

Public Comment Analysis¹

Date: March 8, 2013

Topic: The Proposed Closure of M.S. 45 / S.T.A.R.S. Prep Academy (04M045) Following the 2012-2013 School Year

Date of Panel Vote: March 11, 2013

Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to close M.S. 45 / S.T.A.R.S. Prep Academy (04M045, “M.S. 45”), an existing middle school in building M045 (“M045”) located at 2351 First Avenue, Manhattan, NY 10035, in Community School District 4 (“District 4”). It currently serves students in grades six through eight. The DOE is proposing to close M.S. 45 based on its poor performance, low student enrollment and demand, and the DOE’s assessment that the school lacks the capacity to improve quickly to better support student needs. M.S. 45 admits students through the District 4 middle school choice process. If this proposal is approved, M.S. 45 will close at the end of the 2012-2013 school year. Existing students currently enrolled in the sixth or seventh grade, as well as current eighth grade students who do not meet promotional criteria at the end of the 2012-2013 school year, will be provided with an alternate placement at other middle schools in District 4 or in their district of residence. M.S. 45 is co-located with Coalition School for Social Change (04M409, “Coalition”), an existing high school serving students in grades nine through twelve, and Harlem Village Academy Leadership Charter School (84M335, “HVA Leadership”) an existing school currently serving students in kindergarten and fifth through eighth grade in M045 as well as students in grades nine through twelve in private space. On April 26, 2012, the Panel for Educational Policy (“PEP”) approved a proposal to expand the number of grades served by HVA Leadership in M045 to include students in kindergarten through second grade. HVA Leadership began phasing in elementary grades in the 2012-2013 school year, serving kindergarten students in addition to students in grades five through eight. HVA Leadership will serve students in first grade beginning in 2013-2014, and second grade in 2014-2015.

In a separate Educational Impact Statement (“EIS”) also posted on January 14, 2013, the DOE is proposing to expand the number of elementary grades served by HVA Leadership in M045. This proposal would expand the grades served by HVA Leadership in M045 to include third and fourth grades, expanding the grades served by HVA Leadership at M045 from kindergarten through second and fifth through eighth to kindergarten through eighth grade by the 2016-2017 school year. That proposal can be found at

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

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.

The offices of the Community Education Council 4 (“CEC 4”) are located in M045, as well as one community based organization (“CBO”): El Faro Beacon. This proposal is not expected to impact the siting of the CBO or the CEC 4 offices. However, as enrollment changes in the M045 building, student interest in the services provided by the CBO is also subject to change, which could impact siting in the future.

M.S. 45 currently admits sixth-grade students through the District 4 Middle School Choice Process. The school admits students through the screened admissions method and gives priority to District 4 students and residents. Coalition admits students through the High School Admissions Process and uses the educational option (“Ed. Opt.”) admissions method. The school gives first priority to Manhattan and Bronx students or residents and gives secondary priority to New York City residents.

HVA Leadership is managed by Harlem Village Academies, a charter management organization (“CMO”) that operates Harlem Village Academy Middle School and Harlem Village Academy High School in addition to HVA Leadership. In 2002, Harlem Village Academies’ charter authorizer, the State University of New York Charter Schools Institute (“SUNY CSI”), approved the CMO to open both Harlem Village Academy Middle School and Harlem Village Academy High School. Harlem Village Academies opened HVA Leadership in 2005, and the school currently serves students in kindergarten and fifth through twelfth grade. As discussed above, students in kindergarten and fifth through eighth grade are served in M045. Students in ninth through twelfth grade are served in private space located at 413 East 120th Street, New York, NY 10035. As stated above, HVA Leadership has been approved to serve students in kindergarten through second grade in addition to students in fifth through eighth grade in M045. HVA Leadership currently admits students in kindergarten and fifth grade via the charter school lottery application process, with preference to District 4 residents.

In a separate proposal described in another EIS, the DOE is proposing to expand the elementary grades served by HVA Leadership in the under-utilized space that would result from M.S. 45’s closure. That proposal can be found at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>. If this proposal and the proposal to expand HVA Leadership are approved, HVA Leadership will continue to phase in to the building following the closure of M.S. 45. If this proposal for M.S. 45’s closure is not approved, the proposal to expand HVA Leadership’s elementary grades would be revised accordingly.

Background on the DOE Decision-Making Process

Schools are identified for possible phase-out or closure 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. 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



Dennis M. Walcott, Chancellor

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 or closure. 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).

M.S. 45 received an overall D grade on its Progress Report in 2011-2012 and received overall C grades for the prior two years. The school's most recent Quality Review was in 2009-2010, when it received a "Proficient." In that same year, 2009-2010, M.S. 45 received an overall C grade on its Progress Report and an F grade in Performance. In 2012, the school was designated a Priority School by SED.

As a result, the DOE initiated a comprehensive review of M.S. 45, with the goal of determining what intensive supports and interventions would best benefit its students and the M.S. 45 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 is proposing that M.S. 45 be closed at the end of this school year, rather than phased out, because the school currently serves very few students, especially in sixth and seventh grades. Therefore, a phase-out would leave the school with too few students and insufficient funding to adequately meet its instructional and operational needs. Currently, M.S. 45 serves only 28 sixth grade students, 32 seventh grade students, and 83 eighth grade students. In addition, such low student enrollment is evidence that the school is not in high demand in the community.

Summary of Comments Received

A joint public hearing regarding this proposal was held at building M045 on February 20, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 60 members of the public attended the hearing, and 27 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; Hector Nazario, president of the Community Education Council for District 4 ("CEC 4"); Alexa Sorden, principal of M.S. 45 S.T.A.R. Academy and member of the school's leadership team; John Sullivan, principal of Coalition High School and member of the school's leadership team; a representative for Harlem Village Academy Charter Schools; Marina Cofield, network leader for M.S. 45; and Jennifer Peng and Drew Patterson of the Office of Portfolio Management.

Below is a summary of the comments received:

1. Hector Nazario, president of CEC 4, asserted the following:
 - a. There is a lack of community input in these proposals.
 - b. Closure and the proposed charter school expansion do not meet the needs and concerns of the community right now, but might meet the needs and concerns of the community five or six years from now.
 - c. There are seats that the children from M.S. 45 can go to in District 4, but there is a chance that those parents will again be in the situation of not knowing where their child will go to school the year after that.
 - d. M.S. 45 has been “capped” for three and a half years. The enrollment decrease and low level of enrollment was due to the lack of seats being offered at M.S. 45. He has asked the network if they knew that the school was being capped.
2. Lynn Sanchez, on behalf of Assembly member Robert Rodriguez, asserted the following:
 - a. Since September, when the new principal started at M.S. 45, there have been many positive changes in the school and evidence suggests that progress is being made.
 - b. M.S. 45 has one of the most high-needs student populations in District 4, and there is concern about their peer index.
3. City Councilmember Melissa Mark Viverito asserted the following:
 - a. She is philosophically opposed to the concept of closing schools and the DOE should invest in schools rather than shutting them down.
 - b. M.S. 45 should be given an opportunity to change and show improvement.
 - c. The new principal is very well received and should have more than one year’s time to see the impact.
 - d. This proposal is due to the actions of previous school administrations.
 - e. 29% students with disabilities and 25% English Language Learner students mean that this school has a very high needs student population. Schools that are closed serve the highest needs populations.
 - f. There have been limited and no meaningful efforts to get community input.
 - g. The DOE presented multiple action plans to the District 4 community and immediate closure was not listed as an option during early engagement.

- h. This closure pits schools and communities against one another.
 - i. M.S. 45's last quality review says that the school had multiple positive aspects.
 - j. High needs students should be supported by strong schools, and charter schools are not serving a high percentage of that population and their enrollment patterns are not clear.
4. Multiple commenters asserted that the current leadership of the school is making gains and should be given more time at the school to see the progress.
5. One commenter asserted that these proposals were due to the hedge funds putting money into building M045 in order to gentrify and obtain real estate.
6. One commenter who is a parent of a sixth grader at M.S. 45 stated that she supports the growth of her son at M.S. 45, and does not want her son to be moved to another school at the expense of his established relationships.
7. One commenter who is the PA president and an SLT member at M.S. 45 asserted that:
 - a. The DOE has said that M.S. 45 has been failing for years.
 - b. The school has been capped and the community lacked insight into that process.
 - c. Previous administrations at the school have not been sufficient to turn this school around.
 - d. Charter schools do not accept children who have Individualized Education Programs ("IEP").
 - e. There is no reason to move students from this building, where they have been for a long time.
 - f. This proposed closure would send M.S. 45 students to other schools that will themselves be at risk for closure.
8. One commenter who is a teacher at M.S. 45 asserted the following:
 - a. In the past, M.S. 45 had clear issues with culture and safety, but now the climate has changed and teachers and students are cooperating.
 - b. The previous leaderships were given two years at the school, so the current principal should be given two years.
 - c. Charter schools are taking the place of public schools, and they do not serve a similar percent of students with IEPs or English Language Learners.
 - d. Her grandson is in a charter school and the experience is not positive.
9. Multiple commenters who are students at M.S. 45 asserted that:

- a. The previous administrations of the school have not been adequate for school improvement.
 - b. The current administration should be given more time to lead the school.
10. One commenter asserted that the main reason that schools are closed is due to standardized testing scores, and those scores are now being used to control our schools and decide issues.
 11. Multiple commenters asked what supports have been offered to M.S. 45 before this proposal.
 12. One commenter asserted that resources would be taken away from the school's students and this proposal would dislocate them.
 13. One commenter asserted that there is not an F grade for M.S. 45 and that the DOE is failing schools.

The DOE received no comments via its phone line.

The DOE received one comment via email.

14. One commenter expressed general opposition to the proposed closure.

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

Comments 1b, 3j, 5, 7d, and 8c relate, in whole or in part, to the proposed grade expansion of the co-location of Harlem Village Academy Leadership Charter School (84M335) to include grades 3 and 4 in building M045 beginning in 2015-2016. Those comments, or the relevant portion of those comments, are responded to in the Public Comment Analysis for that proposal, available at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>

Comments 2a, 3c, 4, 8a, 8b, and 9b concern the perceived positive impact that the current leadership at M.S. 45 has had on the school. Furthermore, comments 3d, 7c, and 9a concern the previous administration of M.S. 45 and assert that that previous administration was the cause of the school's low performance.

Leadership, while very important, is still only one component of a school. While the DOE supports the positive impact that the current leadership has had on some aspects of the school, the school culture and conditions have not enabled increased student achievement. It is our belief that closing M.S. 45 will allow current M.S. 45 students to transition into higher quality middle school programs and will also provide better options for the community and families in the future.

In addition to our investigation, we also had conversations with school staff, parents, students, communities, and networks to gain a better understanding of what is working and what isn't before making a decision about the supports or interventions that can best support student



Dennis M. Walcott, Chancellor

outcomes. As described in detail in the EIS, M.S. 45 has longstanding performance problems and the DOE has concluded that its students would be better served in other schools.

Comment 3i concerns M.S. 45's most recent quality review.

The DOE does not dispute the veracity of the positive attributes of M.S. 45 observed in the quality review. However, the most recent quality review for M.S. 45 was in the 2009-2010 school year and concerns the performance and culture of the school during that specific school year. That information is one component of a larger investigation process, which is described in detail in the EIS.

Comments 1a, 3f and 3g concern community engagement during the investigation and proposal process.

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 identified for an intensive support plan or intervention. In these conversations we shared information about school performance and spoke 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.

This is the third year that the DOE has used the early engagement process to learn more about the most struggling schools before proposing interventions, including closure.

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 an intensive support plan or proposed for closure.

Superintendent Luz Cortazzo met with M.S. 45's school leadership team, staff and parents throughout the month of 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 early engagement meetings and are posted on our website.

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

When the Educational Impact Statements and Building Utilization Plan for M045 were issued, they were made available to the staff, faculty and parents at the impacted schools, on the DOE's website, 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 Hearing to provide further feedback.



Dennis M. Walcott, Chancellor

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 M045 will be able to create productive and collaborative partnerships.

Comments 3a, 3b, 3h, 7a, 7e, 10, 13 and 14 express general opposition to the proposed closure and suggest that M.S. 45 be kept open for a longer amount of time and/or be given more supports instead.

At the end of the multi-step investigation process, our analysis and engagement directed us to conclude that quantitative and qualitative indicators show that M.S. 45 does 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 now based on our commitment to ensuring that every student has access to high-quality schools.

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.

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.

Additionally, M.S. 45 currently serves very few students, especially in sixth and seventh grades. Therefore, a phase-out would leave the school with too few students and insufficient funding to adequately meet instructional and operational needs.

Comment 11 asks about the supports that were offered to M.S. 45 before this proposal for closure.

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. M.S. 45 has received the following supports from the DOE:

Leadership Support:

- Coaching the principal in the use of classroom observations and feedback to enhance teacher effectiveness.
- Supporting and training the principal in using accountability data to develop and implement a strategic action plan for school improvement.

- Assisting school leadership in the development of instructional plans and goals for the school year, in support of the school’s Comprehensive Education Plan.

Instructional Support:

- Providing coaching and professional development for teachers on ways to strengthen instruction and improve academic outcomes for special education students.
- Facilitating collaboration among English Language Arts and Math teachers from nearby schools to share best practices and deepen collective understanding of citywide instructional expectations.
- Providing professional development for Math teachers in integrating technology into lessons to enhance instruction.

Operational Support:

- Training school staff in data systems used to track student attendance and academic programming.
- Advising the school on budgeting and human resources.

Student Support:

- Coaching the school in evidence based guidance and counseling strategies to build the school’s capacity to offer social and emotional support to students.
- Providing coaching to school staff in the implementation of strategies for reducing suspensions and improving school environment and culture.
- Supporting the school in the implementation of a grant-funded high school readiness program for overage students in middle school grades, designed to help students accumulate high school credits and prepare for Regents Exams.

M.S. 45 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.

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.

Comments 1c, 6, 7e, 7f, and 12 concern the current students of M.S. 45 and how the closure will impact their enrollment in future years.



Dennis M. Walcott, Chancellor

While we know that closing schools is the right decision for these communities, we take our obligation to provide high-quality support to students in schools that are closing seriously.

If approved, we will continue to establish differentiated and deliberate support to those schools and 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. It is expected that all current M.S. 45 students will enroll in a different district 4 middle school, or a middle school in the district of their residence, for the 2013-2014 school year. The Office of Student Enrollment (“OSE”) will implement a process to determine alternate placement for any students who would have been enrolled at M.S. 45 for the 2013-2014 school year. Through this process, OSE will identify available seats and match students based on their preferences and seat availability. Excluding the seats currently available at M.S. 45, there are 1,377 excess six through eighth grade seats in middle schools located in District 4, providing ample capacity to accommodate the students currently enrolled in M.S. 45.

Comments 2b and 3e relate to the percentage of students with disabilities, and English Language Learners of M.S. 45 and assert that the school’s performance is low 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. For high schools, each school has up to 40 peer schools, up to 20 schools with peer index immediately above it and up to 20 with peer index immediately below it. Thus, M.S. 45 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 1d and 7b imply that the low enrollment at M.S. 45 is due to DOE actions.

M.S. 45’s middle school program is part of the middle school choice process, in which students submit applications to multiple school programs and rank those programs. This means that students and families are the primary driver of enrollment at middle schools in the district. Many



Dennis M. Walcott, Chancellor

students who apply to a program do not end up attending a specific school, despite being accepted by that school. In the 2011-2012 school year only 10 students ranked M.S. 45 as their first choice on their middle school application.

Comments 1b, 3j, 5, 7d, and 8c relate to charter schools' enrollment of students with disabilities and English Language Learners.

In May 2010 the Charter Schools Act was amended to expressly require that charter schools demonstrate good faith efforts to attract and retain English Language Learners ("ELLs"), students with disabilities, and students eligible for free or reduced lunch at rates comparable to those of the Community School District.

The DOE's annual Progress Report compares school performance with the 40 schools serving the most similar student populations. The Progress Report also provides "extra credit" to schools that succeed at helping ELL and Special Education students achieve. Thus, the incentive is for schools to serve its ELL and Special Education students well, and a school is not advantaged by having a lower enrollment of ELL and Special Education students.

Pursuant to state law, public charter schools must 1) serve all students who are admitted through their lotteries, and 2) serve a percentage of special education and English Language Learner ("ELL") students comparable to the district average. Charter schools which fail to meet the special education and/or ELL targets set by their authorizer risk being closed or having their renewal applications rejected. Charter schools must admit all students according to their lottery preferences, and may not turn away a student because of language ability, behavioral problems, or services required by an IEP.

Comment 8d does not relate directly to the proposed closure and, therefore, has not been addressed.

Changes Made to the Proposal

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