



Public Comment Analysis¹

Date: March 8, 2013

Topic: The Proposed Phase-out of J.H.S. 13 Jackie Robinson (04M013) Beginning in the 2013-2014 School Year

Date of Panel Vote: March 11, 2013

Summary of Proposal

On January 22, 2013, the New York City Department of Education (“DOE”) posted a proposal to phase out J.H.S. 13 Jackie Robinson (04M013, “J.H.S. 13”), an existing choice middle school in building M013 (“M013”) located at 1573 Madison Avenue, Manhattan, NY 10029, in Community School District 4 (“District 4”). J.H.S. 13 currently serves students in grades six through eight. The DOE is proposing to phase out J.H.S. 13 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 two separate Educational Impact Statements (“EIS”) also posted on January 22, 2013, the DOE is proposing to, in one EIS, extend the co-location of East Harlem Scholars Academy Charter School (84M518, “EHS I”) in building M013 through the conclusion of the 2015-2016 school year, when it will move to a private facility, and in the other EIS, site a new K-8 charter school, East Harlem Scholars Academy Charter School II (84MTBD, “EHS II”), in the space to be vacated by J.H.S. 13’s phase-out and EHS I’s move to private space. The proposal for the phase-out of J.H.S. 13 can be found at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm> The proposals to extend the co-location of EHS I in M013 and to open and co-locate EHS II in M013 have been moved to the March 20, 2013 Panel for Educational Policy vote and can be found at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar202013Proposals.htm>.

This proposal was amended on March 1, 2013 to update the programs and partnerships of CPE I to include Weekly Storyteller, Per Dev, and El Taller Latino Arts After School. These changes did not substantially revise the proposal.

If this proposal is approved, J.H.S. 13 will no longer admit new sixth-grade students after the conclusion of the 2012-2013 school year. The school will continue to phase out one grade level at a time, until it closes at the end of the 2014-15 school year. Current students will be served and supported as they progress toward the completion of middle school while remaining enrolled at J.H.S. 13. Current and future J.H.S. 13 eighth-grade students will be supported through the Citywide High School Admissions Process as they apply to high school. In cases where students do not meet promotional requirements by the end of the 2014-2015 school year, the DOE will help students and families identify alternative programs or schools that meet students’ needs so that they may continue their education after J.H.S. 13 completes phasing out.

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. Any additional comments will be addressed in an amended Public Comment Analysis which will be made available to the PEP before it votes on this proposal.

J.H.S. 13 is co-located with Central Park East I (04M497, “CPE I”), an existing district elementary school serving students in kindergarten through fifth grade and students in one section of full-day pre-kindergarten; Central Park East High School (04M555, “CPE HS”), an existing district high school serving students in grades nine through twelve; and East Harlem Scholars Academy Charter School I (84M518, “EHS I”), an existing charter elementary school that is phasing in and currently serves students in kindergarten through second grade. As stated above, EHS I will move to a private facility following the conclusion of the 2015-2016 school year.

In addition, two community-based organizations (“CBOs”) are located in building M013, Harlem Family Institute and Girls Inc. This proposal is not expect to impact the siting of either CBO. However, as enrollment changes in the M013 building, student interest in the services provided by the CBOs is also subject to change, which could impact siting in the future.

J.H.S. 13 admits students through the District 4 Middle School Choice Process and has a screened program with a humanities focus, offering priority to students and residents of District 4. In screened programs, students are ranked by the school based on a range of factors which may include final report card grades from the prior school year, reading and math standardized test scores, and attendance and punctuality. There may also be other requirements that schools use to screen applicants, such as an interview, essay, teacher recommendation, or additional diagnostic test.

CPE I is a choice elementary school that gives preference to students and residents in Districts 4 and 5.

CPE HS admits students through the Citywide High School Admissions Process and has a screened program with a humanities and interdisciplinary focus.

EHS I admits students via charter lottery and gives preference to students who reside in District 4. As noted above, in two separate proposals described in other EISs, the DOE is proposing to extend the co-location of EHS I in building M013 through the conclusion of the 2015-2016 school year and to site a new charter K-8 school, EHS II in the space to be vacated by J.H.S. 13’s phase-out and EHS I’s move to private space.

If this proposal and both of the proposals for EHS I and EHS II are approved by the PEP, EHS I will continue to phase into M013 and EHS II will begin to phase into the building as J.H.S. 13 phases out.

While EHS I and EHS II are currently authorized to serve students in grades kindergarten through five, both EHS I and EHS II have informed the DOE that they intend to apply to their charter authorizer, State University of New York Charter Schools Institute (“SUNY CSI”) to expand their respective grade spans to serve students in kindergarten through eighth grade, with EHS I intending to reach full scale in 2018-2019 and EHS II intending to reach full scale in 2020-2021. Only SUNY CSI has the authority to approve or deny those requests. Should SUNY CSI deny EHS I and/or EHS II’s requests to expand, or if EHS I or EHS II fail to make these requests, EHS I and/or EHS II will only serve their currently approved grade spans of kindergarten through fifth grade.

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 in the bottom 5% of schools in the state. 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, as well as 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. 13 received an overall D grade on its Progress Report in 2011-2012 and received overall C grades for the previous two years. The school received a “Developing” on its most recent Quality Review in 2010-2011. The school was also designated a Priority school by SED.

As a result, the DOE initiated a comprehensive review of J.H.S. 13, with the goal of determining what intensive supports and interventions would best benefit its students and the J.H.S. 13 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.

After completing that review, the DOE believes that only the most serious intervention—the gradual phase-out and eventual closure of J.H.S. 13—will address the school’s performance struggles and allow for a new school option to develop in building M013. The DOE believes that this new school option will better serve future elementary and middle school students and the broader community. J.H.S. 13’s phase-out would allow for the siting of a new elementary and middle school option for both existing and future District 4 students. Although the new school would serve fewer middle school students than J.H.S. 13, District 4 has a number of excess seats at the middle school level.

Summary of Comments Received

A joint public hearing regarding this proposal was held at building M013 on February 25, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal.

Approximately 80 members of the public attended the hearing, and 25 people spoke. Present at the meeting were Melissa Harris, facilitator and Deputy Chief Operating Officer of the DOE; Marc Sternberg, Deputy Chancellor and Chancellor’s Designee for this hearing; Donald Conyers, Senior Supervising Superintendent and Acting Superintendent for District 4; James Wesley Thomas of the Community Education Council for District 4 (“CEC 4”); Jacob Michelman, principal of J.H.S. 13 and member of the school’s leadership team; Bennett Lieberman, principal of CPE HS and member of the school’s leadership team; Principal Lindley Uehling, principal of CPE I and member of the school’s leadership team; Principal Cheyenne Batista Sao Roque, principal of East Harlem Scholars Academy and member of the school’s leadership team; State Senator Bill Perkins; and Jennifer Peng and Drew Patterson of the Office of Portfolio Management.

Below is a summary of the comments received:

1. An SLT member of J.H.S. 13 asserted the following:
 - a. There is data indicating that the school is working.
 - b. Phasing the school out is not the solution and is due to politics.
 - c. Many children from the community attend the school as a zoned school.
2. James Wesley Thomas, member of CEC 4, asserted the following:
 - a. J.H.S. 13 should stay open, the principal is doing the best that he can.
 - b. Where will students go if the school is phased out?

3. Stacy Foyacault, SLT member at J.H.S. 13 stated the following:
 - a. The school supports its students with teacher contact, tutoring, and after-school programs.
 - b. Phasing out a school is giving up on it.
 - c. Instead of phase-out, schools should be supported with equipment and teachers and other resources.
 - d. Other schools will be over-populated if J.H.S. 13 phases out.
4. Raymond Gregory of the Council of School Supervisors and Administrators asserted that:
 - a. Some schools are told that they have time, while others are not.
 - b. Students are already negatively impacted by previous experiences with closing schools.
 - c. J.H.S. 13 has already improved in multiple ways.
 - d. Current students at J.H.S. 13 might not be able to get into other schools because their grades are not strong enough.
5. Servia Silva of the United Federation of Teachers asserted the following:
 - a. Students and parents are still interested in attending J.H.S. 13.
 - b. Phase-outs are akin to giving up on schools.
 - c. Schools proposed for phase-out have high minority populations and high need populations.
 - d. Students are not sure where they would go if J.H.S. 13 is phased out.
 - e. Phase-outs penalize schools for having high-needs population.
 - f. This school is not dangerous.
6. Principal Jacob Michelman of J.H.S. 13 asserted the following:
 - a. In 2011-2012, J.H.S. 13 did have over 230 suspensions, which led to the safety concerns at the school. However, due to the efforts of the school, there has been a 70% decrease in suspensions, and a further 50% decrease in suspensions.
 - b. The recent enrollment decline of sixth graders at J.H.S. 13 was due to more schools opening in a district with unchanging enrollment. J.H.S. 13 was hit harder than most other schools.
 - c. In response to staff surveys that showed safety concerns of staff, only 3 teachers actually took that survey.
 - d. Progress report grades have been decreasing, but downward trends are citywide.
 - e. Due to special education students, we made better progress.
 - f. Survey has had them gain more points in attendance, student regression has dropped, and they are only 4 points away from a C.
 - g. Attendance continues to improve each year.
 - h. Over 80% of students arrive with low attendance, and J.H.S. 13 is helping them improve their attendance.
 - i. Latest QR was developing for lack of progress on state tests - they missed the proficiency rating by 4 points.
 - j. Citations for low parent involvement and low rigor in instruction is countered by monthly newsletters, parent surveys, website upgrades, online grading systems, monthly workshops and mailings.
 - k. Latest parent survey showed that those who attended parent-teacher conferences thought that the school was a safe and welcoming environment.
 - l. While unit assessments showed student progress, the end of year and quarterly reports did not show such progress, and J.H.S. 13 has worked with their network to address this.
 - m. Responses to intervention have seen improvements.
 - n. J.H.S. 13 should stay open longer to be given the opportunity to further improve.
7. One commenter asserted that if the proposal for phase-out is approved, he wished these students the best.
8. State Senator Perkins expressed general opposition to the proposals and asked the crowd to join him at a later rally to oppose the proposals for closure and phase-out.
9. Principal Naomi Smith of CPE II asserted the following:
 - a. When CPE I and II asked for more space, they were denied.

- b. Demand should not be the measure of who gets the space.
10. One commenter asserted that the last Quality Review shows that the school has aligned its curriculum to effectively support special education students.
 11. One commenter asserted that there has been a change from years past. Now since the curriculum is aligned to the common core, there is higher rigor.
 12. One commenter asserted that teachers are now using data to plan and responding to intervention strategically.
 13. Multiple commenters who work with J.H.S. 13 students as part of a medical school outreach program asserted that they do not regard the school as unsafe and have successfully worked with J.H.S. 13 students.
 14. One commenter asserted that immigrants and their children prefer J.H.S. 13 because by eighth grade, the progress they have made allows them to go to good high schools.
 15. One commenter asserted that more resources should be devoted to J.H.S. 13, rather than proposing to phase it out.
 16. One commenter who is a student at J.H.S. 13 asserted that there is a good relationship between the students, teachers, and principal.
 17. One commenter asserted that J.H.S. 13 did not have a library, clinic, or fully constructed playground until several years ago.
 18. One commenter asserted that there is a disparity in funding between district and charter schools.
 19. One commenter asserted that there are unequal amounts of support and resources than other schools co-located with J.H.S. 13 and other schools in the district.
 20. One commenter asserted that there is no proposed replacement of these J.H.S. 13 middle school seats, but instead two proposals for elementary seats.
 21. One commenter stated opposition to planning for space in M013 that has occurred for the next eight years without there being a hearing, dialogue, or vote on the proposed phase-out.
 22. One commenter asserted that East Harlem Scholars I was supposed to stay for one year and is now being extended.
 23. One commenter asserted that J.H.S. 13 is a historic school and has high special education and English Language Learner populations. It is struggling because the DOE has not given it the necessary supports.
 24. One commenter asserted that J.H.S. 13 does not work with the average population.
 25. One commenter who is a teacher at J.H.S. 13 asserted that students who come in to J.H.S. 13 might have low performance scores, but their scores would be even lower without J.H.S. 13.
 26. One commenter asserted that studies show school closings disrupt communities and the lives of students.
 27. One commenter asserted that the administration has closed schools in low-income communities of color.
 28. One commenter asserted that J.H.S. 13 needs to stay open.
 29. One commenter asserted that the DOE is targeting district schools.
 30. One commenter asserted that a high needs school like J.H.S. 13 is being co-located with a private corporation charter.
 31. One commenter asserted that when the co-location with the charter began, there was a reduction in the number of service providers while the number of students with disabilities went up.
 32. One commenter asserted that choice is becoming more charter schools in the district.
 33. One commenter asserted that this proposal for phase-out is due to the need to give a charter school space.
 34. One commenter asserted that low enrollment is due to more real estate elsewhere and charter schools.

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

The DOE received no comments via its phone line.

The DOE received four comments via email that were in support of this proposal.

Approximately 300 emails and voicemails were received from members of the public regarding the related proposals to extend the co-location of East Harlem Scholars Academy and the opening and co-location of East Harlem Scholars Academy II. Those comments will be addressed in the public comment analysis for those proposals, which will be published at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar202013Proposals.htm> before the PEP vote on March 20, 2013.

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

Comments sent via email regarding this proposal are in support of this proposal and do not require a response.

Comments 9a, 9b and 22 relate, in whole or in part, to the proposals for the extension of the co-location of East Harlem Scholars Academy and the proposed opening and co-location of East Harlem Scholars Academy II. The relevant portions of these comments are responded to in the Public Comment Analysis for those proposals, which will be published before the March 20 PEP vote at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar202013Proposals.htm>

Comments 1c, 4b, 5c, 5e, 6d, 6h, 23, 24, and 25 relate to the percentage of high-needs students, students with disabilities, and English Language Learners of J.H.S. 13 and assert that the school's low performance is due to a high-needs population.

The overall Progress Report grade is designed to reflect each school's contribution to student achievement, no matter where each child begins his or her journey to career and college readiness. The methods are designed to be demographically neutral so that the final score for each school has as little correlation as possible with incoming student characteristics such as poverty, ethnicity, disabilities, and English learner status. To achieve this, the Progress Report emphasizes year-to-year progress, compares schools mostly to peers matched based on incoming student characteristics, and awards additional credit based on exemplary progress with high-need student groups. Each school's performance is compared to the performance of schools in its peer group, which is comprised of New York City public schools with a student population most like the school's population, according to the peer index. The peer index is used to sort schools on the basis of students' academic and demographic background, and the formula to calculate a school's peer index includes the percentage of students eligible for free lunch, the percentage of students with disabilities, the percentage of Black/Hispanic students, and the percentage of English Language Learner ("ELL") students at the school. Each school has up to 40 peer schools, up to 20 schools with peer index immediately above it and up to 20 with peer index immediately below it. Thus, J.H.S. 13 is grouped in its peer group with other New York City public schools with similar student academic and demographic background.

Poor performance report grades thus indicate that a school is not serving its students well, both objectively and by comparison to other schools serving similar students.

Comments 2b, 3d, 4d, and 5d concern how current J.H.S. 13 students and future students that would have attended J.H.S. 13 will enroll in other middle schools.

If this proposal is approved, J.H.S. 13 will gradually stop serving middle school students. After the 2012-2013 school year, J.H.S. 13 will no longer enroll sixth-grade students. After the 2013-2014 school year, J.H.S. 13 will no longer enroll seventh-grade students. After the 2014-2015 school year, J.H.S. 13 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 other District 4 middle schools or middle schools in the district in which the student resides.

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. 13, to get first priority within the PSC Process. This would mean that students at J.H.S. 13 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.

If approved, we will continue to establish differentiated and deliberate support to J.H.S. 13 and its students. Current sixth and seventh grade students, as well as eighth-grade students who are not on track to graduate, should meet with their guidance counselor to discuss their options.

Comments 5f and 6a concern the perceived safety improvements of J.H.S. 13 in the current school year.

The DOE is encouraged that some commenters perceive an increase in safety at J.H.S. 13. However, school safety is only one component of the larger investigation process, which is described in detail in the EIS. Please refer to the response to comments 1a, 3a, 3c, 4c, 5a, 6a, 6b, 6e, 6f, 6g, 6i-6n, 10, 11, 12, 13, 14, 15, 16, and 17 for a list of other key data points that are considered in conjunction with school safety data.

Comment 20 concerns the district-wide middle school seat decrease due to the proposed phase-out of J.H.S. 13.

There currently exists a surplus of middle school seats in District 4. Under this proposal, building M013 will remain open, but it will offer a new educational option to elementary school students in District 4. Although this will reduce the number of middle school seats available in the district, the existing schools in the district have more than enough capacity to serve all District 4 middle school students.

More specifically, in 2012-2013, there are 1,292 sixth grade students enrolled in District 4 middle schools. Including the seats currently available at J.H.S. 13, there are 1,801 total sixth grade available seats in District 4 middle schools. Therefore, there is an excess of 509 sixth grade seats in the district.

Comments 1a, 2a, 3a, 3c, 4c, 5a, 6a-b, 6e, 6i-6n, and 10-17 concern perceived areas of progress in J.H.S. 13 and ask for more resources, rather than a move to phase-out the school.

The DOE acknowledges that members of the JHS 13 community have been working to try to improve the school. 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.

When considering whether a struggling school should be investigated as a candidate for more serious

intervention – phase-out – 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 in October 2012, led by Superintendent Luz Cortazzo, 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.

Furthermore, comments 6c, 6i, and 6j assert that the staff survey's high percentage of safety concerns and the citations in the quality review for lack of rigor and low family involvement are not indicative of J.H.S. 13's progress this year.

Again, no single factor determines whether a school will be proposed for phase-out or not. The particular progress points mentioned in public comment are considered in conjunction with other key data points and their trends over time. They are components of the larger investigation process, which is described in detail in the EIS.

Comments 18 and 19 concern the availability of resources for J.H.S. 13 and the contention that schools have an inequitable access to resources.

In New York City, schools are funded through a per-pupil allocation. That is, funding “follows” the students and is weighted based on students’ grade level and 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.

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).

However, pursuant to Chancellor’s Regulation A-190, the Chancellor or his/her designee must first authorize in writing any proposed capital improvement or facility upgrade in excess of five thousand

dollars, regardless of the source of funding, made to accommodate the co-location of a charter school within a public school building. For any such improvements or upgrades that have been approved by the Chancellor, capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter school within the public school building.

Comments 1b, 2a, 3b-c, 4a, 5b, 8, 21, 22, 26, 27, 28, and 29 concern the process for phase-outs and express general opposition to the proposed phase-out.

Consistent with our approach last year and our desire to incorporate school and community input in our decision-making process, in October and November we had conversations with 47 struggling schools (41 district schools and 6 public charter schools) that were eligible for an intensive support plan or intervention. In these conversations we shared information about school performance and talked with the community about their reflections of the school's strengths and weaknesses. This engagement is above and beyond what is mandated by State law.

The goal for these engagement meetings was to begin or renew conversations with schools and their communities about their performance and the resulting actions we may take to improve it. We gathered feedback – to understand what's working, what's not working, and what the community has to say about it – before making a decision about whether the school should be given intensive support or phased out.

Superintendents met with the school leadership team, staff and parents in October 2012 to explain the Department of Education's thinking on why the school is considered struggling and what particular factors show this to be the case.

We also distributed reports for each school that summarized school performance, school supports, and potential action steps. These are easy-to-understand summaries that were handed out at our feedback meetings and are posted on our website.

Again, all of this happened prior to a decision about whether a school will be proposed for phase out.

When the Educational Impact Statements and Building Utilization Plan for M013 were issued, they were made available to the staff, faculty and parents at the impacted schools, on the DOE's Web site, and in each school's respective main office. In addition, the DOE dedicated a proposal-specific website and voicemail to collect feedback on this proposal. Furthermore, all schools' staff, faculty and parent communities were invited to the Joint Public Hearings to provide further feedback.

All schools receive support and assistance from their superintendent and their 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. As described in detail in the EIS, J.H.S. 13 has had longstanding performance problems and the DOE has concluded that its students would be better served in other schools.

Comments 21, 22, 30- 33, and 34 imply that charter schools are the direct or indirect cause of this proposed phase-out.

We count on each of our schools to provide a high-quality education to its students—and we hold all schools, district and charter, 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.

If a school continues to fail after receiving additional support, we must make the incredibly difficult decision to phase-out the failing school.

We cannot stand by and allow schools to keep failing our kids when we know we can—and must—do better. This, and not any other, is the central reason for the proposed phase-out of J.H.S. 13.

The DOE seeks to provide space for additional education options for all students, regardless of whether students are served in DOE or public charter schools. We welcome public charter schools to lease or provide their own space, but we will offer space in DOE buildings where it is feasible to do so.

Furthermore, comment 31 implies that the co-location of other schools in the M013 building caused J.H.S. 13 to lose service providers.

School leaders are empowered to make decisions about how to utilize the resources allocated to the school. Each principal, therefore, must make decisions about how and where students will be served within the space allocated to the school. The DOE, however, will provide support to the schools to ensure that the schools use space and resources efficiently in order to maximize capacity to support student needs and maintain appropriate delivery of special education and related services to students.

The DOE seeks to fully utilize all its building capacity to serve students. In allocating space and per-pupil funding, the DOE does not distinguish between the performance or populations of schools when applying the Footprint or registering enrollment. Similarly, the DOE does not distinguish between students attending public charter schools and students attending DOE schools.

Comment 7 does not pose a question, and therefore does not require a response.

Changes Made to the Proposal

No changes have been made to the proposal in response to public feedback.