

EDUCATIONAL IMPACT STATEMENT: The Proposed Phase-Out of J.H.S. 166 George Gershwin (19K166) Beginning in 2013-2014

I. Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to phase-out J.H.S. 166 George Gershwin (19K166, “J.H.S. 166”), an existing district middle school in building K166 (“K166”) located at 800 Van Siclen Avenue, Brooklyn, NY 11207, in Community School District 19 (“District 19”). It currently serves students in grades six through eight. The DOE is proposing to phase-out J.H.S. 166 based on its poor performance and the DOE’s assessment that the school lacks the capacity to improve quickly to better support student needs. In a separate Educational Impact Statement (“EIS”) also posted on January 17, 2013, the DOE is proposing to co-locate a new district middle school (19K654, “19K654”) in K166. That proposal can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>. If both proposals are approved, 19K654 will grow to full scale as J.H.S. 166 phases-out. 19K654 will open with sixth grade in 2013-2014, adding one grade annually until it reaches full scale in the 2015-2016 school year, with a grade span of six through eight. For the purposes of this EIS, describing the phase-out of J.H.S. 166, it is assumed that the proposal to co-locate New Middle School in K166 will be approved by the Panel for Educational Policy (“PEP”). However, if the proposal to co-locate is not approved, this EIS and the accompanying Building Utilization Plan (“BUP”) will be revised as necessary.

If this proposal is approved, J.H.S 166 will gradually stop serving middle school students. After the 2012-2013 school year, J.H.S 166 will no longer enroll sixth-grade students. After the 2013-2014 school year, J.H.S 166 will no longer enroll seventh-grade students. After the 2014-2015 school year, J.H.S 166 will close.

In each of those years, there may be students who do not meet promotional standards and are required to repeat a grade that the school will no longer serve. These students will be enrolled in 19K654 in the grade which the student is repeating.

J.H.S. 166 is co-located with The UFT Charter School (84K359, “UFT Charter”), an existing public charter school that currently serves students in kindergarten through twelfth grade across two separate sites.¹ In one location, building K292 (“K292”), which is located at 300 Wyona Street and 301 Vermont Street, Brooklyn, NY, 11207², in District 19, UFT Charter serves students in kindergarten through fifth grade. In another location, K166, UFT Charter serves students in grades six through twelve. Only the second location of UFT Charter, at K166, is impacted by the proposed closure of J.H.S. 166. In a separate EIS also posted on January 17, 2013, the DOE has proposed to resite UFT Charter’s sixth through eighth grades from K166 to K292 in the 2013-2014 school year. That proposal can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>.³ For the purposes of this EIS, describing the phase-out of J.H.S. 166, it is assumed that the proposal to resite UFT Charter’s middle school grades will be approved by the PEP. However, if the proposal to resite UFT Charter’s middle school grades is not approved, this EIS and the accompanying BUP will be revised as necessary.

In a separate EIS also posted on January 17, 2013, the DOE is also proposing to backfill the space left vacant by UFT Charter’s middle school grade with the opening and co-location a new charter high school, Achievement First Charter High School 2 (“AF High School 2”) in K166. That proposal can be found here:

¹ 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.

² Although UFT Charter School’s kindergarten through fifth grade and J.H.S. 292 are both located in building K292, they use separate entrances and therefore have separate addresses.

³ UFT Charter is in the process of applying for renewal of its charter from its charter authorizer, the State University of New York’s Charter School Institute (“SUNY CSI”). For the purposes of this EIS describing the co-location of AF High School 2 in K166, it is assumed that SUNY CSI will approve UFT Charter’s charter renewal. However, if SUNY CSI denies UFT Charter’s application for renewal, the Building Utilization Plan (“BUP”) associated with this proposal will be revised as necessary to accurately reflect the proposed allocation of space in K166.

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>. If that proposal is approved, AF High School 2 will open with a ninth grade in September 2013, and would phase-in one grade each year, until it reaches full scale in 2016-2017, when AF High School 2 will serve students in ninth through twelfth grade. For the purposes of this EIS, describing the phase-out of J.H.S. 166, it is assumed that the proposal to co-locate AF High School 2 in K166 will be approved by the Panel for Educational Policy (“PEP”). However, if the proposal to co-locate is not approved, this EIS and the accompanying BUP will be revised as necessary.

K166 houses two community-based organizations (“CBOs”), CAMBA and the East New York Campus Satellite of Medgar Evers College (“ENY”). ENY hosts a GED Plus program in K166. GED Plus programs help students earn their GED and prepare them for college and career options. GED programs are offered to students who are 18-21 years old and are available as full-time or part-time programs. More information about GED Programs is available: <http://schools.nyc.gov/Offices/District79/SchoolsProgramsServices/default.htm>.

J.H.S. 166 admits students through the District 19 Middle School Choice process. Through the Middle School Choice process, students receive priority admission to their zoned middle school when they rank that school on their District 19 Middle School Choice application. After a zoned school admits all zoned students matched during the District 19 Middle School Choice process, any remaining spaces at the school are open to out-of-zone District 19 students who indicated a preference for that school. J.H.S. 166 first admits students who reside in the K166 zone. If any space remains, J.H.S. 166 admits students using an unscreened selection method. Unscreened schools randomly select students from the pool of those who apply. Additional information about the District 19 Middle School Choice process and J.H.S. 166’s admissions process is provided in Section III.A of this proposal.

Background on the DOE Decision-Making Process

Schools are identified for possible phase-out for any of the following three reasons: (1) they received poor grades on their annual Progress Report; (2) they received a poor score on their most recent Quality Review; or (3) they have been identified by the New York State Education Department (“SED”) as a Priority School, defined by SED as one of the bottom 5% of schools in the state.⁴ In August 2012, SED identified Priority schools across the State, including 122 in New York City. Middle Schools are identified as Priority based on the school’s state test performance. Specifically, under the DOE’s accountability framework, all schools that receive a grade of D, F, or a third consecutive C grade or lower on their annual Progress Report and all schools that receive a rating of Underdeveloped on the Quality Review are evaluated for intensive support or intervention, including the possibility of phase-out. Progress Reports are released by the DOE each fall and evaluate schools on a scale of A through F based on Student Progress, Student Performance, School Environment, and, new to the Progress Report in 2011-2012, College and Career Readiness. During Quality Reviews, experienced educators visit a school over several days, observing classrooms and talking with students, staff, and families. Schools are rated on the following four-point scale: “Underdeveloped” (the lowest possible rating), “Developing,” “Proficient,” and “Well Developed” (the highest possible rating).

J.H.S. 166 received an overall C grade on its Progress Report in 2011-2012 for the third consecutive year. The school received a “Developing” on its most recent Quality Review in 2011-2012 indicating deficiencies in the way that school is organized to support student learning. The school was also designated a Priority school by SED.

As a result, the DOE initiated a comprehensive review of J.H.S. 166, with the goal of determining what intensive supports and interventions would best benefit its students and the J.H.S. 166 community. During that review, the DOE looked at recent historical performance and demand data from the school, consulted with superintendents and other experienced educators who have worked closely with the school, and gathered community feedback.

The DOE initiated and completed a similar comprehensive review of J.H.S. 166 during the fall of 2011, after J.H.S. 166 had been named by SED as a Persistently Low Achieving (“PLA”) school for the first time in

⁴ In August 2012, SED identified 221 Priority Schools across the State, including 122 in New York City.

January 2010.⁵ Upon completion of the review in the fall of 2010, the DOE believed that, at the time, phase-out was not the appropriate intervention for the school.

J.H.S. 166 was again designated as PLA for the 2010-2011 school year. In May of 2011, the DOE assigned several PLA schools to one of four federally approved intervention models. J.H.S. 166 became a Restart school. In this intervention, schools are partnered with a non-profit Educational Partnership Organization (EPO) that makes recommendations to the DOE for specific school-based interventions to raise student achievement. In May of 2011, the DOE submitted applications for School Improvement Grants (“SIG”) to SED for most of its PLA schools, including J.H.S. 166. J.H.S. 166 was approved for up to \$850,000 in SIG funding per year for three school years to support the Restart model. However, SED has since suspended SIG funding under the Restart model because the current teacher evaluation system in New York City does not meet state standards. As a result J.H.S. 166 is no longer receiving this funding.

Last spring, the Panel for Educational Policy (“PEP”) voted to close and immediately replace J.H.S. 166 based on evidence that the school was not equipped to significantly improve student performance. A grievance prevented the DOE from following through with those plans. J.H.S. 166’s performance during the 2011-2012 school year, released in the fall of 2012, only confirmed the DOE’s earlier assessment that the school lacks capacity to turn around quickly to better support student needs.

In light of the fact that performance at J.H.S. 166 has continued to decline, the DOE believes that J.H.S. 166 is not able to improve quickly to support student learning. Given the school’s declining performance, the DOE now believes that only the most serious intervention, a gradual phase-out and eventual closure of J.H.S. 166 will address the school’s declining performance and longstanding struggles and allow for new school options to develop in building K166 that will better serve future students and the broader community.

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

As noted above, J.H.S. 166 has struggled, and the school’s performance during the 2011-2012 school year further demonstrated that the DOE’s assessment that the school lacks capacity to improve quickly to better support student needs.

- The overwhelming majority of J.H.S. 166 students remain below grade level in English Language Arts (“ELA”) and Math. Only 11% of students were performing on or above grade level in ELA—putting the school in the bottom 3% of middle schools Citywide. Only 25% of students were performing on or above grade level in Math—putting the school in the bottom 10% of middle schools Citywide. In both ELA and Math proficiency, J.H.S. 166 ranks at the bottom of District 19 middle schools.
- The Progress Report measures the progress and performance of students in a school, as well as the school environment, compared to other schools serving similar student populations. J.H.S. 166 earned a C grade on its 2011-2012 annual Progress Report, including C grades for Student Progress and Student Performance and an F grade for School Environment. J.H.S. 166 has a history of low performance, including a C grade on its Progress Report for the past three years.
- J.H.S. 166 was identified by SED as a Priority school, defined by SED as one of the bottom 5% of schools in the state.
- J.H.S. 166 was rated “Developing” on its most recent Quality Review in 2011-2012, indicating deficiencies in the way that the school is organized to support student learning.
- The school’s attendance rate remains below most other middle schools. The 2011-2012 attendance rate was 88% compared to the Citywide middle school average of 93%, putting J.H.S. 166 in the bottom 3% of New York City middle schools.

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

⁵ In prior years, SED designated schools as PLA based on their graduation rates (for high schools) or performance on state ELA and math tests (for elementary and middle schools). SED no longer designates schools as PLA. Instead, as described above, it designates schools as Priority.

J.H.S. 166	2009-2010	2010-2011	2011-2012
School Performance and Progress			
Overall Progress Report Grade	C	C	C
Progress Report Progress Grade	B	C	C
Progress Report Performance Grade	D	D	C
Progress Report Environment Grade	C	D	F
Quality Review Score ⁶	P	D	D
Performance Data			
English Language Arts % Proficient (Levels 3 and 4)	13%	11%	11%
Math % Proficient (Levels 3 and 4)	24%	22%	25%
Other Key Performance Indicators			
Attendance Rate	89%	87%	88%
2012-2013 State Accountability Status			
Priority School ⁷			

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

J.H.S. 166 has struggled for years. Based on evidence that the school was not equipped to significantly improve student performance, in April 2012, the PEP voted to implement the closure and replacement of J.H.S. 166. A grievance prevented the DOE from following through with those plans. However, J.H.S. 166's performance during the 2011-2012 school year only confirms the DOE's earlier assessment that the middle school lacks the capacity to rapidly improve to better support student needs.

The DOE acknowledges that staff members have worked hard to improve J.H.S. 166, but even with support, the school has not produced adequate outcomes for students. To help the school's efforts to improve performance, the DOE offered numerous supports including:

Leadership Support:

- Assisting the principal and assistant principals in the development of instructional plans and goals for the school year, in support of the school's Comprehensive Education Plan.
- Coaching the principal and assistant principals in the use of classroom observations and feedback to enhance teacher effectiveness.
- Supporting school leadership in aligning curriculum to citywide instructional expectations to raise standards for teacher practice and student learning.

Instructional Support:

- Training and coaching teachers on best instructional practices and the development of rigorous curriculum to raise student achievement across the school.
- Providing professional development opportunities for teachers in the use of data analysis to assess student needs, differentiate instruction, and target additional support to struggling students.
- Working with teachers to promote best practices for assessing student progress and providing effective feedback to students to promote academic growth.

⁶ For more information about Quality Reviews, please visit the DOE website at: <http://schools.nyc.gov/Accountability/tools/review/default.htm>.

⁷ This status is determined by SED under the New York State waiver for the No Child Left Behind Act. For more information, please visit the SED website at: <http://www.p12.nysed.gov/accountability/ESEADesignations.html>.

Operational Support:

- Advising school staff on budgeting, human resources, staff recruitment and building management.
- Training school staff in student data tracking systems to ensure efficient and effective monitoring of student attendance and academic programming.
- Supporting the principal in the implementation of a grant to fund technology and infrastructure improvements to the school.

Student Support:

- Assisting the school administration in the development of a school safety plan to reduce safety incidents and suspension rates, and promoting best practices for dealing with difficult behavior patterns to improve the school's culture and learning environment.
- Advising and supporting the principal in planning and implementing a performing arts program aligned with the instructional program of the school.
- Strengthening partnerships and nonprofit collaborations to help the school support the social and emotional needs of students and families in the school community.

J.H.S. 166 has received individualized support plans, as well as centralized services that the DOE provides to all schools—yet despite this extensive assistance, the school has failed to meet the needs of its students and families.

Summary of Community Feedback

Prior to issuing this proposal, the DOE sought and received feedback from the J.H.S. 166 community about strategies to better support students and improve outcomes at the school. On October 18, 2012, DOE Senior Superintendent Elaine Gorman held meetings—with the School Leadership Team, with the teachers and staff, and with parents of students at the school—to discuss what is and is not working at J.H.S. 166 and how joint efforts could serve students better.

Approximately 10 people attended the School Leadership Meeting, 40 people attended the teacher meeting, and approximately 200 people attended the parent meeting.

The School Leadership Team had some positive feedback about improvements to school programming and use of the Positive Behavior Interventions and Supports system for behavior management. However, the School Leadership Team also expressed several concerns:

- J.H.S. 166 has a large over-age population.
- J.H.S. 166's enrollment has a disproportionate number of low achieving and low-income students.

Staff had some positive feedback about the cohesive school culture. However, staff also expressed several concerns:

- J.H.S. 166 needs more support.
- Other area schools handpick students to attend, leaving many underachieving students to attend J.H.S. 166.

Parents had some positive feedback about the school culture. However, parents also expressed several concerns, including the following:

- J.H.S. 166 needs additional resources for incentives and parent programs.

The DOE also solicited community feedback via phone and email, including creation of a dedicated web page for this purpose at: <http://schools.nyc.gov/community/planning/changes/brooklyn/feedback?id=240>.

While some members of the J.H.S. 166 community objected to the possibility of phasing-out the school, the DOE believes that drastic action must be taken given the school's performance struggles and the lack of evidence that the school is poised to quickly improve to better support students. The DOE plans to incorporate community feedback as it continues to support current J.H.S. 166 students working toward middle school completion and develops plans to replace J.H.S. 166 with a new school that better meets student and community needs.

The DOE will also continue to seek and review community feedback while this proposal is under consideration by the PEP.

II. Proposed or Potential Use of Building

K166 has the capacity to serve 1,320 students.⁸ (The concept of "target capacity" is described below.) In 2012-2013, the building is serving 986 total students, as J.H.S. 166 is serving 400 students;⁹ and UFT Charter is serving 586 sixth through twelfth grade students,¹⁰ yielding a building utilization rate of 75%.¹¹

If this proposal is approved, J.H.S. 166 will begin phasing-out one grade at a time, beginning in the 2013-2014 school year, and would complete its phase-out after the 2015-2016 school year. As part of the replacement strategy for J.H.S. 166, the DOE has also issued a separate EIS proposing to co-locate 19K654 in K166, beginning in the 2013-2014 school year. If that proposal is approved, 19K654 would phase-in one grade at a time and complete phase-in during the 2015-2016 school year. The proposal to co-locate 19K654 is detailed in a separate EIS, also posted on January 17, 2013. The proposal can be found here:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>.

In addition to the phase-out of J.H.S. 166 and the co-location of 19K654, the DOE has issued two additional EISs that impact schools in K166. First, the DOE has proposed to resite UFT Charter's middle school grades, currently located at K166, beginning in the 2013-2014 school year. If that proposal is approved, UFT Charter's sixth through eighth grades would be resited from K166 to K292 beginning in the 2013-2014 school year. The proposal to resite UFT Charter is detailed in a separate EIS, posted on January 17, 2013. The proposal can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>.

Second, the DOE has proposed to co-locate AF High School 2 in K166 beginning in the 2013-2014 school year. If that proposal is approved, AF High School 2 would phase in one grade at a time and complete phase-in during the 2016-2017 school year. The proposal to co-locate AF High School 2 is detailed in a separate EIS, posted on January 17, 2013. The proposal can be found here:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>.

For the purposes of this EIS, it is assumed that the proposals to co-locate 19K654, resite UFT Charter's middle school grades, and co-locate AF High School 2 will be approved by the PEP. If any of these proposals are not approved, this EIS and the accompanying BUP will be revised as necessary.

If the proposals are approved, over five years, the proposed grade spans and enrollments for each proposed and existing school and projected building utilization rate will be as follows:

Grade Spans

⁸ 2011-2012 Enrollment Capacity Utilization Report ("Blue Book")

⁹ 2012-2013 Unaudited Register (as of October 26, 2012).

¹⁰ This figure represents total headcount as of October 1, 2012.

¹¹ All references to building utilization rates in this document are based on target capacity data from the 2011-2012 Blue Book and enrollment data from the 2012-2013 Unaudited Register (as of October 26, 2012) or charter headcount as of October 1, 2012. This methodology is consistent with the manner in which the DOE conducts planning and calculates space allocations and funding for all schools. In determining the space allocation for co-located schools, the Office of Space Planning will conduct a detailed site survey and space analysis of the building to assess the amount of space available in the building.

DBN	School Name	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
19K166	J.H.S. 166	6-8	7-8	8	-	-
84K359	UFT School	6-12	9-12	9-12	9-12	9-12
19K654	19K654	-	6	6-7	6-8	6-8
-	AF High School 2	-	9	9-10	9-11	9-12

The table below demonstrates the projected enrollment of each school, as well as the building's projected utilization rates:^{12,13,14,15}

DBN	School Name	2012-2013 Enrollment	2013-2014 Projected Enrollment	2014-2015 Projected Enrollment	2015-2016 Projected Enrollment	2016-2017 Projected Enrollment
19K166	J.H.S. 166	400	215 - 235	100 - 110	-	-
84K359	UFT Charter	586	225 - 285	225 - 285	225 - 285	225 - 285
19K654	19K654	-	115 - 125	230 - 250	345 - 375	345 - 375
-	AF High School 2	-	95 - 120	180 - 225	255 - 320	325 - 410
Total Building Enrollment		986	650 - 765	735 - 870	825 - 980	895 - 1,070
Utilization		75%	49% - 58%	56% - 66%	63% - 74%	68% - 81%

UFT Charter is projected to serve 225-285 ninth through twelfth grade students. 19K654 is projected to serve approximately 345-375 students in grades six through eight at full scale in year 2015-2016. AF High School 2 is projected to serve 325-410 ninth through twelfth grade students at full scale in 2016-2017.¹⁶ Once 19K654 and AF High School 2 have completed their phase-ins, 19K654, AF High School 2, and UFT Charter ninth through twelfth grade, will collectively serve 895-1,070 students in building K166 in 2016-2017, yielding an estimated utilization rate of 68%-81%. Therefore, the building has adequate capacity to accommodate UFT Charter's ninth through twelfth grades, and the full expansion of 19K654 and AF High School 2, during and after the phase-out of J.H.S. 166.

¹² All projections referenced for UFT Charter for the 2013-2014 school year and beyond reflect the charter school's enrollment pursuant to its charter application.

¹³ All projections referenced for AF High School 2 for the 2013-2014 school year and beyond are based on enrollment information in the charter applications for AF Bushwick and AF East NY.

¹⁴ All projections referenced for J.H.S. 166 for the 2012-2013 and beyond are based on the 2012-2013 Unaudited Register (as of October 26, 2012).

¹⁵ Enrollment projections for 19K654 are based on a phase-in plan of four general education/integrated co-teaching sections and two self contained sections per entry grade in the first year. Actual enrollment in 2013-2014 and beyond, however, depends on applicant demand.

¹⁶ All projections referenced for AF High School 2 for the 2013-2014 school year and beyond are based on enrollment information in the charter applications for AF Bushwick and AF East NY.

As described in more detail in the Blue Book, which is available at http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Enrollment/2011-2012_Classic.pdf, a building's target utilization rate is calculated by dividing the aggregated enrollment of all the school organizations in the building by the aggregated "target capacities" of those organizations. Each school organization's "target capacity" is calculated based upon the scheduled use of individual rooms as reported by principals during an annual facilities survey, the DOE's goals for goal classroom capacities (which are lower than the United Federation of Teachers ("UFT") contractual class sizes and differ depending on grade level), and the efficiency with which classrooms are programmed (i.e., the frequency with which classes are scheduled in a given classroom).

The most recent year for which target capacity has been calculated for buildings is 2011-2012. The DOE's projected utilization rates for the 2012-2013 school year and beyond are based on the 2011-2012 target capacity, which assumes that the components underlying that target capacity (scheduled use of classrooms, maximum classroom capacity, etc.) remain constant. Thus, projected utilization rates for 2012-2013 and beyond provide only an approximation of a building's usage because each of the factors underlying target capacity may be adjusted by principals from year to year to better accommodate students' needs. For example, changing the use of a room from an administrative room to a homeroom at the high school level will increase a building's overall target capacity because for high schools administrative rooms are not assigned a capacity. Holding enrollment constant, this change would result in a lower utilization rate. Similarly, if a room previously used as a kindergarten classroom is subsequently used as a fifth grade classroom, the building's target capacity would increase because we expect that a fifth grade class will have more students than a kindergarten class. This is reflected in the fact that the DOE's goal for maximum classroom capacity is higher for fifth grade classrooms than for kindergarten classrooms. In this example, as well, assuming enrollment is constant, the utilization rate would decrease.

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

A. Students

Enrollment Options for Current J.H.S. 166 Students

If this proposal is approved, J.H.S. 166 will be phased-out gradually over the next several years and will no longer admit new sixth grade students after the end of this school year. Current sixth and seventh grade students will be supported at J.H.S. 166 as they progress towards completion of middle school and transition to high school. Current and future eighth grade students who meet promotional requirements will apply for high school through the Citywide High School Admissions process.

If this proposal is approved, in 2013-2014 J.H.S. 166 will only serve students in seventh and eighth grades, and in 2014-2015 J.H.S. 166 will only serve students in eighth grade. J.H.S. 166 will close in June 2015.

If this proposal is approved, J.H.S. 166 will gradually stop serving middle school students. After the 2012-2013 school year, J.H.S. 166 will no longer enroll sixth-grade students. After the 2013-2014 school year, J.H.S. 166 will no longer enroll seventh-grade students. After the 2014-2015 school year, J.H.S. 166 will close.

In each of those years, there may be students who do not meet promotional standards and are required to repeat a grade that J.H.S. 166 will no longer serve. These students will be enrolled in 19K654 in the grade which the student is repeating.

All students currently attending Title 1 schools that are designated as "Priority" or "Focus" schools under SED's state accountability system are eligible to apply for a transfer to another school through the DOE's Public School Choice ("PSC") Process. More information about this process can be found at the DOE's website at: <http://schools.nyc.gov/choicesenrollment/changingschools/default>.

This year, pending approval from SED, the DOE will prioritize students in eligible current and proposed phase-outs, including J.H.S. 166, to get first priority within the PSC process. This would mean that students at J.H.S. 166 would be considered for a public school transfer first before other eligible applicants in non-phase out

schools. By doing this, the DOE is seeking to maximize the availability of a transfer for students from phase-outs who are interested in completing their educational program elsewhere.¹⁷

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

The DOE does not anticipate that this proposal will prevent J.H.S. 166 from continuing to offer any particular academic or extra-curricular program currently offered at the school. That said, the availability of certain offerings at the school will inevitably be impacted as the school phases-out, serves a decreasing student population, and eventually closes.

With respect to academics, J.H.S. 166 will continue to offer all necessary classes to support current students as they work to meet promotional requirements. As total enrollment at the school shrinks, the school may scale back its special programs and initiatives or enrichment classes. It is difficult to predict how those changes might be implemented as decisions will rest with school administrators and will be made based on student demand as well as staff and budget conditions at the school.

The DOE remains focused on helping J.H.S. 166 students to succeed. If this proposal is approved, J.H.S. 166 will be provided targeted, customized, and intensive supports aimed at the unique needs of the school and its students. This support will be in the areas of budget, staffing, programming, community engagement, guidance, and enrollment

J.H.S. 166 currently offers Integrated Co-Teaching (“ICT”) classes, Self-Contained (“SC”) classes, and Special Education Teacher Support Services (“SETSS”). It also has an English as a Second Language (“ESL”) program for English Language Learners (“ELLs”). Current students will be able to continue in their existing ICT and SC classes and SETSS will continue to be provided as J.H.S. 166 phases-out, and students with disabilities will continue to receive mandated services in accordance with their Individualized Education Programs (“IEPs”). Current students at J.H.S. 166 who receive ELL services will continue to receive their mandated services as the school phases-out.

According to the District 19 Middle School Directory, J.H.S. 166 currently offers the following special programs and initiatives, extra-curricular activities, and partnerships:¹⁸

- **Enrichment Classes:** Integrated Algebra, Art, Music, Computer, Music Engineering, Martial Arts, Instrumental Music
- **Language Classes:** Spanish
- **Extracurricular Activities:** Marching Band, Dance, Drama, Recording Studio
- **Special Programs:** High School Preparatory Program, Peer Tutoring Program, Performing Arts, Jazz Band, Music Instruction, Advisory, Student Government, Service Learning Program, Swimming, Mentoring Programs
- **Boys Sports:** Basketball, Baseball, Flag Football, Swimming
- **Girls Sports:** Dance, Double Dutch, Swimming
- **Co-ed Sports:** Baseball, Swimming
- **Partnerships:** Medgar Evers College, New York Police Department, CAMBA, Man Up, Brooklyn Empowerment Neighborhood Initiative

This proposal will not prevent J.H.S. 166 from continuing to offer any of these options, but the number and range of programs offered may gradually diminish due to declining student enrollment as the school phases-out. Again, it is difficult to predict precisely how those changes might be implemented as decisions will rest with school administrators and will be made based on student interests and available resources. That is true for any City school as all schools modify extra-curricular offerings annually based on student demand and available resources.

¹⁷ Based on data from the past two years, less than 1% of eligible students Citywide historically transfer out of their school through the PSC process. This revised PSC prioritization structure could increase the percentage of students transferring out of eligible phase-out schools. However, the DOE cannot predict with certainty whether or to what extent the impact of this policy change will impact projected enrollment at J.H.S. 166. As a result, the enrollment projections in this EIS assume historical transfer rates.

¹⁸ The District 19 Middle School Directory is available on the DOE website at <http://schools.nyc.gov/NR/rdonlyres/12D1803B-D5F9-4679-AC80-169301413EA9/0/201213D19MSD.pdf>.

The proposed phase-out is not expected to impact academic or extracurricular program offerings or partnerships at any other school in K166. Multiple schools may collaborate to offer joint extracurricular programs on the campus as appropriate.

As the school phases-out, the DOE will work with J.H.S. 166 staff to enhance existing partnerships or develop new partnerships if specific, new student needs emerge during the phase-out period. The DOE will work with other school organizations in the building to foster opportunities for them to work with the community organizations that have supported J.H.S. 166 students in the past.

Enrollment Impact on Current and Future Students at Existing Schools in K166

The DOE does not anticipate that the proposed phase-out and eventual closure of J.H.S. 166 will significantly impact admissions, current or future student enrollment, or instructional programming at UFT Charter, AF High School 2, and 19K654.

The impact of the proposed co-location of 19K654 in K166 is described in detail in a separate EIS that was posted on January 17, 2013. That proposal can be found here:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>.

The impact of the proposed resiting of UFT Charter's middle school grades from K166 to K292 is described in detail in a separate EIS that was posted on January 17, 2013. Please visit the DOE website to access that EIS:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>.

The impact of the proposed co-location of AF High School 2 in K166 is described in detail in a separate EIS that was posted on January 17, 2013. Please visit the DOE website to access that EIS:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>.

Impact on Community- Based Organizations

K166 houses two CBOs: CAMBA and ENY.

CAMBA is a non-profit CBO, which partners with the J.H.S. 166 school community, neighborhood residents, businesses, and other CBOs to provide after-school programs that incorporate a wide variety of activities. These activities include homework help, academic enrichment, conflict remediation/resolution, community service, and project-based clubs, as well as educational, recreational, and cultural activities.

CAMBA is not expected to lose any space or reduce the services offered at K166 as a result of this proposal and will continue to operate in K166 subject to interest and demand.

ENY is a satellite campus of Medgar Evers College. ENY is not expected to lose any space or reduce the services offered at K166 as a result of this proposal and will continue to operate in the K166 building subject to interest and demand.

ENY, which has a linkage partnership with the East New York Development Corporation, hosts a GED Plus program in the K166 building. GED Plus programs are citywide programs that provides full-time and part-time GED services, as well as support to students transitioning to a college and/or a career, at no cost to students between the ages of 18 and 21. Students who are 17 may enroll if there are extenuating circumstances and with parent/guardian permission. Students interested in enrolling in a GED Plus program are encouraged to speak with their school counselor, visit a District 79 Referral Center, and/or contact the GED program directly to schedule an intake interview.

The GED Plus program at K166 operates in space allocated to ENY. The DOE does not anticipate that current or future students attending the GED Plus program in building K166 would be impacted by this proposal, as ENY is not expected to lose any space in K166 as a result of this proposal.

More information about full and part-time GED programs may be found here:

<http://schools.nyc.gov/ChoicesEnrollment/AlternativesHS/FullPtGED/default.htm>.

Enrollment Impact for Future Middle School Students

J.H.S. 166 is a district middle school that admits students through the District 19 Middle School Choice process, in which every fifth grade student is issued a personalized middle school application in the fall and students rank their preferences among District 19 choice middle schools. As previously stated, J.H.S. 166 first admits students who reside in the K166 zone and then, if space remains, admits students through the District 19 Middle School Choice process using an unscreened selection method. Any remaining seats are filled through the over-the-counter (“OTC”) placement process, described in detail below. If this proposal is approved, students will continue to have access to a broad range of middle school options through the District 19 Middle School Choice process, as described further below and outlined in the tables at the end of this section.

Middle school admissions applications were due on December 21, 2012. If this proposal is approved by the PEP on March 11, 2013, J.H.S. 166 will be removed from the District 19 Middle School Choice application and matching process, and no current fifth grade students will be matched to J.H.S. 166 for the 2013-2014 school year. For example, if a current fifth grade student has submitted his or her application and selected J.H.S. 166 as a third-choice school, the matching process will automatically skip to the fourth-choice school, and so on. Additionally, new middle schools designated to open throughout the City for the 2013-2014 school year will be available for these students to consider. After the PEP votes on the proposals to open new schools, eligible students will have the opportunity to submit a “new schools” application. Through the District 19 Middle School Choice process, students are offered the opportunity to apply to a range of middle schools within their district and/or schools with borough-wide or Citywide eligibility.

Students may also choose to apply to a number of schools that manage their own admission processes. Information about all of these options is printed in each district’s Middle School Choice Directory, which can be found at <http://schools.nyc.gov/ChoicesEnrollment/Middle/Publications/default.htm>. Please note that this directory is updated yearly.

Excluding J.H.S. 166, there are currently 16 district schools in District 19 serving middle school grades. In the District 19 Middle School Choice process, students rank their preferences from among District 19 choice middle schools. These options include:

- Un-zoned middle schools with a screened application process;¹⁹
- Un-zoned middle schools with unscreened²⁰ or limited-unscreened application²¹ processes;
- A zoned middle school in the zone where the student resides (zoned students have priority for placement to their zoned school).

The existing District 19 schools serving middle school grades with an unscreened admissions method for grades six to eight are P.S. 89 Cypress Hills, J.H.S. 292 Margaret S. Douglas, I.S. 171 Abraham Lincoln Intermediate School, P.S. 202 Ernest S. Jenkyns, P.S./M.S. 306 Ethan Allen School, J.H.S. 302 Rafael Coredero School, P.S. 328 Phyllis Wheatley, and P.S. 174 Dumont.^{22, 23} There are also several schools with limited unscreened programs for students. Additional information on these schools is provided in the charts at the end of this section.

Middle school students with IEPs, with the exception of those recommending placement in a District 75 school, are admitted to schools in the same manner as general education students. Schools will create programs that meet the needs of all students, ensuring students with IEPs access to learn alongside their non-disabled peers to the greatest extent possible. The middle school to which a student is matched is expected to develop a program to meet the student’s needs. This process applies to students with IEPs transitioning to middle school in the same manner as it applies to all other students. All students with IEPs will continue to receive mandated services at the schools they attend.

¹⁹ Screened schools admit students based on specific criteria they designate for admission.

²⁰ Unscreened schools admit all students who are eligible to apply to the school.

²¹ Limited-unscreened schools admit students on the same basis as unscreened schools with the exception that they give preference to students who have attended a school information session.

²² In separate EISes, the DOE is also proposing J.H.S. 302 Rafael Coredero School and P.S. 174 Dumont for phase-out. These proposals can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>.

²³ The PEP approved the truncation of the middle school grades of P.S. 202 Ernest S. Jenkyns on November 8, 2012. That EIS is available at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Nov2012Proposals.htm>

In accordance with DOE policy, ELL students participate in the Middle School Choice process in the same manner as their non-ELL peers. Thus, ELL students are placed according to the same placement criteria as their English-speaking peers.

Future sixth grade students will continue to have access to a broad range of District 19 middle school options through the District 19 Middle School Choice process and borough-wide and Citywide middle school options. The table below outlines information about these options, including the District 19, borough-wide, and Citywide middle schools' Progress Report grade, the percentage of special education ("SE") students, the percentage of ELL students, the admissions process, building utilization rate, and site accessibility.²⁴ Additional information regarding special programs and courses offered by the schools listed here is available in the Middle School Directory, which is updated yearly.²⁵

²⁴ Target organizational capacity and building utilization rates are from the 2010-2011 Blue Book.

²⁵ The Middle School Directory is available at: <http://schools.nyc.gov/ChoicesEnrollment/Middle/default.htm>.

District Options

DBN	School Name	Address	Building Code	Building Utilization ²⁶	Grade Span 2012-13	Grade Span at Scale	2011-2012 Progress Report Grade	2012 % SE	2012 % ELL	Admission Method	Site Accessibility ²⁷
DISTRICT Choice											
19K089	P.S. 089 Cypress Hills	265 Warwick Street	K814	81%	K-8	K-8	A	13%	41%	Unscreened, Screened	Functionally accessible
19K171	I.S. 171 Abraham Lincoln	528 Ridgewood Avenue	K171	76%	6-8	6-8	D	9%	19%	Unscreened	Not functionally accessible
19K174	P.S. 174 Dumont ²⁸	574 Dumont Avenue	K174	64%	K-8	K-8	D	15%	7%	Unscreened	Not functionally accessible
19K202	P.S. 202 Ernest S. Jenkyns ²⁹	982 Hegeman Avenue	K202	77%	K-8	K-5	D	9%	4%	Unscreened	Not functionally accessible
19K218	J.H.S. 218 James P. Sinnott	370 Fountain Avenue	K218	80%	6-8	6-8	C	16%	13%	Screened, Zoned	Not functionally accessible
19K292	J.H.S. 292 Margaret S. Douglas	301 Vermont Street	K292	69%	6-8	6-8	C	12%	5%	Screened, Unscreened	Not functionally accessible
19K302	J.H.S. 302 Rafael Cordero ³⁰	350 Linwood Street	K302	72%	6-8	6-8	F	10%	17%	Unscreened	Functionally accessible

²⁶ Building Utilization rates are from the 2011-2012 Blue Book.

²⁷ A code of "Functionally Accessible" indicates that all schools/programs located in the building are fully accessible. A code of "1st Floor Functionally Accessible" indicates that the school is functionally accessible, but only on the first floor; a school has this designation only if, among other things, an accessible bathroom is available to those on the first floor. A code of "Partially Accessible" indicates that a school might be functionally accessible on more than one floor but not for all relevant spaces in the school.

²⁸ The DOE is also proposing to phase out P.S. 174 Dumont. The proposal can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.html>. If this proposal is approved, P.S. 174 Dumont will no longer admit sixth grade students beginning in the 2013-2014 school year.

²⁹ The PEP approved the truncation of the middle school grades of P.S. 202 Ernest S. Jenkyns on November 8, 2012. As a result, P.S. 202 Ernest S. Jenkyns will no longer admit sixth grade students beginning in the 2013-2014 school year.

³⁰ The DOE is also proposing J.H.S. 302 Rafael Cordero for phase-out. The proposal can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.html>. If the proposal is approved, J.H.S. 302 Rafael Cordero will no longer admit sixth grade students beginning in the 2013-2014 school year.

19K306	P.S. 306 Ethan Allen	970 Vermont Street	K306	70%	K-8	K-8	C	15%	2%	Unscreened	Not functionally accessible
19K311	Essence School	590 Sheffield Avenue	K190	51%	6-8	6-8	C	12%	10%	Zoned, Screened	Not functionally accessible
19K328	P.S. 328 Phyllis Wheatley**	330 Alabama Avenue	K328	80%	K-5, 7-8	K-5	C	12%	12%	Unscreened	Not functionally accessible
19K364	I.S. 364 Gateway	1426 Freeport Loop	K364	82%	6-8	6-8	C	8%	1%	Zoned, Screened	Not functionally accessible
19K404	Academy for Young Writers*	1065 Elton Street	K422	-	9-12	6-12	-	13%	2%	Limited Unscreened	Functionally accessible
19K409	East New York Family Academy	2057 Linden Boulevard	K819	48%	6-12	6-12	A	4%	0%	Screened	Not functionally accessible
19K422	Spring Creek Community School*	1065 Elton Street	K422	-	6	6-12	-	0%	3%	Limited Unscreened	Functionally accessible
19K452	Frederick Douglass Academy VIII Middle School	1400 Pennsylvania Avenue	K346	77%	6-8	6-8	B	8%	2%	Screened	Not functionally accessible
19K678	East New York Middle School of Excellence	605 Shepherd Avenue	K072	78%	6-8	6-8	B	20%	6%	Limited Unscreened	Not functionally accessible
BOROUGH-WIDE Choice											
13K527	Urban Assembly Institute of Math and Science for Young Women	283 Adams Street	K313	106%	6-12	6-12	D	13%	1%	Screened	Not functionally accessible
14K614	Young Women's Leadership School of Brooklyn* ³¹	223 Graham Avenue	K049	68%	6-10	6-12	C	8%	2%	Screened	Not functionally accessible
17K543	Science, Technology and Research Early College High School at Erasmus	911 Flatbush Avenue	K465	82%	6-12	6-12	B	2%	0%	School Based Application	Not functionally accessible
17K590	Medgar Evers College Preparatory School	1186 Carroll Street	K590	152%	6-12	6-12	C	0%	0%	School Based Application	Functionally accessible
18K235	P.S. 235 Lenox School	525 Lenox Road	K235	77%	K-8	K-8	A	2%	1%	School Based Application	Partially Accessible
20K609	Urban Assembly School for Criminal Justice*	4200 16 Avenue	K223	78%	6-11	6-12	B	14%	14%	Unscreened	Not functionally accessible

³¹ A proposal to resite Young Women's Leadership School of Brooklyn from building K049 at 223 Graham Avenue, Brooklyn, NY 11206 to building K147 at 325 Bushwick Avenue, Brooklyn, NY 11206 was approved by the Panel for Educational Policy on December 20, 2012. Beginning in the 2013-2014 school year, YWLS will no longer serve students in K049.

22K555	Brooklyn College Academy ³²	350 Coney Island Avenue	K917	80%	7-12	7-12	C	0%	0%	School Based Application	Functionally accessible
23K493	Brooklyn Collegiate: A College Board School**	2021 Bergen Street	K055	67%	7-12	9-12	-	9%	2%	-	Functionally accessible
23K518	Kappa V	985 Rockaway Avenue	K275	65%	6-8	6-8	B	17%	2%	School Based Application	Not functionally accessible
23K522	Mott Hall IV	1137 Herkimer Street	K271	51%	6-8	6-8	F	6%	1%	School Based Application	Not functionally accessible
23K644	Eagle Academy for Young Men II*	1137 Herkimer Street	K271	51%	6-10	6-12	B	14%	2%	Limited Unscreened	Not functionally accessible
23K697	Teachers Preparatory High School	226 Bristol Street	K175	87%	6-12	6-12	F	9%	2%	School Based Application	Not functionally accessible
32K383	J.H.S. 383 Philippa Schuyler	1300 Greene Avenue	K383	67%	5-8	5-8	C	6%	1%	Unscreened, Screened	Functionally accessible
CITY-WIDE Choice											
01M539	New Explorations into Science, Technology and Math School	111 Columbia Street	M022	101%	K-12	K-12	A	0%	0%	SB Application	Not functionally accessible
02M407	Institute for Collaborative Education	345 East 15th Street	M475	145%	6-12	6-12	C	0%	0%	SB Application	Not functionally accessible
02M408	Professional Performing Arts School	328 West 48th Street	M017	97%	6-12	6-12	B	0%	2%	SB Application	Not functionally accessible
02M442	Ballet Tech / NYC Public School for Dance	890 Broadway	M905	70%	4-8	4-8	B	0%	3%	SB Application	Not functionally accessible
03M334	The Anderson School (P.S. 334)	100 West 77th Street	M044	88%	K-8	K-8	A	0%	0%	SB Application	Functionally accessible
03M859*	Special Music School*	129 West 67th Street	M932	66%	K-8	K-12	A	0%	1%	SB Application	Not functionally accessible
04M012	Talented and Gifted School for Young Scholars	240 East 109th Street	M117	71%	K-8	K-8	A	0%	0%	SB Application	Functionally accessible

* Signifies a school that is currently phasing-in.

**Signifies a school that is currently phasing-out its middle school grades.

³² The PEP approved the truncation of the seventh and eighth grades of Brooklyn College Academy on December 20, 2012. As a result, Brooklyn College Academy will no longer admit middle school students beginning in the 2013-2014 school year.

Charter Options

DBN	School Name	Address	Grade Span 2012-13	Grade Span at Scale	Admission Method ³³
84K358	Achievement First East New York Charter School	158 Richmond Street	K-8	K-10	Lottery
84K359	UFT Charter	K166: 800 Van Siclen Avenue K292: 300 Wyona Street	K-12	K-12	Lottery
84K386	Invictus Preparatory Charter School	370 Fountain Avenue	5-6	5-8	Lottery
84K740	Brooklyn Scholars Charter School	2635 Linden Boulevard	K-7	K-8	Lottery

Enrollment Impact for Over-the-Counter Students (“OTC”)

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

- New to the New York City school system;
- Left the New York City school system and have returned;³⁴
- Are seeking transfers (based on the guidelines outlined in Chancellor’s Regulation A-101); or
- Students who did not participate in the elementary or middle school admissions process for some other reason.

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

If the Division of Portfolio Planning determines that additional OTC seats may be needed, the number of available seats is reviewed and, if space allows, adjusted in those schools where the admissions methods are limited unscreened, or unscreened. Should a zoned school reach capacity, the school may be “capped,” in which case OTC arrivals may be directed to a different district middle school. Should sufficient space open at the capped school, the student may have the right to return if the student so chooses.

Approximately 71 sixth grade students were admitted to J.H.S. 166 through the OTC placement process during the 2011-2012 school year for September 2012 enrollment. Similarly, 15 OTC students were admitted to J.H.S. 166 for seventh grade and 23 OTC students were admitted for eighth grade.

³³ For more information about the charter school lottery application process, please consult the DOE’s Directory of NYC Charter Schools, which can be accessed on the DOE’s website: <http://schools.nyc.gov/community/planning/charters/Directory.htm>.

³⁴ Per Chancellor’s Regulation A-101, students have the “right to return” to their prior school following discharge within one calendar year of discharge, subject to available seats. Therefore, it is possible that non-zoned students arriving for an OTC placement may be granted admission to a zoned school.

J.H.S.166 may continue to receive OTC students in the grades it serves as it phases out depending on the needs of the community, preference of parents, and availability of seats.

B. Schools

As described in more detail in the BUP that accompanies this EIS, if this proposal is approved, there will be sufficient space in K166 to accommodate all of the school organizations currently located in the building, pursuant to the Citywide Instructional Footprint (the “Footprint”), throughout the period during which J.H.S. 166 phases-out, UFT Charter’s middle school grades are resited, 19K654 phases-in and AF High School 2 phases-in (if those proposal are also approved). Please visit the New York City Department of Education website to access the Footprint, which guides space allocation and use in City schools:

http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf.

The Footprint sets forth the baseline number of rooms that should be allocated to a school based on the grade levels served by the school and number of classes per grade. For existing schools, the Footprint is applied to the current number of classes and class size a school has programmed and is confirmed by a walk-through of the building by a representative from the Office of Space Planning and a representative of the school.

For grades six through twelve, the Footprint assumes that students move from class to class and that classrooms should be programmed at maximum efficiency. The Footprint does not require that every teacher have his or her own designated classroom. Principals are asked to program their schools efficiently so that classrooms can be used for multiple purposes throughout the course of the school day. The Footprint allocates the number of baseline classrooms for student support services, resource rooms, and administrative space based on the grades a school serves and its enrollment at scale.

As in other situations where schools are co-located, the schools on the K166 campus need to share large common and specialty rooms in the building, such as the cafeteria, the gymnasium, and the library. Specific decisions regarding the allocation of the shared spaces are made by the Building Council, consisting of principals from all co-located schools, in conjunction with the DOE’s Office of Space Planning. A Shared Space Committee would also meet a minimum of four times a year and report back to the Building Council regarding the BUP and the scheduling of shared spaces.

The details of the proposal to open and co-locate 19K654 in K166 are discussed in a separate EIS that is available at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>.

The details of the proposal to co-locate AF High School 2 in K166 are discussed in a separate EIS that is available at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>. The details of the proposal to resite UFT Charter’s middle school grades from K166 to K292 are discussed in a separate EIS that is available at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>.

C. Community

The DOE supports parent choice and strives to ensure that all families have access to high-quality schools that meet their children’s needs. J.H.S. 166 has struggled with low performance despite the considerable support that the DOE has offered to the school. As a result, there is a need to provide better options for families in the community. Under this proposal, K166 will remain open, but it will offer new educational options that are intended to better support the learning needs of future middle school students in District 19, and replace seats lost by the phase-out of J.H.S. 166. As a result, the proposal to phase-out J.H.S. 166 is not expected to yield a net loss of middle school seats in building K166 or in District 19 and there will continue to be an excess seat capacity in District 19:

- In 2012-2013, there are only 2,130 sixth grade students enrolled in District 19 middle schools and District 19 charter middle schools. Including the seats currently available at J.H.S 166, there are 3,008 total sixth grade seats in District 19 middle schools and charter schools located in District 19. There is an excess of 878 sixth grade seats in the district.
- Excluding the seats currently available at J.H.S. 166, there are 2,817 total sixth grade seats in District 19 middle schools and charter schools located in District 19. Therefore, even after

excluding the seats that would have been offered at J.H.S. 166, there are still 687 excess sixth grade seats in District 19 middle schools.

- Based on the 2012-2013 unaudited enrollment register, as of October 26, 2012, J.H.S. 166 is currently serving 105 sixth grade students. The proposed opening of 19K654 in building K166 is projected to create 115-125 sixth grade seats in District 19. The sixth grade seats in District 19 eliminated by J.H.S. 166's phase-out and eventual closure would be recovered through the phase-in of 19K654.

J.H.S. 166 is one of three schools in District 19 that the DOE has proposed to phase-out this year. In addition, in March 2012, the PEP approved to truncate the middle school grades of a kindergarten through eighth grade school in the district.

- In September 2012, the DOE proposed to truncate the middle school grades of P.S. 202 Ernest S. Jenkyns (19K202, "P.S. 202"), located in buildings K202 and K958 at the end of the 2012-2013 school year.³⁵ This proposal was approved by the PEP on November 8, 2012. In a separate EIS posted in September 2012, the DOE proposed to open and co-locate a new public charter school, Achievement First Aspire Charter School (84KTBD, "AF Aspire"), with P.S. 202 in buildings K202 and K958.³⁶ AF Aspire will serve students in kindergarten through fifth grade, and intends to expand to serve students in kindergarten through eighth grades.³⁷ This proposal was also approved by the PEP on November 8, 2012.
- The DOE intends to post a proposal in January 2013 to phase-out J.H.S. 302 Rafael Cordero (19K302, "J.H.S. 302"), located in building K302 beginning in the 2013- 2014 school year. In a separate EIS that is anticipated to also post in January 2013, the DOE will propose to co-locate two new middle schools in building K302.³⁸ In a separate EIS also anticipated to be posted in January 2013, the DOE intends propose to expand existing school Achievement First Apollo (84K774, "AF Apollo") in building K302 to serve fifth through eighth grades students.³⁹
- The DOE intends to post a proposal in January 2013 to phase-out P.S. 174 Dumont (19K174, "P.S. 174"), located in building K174 beginning in the 2013- 2014 school year. In a separate EIS that is anticipated to also post in January 2013, the DOE will propose to co-locate a new elementary and a new middle school in building K174.⁴⁰

If these proposals are approved, there would still be an excess of at least 650 seats for sixth grade seats in District 19 middle schools.

As indicated in the chart in Section III. A, there are currently two new District 19 middle schools, Academy for Young Writers and Spring Creek Community School, as well as three charter schools, phasing-in to serve middle school grades.

Finally, this proposal is not expected to impact the ability of community members to apply for or receive permits to use the building outside of school hours. This proposal is not expected to impact the site accessibility (fully accessible) of K166.

³⁵ The EIS can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Nov2012Proposals>.

³⁶ The EIS can be found here:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Nov2012Proposals>.

³⁷ While the separate EIS proposes the co-location of AF Aspire's kindergarten through eighth-grade, to date the State University of New York Charter Schools Institute ("SUNY CSI") has only authorized AF Aspire to serve students in kindergarten through fifth grade. AF Aspire has informed DOE that it intends to apply to SUNY CSI to expand its grade span to include students in sixth through eighth-grade, as only SUNY CSI has the authority to approve or deny that request. Should SUNY CSI deny AF Aspire's request to expand, or if AF Aspire fails to make this request, AF Aspire will only serve its approved grade span of kindergarten through fifth grade. As a result, the DOE would revise the BUP that accompanies the AF Aspire co-location EIS as necessary.

³⁸ When posted, this proposal can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>

³⁹ Those proposals can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>

⁴⁰ T When posted, this proposal can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>

IV. Enrollment, Admissions, and School Performance Information

J.H.S. 166

Admissions Data

Current Admissions	Grade 6-8: District 19 Middle School Choice
Admissions During and After Proposed Phase-out of J.H.S. 166	N/A

Enrollment Data⁴¹

	Grade 6	Grade 7	Grade 8	Total Enrollment
2012-13 (unaudited)	105	120	175	400
2013-14 (projections)	-	100-110	115-125	215-235
2014-15 (projections)	-	-	100-110	100-110
2015-16 (projections)	-	-	-	-
2016-17 (projections)	-	-	-	-

Demographic Data⁴²

Percentage of Students Receiving ICT or SC Services	21%
Percentage of Students with IEPs	28%
Percentage of ELLs	7%
Percentage of Students Eligible for Free or Reduced Lunch	64%

School Performance Data

J.H.S. 166	2009-2010	2010-2011	2011-2012
<i>School Performance and Progress</i>			
Overall Progress Report Grade	C	C	C
Quality Review Score	P	D	D
<i>Performance Data</i>			
English Language Arts % Proficient (Levels 3 and 4)	13%	11%	11%
Math % Proficient (Levels 3 and 4)	24%	22%	25%
<i>Other Key Performance Indicators</i>			
Attendance Rate	89%	87%	88%
<i>2012-2013 State Accountability Status</i> ⁴³			
Priority School			

⁴¹ All figures are based on the 2012-2013 Unaudited Register (as of October 26, 2012).

⁴² All figures are as a percentage of total students from the 2012-2013 Unaudited Register (as of October 26, 2012).

⁴³ This status is determined by SED under the New York State waiver for the No Child Left Behind Act. For more information, please visit the SED Web site at <http://www.p12.nysed.gov/accountability/ESEADesignations.html>.

UFT Charter at K166

Admissions Data

Current Admissions	Charter Lottery Application
Admissions During and After Proposed Phase-out of J.H.S. 166	Charter Lottery Application

Enrollment Data^{44,45}

	Grade 6	Grade 7	Grade 8	Grades 9-12	Total Enrollment
2012-13 (unaudited)	112	122	102	250	586
2013-14 (projections)	-	-	-	225-285	225-285
2014-15 (projections)	-	-	-	225-285	225-285
2015-16 (projections)	-	-	-	225-285	225-285
2016-17 (projections)	-	-	-	225-285	225-285

Demographic Data⁴⁶

Percentage of Students Receiving ICT or SC Services	8%
Percentage of Students with IEPs	4%
Percentage of ELLS	2%
Percentage of Students Eligible for Free or Reduced Lunch	85%

⁴⁴ All figures represent total head count as of October 1, 2012.

⁴⁵ UFT Charter School is a split-sited K-12 school. Enrollment shown here for 2012-2013 is for grades 6-12 in building K166 only. Grades K-5 are located at building K292 in District 19. Projections for 2013-2014 and following years assume only the ninth- through twelfth-grades are located in K166, as proposed in a separate EIS as discussed above.

⁴⁶ All figures are as a percentage of UFT's sixth through twelfth grade students at K166 from the 2012-2013 Unaudited Register (as of October 26, 2012).

School Performance Data⁴⁷

UFT Charter - Kindergarten through Eighth Grades	2009-2010	2010-2011	2011-2012
School Performance and Progress			
Overall Progress Report Grade	D	C	D
Quality Review Score ⁴⁸	N/A ⁴⁹	N/A	N/A
Performance Data			
English Language Arts % Proficient (Levels 3 and 4)	28%	29%	33%
Math % Proficient (Levels 3 and 4)	34%	47%	43%
Other Key Performance Indicators			
Attendance Rate	93.6%	93.1%	94.3%
2012-2013 State Accountability Status			
In Good Standing			

UFT Charter - High School ⁵⁰	2009-2010	2010-2011	2011-2012
School Performance and Progress			
Overall Progress Report Grade	N/A	N/A	N/A
Quality Review Score	N/A	N/A	N/A
Key Components of Performance and Progress			
% 10+ Credit Accumulation in Year 1	77%	85%	74%
4 Year Graduation Rate	N/A	N/A	N/A
6 Year Graduation Rate	N/A	N/A	N/A
% Graduating with a Regents Diploma	N/A	N/A	N/A
Attendance Rate	93%	91%	90%
2012-2013 State Accountability Status			
In Good Standing			

⁴⁷ School performance data is derived from the school's Progress Reports. UFT Charter receives two Progress Reports, one for kindergarten through eighth grades and one for high school. School performance data exclusively for UFT Charter's sixth through eighth grades is not available. Therefore UFT Charter's school performance data for kindergarten through eighth grades is listed below.

⁴⁸ For more information about Quality Reviews, please visit the DOE Web site at <http://schools.nyc.gov/Accountability/tools/review>.

⁴⁹ Not all schools receive a Quality review every year.

⁵⁰ UFT Charter High School has just completed phasing-in in 2012-2013, and has therefore not received a progress report yet. Information on credit accumulation and the attendance rate can be found here: http://schools.nyc.gov/OA/SchoolReports/2011-12/Progress_Report_2012_HS_K359.pdf.

19K654

Admissions Data

Current Admissions	N/A
Admissions During and After Proposed Phase-out of J.H.S. 166	Grade 6-8: District 19 Middle School Choice

Enrollment Data

	Grade 6	Grade 7	Grade 8	Total Enrollment
2012-13 (unaudited)	-	-	-	-
2013-14 (projections)	115-125	-	-	115-125
2014-15 (projections)	115-125	115-125	-	230-250
2015-16 (projections)	115-125	115-125	115-125	345-375
2016-17 (projections)	115-125	115-125	115-125	345-375

Demographic Data

19K654 has not yet opened. Therefore, there is no demographic data for the school. The DOE anticipates that 19K654 would have similar demographic data to that of J.H.S. 166, and as it would give priority to students from J.H.S. 166's zone and likely have similar student characteristics and needs.

Performance Data

There is no performance data available for the school because 19K654 has not yet opened.

AF High School 2

Admissions Data

Current Admissions	N/A
Admissions During and After Proposed Phase-out of J.H.S. 166	Grades 9-12: Enroll students who have been promoted from AF East NY and AF Bushwich

Enrollment Data

	Grade 9	Grade 10	Grade 11	Grade 12	Total Enrollment
2012-13 (unaudited)	-	-	-	-	-
2013-14 (projections)	95-120	-	-	-	95-120
2014-15 (projections)	95-120	85-105	-	-	180-225
2015-16 (projections)	95-120	85-105	75-95	-	255-320
2016-17 (projections)	95-120	85-105	75-95	70-90	325-410

Demographic Data

There is no demographic data available for the school because AF High School 2 has not yet opened.

Performance Data

There is no performance data available for the school because AF High School 2 has not yet opened.

V. Initial Impact on Budget and Cost of Instruction

If this proposal is approved, once the phase-out of J.H.S. 166 is fully implemented, the DOE would cease to allocate funds to J.H.S. 166 and repurpose all remaining funds previously allocated to the school.

Most funding in schools' budgets is allocated on a per-pupil basis, based on current Fair Student Funding ("FSF") per capita allocation levels, which are subject to annual variation. FSF covers basic instructional expenses and FSF funds may, at the school's discretion, be used to hire staff, purchase supplies and materials, or implement instructional programs.

As a result of the phase-out, the total number of students enrolled at J.H.S. 166 would decline each year, meaning that the school's budget would decrease each year, and the school would need fewer teachers and fewer supplies to meet the needs of its smaller student population. If for some reason the overall school enrollment grows again, the overall budget would increase accordingly. In any case, funding will be provided in accordance with enrollment levels, allowing the school to meet the instructional needs of its student population. This is how funding is awarded to all schools throughout the City, with budgets naturally increasing or decreasing as enrollment fluctuates from year to year.

Please refer to the FSF Guide and FY13 School Allocation Memoranda for additional information on cost of instruction and how the changes to FSF funding and other school allocations will be impacted as a result of register changes at J.H.S. 166. The FSF Guide is available at: http://schools.nyc.gov/offices/d_chanc_oper/budget/dbor/allocationmemo/fy12_13/FY13_PDF/FSF_Guide.pdf.

The FY13 School Allocation Memoranda is available at: http://schools.nyc.gov/offices/d_chanc_oper/budget/dbor/allocationmemo/fy12_13/AM_FY13_CAT.html.

Staffing changes are at the discretion of the school within the limits of contractual and mandated obligations.

As a school identified by the State as a Priority School, J.H.S. 166 must implement a school intervention model. Under the proposal in which J.H.S. 166 is phased out and replaced by a new school serving the same grade levels, J.H.S. 166 is eligible to apply for funding from the New York State Education Department to support this type of whole school reform intervention model.

If this proposal is approved, the DOE, in collaboration with the school, will submit an application to the New York State Education Department for J.H.S. 166 to implement the Federal Turnaround model. The Federal Turnaround model allows for a school to be phased out and replaced by a new school over time.

If this application is approved, this funding will support both J.H.S. 166 and the new school proposed to be co-located in building K166. Funding will be available to both the school phasing out to ensure that it continues to provide students toward graduation, and funding will also be available to the new school to support student achievement.

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

A. Personnel

If this proposal is approved, all teachers, administrative, and non-pedagogical staff at J.H.S. 166 will be excessed over the course of the phase-out.⁵¹ This process will take place gradually as student enrollment declines with each successive graduating class. With fewer students, the school's staffing needs will naturally be reduced.

All excessing will be conducted in accordance with existing labor contracts. For example, the current UFT contract would require excessing to take place in reverse seniority order within each given teaching license area. Barring system-wide layoffs, excessed teachers will be eligible to apply for other City positions, and any teachers who did not find a permanent position will be placed in the ATR pool, meaning that they will continue to earn their salary while serving as substitute teachers in other City schools. Should there be a vacancy in the school in a teacher's license area within one year of the teacher being excessed, the teacher will have a right of return to the school, consistent with applicable contractual provisions regarding teachers' seniority.

Students who would otherwise have enrolled in J.H.S. 166 may now enroll in 19K654 which the DOE has proposed to phase-in to the K166 campus, or in other new schools opening borough-wide, and those schools might need to hire additional staff. The replacement school would follow the hiring process consistent with the procedures set forth in the collective bargaining agreement between the DOE and UFT, and hire no less than 50% of their staff from the most senior qualified staff from J.H.S. 166, if sufficient number of staff apply, until the impacted school has completed its phase-out.

New staff positions will also be created due to the phase-in of new or replacement schools Citywide. Consequently, this proposal would not necessarily result in an overall loss of teaching positions within the Citywide system.

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

B. Administration

If this proposal is approved, all school supervisor and/or administrator positions assigned to J.H.S. 166 will eventually be excessed when the school is closed. Some positions will likely be excessed as the school gradually phases-out, as administrative needs will decrease as the school serves a decreasing student population. Again, all excessing will take place in accordance with existing labor contracts.

If approved, this proposal will not impact the administration of UFT Charter across the two sites, K166 and K292 .

C. Transportation

If this proposal is approved, transportation would continue to be provided according to Chancellor's Regulation A-801: <http://schools.nyc.gov/NR/rdonlyres/21A1B11A-886B-4F74-9546-E875EE82A14C/40303/A801.pdf>. There will be no change to existing transportation practices at J.H.S. 166 or UFT Charter in K166 as a result of

⁵¹ Excessing of staff occurs when a school requires fewer positions than the number of staff currently in the license area or job title.

this proposal.

D. Other Support Services

The provision of certain support services is described above. Other support services would continue to be provided consistent with Citywide policy if this proposal is approved. This proposal is not expected to impact the support services of the other organizations located in K166.

VII. Building Information

Building		K166
Type of Building		Middle
Year Built		1956
Overall BCAS rating		2.38
2011-2012 Target Building Utilization		72%
2011-2012 Target Building Capacity		1,320
FY 2012 Maintenance Costs	Labor	\$13,958
	Materials	\$12,623
	Maintenance and repair contracts	\$44,156
	Service contracts	\$5,130
	Custodial operations costs—Materials	\$10,000
	Custodial operations costs—Custodial Allocation	\$294,037
FY 2012 Energy Costs	Electric	\$158,738
	Gas	\$7,737
	Oil	\$136,190
Projects completed during the current or prior school year		Classroom Connectivity
Projects proposed in the capital plan		None
Accessibility of the building		Building is functionally fully programmatically accessible
Building attributes		Art Rooms, Auditorium, Cafeteria, Computer Rooms, Gymnasium, Library, Nurse's Office