schools. The MDRC study referenced above focuses on new schools versus existing schools and found improved graduation rates for all student sub-groups at the new schools.

Comment 49 concerns the social and emotional supports that are provided to students, and their impact on student attendance. The EIS outlines several approaches New School is planning to take to address the social and emotional needs of its students, and in particular how they might help improve student attendance. These changes include a new flexible scheduling model, Breakfast-in-the-Classroom, and organizing around small learning academies.

Comment 51 asks how this proposal and opening a new school on the Lehman campus would address overcrowding. This proposal and the proposal to open a new high school that was approved by the PEP on March 21, 2012 note that the DOE is planning to address overcrowding on the campus by reducing the enrollment at the school replacing Lehman when compared with current Lehman enrollment. Opening additional new high schools throughout the City will provide more options for students who might otherwise have enrolled at Lehman. This will enable Lehman to reduce the size of its incoming ninth grade class. Over the course of the next four years, enrollment on the campus is expected to decline from 3,902 students in 2011-2012, to 3,343 – 3,466 in 2015-2016.

Comment 65 asks why the Mayor and members of the PEP were not present at the hearing. There are many important issues throughout the City placing demand on the Mayor's time. However, a Deputy Chancellor attends every joint public hearing for schools proposed for phase-out or closure. Also, Wilfredo Pagan, the Bronx Borough President's appointee to the PEP was in attendance at the hearing. Given their professional and personal commitments, and the fact that there may be multiple joint public hearings across the City on any given date, it is impossible for PEP members to attend all hearings. All members of the PEP receive a copy of this analysis of public comment in advance of the PEP meeting at which they will vote on this proposal and have the opportunity at the PEP meeting to discuss questions or concerns about any proposal.

Comment 67 asserts school closures have hurt PSAL programs. In cases where a large high school has been closed and replaced by multiple smaller schools, all students on a campus are typically able to participate in a campus-wide PSAL team. Thus students in smaller schools are able to participate in activities that a smaller school would not otherwise be able to support independently. As noted in the EIS for this proposal, Campus-wide teams have reached the championship level in PSAL competition.

Comment 68 relates to the impact of the closure of Lehman on students who took the SAT while enrolled at Lehman. The closure of Lehman will have no impact on student SAT results or college evaluations of a student's SAT record. The SAT record is attached to the student. Students are only linked to their high schools by self-reporting which school they attend when registering for a College Board exam. The DOE provides an updated school list to the College Board every year, including identifying what we consider to be new schools and/or closed schools. At that point College Board gives them a new CEEB code, but this doesn't impact a student's record or their ability to access it.

Comment 69 is related to attendance, and asks why the DOE holds teachers accountable for students who do not attend class. The DOE holds schools accountable for ensuring that all students receive a quality education, not just those that have the personal motivation or home supports to attend. Schools should and do provide many services to students to address their social and emotional needs, and have programs and staff designed specifically to increase attendance.

Comment 70 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. 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 71 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 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 Lehman was posted on February 28, 2012, and an amended proposal was posted on March 30, 2012. The DOE solicited feedback from parents through the Joint Public Hearings, which for Lehman was held on April 2, 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 the Bronx, held at Morris Educational Campus on March 15, 2012, which 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.

Comments 73 and 74 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 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 75 asks about the supports offered to the new 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 76 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 in these plans. Comment 76 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 77 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 79 asks about summer school. 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 80 asks about measurement of the new schools' student outcomes. Lehman 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 2012-13 Progress Report. The Progress Report methodology is reevaluated each year and this policy is subject to change.

Regarding goals, the following performance benchmarks are included as part of the SIG application for each of the New 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 NYSED ELA 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).

The Division of Portfolio Planning will work with the Networks that support New School to monitor its improvement plans and progress in these plans and towards meeting these performance benchmarks.

Comment 81 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 Educational Impact Statement(s) (and Building Utilization Plan, where applicable) for the particular proposal.

Comment 82 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 83, 84, and 85 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.

-JITs that were conducted during the 2010-2011 school year can be found here:

http://www.p12.nysed.gov/accountability/School_Improvement/Reports/1011/1011JIT.html.

Comment 86 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 (“OTC”) students, English language learner (“ELL”) students, students with disabilities, and over-age, under-credited students. For more specific information, please refer to the EIS describing the proposal.

Comment 87 asks about whether rising ninth graders can opt out of the replacement school. 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 Lehman, 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 88 and 89 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 \$2M 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 90 asked if the DOE will have to repay the funding spent on the contracts for restart schools.

The DOE is currently working with six Educational Partnership Organizations (EPO)s to support 14 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 Department unable to gain access to SIG funding.

Comment 91 asserts that the nine schools that had been in Restart have improved sufficiently that they should remain open and able to continue. Lehman was placed in Transformation, not Restart. The DOE has reviewed the available data, met with principals, consulted with each school's superintendent, listened to the feedback from the school communities, and assessed the potential for each school to rapidly improve to better meet the needs of all students. After this assessment, the DOE has decided to present the proposal for the closure and replacement of Lehman to the PEP for vote on April 26, 2012.

Comment 92 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 93 relates to funding for EPOs in schools that are approved for Turnaround. Though it is strictly required as part of Restart, Education Law 211-e allows for Educational Partnership Organizations (EPOs) to work with any persistently lowest-achieving school, under any School Improvement Grant 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 94 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 April.

Comment 95 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

On March 30, 2012 the DOE issued an amended EIS correcting plans in the new school for CTE programming, updating language to reflect that new school 08X558 has been approved to be co-located in the X405 building beginning in September 2012, updating the enrollment projections for New School and building X405, updating the estimated building utilization rates, and updating the Instructional Footprint of the proposed New School. However, these changes did not significantly revise the proposal itself.