

Public Comment Analysis¹

Date: March 8, 2013
Topic: The Proposed Phase Out of P.S. 167 The Parkway (17K167) in Building K167
Beginning in 2013-2014
Date of Panel Vote: March 11, 2013

Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to phase out P.S. 167 The Parkway (17K167, “P.S. 167”), an existing zoned district elementary school in building K167 (“K167”) located at 1025 Eastern Parkway, Brooklyn, NY, 11213, in Community School District 17 (“District 17”). P.S. 167 currently serves students in kindergarten through fifth grade and offers two sections of full day pre-kindergarten. K167 also houses a community-based organization (“CBO”), Brooklyn Psychotherapy, a school-based mental health clinic, and a United Federation of Teachers (“UFT”) office. The DOE is proposing to phase out P.S. 167 based on its poor performance and the DOE’s assessment that the school lacks the capacity to improve quickly to better support student needs.

If this proposal is approved, current students at P.S. 167 in kindergarten and first grade, whether or not they meet promotional standards, will be served by a new zoned elementary school, 17K532 (“17K532”), that is proposed to open in K167 beginning in the 2013-2014 school year. The proposal to co-locate 17K532 in the K167 building is described in a separate Educational Impact Statement that the DOE posted on January 11, 2013 and revised on March 1, 2013

In a separate EIS posted on March 1, 2013, the DOE has also proposed to site and co-locate a new charter school, Success Academy Charter School Brooklyn 7 (84KTBD, “SA-Brooklyn 7”) in building K167 beginning in the 2013-2014 school year. Both the revised 17K532 and SA-Brooklyn 7 proposals may be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/April2013Proposals.htm>.

If this proposal is approved, P.S. 167 will no longer admit new kindergarten students and will no longer offer grades one and two or its pre-kindergarten program after the 2012-2013 school year. Beginning in the 2013-2014 school year, after P.S. 167 no longer serves kindergarten, first grade, and second grade, P.S. 167 will serve one less grade in each subsequent year until it completes its phase-out and closes in June 2016.

Current P.S. 167 students in second grade who meet promotional standards will continue to progress at P.S. 167. However, any current second grade students who do not meet promotional standards will complete second grade at 17K532.

Current students in third and fourth grades will continue their education at P.S. 167, regardless of whether they meet promotional standards. Current fifth-graders will proceed to apply to middle school via the

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.

District 17 Middle School Choice process, unless they do not meet promotional standards, in which case they will continue fifth grade at P.S. 167. In cases where students do not meet promotional requirements by June 2016 when the school closes, they will be served at 17K532.

The Building Utilization Plan attached to the proposal to site and co-locate SA-Brooklyn 7 in K167 provides information on the space allocation between all three schools while P.S. 167 phases out and the other two schools are phasing in.

Copies of all three proposals are available in the main office of P.S. 167, as well as the DOE's Web site at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held on February 14, 2013 at P.S. 167, 1025 Eastern Parkway, Brooklyn, NY 11213 in building K167.

Approximately 50 members of the public attended the hearing and 9 people spoke. Present at the meeting were Deputy Chancellor Dave Weiner; Facilitator Olivia Ellis of the DOE; Principal of P.S. 167 Marc Mardy; Community Education Council ("CEC") 17 President Claudette Agard; and a representative from Council Member Letitia James's office, Barbara Sherman. Additionally, Carrie Marlin and Stephen Demers from the DOE were present.

The following comments and remarks were made or submitted at the Joint Public Hearing on February 14, 2013:

1. Claudette Agard of the CEC asserted:
 - a. The notification and timeline regarding the decision to phase-out P.S. 167 is unfair and inadequate.
 - b. The DOE has given up on P.S. 167 rather than giving the school the opportunity to improve.
 - c. P.S. 167's fourth grade outperformed the Citywide average.
 - d. P.S. 167 has a notable network which has made a significant investment in P.S. 167.
 - e. P.S. 167's performance is similar to other schools, but for some reason P.S. 167 is a target.
 - f. The DOE has an agenda to dismantle District 17 using failure and performance as a reason.
 - g. The DOE has failed to recognize this proposal's negative impact on the community.
2. Marc Mardy, Principal of P.S. 167, asserted:
 - a. Under a new network, P.S. 167 has received tremendous support in teaching and learning. The school has two instructional specialists in literacy and math who provide support to teachers. P.S. 167 has also received ongoing professional development on the Common Core Learning Standards, which the school implemented. Students have already completed four projects in the core areas. In addition, the network has helped administrators with weekly visits from leadership specialists.
 - b. The Office of Teacher Effectiveness helped P.S. 167 implement a new teaching method, the Danielson Framework, which teachers voted to implement in the school. This shows that the staff is committed to improving and helping our children.

- c. P.S. 167 will improve, but needs a chance to show that students can be successful. P.S. 167 requests a one year reprieve.
3. Barbara Sherman, representing Council Member Letitia James, asserted:
 - a. Council Member James does not support the phasing out of PS 167. Ninety-two families at PS 167 have been affected by the economic down turn. These families have either been evicted and now live in shelters or are doubling up with other families. This takes an incredible toll on the children and their ability to focus on their school work. For many students P.S. 167 is a safe haven providing not just education, but food and nurturing.
 - b. Schools that are phased out are usually serving students with greater needs.
 - c. Council Member James is requesting that the DOE allow P.S. 167's Children First Network, New Visions, to remain at P.S. 167 and give them more time. This school is on the right track and is improving and Council Member James believes that DOE has not allowed the network, New Visions, sufficient time.
 - d. P.S. 167 has a new assistant principal in place, a dynamic principal, and dedicated teachers, and the DOE must allow their hard work to be realized. The Council Member is in favor of choice, but only when the playing field is level.
 - e. We have been told that there will be a new school to be phased in, but we know nothing about it. DOE has failed to engage the school community on the phase in process.
4. Multiple commenters inquired about the choices available to parents whose children are attending P.S. 167.
5. One commenter stated that the DOE should consult with the community before proposing to phase-out a school.
6. One commenter stated that P.S. 167 special education students were among the highest achievers in ELA for 2012. The average attendance was 91.5%, which is above the Citywide average.
7. Multiple commenters stated that according to New York State testing, P.S. 167 is ranked 67% higher than the Citywide average.
8. Multiple commenters stated that P.S. 167 is doing well and should not be phased-out. They cited examples of student achievement.
9. Multiple commenters inquired about support and academic interventions made available to the school.

Additionally, a number of questions were submitted in writing to the DOE at the Joint Public Hearing:

10. If M.S. 334 and P.S. 167 are in the same district. How was it decided that P.S. 167 would stay on the phase out list and M.S. 334 would be taken off?
11. P.S. 167 was told in October 2012 that they were doing well. In December 2012, they were notified about the phase out decision. Why so soon?
12. The state gave P.S. 167 a passing grade and the City did not. What is the difference in criteria?
13. Why does the DOE think phasing out a school will help students?
14. What happens to students who stay in the phasing out school?
15. If P.S. 167 is not helping students, then why do students remain in the school for the next three years?

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

No written and/or oral comments have been submitted to the DOE regarding this proposal.

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

Comments 1 (a), 3 (e), 5, and 11 pertain to the process of engaging the community regarding the proposed phase-out and replacement of P.S. 167, including engagement with the community and elected officials about the decision-making process and proposed replacement school.

Consistent with DOE's approach last year and desire to incorporate school and community input in the decision-making process, in October and November DOE had conversations with 60 struggling schools, including P.S. 167, that were eligible for an intensive support plan or intervention. In these conversations DOE shared information about school performance and talked with the community about their reflections on 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. DOE 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 and replaced with a new option that can support student success.

Superintendent Simmons met with the school leadership team, staff, and parents 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.

DOE also distributed reports for P.S. 167 that summarized school performance, school supports, and potential action steps. These summaries were handed out at feedback meetings and are posted on DOE's Web site. This engagement occurred prior to a decision about whether the school would be proposed for phase out.

When the Department's recommendation to propose P.S. 167 for phase out was announced, dedicated teams of educators and engagement specialists spent several days at P.S. 167 meeting with teachers, parents, and students.

The DOE held a Joint Public Hearing on February 14, 2013 on the phase out and replacement proposals and public feedback was collected at these meetings and through dedicated email and phone numbers. The Department's analysis of public comment will be available on-line prior to the vote.

The DOE's Office of New Schools (ONS) works throughout the year to recruit educators interested in opening new district schools. The process is rigorous and lengthy. More information on the ONS recruitment and selection process can be found on the ONS Web site:
<http://schools.nyc.gov/community/planning/newschools/NewSchoolsProposalProcess/default.htm>.

Some of these new leaders will ultimately open schools designed to replace schools the DOE proposes to phase-out. If the Panel for Educational Policy approves the DOE's proposal phase out and replace P.S. 167, the DOE can move ahead with to matching a new leader with 17K532. At that point, the new leader can begin engaging with the community, including the CEC, regarding the design and proposed programming for the new school. Ultimately, the school leader of 17K532 will be empowered to make decisions regarding programming at the new school.

Additionally, the proposed school leader of 17K532 will hold parent meetings regarding the programs to be offered at 17K532. This is another opportunity for parents to learn about the new school.

Comments 1(b), 2 (c), 3 (c), 8, 11, and 13 question why the DOE is proposing to phase out and replace P.S. 167, rather than investing more resources in and giving more time to P.S. 167 to improve.

The DOE is committed to providing a portfolio of high quality school options to students and families. 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 those schools that the DOE determines lack the capacity to turn around quickly to better serve their student population, the DOE recommends the most serious intervention: gradually phasing out a school over time by no longer enrolling new students.

P.S. 167 is a school that the DOE has determined warrants this intervention. As noted in the EIS proposing to phase out P.S. 167:

- The overwhelming majority of P.S. 167 students remain below grade level in English Language Arts and Math. In 2011-2012, only 26% of students were performing on grade level in English, putting the school in the bottom 7% of elementary schools Citywide. Only 21% of students were performing on grade level in math, putting the school in the bottom percentile of elementary schools Citywide.
- The Progress Report measures the progress and performance of students in a school, as well as the school environment, compared to other schools serving similar student populations. P.S. 167's overall Progress Report grade declined in 2011-2012. P.S. 167 earned an overall D grade on its 2011-2012 annual Progress Report, including a D grade for Student Progress, an F grade for Student Performance, and a D grade for School Environment. P.S. 167 has a history of low progress and performance, as demonstrated by the overall C grades it received in both 2010-2011 and 2009-2010.
- P.S. 167 was designated a Focus School by the State Education Department, indicating that it is among the lowest-performing schools statewide in terms of overall proficiency and progress in ELA and Math, and especially in terms of the performance of students in one or more accountability groups (i.e. racial/ethnic groups, English Language Learner ("ELL") students, low-income students, and students with disabilities).
- P.S. 167 was rated "Developing" on its most recent Quality Review in 2010-2011, indicating deficiencies in the way that the school is organized to support student learning. This represents a decline from its 2009-2010 Quality Review score.
- Safety issues have been a concern at the school. On the 2011-2012 New York City School Survey, only 42% of teachers believed that discipline and order were maintained at P.S. 167.

For these reasons, the DOE believes that P.S. 167 lacks the capacity to turnaround quickly to better serve its students and that, therefore, the gradual phase out and replacement of P.S. 167 with a new school will better serve future students and the broader community

The DOE counts on each of its schools to provide a high-quality education to its students—and it holds all schools to the same high standard. If a school is not getting the job done for students – whether it was

opened recently or not – the DOE is compelled to take serious action to ensure its students do not fall even further behind.

Comment 1 (g) asserts the DOE has not recognized the negative impact of the proposal on the community.

The central goal of the Children First reforms is simple: to create a system of great schools. Every child in New York City deserves the best possible education. This starts with a great school – led by a dedicated leader with a vision for student success.

The DOE recognizes the important role that schools play in their communities. The DOE knows that schools throughout the city are not just educational institutions, but rich and tight-knit communities. This is one of the many reasons why the decision to propose a school’s phase-out is the most difficult decision the DOE makes. As noted previously, the DOE has looked at recent historical performance and demand data from P.S. 167, consulted with superintendents and other experienced educators who have worked closely with the school, and gathered community feedback. After completing the review, the DOE believes that only the most serious intervention – the gradual phase-out and eventual closure of P.S. 167 – will address the school’s performance struggles and allow for a new school option to develop in K167 that the DOE believes will better serve future students and the broader community.

Comments 4 and 14 pertain to the enrollment options for students currently enrolled at P.S. 167.

As noted in the EIS describing this proposal, 17K532 will begin enrolling kindergarten through second grade students in 2013-2014 and will add one grade per year until it is at full scale and serves students in kindergarten through fifth grade in 2016-2017. 17K532 will also offer a pre-kindergarten program beginning in 2013-2014.

If the proposals to phase out and replace P.S. 167 are approved, all currently enrolled students will have the opportunity to continue their education in the same building, either at P.S. 167 or 17K532 in the 2013-2104 school year..

- Current pre-kindergarten students at P.S. 167 will have priority for kindergarten admissions at 17K532 in 2013-2014.
- Current kindergarten and first-grade students at P.S. 167 will be at 17K532 beginning in the 2013-2014 school.
- Current second-, third-, and fourth-grade students will continue to be enrolled at P.S. 167.
- Current fifth-grade students should have already applied to middle school via the District 17 Middle School Choice Process. If a fifth grade student does not meet promotional standards, he or she will continue in fifth grade at P.S. 167 during the 2013-2014 school years.
- While P.S. 167 is phasing out, there may be students who do not meet promotional standards and are required to repeat a grade that P.S. 167 will no longer serve. These students will be enrolled at 17K532.

In addition, 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. This year, pending approval from SED, the DOE will prioritize students in eligible current and proposed phase-outs, including P.S. 167, to get first priority

within the PSC process. This would mean that students at P.S. 167 would be considered for a public school transfer before other eligible applicants in non-phase out schools. Applications for these transfer opportunities will be available to students this spring for enrollment starting in September 2013.

Finally, the DOE notes that fifth grade students (and eighth grade students at other schools) are not eligible for this opportunity because these students are already participating in a middle school (or high school) application process and will be enrolling in a new school anyway.

Comment 15 pertains to the replacement plan for P.S. 167, and why P.S. 167 will continue to serve students as it phases out.

As discussed above, the DOE is proposing to replace the seats lost by the phase out of P.S. 167 with a new elementary school, 17K532. P.S. 167 will continue to serve certain grades as it phases out, but as noted above all students currently attending P.S. 167, with the exception of current fifth grade students, may apply for a public school transfer. As P.S. 167 phases out gradually, the DOE will provide support to the school.

If the phase out proposal is approved, P.S. 167 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 the DOE does not know exactly what the supports will look like for the 24 proposed phase-outs (including P.S. 167) and two proposed truncations that would be implemented beginning in September 2013 if approved, the DOE will continue to establish differentiated and deliberate support to those schools and students.

Comments 1 (c), 6, 7, and 12 state P.S. 167 should not be phased out and replaced, citing multiple data points relating to P.S. 167's performance.

Comment 1 (c) states P.S. 167's fourth grade outperformed the Citywide average. The DOE notes that in 2011-2012, P.S. 167's fourth grade English proficiency rate put the school in the bottom 20% of elementary schools Citywide, and the school's fourth grade Math proficiency rate put it in the bottom 5% of elementary schools Citywide. Comment 6 states P.S. 167's special education students were among the highest achievers in English in 2011-2012. In 2011-2012, P.S. 167's English proficiency rate for self-contained students put the school in the 48th percentile of elementary schools Citywide. P.S. 167's English proficiency rate for students receiving SETSS fell in the bottom 17% of elementary schools Citywide.

Comment 6 also states that in 2011-2012 P.S. 167's attendance rate was above the Citywide average. P.S. 167's attendance rate was 92% in that year, this places the school in the bottom 10% of elementary schools Citywide.

Comment 7 states that according to the New York State Department of Education ("SED"), P.S. 167 ranks 67% higher than the Citywide average. Comment 12 states that SED gave P.S. 167 a "passing grade." The DOE was not able to verify these data points. However, the DOE notes that in August 2012, SED identified P.S. 167 as a Focus School, based on the school's state test performance.

Comment 9 inquires about how the DOE previously supported P.S. 167.

As stated in the EIS, the DOE has offered numerous supports in the past, including:

Leadership Support:

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

Instructional Support:

- Training school staff in research-based instructional strategies to increase the academic achievement of special education students and ELL students.
- Facilitating professional development opportunities for teachers to increase rigor in math and English Language Arts instruction.
- Coaching teachers in the development of lesson plans, curriculum maps, and rubrics aligned to Citywide instructional expectations.
- Participating in classroom walkthroughs to provide targeted feedback on ways to improve classroom instruction and increase student engagement.

Operational Support:

- Advising school staff on budgeting, human resources, staff recruitment, and building management.
- Supporting school staff in meeting compliance requirements for students with disabilities and ELL students in order to ensure that students' needs for services are being met.

Student Support:

- Assisting the school in development of safety plans to reduce suspension rates in order to foster a positive school culture and learning environment.
- Supporting the school in monitoring student attendance and developing strategies to increase attendance rates.

P.S. 167 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.

Comments 1 (d), 2 (a, b), and 3 (b, d) assert P.S. 167's staff and new Network should be given the opportunity to try to improve the school.

Children First Networks ("CFN") deliver operational and instructional support directly to schools. The CFN team does everything it can to help turn a struggling school around. Support from the Children's First Network, while very important, is still only one component of a school. Similarly, staff is also only one component of a school. While both the staff and network have worked hard to improve P.S. 167, the school culture and conditions have not enabled increased student achievement. As stated previously, to help the school's efforts to improve performance, the DOE has offered numerous supports to P.S. 167. It is the DOE's belief that phasing out this school and bringing in higher quality schools will provide better options for the community and families in the future.

Comments 1 (e) and 10 inquire about the criteria used to decide which schools are proposed for phase out, given P.S. 167's performance in relation to other schools.

In a concerted effort to ensure that all students have access to high-quality school programs, the Department of Education 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, the DOE identifies the most struggling schools for intensive support or intervention.

First, the DOE compiles 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, the DOE applies additional criteria to determine which schools are most in need of support or intervention. The DOE removes 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
- 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.

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.

The DOE identifies 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 – the DOE considers 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 investigation, the DOE 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 the DOE's early engagement meetings at these schools, DOE 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, DOE analysis and engagement directed 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 DOE is compelled to act based on a 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 DOE makes. But it is the right thing to do for the students of New York City.

Comments 1 (f) and 3 (a) voice general opposition about the proposals.

As noted above, the DOE is committed to providing a portfolio of high quality school options to students and families. The DOE believes that phasing out and replacing P.S. 167 is the best option for future students and the broader community.

While some members of the P.S. 167 community objected to the possibility of phasing out the school, the DOE believes that drastic action must be taken, given the school's performance struggles and the lack of evidence that the school is poised to quickly turn around to better support students. The DOE plans to incorporate community feedback as it continues to support current P.S. 167 students working toward elementary school completion, and develops plans to replace P.S. 167 with a new school that the DOE believes will better meets student and community needs.

Changes Made to the Proposal

No changes have been made to this proposal.