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Chancellor

Public Comment Analysis¹

Date: March 8, 2013

Topic: The Proposed Phase-Out of Choir Academy of Harlem (05M469)
Beginning in 2013-2014

Date of Panel Vote: March 11, 2013

Summary of Proposal

On January 18, 2013, the New York City Department of Education (“DOE”) issued an Educational Impact Statement (“EIS”) proposing to phase out Choir Academy of Harlem (05M469, “Choir”), an existing secondary school located in building M501 (“M501”) beginning in the 2013-2014 school year. Building M501 is located at 2005 Madison Avenue, New York, NY 10035 in Community School District 5 (“District 5”). Choir currently serves students in grades six through twelve and admits middle and high school students through a screened and audition process. The school provides performing arts, visual arts, and design programming. The DOE is proposing to phase out the school based on its poor performance and the DOE’s assessment that it lacks the capacity to improve quickly to better support student needs. In two separate EISs posted on January 18, 2013, the DOE proposed to (1) co-locate a new district high school (“05M157”) and (2) co-locate the high school grades of Democracy Prep Harlem Charter School (84M481, “Democracy Prep Harlem”) in M501 beginning in September 2013. Those proposals can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013PEP.htm>.

On February 20, 2013, the DOE amended the EIS for the proposed phase-out of Choir to reflect the proposed change in the grades to be served by Democracy Prep Harlem in M501 from grades nine through twelve to grades kindergarten through four.

On February 20, 2013, the DOE also issued a revised EIS and Building Utilization Plan (“BUP”) proposing to co-locate grades kindergarten through four of Democracy Prep Harlem in building M501 beginning in 2013-2014, instead of the high school grades of Democracy Prep Harlem as

¹ The DOE will continue to accept comments concerning this proposal up to 24 hours prior to the Panel for Educational Policy’s (“PEP”) vote on March 11, 2013. Those additional comments will be addressed in an amended Public Comment Analysis which will be provided to the PEP before it votes on this proposal.

originally proposed. Democracy Prep Harlem Charter School is an existing public charter school that is authorized by its charter authorizer, the DOE, to serve students in grades six through eight. Democracy Prep Harlem is currently serving students in grades six through eight in private, non-DOE space in District 5. Democracy Prep Harlem has applied to the DOE to expand its grade span from six through eight to kindergarten through twelve, reaching full scale in 2018-2019. In addition, Democracy Prep Harlem intends to serve students in grade five in private space, once the school begins serving fifth-grade students in 2018-2019. Should Democracy Prep Harlem's request to expand not be approved, this proposal will be revised accordingly.

This amended EIS changes the grades to be served in M501 by Democracy Prep Harlem from nine through twelve to kindergarten through four. This means that Democracy Prep Harlem's high school grades will not be served in M501. However, the DOE is identifying an alternate site for the high school grades of Democracy Prep Harlem in Manhattan beginning in 2013-2014. Thus, this revision does not impact future borough-wide high school seat capacity.

The revised EIS for the proposed opening and co-location of 05M157 and the revised EIS and BUP for the proposed co-location of grades kindergarten through four of Democracy Prep Harlem in M501 beginning in 2013-2014 can be found at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar202013Proposals.htm>.

If this phase-out proposal is approved, Choir will concurrently phase out its middle and high school grades such that in 2013-2014, the first year of phase out, Choir will no longer serve students in sixth and ninth grades; in 2014-2015 Choir will no longer serve students in seventh and tenth grades; in 2015-2016 Choir will no longer serve students in eighth and eleventh grades; and, after the conclusion of the 2015-2016 school year, Choir will close. Current middle school students will be served and supported as they progress towards completion of middle school; current high school students will be served and supported as they progress towards high school graduation. In cases where students do not meet promotional requirements from middle school or complete high school graduation requirements by the applicable school closing date, the DOE will help students and families identify alternative schools that meet students' needs so that they may continue their education after Choir completes phasing out.

Choir is co-located with Harlem Children's Zone Promise Academy II (84M341, "Promise Academy II"), an existing public charter school serving students in grades kindergarten through eight. In addition, building M501 houses an Alternative Learning Center (88M993, "ALC"). ALCs provide an educational setting for students who are suspended from their regular schools to receive academic, social, and emotional supports to prepare themselves for a return to the school from which they were suspended.

Promise Academy II's seventh and eighth grades are temporarily co-located for one year with Choir and the ALC in M501. The temporary expansion of the co-location of Promise Academy II's seventh and eighth grades in M501 was proposed and approved by the Panel for Educational Policy ("PEP") on March 23, 2011. Beginning in the 2013-2014 school year, Promise Academy II will only serve students in kindergarten through sixth grade in M501, as the seventh and eighth grades of Promise Academy II will move to private, non-DOE space.

If this phase-out proposal is approved, Choir will continue serving currently enrolled students, but will begin phasing out in September 2013, and will complete its phase-out after the 2015-2016 school year. In two separate EISs posted on January 18, 2013 and revised on February 20, 2013, the DOE is proposing to co-locate a new district high school, 05M157, and grades kindergarten through four of Democracy Prep Harlem beginning in September 2013. Those revised proposals can be found here:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar202013Proposals.htm>.

If those proposals are approved, 05M157 will open with ninth grade, adding one grade per year and reaching full scale in the 2016-2017 school year with a grade span of nine through twelve in building M501. If approved, Democracy Prep Harlem will expand to serve students in grades kindergarten through four in M501, adding one grade per year and reaching full-scale in the M501 building in the 2017-2018 school year. Democracy Prep Harlem is an existing public charter school that currently serves students in grades six through eight in private, non-DOE space at 207 West 133rd Street, New York, NY 10030 in District 5. Students in grades six through eight will continue to be served in that private, non-DOE space as mentioned above. 05M157 and Democracy Prep Harlem will grow to their intended grade spans as Choir phases out.

Copies of the updated EISs and BUP are also available in the main offices of Choir Academy of Harlem and Harlem Children's Zone Promise Academy II Charter School.

Summary of Comments Received at the Joint Public Hearing

A Joint Public Hearing regarding this proposal was held at school building M501 on February 21, 2013. At that hearing, interested parties had the opportunity to provide input on the proposal. Approximately 145 members of the public attended the hearing, and 22 people spoke. Also present at the meeting were: Choir SLT representatives Charlton Bertram, Reenie Salter, Latanya Pickney, Chelsey Simmons, Elizabeth Porter; Kathleen Fernald, Promise Academy II Principal; Promise Academy II School Leadership Team (“SLT”) Representative Kwame Owusu-Kesse; Community Education Council (“CEC”) 5 representatives Ayishah Irvin, Ernest Bryant Jr. William Hargraves, Rita McClinton; New York State Senator Bill Perkins; District 5 Superintendent Gale Reeves; Manhattan High School Superintendent Anthony Lodico; United Federation of Teachers District 5 Representative Dwayne Clark; Council of School Supervisors & Administrators Junita Bass; Sara Kaufman, Meera Jain, and Yoo Jin Cheong representing the Office of Portfolio Management, and Deputy Chancellor Marc Sternberg.

A subsequent Joint Public Hearing regarding the revised proposals to open and co-locate grades kindergarten through four of Democracy Prep Harlem Charter School (84M481) and new district school (05M157) with Choir Academy of Harlem (05M469) and Harlem Children’s Zone Promise Academy II (84M341) will be held at building M501 on March 18, 2013. A separate document of Public Comment Analysis contains the comments regarding those proposals, but

comments made regarding the proposal to phase out Choir made at either of the two joint public hearing are contained within this document.

The following comments and remarks were made at the Joint Public Hearing

1. New York State Senator Bill Perkins opposed the proposal and commented as follows:
 - a. He is very concerned about the charter replacement plan.
 - b. He believes that the voices and opinions of those directly impacted by this proposal have not been heard or included.
2. Choir SLT member Charlton Bertram opposed the proposal and asserted the following:
 - a. Choir has gone through many different principals which has destabilized the school.
 - b. Choir's middle school English Language Arts ("ELA") proficiency rates fell because the middle school did not have an ELA teacher for most of the year and only received a certified teacher one month before the ELA exam.
 - c. The DOE should reexamine the data that determined that Choir should be phased-out.
 - d. Choir has to accept over-the-counter students, which are more difficult to work with.
3. SLT member Latanya Pickney opposed the proposal and asserted the following:
 - a. The DOE should create an intervention plan and offer professional development to teachers.
 - b. Allow Choir to create more partnerships with local institutions and arts organizations.
 - c. The school has a new principal that is changing things.
 - d. The DOE should uphold the promises made to Choir in order to allow Choir to continue their successful work.
 - e. Phasing out schools does not work.
4. District 5 CEC member, Rita McClinton, opposed the proposal and asserted her support for the children of Choir.
5. District 5 CEC member, William Hargraves, opposed the proposal and advocated that others join him in opposing the proposal. He also asserted that:
 - a. When parents take their students out of Choir, the school will lose money.
6. District 5 CEC member, Ayisha Irvin, opposed the proposal and expressed the hope that her:
 - a. Daughter can attend Choir because she loves to sing and this school would be a great option for her.
7. District 5 CEC member, Ernest Bryant Jr., opposed the proposal and expressed the following concerns:
 - a. The DOE has not supported Choir, and it is their responsibility to do so.
 - b. What support did the DOE provide when Choir was struggling?
 - c. The school received an F because of the ineffective leader that the DOE put in the school; Choir should not be phased out because of this.
 - d. The school has succeeded even with many different leaders, lack of adequate space in the gym and cafeteria and inadequate teachers.

- e. The new principal has enthusiasm, zeal and will turn this school around.
8. District 5 UFT Representative, Dwayne Clark, opposed the proposal and asserted the following:
 - a. Phasing out schools does not work and there is no data proving that closing a school will help the impacted students perform better.
 - b. Data shows that students from other phased out schools had lower graduation rates than students at Choir.
 - c. When you reduced the enrollment of Choir, you allow another school to co-locate in the building, which has caused safety issues.
 - d. The DOE needs to provide support if they want to help Choir.
 - e. The new principal, Dr. Vaughan, has initiative and a clear vision for Choir.
 - f. The UFT will not stand by the decision to close Choir or any other school in New York City.
9. Council of School Supervisors & Administrators representative Juanita Bass opposed the proposal and expressed the following concerns:
 - a. Principal Vaughan should be given the time and opportunity to implement her plan for Choir.
 - b. Choir should be given a chance to provide performing arts and academic opportunities.
 - c. Closing Choir will do more harm than good.
10. Multiple commenters suggested that co-locating schools in the building creates more safety issues.
11. Multiple commenters suggested that the building is already overcrowded and that Choir needs its space back.
12. Multiple commenters suggested that Choir has not been provided appropriate resources and supports needed to improve.
13. Multiple commenters suggested that Choir has not been given enough time to improve and should be given more time to turnaround.
14. Multiple commenters stated that they are supportive of Principal Vaughan.
15. One commenter questioned why Brownsville Academy students sued the DOE over co-locating Success Academy Charter School.
16. Two commenters stated that they should file a lawsuit and sue the DOE to prevent the phase-out of Choir.
17. One commenter asserted that Choir is a family, and that they look after each other like a family.
18. Multiple commenters stated that Choir has completely changed and the new leadership is doing a great job.
19. Multiple commenters suggested that everyone wants the best for children, thus we must work together to rebuild Choir rather than shut it down.
20. One commenter stated that there are only a few schools with arts programming and closing Choir will be devastating to the students who want to pursue arts.
21. One commenter stated that Choir serves a higher percentage of students with special needs, which is why they are struggling.
22. One commenter asked why the DOE is taking away the music and arts programming from the Harlem community.

23. Multiple commenters asserted that schools are being closed because the DOE and Mayor Bloomberg think they have the power to close schools.
24. Multiple commenters asserted that public schools are being closed to give space to charter schools.
25. One commenter asked what will happen to the students at Choir if they are essentially being evicted from their school.
26. Multiple commenters stated that Mayor Bloomberg's policy of allowing charter schools to co-locate beginning in 2015 and onwards is a joke.
27. One commenter said that there is evidence to suggest that Choir should not be closed because its attendance and graduation rates are relatively on par with other schools that are not being closed.
28. Multiple commenters said that they auditioned for Choir and are proud of themselves for graduating from Choir.
29. One commenter stated that Choir is being phased-out because of financial reasons.
30. One commenter said that Choir has been underfunded for many years and now those funds are going to charter schools in the building.
31. One commenter said that the teacher-to-student ratio has increased which has impacted the ability of our children to learn.
32. One commenter stated that the DOE's reasons for closing the school are not addressing the underlying issues.
33. One commenter stated that phasing out Choir will put stress on the teachers, staff and students.
34. Multiple commenters stated that Choir no longer auditions prospective students and enrolls students who are not interested in performing arts or music.

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

The DOE received three written comments at the joint public hearing.

35. One commenter asked if this school is being closed because of lack of funding.
36. One commenter asked if the school can have more time to turnaround.
37. One commenter asked why the DOE is phasing out Choir if the community supports the school.

The DOE received three written comments via email.

38. One commenter stated that Choir has value in the community and should not be closed.
39. One commenter opposed the proposal and expressed the following:
 - a. Choir should be provided with resources it needs to build strong academics to match its artistic mission.
 - b. Principal Vaughan has taken steps to revitalize instruction and strengthen the culture of the school.
 - c. Phasing out Choir will cause students to become demoralized.
40. One commenter opposed the proposal and expressed the following:
 - a. Choir has faced administrative and staffing challenges which caused the drop in the Progress Report grade.

- b. Choir has not receive any substantial support from the DOE.
- c. Principal Vaughan has revamped the mission, vision and culture of Choir.
- d. The arts and sports program at Choir are flourishing.
- e. Choir has implemented new initiatives, such as academic interventions, Regents tutoring, professional development sessions and should be given more time to improve.

The DOE has not received any oral comments via voicemail.

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

- In response to comment 2(d), which states that students that arrive over-the-counter (“OTC”) are more difficult to work with. OTC placement is a term that refers to the method of enrolling students who need a school assignment because they were not part of any admissions process for entry grades and/or were not enrolled in a New York City school at the time school started. These students fall into one of four categories:
 - New to the New York City school system;
 - Left the New York City school system and have returned;
 - Are seeking transfers (based on the guidelines outlined in Chancellor’s Regulation A-101); or
 - Students who did not participate in the elementary or middle school admissions process for some other reason.

When a 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. 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. It is critical that the needs of all students—whether they arrive through the Middle School Choice Process, High School Admissions Process or the over-the-counter process—are met. Approximately 10 sixth-grade students and 11 ninth-grade students were admitted to Choir through the OTC placement process during the 2011-2012 school year for September 2012 enrollment. There are only 21 of the 137 total new sixth and ninth-grade students at the school, which leaves 116 new sixth and ninth-grade students that were not admitted OTC. Of the 10 sixth-grade students and 11 ninth-grade students who arrived over-the-counter, or 21 in total, none are students with disabilities or ELLs.

- In response to comment 1(b) which concerns the public input process. The DOE appreciates all feedback from the community regarding a proposal. When the Educational Impact Statement and Building Utilization Plan are issued, they are made available to the staff, faculty and parents at the impacted schools in building M501, on the DOE’s Web site, and in each school’s respective main office. In addition, the DOE dedicates a proposal-specific website and voicemail to collect feedback on this proposal. Furthermore, all schools’ staff, faculty and parent communities are invited to the Joint Public Hearing to provide further feedback.

Although the DOE recognizes that people in the community may have strong feelings against this proposal, the DOE believes that, if this proposal is approved, the school communities at Choir, 05M157, Democracy Prep Harlem, and Promise Academy II will be able to create productive and collaborative partnerships.

- In response to comments 2(a) and 40(a) that Choir's frequent changes in leadership led to destabilization: Although Choir has had 7 principals over the past 18 years and received a new principal in February 2012, Choir has continued to receive support and assistance from their superintendent and Children First Network, a team that delivers operational and instructional support directly to schools. Leadership, while very important, is still only one component of a school. The school culture and conditions have not enabled increased student achievement. It is our belief that phasing out this school and bringing in higher quality schools will provide better options for the community and families in the future.
- In response to comment 2(b) that the low ELA proficiency rates of Choir's middle school in 2011-2012 was attributed to the loss of the ELA teacher that year. The overwhelming majority of Choir middle school students remain below grade level in English Language Arts. In 2011-2012, only 11% of students were performing on grade level in ELA — putting the school in the bottom 4% of middle schools Citywide. In 2010-2011, only 13% of students were performing on grade level in ELA — putting the school in the bottom 4% of middle schools Citywide. In 2009-2010, only 11% of students were performing on grade level in ELA— putting the school in the bottom 4% of middle schools Citywide. These figures suggest that Choir middle school students have remained below grade level in ELA since 2009-2010, not just in the most recent academic year, 2011-2012, which suggests that their low ELA proficiency rate is not solely due to the loss of an ELA teacher.
- In response to comments 3(a), 7(a,b), 8(d), 12, 39(a), and 40(b) concerning supports and resources offered to Choir: All schools receive support and assistance from their superintendent and Children First Network, a team that delivers operational and instructional support directly to schools. Struggling schools receive supports as part of system-wide efforts to strengthen all schools; and they also receive individualized supports to address their particular challenges. We do everything we can to offer struggling schools leadership, operational, instructional, and student supports that can help turn a struggling school around.

We have had enormous success around the City replacing our lowest-performing schools with new schools that do better. We owe it to our families to give them the best possible options, and in some cases that means replacing low-performing schools with new ones. Regarding Choir's efforts to improve performance, the DOE offered numerous supports, including:

Leadership Support:

- 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.
- Coaching principals and assistant principals in using performance and accountability data to inform school-wide improvement goals.

Instructional Support:

- Providing training for teachers in ways to improve lesson planning and differentiate instruction to ensure that learning is challenging and engaging for students.
- Coaching school staff in monitoring students' credit accumulation and Regents test scores, in order to identify areas where students are falling behind and adjust instructional planning and academic programming accordingly.
- Facilitating school-wide professional development aimed at raising the rigor of instruction across all content areas.
- Providing direct instructional coaching for math, social studies, and science teachers to support the development of rigorous curriculum, mapping and rubrics to enhance instructional coherence and consistency.

Operational Support:

- Providing support to the school in the management of mandates and compliance requirements for students with disabilities to ensure such students receive mandated services.
- Advising the school on grant implementation and working with the principal to align the budget with the school-wide instructional goals.
- Advising the school on budgeting, building management and staffing.

Student Support:

- Working with the principal to design and implement an advisory program for seniors to support students in increasing credit accumulation, passing Regents exams, meeting graduation requirements, and completing the college application process.
 - Coaching the school in evidence-based guidance and counseling strategies to build the school's capacity to offer social and emotional support to students.
 - Working with school leadership and guidance counselors to implement college admissions counseling for students.
 - Facilitating work with vendors and external partners to provide extra-curricular opportunities for students to increase student engagement.
- In response to comment 31 concerning an increase in the teacher-to-student ratio at Choir: Class size is primarily determined by how principals choose to program students at their school within their budget. Thus, no particular proposal, in and of itself, necessary impacts class size. The Citywide instructional footprint relies on upon the current programming at a school (number of sections) to determine the baseline footprint allocation. The DOE acknowledges that there are some members of the schools'

communities that are opposed to the proposal and/or believe that the performance struggles are attributed to large class sizes. Based on 2012-2013 Audited Register (as of October 26, 2012), the average class size is 26 students per class, which is below the contractual maximum of 32 students per class. Furthermore, given the schools' longstanding performance struggles, we believe that phasing out certain schools and/or creating new educational options by co-locating schools will best serve the families in these communities.

- In response to comments 3(c), 4, 5, 6(a), 7(e), 8(e), 9(a), 14, 17, 18, 19, 28, 37, 38, 39(b), and 40(c) which discuss the positive aspects of the school, principal, and its standing in the community: The DOE acknowledges the positive experiences of some students and staff at Choir over the years. However, the decision to propose the school for phase-out is driven by a commitment to helping all students succeed and the performance of Choir over the past several years suggests that many students are not being well served.

In addition, the DOE recognizes the important role that schools play in their communities and knows that schools throughout the city are not just educational institutions, but rich and tight-knit communities. The DOE expects that the schools proposed to replace Choir will be fully engaged with the community and will continue to play a vital role as an anchor for the community.

- In response to comments 5(a), 29, and 35 which discuss the funding of schools proposed for phase-out. Phase-out schools will continue to be funded in the way that they have been and in the same way that all citywide schools are funded, through the Fair Student Funding allocations distributed on a per-pupil basis. Principals will work with their Networks to prioritize their budgets for the year and ensure there are adequate funds to pay for staff salaries and other resources.

To the extent a school's per pupil allocation cannot support its basic needs, the school will assume a deficit. However the DOE will typically hold the school 'harmless' for the first year – meaning, the school will not be impacted by its lack of funding during that school year. For future years, the DOE will work with the school to create an interest-free repayment plan.

It is true that some schools may experience a reduced enrollment due to students who transfer to other schools. However we believe that students should have this opportunity to attend another school that will better serve their needs. Students who choose to remain enrolled in their phase-out school will continue to be provided with the support and interventions they need.

- In response to comments 5 and 25 which discuss the enrollment of a school proposed for phase-out. If this phase-out proposal is approved, building M501 will remain open, but Choir will concurrently phase out its middle and high school grades such that in 2013-2014, the first year of phase out, Choir will no longer serve students in sixth and ninth grades; in 2014-2015 Choir will no longer serve students in seventh and tenth grades; in 2015-2016 Choir will no longer serve students in eighth and eleventh grades; and, after

the conclusion of the 2015-2016 school year, Choir will close. Current middle school students will be served and supported as they progress towards completion of middle school; current high school students will be served and supported as they progress towards high school graduation. In cases where students do not meet promotional requirements from middle school or complete high school graduation requirements by the applicable school closing date, the DOE will help students and families identify alternative schools that meet students' needs so that they may continue their education after Choir completes phasing out.

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 expand the PSC process so that students in previously ineligible phase-out schools, including Choir, can participate in the PSC process. This would mean that students at Choir would be considered for a public school transfer after applicants from all other currently eligible schools. By doing this, the DOE is seeking to maximize the availability of a transfer for students from phase-out schools who are interested in completing their educational program elsewhere.

- In response to comments 21 and 27 indicating that Choir serves a higher percentage of students with special needs and that their recent graduation and attendance rates and overall performance does not warrant phase-out: each school's performance is compared to the performance of schools in its peer group. Peer schools are those New York City public schools with a student population most like the school's population, according to the peer index. Each middle and high school has up to 40 peer schools, up to 20 schools with peer index immediately above it and up to 20 schools with peer index immediately below it. The peer index for Choir's middle school includes the percentage of students with disabilities, economic need index, percentage of Black and Hispanic students and percentage of students classified as English Language Learners ("ELL"). The peer index is used to sort schools on the basis of students' academic and demographic backgrounds, and the formula to calculate a high school's peer index includes the percentage of students with disabilities, the average eighth grade English and Math proficiency scores of incoming students, percentage of students with self-contained placements, and the percentage of overage students. Thus, Choir is grouped in its peer group with other New York City public schools with similar student academic and demographic backgrounds.

Based on these factors, other schools in Choir's high school peer group have overall better student outcomes. Both Choir and Williamsburg High School for Architecture and Design, an existing Brooklyn high school, serve a similar population of students with IEPs, students in self-contained sections, and overage students. The percentages for Choir high school are 9.7%, 4.5%, and 9.7%, respectively for these populations. As for Williamsburg High School for Architecture and Design, those numbers are 19.2%, 5.4%, and 8.2%, respectively. Yet Williamsburg High School for Architecture and Design's

four-year graduation rate is at 88.3% compared to 61.4% at Choir high school. The percentage of ninth graders earning more than ten credits, a key performance indicator for high schools at Choir is 54.3% compared to 93.6% at Williamsburg High School. Furthermore, Williamsburg High School for Architecture and Design's attendance rate is 90.2% compared to 83.1% at Choir middle school.

Other schools in Choir's middle school peer group have overall better student outcomes. Both Choir and M.S. 324 – Patria Mirabal, an existing Manhattan middle school serve a similar population of students with IEPs and ELLs. The percentages for Choir middle school are 19.8% and 2.6%, respectively for these populations. As for M.S. 324 – Patria Mirabal, those numbers are 19.4% and 44%, respectively. Yet M.S. 324 – Patria Mirabal's overall Progress Report grade was an A compared to an F at Choir middle school. Furthermore, M.S. 324 – Patria Mirabal's attendance rate is 94.9% compared to 91.9% at Choir middle school.

These statistics show that student demographics do not determine student performance and that all students regardless of their background should have their needs met in school. The DOE holds all schools accountable on these measures and believes that Choir can do better for its students.

- In response to comments 3(d), 7(d), and 40(d), regarding the positive improvements that Choir has recently seen: The DOE commends and acknowledges the students and staff of Choir for their hard work. While the DOE notes that the Choir community is working towards improving the school, the DOE believes that drastic action must be taken given the school's performance struggles and continued decline.
- In response to comment 3(b) regarding the partnerships at Choir: The DOE recognizes and commends the partnerships at Choir that have helped to support student learning. The DOE notes that the partnerships offered by Choir would continue to exist during the school's phase-out, though the specific programs and partnerships offered may change. That is true for any City student as all schools modify offerings annually based on student demand and available resources. The proposed new school is also expected to partner with community-based organizations to provide programming for its students.

Additionally, as Choir phases out and the new school phases in, the DOE will work to assist in continuing these partnerships and/or developing new ones to further the educational experience of the students.

- In response to comments 2(c), 7(c), which questions the data used to identify schools for phase-out. In a concerted effort to ensure that all students have access to high-quality school programs, the DOE annually reviews the performance of all schools Citywide. This process identifies schools that are having the most trouble serving their students. Using a wide range of data and on-the-ground information, we identify our most struggling schools for intensive support or intervention.

First, we compile a preliminary set of schools that meet one or more of the following criteria:

- Received a grade of D, F, or a third consecutive C or worse on the 2011-12 Progress Report; and/or
- Received a rating on the most recent Quality Review of Developing or Underdeveloped; and/or
- Identified as Priority (bottom 5% in the state) by the New York State Education Department; and/or
- Received a recommendation on their 2011-12 Joint Intervention Team review for significant change in organizational structure or phase out/closure.

Next, we apply additional criteria to determine which schools are most in need of support or intervention. We remove from consideration schools that meet any of the following criteria:

- Elementary and middle schools that have a higher English Language Arts and Math average proficiency than their district average or the city average (whichever is lower). The city average for 2011-12 is 53.5% proficient; and/or
- High Schools that have a higher graduation rate than the citywide graduation rate. The citywide rate for 2010-11* is 65.5%; and/or
- Schools that received an A or B on the 2011-12 Progress Report; and/or
- Schools that earned a Well Developed score on a 2010-11 or 2011-12 Quality Review; and/or
- Schools receiving a Progress Report Grade for the first time in 2011-12.

**Note: 2011-12 citywide graduation rate is not available yet.*

Schools that are removed from consideration for the most intensive support or intervention will receive differentiated support from their network team, but are not considered for phase-out.

We identify the remaining schools as struggling schools. These schools will undergo strategic action planning. These plans will identify concrete action steps, benchmarks, and year-end goals aimed at immediately improving student achievement. This plan will outline the specific support the network will provide to the school to address the most urgent areas of need, including:

- Leadership coaching;
- Professional development on instructional strategies for struggling students;
- Identifying grants aimed at specific needs of the school;
- Introducing new programs;
- Supporting the development of a smaller learning environment; and
- Possible leadership change.

Some of the struggling schools were also further investigated for more serious interventions that may include phase out/truncation and replacement. When considering whether a struggling school should be investigated as a candidate for more serious intervention – phase-out/closure/truncation – we consider a few key data points:

- Student performance trends over time;
- Demand/enrollment trends over time;
- Interventions already underway (e.g. SIG model);
- Talent data;
- School culture / environment;
- District needs / priorities; and
- School safety data.

In addition to our investigation, we also had conversations with school staff, parents, students, communities, and networks to get a holistic sense of what is happening at the school and what supports or interventions would most likely improve student outcomes. In our early engagement meetings at these schools, we had conversations with constituents about what is working and what isn't before making a decision about the supports or interventions that can best support student outcomes.

At the end of this multi-step process, our analysis and engagement directed us to a set of schools that quantitative and qualitative indicators show do not have the capacity to significantly improve. Deciding what course of action can best support the students and community of a struggling school is not easy, but we are compelled to act based on our commitment to ensuring that every student has access to high-quality schools.

No single factor determines whether a school will phase out or not. Deciding to phase out a school is the toughest decision we make. But it is the right thing to do for the students of New York City.

- In response to comments 3(e), 8(a,b), and 9(c) which question the DOE's overall strategy of phasing-out and replacing low performing schools across New York City. The DOE is committed to providing a portfolio of high quality school options to students and families because every child in New York City deserves the best possible education. A part of that strategy involves identifying the City's lowest performing schools and determining whether they can turn around quickly to better serve their student population. For the schools that the DOE determines lack the capacity to turn around quickly to better serve their student populations, the DOE recommends the most serious intervention: gradually phasing out the school over time by no longer enrolling new students. To ensure that as many students as possible have access to the best possible education, under this Administration, New York City has replaced 142 of our lowest-performing schools with better options and opened 576 new schools: 427 districts schools and 149 public charter schools. As a result, we've created more high-quality choices for families. Graduation rates at new schools are higher than the schools they replaced. Here are a few examples:
 - *Manhattan*: The new schools located on the Seward Park Campus in lower Manhattan had a graduation rate of 71.1% in 2011, compared to Seward Park High School's graduation rate in 2002 of 36.4% (Seward Park HS completed its phase-out in 2006).
 - *Manhattan*: The new schools located on the Park West Campus in Manhattan had a graduation rate of 72.2% in 2011, compared to Park West High School's

graduation rate in 2002 of 31.0% (Park West HS completed its phase-out in 2006).

- *Brooklyn:* In 2011, the schools on the Van Arsdale campus in Brooklyn had a graduation rate of 86.7%—about 40 points higher than the former Harry Van Arsdale High School’s graduation rate of only 44.9% in 2002 (Van Arsdale HS completed its phase-out in 2007).
- *Brooklyn:* The Erasmus Hall High School graduated only 40.3% of student in 2002. The new schools on the Erasmus campus are getting tremendous results, graduating 71.4% of students in 2011. (Erasmus Hall HS complete its phase-out in 2006.)
- *Queens:* The new schools located on the Springfield Gardens Campus in Queens had a graduation rate of 68.8% in 2011, compared to Springfield Gardens High School’s graduation rate in 2002 of 41.3% (Springfield Gardens HS completed its phase-out in 2007).
- *Bronx:* The new schools located on the Evander Childs Campus in the Bronx had a graduation rate of 72.6% in 2011, compared to Evander Childs High School’s graduation rate in 2002 of 30.7% (Evander Childs HS completed its phase-out in 2008).

We count on each of our schools to provide a high-quality education to its students—and we hold all schools to the same high standard. If a school isn’t getting the job done for its students, we are compelled to take serious action to ensure its students don’t fall even further behind.

- In response to [comment 32](#) which suggests the phase-out of Choir will not address their struggles. As a result of the school’s performance struggles - Choir’s middle school received an overall F grade on its 2011-2012 Progress Report, down from an overall B grade on its 2010-2011 Progress Report. Choir’s high school received an overall F grade on its 2011-2012 Progress Report, down from an overall C grade on its 2010-2011 Progress Report. The school was rated “Proficient” on its most recent Quality Review in 2010-2011 - the DOE initiated a comprehensive review of Choir with the goal of determining what intensive supports and interventions would best benefit its students and the Choir 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. In light of the fact that performance at Choir declined from 2010-2011 to 2011-2012, the DOE now believes that the only the most serious intervention - the gradual phase-out and eventual closure of all grades of Choir - will address the school’s declining performance and longstanding struggles and allow for new school options to develop in building M501 that will better serve future students and the broader community.
- In response to [comment 23](#) which suggests that Mayor Bloomberg and Chancellor Walcott have closed schools because they have the power to do so. The PEP is the body responsible for approving or rejecting proposals, not Mayor Bloomberg or Chancellor Walcott. Currently, no decisions have been made by the PEP regarding this proposal.

While proposals have been posted and later withdrawn before the PEP vote based on public feedback, the PEP has not voted down any proposals.

- In response to comments 13, 36, and 40(e) which suggest that Choir be given more time to improve: The DOE counts on each of the city's schools to provide a high-quality education to its students and holds all schools to the same high standard. If a school is not getting the job done for its students, we are compelled to take serious action to ensure its students do not fall even further behind.
- In response to comments 8(c) and 10 which relates to co-locations and school safety issues: building M501 currently has two schools, Choir and Promise Academy II, as well as a high school level ALC. Given the finite number of buildings available in New York City, the DOE attempts to use all of its school buildings as efficiently as possible. Co-location is therefore very common in New York City schools – with 33% of all DOE buildings housing more than one school organization - as there are not sufficient school buildings to allow each school organization to operate its own building. A co-location means that two or more school organizations are located in the same building. While they share common spaces like auditoriums, gymnasiums, and cafeterias, each school is allocated particular classrooms and spaces for its own students' use. The DOE is confident that Choir and Promise Academy II will be able to create a collaborative and mutually respectful environment for all students, staff, and faculty members in building M501.

Pursuant to Chancellor's Regulation A-414, every school/campus is mandated to form a School Safety Committee, which is responsible for developing a comprehensive School Safety Plan that defines the normal operations of the site and what procedures are in place in the event of an emergency. The School Safety Plan is updated annually by the Committee to meet changing security needs, changes in organization and building conditions and any other factors; these updates could also be made at any other time when it is necessary to address security concerns. The Committee will also address safety matters on an ongoing basis and make appropriate recommendations to the Principal(s) when it identifies the need for additional security measures.

- In response to comments 11 and 24 which relate to co-locations, overcrowding and general space allocation: there are currently hundreds of schools in buildings across the City that are co-located; some of these co-locations are multiple DOE schools while others are DOE and public charter schools sharing space. In all cases, allocation of classroom, resource, and administrative space is guided by the Citywide Instructional Footprint (the "Footprint") which is applied to all schools in the building.

The DOE seeks to fully utilize all its building capacity to serve students. The DOE does not distinguish between students attending public charter schools and students attending district schools. In all cases, the DOE seeks to provide high quality education and allow parents/students to choose where to attend school.

The Footprint is the guide used to allocate space to all schools based on the number of class sections the school programs and the grade levels of the school. The number of class sections at each school is determined by the Principal based on enrollment, budget, and student needs; there is a standard guideline of target class size (i.e., number of students in a class section) for each grade level. At the middle school and high school levels, the Footprint assumes every classroom is programmed during every period of the school day except one lunch period. The full text of the Instructional Footprint is available at http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf.

For buildings with charter schools, there may be a BUP which details the number of class sections each school is expected to program each year and allocates the number of classrooms accordingly. The assignment of specific rooms and location for each in the building, including those for use in serving students with IEPs or special education needs, will be made in consultation with the Principals of each school and the Office of Space Planning if the proposal is approved. The BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location.

Building M501 has a target capacity to serve 1,316 students. (The concept of “target capacity” is described below.) In 2012-2013, the building is serving 1,024 total students, yielding a utilization rate of 78%. This means that the building is “under-utilized” and has extra space to accommodate students.

Once Choir has completed its phase-out, 05M157 has reached full scale, and grades kindergarten through four of Democracy Prep Harlem have phased in, there will be approximately 1,193-1,490 students served in building M501 in 2017-2018, yielding an estimated utilization rate of 91% - 113%.

Although a utilization rate in excess of 100% may suggest that a building will be over-utilized or over-crowded in a given year, this rate does not account for the fact that rooms may be programmed for more efficient or different uses than the standard assumptions in the utilization calculation.

In addition, charter school enrollment plans are frequently based on larger class sizes than target capacity, contributing to building utilizations above 100% while not impacting the utilization of the space allocated to the traditional public school.

- In response to comment 30 which relates to funding at Choir and at the proposed charter school in building M501: In New York City, we fund schools through a per pupil allocation. 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. As we’ve seen, Choir’s enrollment has declined, between 2011-2012

and 2012-2013, Choir's middle school enrollment dropped by 10%, or 20 students, which resulted in a decrease in Fair Student Funding.

Charter schools receive public funding for general education students pursuant to a formula created by the state legislature, and overseen by the New York State Education Department. The DOE does not control this formula, and the funding formula for charter schools is not affected by the approval or rejection of this proposal. Charter management organizations, just like any other school citywide, may also choose to raise additional funds to purchase various resources they feel would benefit their students (e.g., Smartboards, fieldtrips, etc).

- In response to comments 9(b), 20 and 22 which relates to the loss of the specialized programming in visual and performing arts if Choir is phased out: With respect to academics, Choir will continue offering all necessary classes to support current students as they work to meet promotion or graduation requirements. As total enrollment at the school declines throughout the course of the phase-out, the school will likely need to scale back its elective course offerings. It is difficult to predict how those changes might be implemented, as decisions would rest with school administrators and would be based on student demand as well as staff and budget conditions at the school. As appropriate, the DOE will work with Choir to ensure that students continue to have opportunities to pursue elective academic coursework through collaborative offerings with other schools in the building, online coursework, or in partnership with higher education institutions in the City.

Choir currently offers specialized programming in visual and performing arts. There are currently ten other high schools in Manhattan that offer programs in visual art & design and eight other schools in Manhattan offering programs in performing arts. The ten high schools with visual arts programming offer 11 separate programs, five of which require auditions. The eight high schools with performing arts programs offer 22 separate programs, 21 of which require auditions. The remaining program uses a limited unscreened admissions policy (see Appendices A and B for the complete list of schools and programs).

Thus, the proposed phase-out of Choir will have an impact on the demand at other visual and performing arts middle and high schools, specifically those with similar programming, although the extent of this impact is not precisely known. Middle and high school students will continue to have access to a broad range of middle and high school options through the District 5 Middle School Choice process and the Citywide High School Admissions Process. These include many other Manhattan middle and high schools, some of which offer academic programs and curricula similar to those currently available at Choir.

- In response to comments 33 and 39(c) which relate to the emotional and mental impact a phase out decision can have and supports that can be offered to schools during phase out: While we know that phasing out and replacing schools is a difficult and challenging process for the impacted parties, we believe it is the right decision for these communities,

and we take seriously our obligation to provide high-quality support to students in schools that are phasing out.

Supports for students in phase-out schools have evolved over several years as we have learned what differentiated support is needed to support these schools and students.

If phase out proposals are approved, schools will receive support in the areas of budget, staffing, programming, community engagement, guidance and enrollment including, but not limited to:

- Helping the school provide students with options that support their advancement, and fully prepare students for their next transition point.
- Working with school staff to foster a positive culture.
- Supporting school leadership in efficiently and strategically allocating resources to ensure a consistent and coherent school environment focused on student outcomes.

In September 2011, 26 schools began phasing out. These schools have received additional funding and specialized network support. Middle schools and high schools that began phasing out in September 2011 have been supported by the Transition Support Network.

In September 2012, 17 additional schools began phasing out. All schools undergoing the process of phasing out are now supported by the Transition Support Network. Five schools that were approved for truncation continue to be supported by their networks.

While we don't know exactly what the supports will look like for the 22 proposed phase-outs and 2 proposed truncations that would be implemented beginning in September 2013 if approved, we do know that we will continue to establish differentiated and deliberate support to those schools and students.

These supports should help to continue a positive trend we have seen in phasing out schools. Historically, as high schools have phased out, their four-year graduation rates have risen.

- In response to comments 8(f) and 16, which discuss legal action against the DOE. The DOE believes that it has followed all applicable laws regarding the proposal to phase-out Choir. The proposal is not final until voted on by the PEP.
- In response to comment 34, which relates to Choir's admissions process and student interest in the performing arts component. According to the District 5 Middle School Directory, Choir's middle school admits students through the District 5 Middle School Choice Process through a screened audition method. According to the Manhattan High School Directory, Choir's high school admits students through the Citywide High School Admissions Process through a screened audition method. Audition programs require students to demonstrate proficiency in a specific performing arts or visual art and design

area. Students must audition to be eligible for admission. Choir's screened admissions program has the following selection criteria:

- Audition
- Review of Grades
- Student Interview
- Teacher Recommendation

In addition, Choir high school has two screened audition programs: visual art & design and performing arts. The audition criteria for the visual art and design program are:

- On-site drawing exam
- Presentation of portfolio of 8-10 pieces of original art work

The audition criteria for the performing arts program are:

- Instrumental music – sight read, execute scales, and perform two prepared pieces
- Vocal music – sight-sing, execute melody repetition, and perform two prepared pieces
- Dance – exam and performance in a ballet and modern dance class

- Comments 1(a), 15, and 26 are not directly related to the proposal and thus do not require a response.

Changes Made to this Proposal

- No further changes have been made to this proposal.