Department of Education
Dennis M. Walcott, Chancellor

Public Comment Analysis[1]

Date:	March 8, 2013
Topic:	The Proposed Phase-out of J.H.S. 166 George Gershwin (19K166) 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 J.H.S. 166 George Gershwin (19K166, "J.H.S. 166"), an existing district middle school in building K166 ("K166") located at 800 Van Siclen Avenue, Brooklyn, NY 11207, in Community School District 19 ("District 19"). It currently serves students in grades six through eight. The DOE is proposing to phase-out J.H.S. 166 based on its poor performance and the DOE's assessment that the school lacks the capacity to improve quickly to better support student needs. In a separate Educational Impact Statement ("EIS") also posted on January 17, 2013, the DOE is proposing to co-locate a new district middle school (19K654, "19K654") in K166. That proposal can be found here: http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm. If both proposals are approved, 19K654 will grow to full scale as J.H.S. 166 phases-out. 19K654 will open with sixth grade in 2013-2014, adding one grade annually until it reaches full scale in the 2015-2016 school year, with a grade span of six through eight. For the purposes of this EIS describing the phase-out of J.H.S. 166, it is assumed that the proposal to co-locate 19K654 in K166 will be approved by the Panel for Educational Policy ("PEP"). However, if the proposal to co-locate is not approved, this EIS and the accompanying Building Utilization Plan ("BUP") will be revised as necessary.

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

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

On February 5, 2013, the DOE issued amended Educational Impact Statements for the proposals to phase out and replace J.H.S. 166 with 19K654. The Educational Impact Statements were amended to update the eligibility status of J.H.S. 166 for School Improvement Grant funding. The amended information did not substantially revise the proposal.

J.H.S. 166 is co-located with The UFT Charter School (84K359, "UFT Charter"), an existing public charter school that currently serves students in kindergarten through twelfth grade across two separate sites. In one location, building K292 ("K292"), which is located at 300 Wyona Street and 301 Vermont Street, Brooklyn, NY, 11207, in District 19, UFT Charter serves students in kindergarten through fifth

[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.

grade. In another location, K166, UFT Charter serves students in grades six through twelve. Only the second location of UFT Charter, at K166, is impacted by the proposed closure of J.H.S. 166. In a separate EIS also posted on January 17, 2013, the DOE has proposed to resite UFT Charter's sixth through eighth grades from K166 to K292 in the 2013-2014 school year. That proposal can be found here: http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm. For the purposes of this EIS, describing the phase-out of J.H.S. 166, it is assumed that the proposal to resite UFT Charter's middle school grades will be approved by the PEP. However, if the proposal to resite UFT Charter's middle school grades is not approved, this EIS and the accompanying BUP will be revised as necessary.

In a separate EIS also posted on January 17, 2013, the DOE is also proposing to backfill the space left vacant by UFT Charter's middle school grades with the opening and co-location of a new charter high school, Achievement First Charter High School 2 ("AF High School 2") in K166. That proposal can be found here: http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm. If that proposal is approved, AF High School 2 will open with a ninth grade in September 2013, and would phase-in one grade each year, until it reaches full scale in 2016-2017, when AF High School 2 will serve students in ninth through twelfth grade. For the purposes of this EIS, describing the phase-out of J.H.S. 166, it is assumed that the proposal to co-locate AF High School 2 in K166 will be approved by the Panel for Educational Policy ("PEP"). However, if the proposal to co-locate is not approved, this EIS and the accompanying BUP will be revised as necessary.

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

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

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held on February 21, 2013 at K166. Participants had the opportunity to provide input on the proposal.

Approximately 87 members of the public attended the hearing, and 14 people spoke. Present at the meeting were Community School District 19 Superintendent Joyce Stallings-Harte; District 19 Community Education Council ("CEC 19") representatives Erica Perez and Joyce French; Maria Ortega, Principal of J.H.S. 166; a representative from the Council Of School Supervisors and Administrators; Gregory Grant, a representative of the Parent Teacher Association ("PTA") and School Leadership Team; Liz Genco representative from SUNY CSI; New York City Council Member Charles Barron; Deputy

Chancellor David Weiner; Senior Director of School and Community Support Olivia Ellis; and Director of Brooklyn Planning Carrie Marlin from the Department of Education.

The following comments and remarks were made or submitted at the Joint Public Hearing on February 21, 2013:

1. Gregory Grant, a representative of the School Leadership Team and PTA stated:
    a. We do not have a choice of which students we accept. Other schools get to handpick their students.
    b. We get students from our feeder schools who have low scores and we have six months to improve their scores.
    c. Every year, we are faced with the same challenges but the DOE has not helped us.
    d. We lost a lot of qualified teachers who are either tired and chose to move on or are scared of the school being shut down.
    e. We should have the chance to start on an even playing field.
    f. We are still here working and we will continue to educate children.
2. CEC 19 representative Erika Perez stated that she is sad to sit here and see a school that is successful be attacked with the rest of her community. She further stated:
    a. The school received a 95% pass rate on the Regents, so how is this considered a failing school?
    b. 265 students at the school are overage, which creates a lot of challenges. This is an unfair disadvantage when it comes to state testing.
    c. The overage population is challenging. These are students who know they do not belong in Junior High School anymore. We deal with a lot of drop-outs and this school to prison pipeline needs to stop.
    d. Charter schools will not accept these students because they are overage.
    e. We should build a D79 program at the junior high school level and deal with keeping these students out of the penal system.
    f. There are 395 students in the school and 28% of the students are special education students. This creates a very challenging environment and no one is taking into account that these students have nowhere else to go.
3. Principal Maria Ortega explained how she has been with the school for nine years and had been trained by the Leadership Academy. She explained that because of the location of J.H.S. 166, the school faces many large community issues like drugs and gang violence. She further stated:
    a. We are a zoned school who accepts all of the students that are sent here. These students deserve all of the same opportunities.
    b. The percentage of special education students has increased over the years. Our school now has 28% of students who are special education students. This takes a lot of time and resources to support these students.
    c. 28% of the students at J.H.S. 166 have IEPS, while most other schools have 12%-15% of their students with IEPS.
    d. We prepare our students for life by focusing them on ideas and concepts.
    e. All of the increased programs at J.H.S. 166 have taught our students new ways of learning and how to avoid violence.
    f. We have increased the performing arts programs at J.H.S. 166. We now have a chorus, a glee club, instrumentals, drama, theater, martial arts, and other programs.

   g. The school has implemented a positive behavior support system where the students can earn Gershwin bucks.
   h. Overage students are not accepted at other schools in New York City.
   i. There are attendance issues with students who receive full-fare or half-fare metro cards. Students who receive half-fare metro cards have trouble attending school.
   j. This has been a challenging environment to work in because our targets move each year. We have been a Restart model, a Turnaround model, and are now being proposed to phase-out. We need to be given a chance to improve and gain support from the DOE.
4. New York City Council Member Charles Barron spoke about the progress that J.H.S. 166 has made. He stated that:
   a. There are D and F schools that are not being phased-out, but we are a C school.
   b. We should have a meeting with the Chancellor to take about our plans to improve this school.
   c. We need to make sure that every school receives support and proper resources to educate children.
   d. The Mayor is trying to privatize education.
   e. We are not anti-charter, and every parent deserves a choice. The Mayor is manipulating charter and district parents to be at odds with each other.
   f. This plan to have four schools in one building does not make sense. It will cause overcrowding in the school.
   g. The students should not have lunch time scheduled at 10:00am, nor should the students share spaces with each other.
   h. This school has the essential qualities of a strong school and it belongs to the community.
   i. Public Charters are not like public schools. The charters take the cream of the crop from public schools and then evaluate the students differently and kick out the students who do not fit the model.
5. Three speakers spoke in support of the Achievement First co-location at K166. The speakers stated that Achievement First will be a good partner and have seen co-location work at other schools.
6. One speaker spoke in support of the Achievement First co-location at K166, noting that Achievement First helped his child with special needs. The speaker noted the co-location will work and the schools will be great partners.
7. One speaker spoke in support of Achievement First serving District 19 families. The speaker noted that District 19 needs more options and that Achievement First will create strong partnerships with the community.
8. A member of the J.H.S. 166 SLT spoke in support of the school and noted the following:
   a. NYC schools are getting defunded and this is not fair.
   b. If the community came together, we have the ability to save our school.
9. A parent from J.H.S. 166 spoke in support of the school, and noted the following:
   a. She does not understand why the school is being proposed for phase-out.
   b. She noted that the teachers here treat their students like their own children.
   c. The school should receive more money to be successful.
10. A representative from the Council of School Supervisors and Administrators ("CSA") spoke personally in support of Principal Ortega and the District 19 community. The representative that recited a response on behalf of CSA. The response noted that:
    a. The schools proposed for phase-out do not fit a pattern. It seems the DOE picked these schools as if they were playing Russian roulette.
    b. The DOE is closing schools to open up more charter schools.

c. Low performing students are housed in warehouse schools. This is a failing strategy for turning schools around.

Additionally, a question was submitted in writing to the DOE at the Joint Public Hearing:

11. If the proposed phase-out is passed, how do we know the replacement plan will provide a better option for students?
12. What happened in the case of equity funding for schools?

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

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

Comments 2(e), 3(i), 4(d), 4(e), 8(b) and 12 are not directly related to the proposal and thus do not require a response.

Comments 5, 6 and 7 are related to a separate proposal and do not require a response.

Comments 1(e), 1(f), 3(j), and 4(h) voice general opposition to the proposal.

While some members of the J.H.S. 166 community object to the possibility of phasing out the school, 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 J.H.S. 166 is the best option for future students and the broader community,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 Department is proposing to close and replace J.H.S. 166 because it believes that doing so will provide a better educational option to current students more rapidly and with more certainty than other interventions, which at this point are simply not adequate in order to provide a high quality option for current and future students.

Comments 4(a), 9(a) and 10(a) question the DOE's decision to propose J.H.S. 166 for phase-out.

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, we identify our most struggling schools for intensive support or intervention.

Based on this intensive review of data and engagement with school staff, parents, students, community, and network, it was determined that J.H.S. 166 did not have the capacity to turn around quickly enough.

- The overwhelming majority of J.H.S. 166 students remain below grade level in English Language Arts ("ELA") and Math. Only 11% of students were performing on or above grade level in ELA—putting the school in the bottom 3% of middle schools Citywide. Only 25% of students were performing on or above grade level in Math—putting the school in the bottom 10% of middle schools Citywide. In both ELA and Math proficiency, J.H.S. 166 ranks at the bottom of District 19 middle schools.

- The Progress Report measures the progress and performance of students in a school, as well as the school environment, compared to other schools serving similar student populations. J.H.S. 166 earned a C grade on its 2011-2012 annual Progress Report, including C grades for Student Progress and Student Performance and an F grade for School Environment. J.H.S. 166 has a history of low performance, including a C grade on its Progress Report for the past three years.

- J.H.S. 166 was identified by SED as a Priority school, defined by SED as one of the bottom 5% of schools in the state.

- J.H.S. 166 was rated "Developing" on its most recent Quality Review in 2011-2012, indicating deficiencies in the way that the school is organized to support student learning.

- The school's attendance rate remains below most other middle schools. The 2011-2012 attendance rate was 88% compared to the Citywide middle school average of 93%, putting J.H.S. 166 in the bottom 3% of New York City middle schools.

Comment 1(d) concerns teacher attrition at J.H.S. 166.

In 2011-2012, J.H.S. 166 had a teacher turnover rate of 19.4%. While the DOE works hard to keep attrition low, it cannot impede teachers from accepting other job opportunities. It is also important to consider that, often times, a high teacher turnover rate can be symptomatic of a school culture and community that is not working and needs a fundamental change. Regardless of the level of student or teacher turnover, the DOE believes that the proposed phase-out and eventual closure of J.H.S. 166 will address the school's longstanding performance struggles and allow for high-quality school options to develop.

Comments 1(a), 1(b) and 3(a) concern the admissions process for J.H.S. 166 and suggest that other schools are allowed to handpick their students.

As noted in the EIS, students residing in District 19 are offered the opportunity to apply to a range of middle schools within district, and/or schools with borough-wide or City-wide eligibility through the District 19 Middle School Choice process. Students may also choose to apply to a number of schools that manage their own admission processes. Information about all of these options is printed in each district's Middle School Choice Directory, which can be found at http://schools.nyc.gov/ChoicesEnrollment/Middle/Publications/default.htm#brooklyn.

J.H.S. 166 admits students through the District 19 Middle School Choice process. Through the Middle School Choice process, students receive priority admission to their zoned middle school when they rank that school on their District 19 Middle School Choice application. After a zoned school admits all zoned students matched during the District 19 Middle School Choice process, any remaining spaces at the school are open to out-of-zone District 19 students who indicated a preference for that school. J.H.S. 166 first admits students who reside in the K166 zone. If any space remains, J.H.S. 166 admits students using an unscreened selection method. Unscreened schools randomly select students from the pool of those who apply. Through the District 19 Middle School Choice Process, students have the option to apply to a variety of all of the different middle schools in the District. The District offers unscreened, limited unscreened and screened middle school options. Unscreened schools randomly select students who apply to this program. Schools with a limited unscreened method give priority to students who demonstrate

interest by signing in at one or several of the following events: Information Session, School Tour, Open House, or a Middle School Fair. Some schools apply a screen and give priority to students who meet their criteria.

Comment 1(c) concerns the support that was given to J.H.S. 166 to succeed.

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

Leadership Support:

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

Instructional Support:

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

Operational Support:

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

Student Support:

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

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

Even with these supports, however, the DOE has determined that J.H.S. 166 does not have the capacity to

quickly improve student achievement. Rather, the DOE believe that the most expeditious way to improve the educational program for the students currently attending J.H.S. 166 is to close the school and replace it with 19K654 next year.

Comment 2(a) states that the students at J.H.S. 166 have a 95% pass rate on the Regents.

In 2011-2012, none of the eighth grade students at J.H.S. 166 took the accelerated Regents Exams.

Comments 2(b), 2(c), and 3(h) concern the number of overage students in the J.H.S. 166 population.

J.H.S. 166 does have a higher percentage of overage students when compared to the borough average. Although the DOE recognizes that there are difficulties serving overage populations, all schools are expected to meet all students' needs, and the instructional outcomes of J.H.S. 166 in recent years have not been adequate.

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 language 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. Thus, J.H.S. 166 is grouped in its peer group with other New York City public schools with similar student academic and demographic backgrounds.

Comments 2(f), 3(b), and 3(c) concern the percentage of special education students at J.H.S. 166.

It is true that the school's percentage of students served in a self-contained ("SC") special education setting is higher than the borough-wide and City-wide averages. J.H.S. 166 has demonstrated a strength in serving its students with disabilities. While J.H.S. 166 is in the 3rd percentile in the City for ELA proficiency, the school is in the 38th percentile in regards to SC students who are proficient. Further, J.H.S. 166 is in the 10th percentile in the City for Math proficiency, yet J.H.S. 166 is in the top 80th percentile as it pertains to SC students who are proficient in Math. This suggests that the school is doing relatively better with students with disabilities than it does for the general population of students in the school when compared with other schools in the borough. Regardless, all schools are expected to meet all students' needs, and the instructional outcomes of J.H.S. 166 in recent years have not been adequate for general education, ELL students, or students with disabilities.

Comments 3(d), 3(e), 3(f), 3(g) and 9(b) voice support for the J.H.S. 166 school and community and/or support for the school programs and initiatives.

The DOE commends and acknowledges the students and staff at J.H.S. 166 for their hard work and successes. However, the DOE believes that the students in this community would be better served by the

new school.

Comments 2(d) and 4(i) concern how charter and district schools accept students and note the admissions process for overage students.

Any child eligible for admission to a district public school is eligible for admission to a public charter school. If the number of applicants exceeds the number of available seats at a charter school, a random selection process, such as a lottery, must be used. Lotteries select students blindly from among the applicant pool, but give preference to applicants from the community school district that the school is located in. Charter schools may give additional preferences to students based on various factors, including, but not limited to, whether the applicant has a sibling already enrolled in the charter school, is an English Language Learner, and/or is eligible for free or reduced price lunches

Application rules, procedures, and deadlines for charter schools vary, but most charter schools accept applications for the following school year until April 1st and conduct admissions lotteries during the second week of April. 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 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, age or services required by an IEP.

In May 2010 the Charter Schools Act was amended to expressly require that charter schools demonstrate good faith efforts to attract and retain 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.

Comment 4(f) concerns space in the building.

The DOE has determined that K166 has sufficient space to simultaneously phase-out J.H.S. 166 and phase-in 19K654, while also simultaneously resiting UFT Charter's middle school grades and phasing-in AF High School 2. With regard to the distribution of space, the DOE applies the Citywide Instructional Footprint (the "Footprint")[2] to allocate a total room count to each organization as they phase into K166. The assignment of specific rooms for each school in the building will be made in consultation with the Principals of each school and the Office of Space Planning if this proposal is approved.

The Footprint is applied to both DOE and public charter schools to ensure equitable allocation of

[2] The full text of the Instructional Footprint is available at http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf.

classroom, resource and administrative space. The Footprint sets forth the baseline number of rooms that should be allocated to a school based on the grade levels served by the school and number of class sections per grade. The number of class sections at each school are determined by the Principal based on enrollment, budget, and student needs; there is a standard guideline of target class size (i.e., number of students in a class section) for each grade level. At the middle school and high school levels, the Footprint assumes every classroom is programmed during every period of the school day except one lunch period. The BUP details the number of class sections each school is expected to program each year through 2015-2016 and allocates the number of classrooms accordingly. The BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location. Based on the BUP, each school will receive their baseline Instructional Footprint and will be allocated excess space throughout ach year of the proposal.

Comment 4(g) concerns how the shared space schedule is developed.

The BUP outlines a proposed Shared Space Plan for the co-located schools, which outlines the duration of time each of the co-located schools will have in each of the shared spaces in building K166. The Shared Space Plan is based upon the population size and other relevant factors further described below for each co-located school. Although the DOE has proposed how the shared spaces in the building may be utilized, Building Councils are free to deviate from the proposed Shared Space Plan to accommodate specific programmatic needs of all special populations or groups within each school as is feasible and equitable, provided that the Building Council comes to an agreement of the final Shared Space Plan collaboratively.

Ultimately, if all related proposals involving building K166 are approved, principals for all co-located schools would sit on the Building Council, and would create a plan for the allocation of shared spaces if this proposal is approved by the PEP. The Building Council meets regularly to address issues related to space allocations and shared space usage. In buildings with a charter school, there is also a Shared Space Committee, which meets at least 4 times per year, and includes a parent and teacher representative from each school. This committee monitors the implementation of the shared space schedule, and identifies areas of concern that can be addressed by the Building Council. According to Chancellor's Regulation A-190, the shared space committee shall be comprised of the principal (or an assistant principal of the D75 school organization), a teacher, and a parent from each co-located school or D75 school organization. With respect to a non- charter school's teacher and parent members, such shared space committee members shall be selected by the corresponding constituent member of the SLT at that school.

Comment 11 concerns the quality of the replacement plan for J.H.S. 166.

The DOE believes that the gradual phase out and replacement of J.H.S. 166 is the most appropriate strategy to ensure that all students in K166 receive a high quality education. 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. The DOE believes that closing a struggling school and opening a new school with new leaders and staff is a successful strategy to provide all students with an excellent education.

Under this Administration, New York City has replaced 142 of our lowest-performing schools with better options and opened 576 new schools. The DOE is proposing to close less than 1% of new schools that have been opened since 2002. Still we see our new schools significantly outperforming the schools they are replacing: new Schools have outperformed phase-out schools in both Math and ELA in grades 3-8.

Overall, in ELA, new schools had 14.2 percentage points higher proficiency than schools in phase out, with 37.7% proficient in new schools and only 23.5% in schools in phase out in 2012. In math the difference is even more striking where new schools had 23.2 percentage points higher proficiency than schools in phase out, with 50.8% proficient in new schools and only 27.6% in schools in phase out in 2012.

Comments 4(c), 8(a), and 9(c) concern how New York City schools receive funding and school support.

The DOE acknowledges that budget cuts have impacted schools across the City. All public schools receive Fair Student Funding (FSF) dollars based on projected registers. In 2012-2013, New York City schools received $5.0 billion dollars in FSF dollars. FSF dollars can be used in all district schools to cover basic instructional needs and are allocated to each school based on the number and need-level of students enrolled at that school. All money allocated through FSF can be used at the principals' discretion, such as hiring staff, purchasing supplies and materials, or implementing instructional programs. As the total number of students enrolled changes, the overall budget will increase or decrease accordingly, allowing the school to meet the instructional needs of its student population. In addition to the FSF student-need based dollars a school receives, all schools receive a fixed lump sum of $225,000 in FSF foundation and $50,000 in Children First Network Support to cover administrative costs.

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. DOE does everything we can to offer struggling schools leadership, operational, instructional, and student supports that can help turn a struggling school around.

Comment 10(b) asserts that the DOE is closing schools to open up more charter schools.

The DOE proposes schools for phase-out when it believes a school does not have the capacity to turn around quickly enough to improve student outcomes. When these seats need to be replaced to ensure students have access to high quality seats, DOE determines what replacement option makes most sense based on that individual school community and districts' needs. 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 and are in need of intervention. 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 district schools and 149 public charter schools.

As a result, the DOE created more high-quality district and charter options for families. If the DOE proposes to close a school, the school, if needed, is replaced with an option to replace the seats. The DOE is proposing to replace the seats lost by the proposed phase out of J.H.S. 166 by opening a new district middle school.

Comment 10(c) asserts that low performing students are housed in warehouse schools.

Students in District 19 have the option to apply to different schools through the district's middle school choice process. When this process results in higher percentages of certain student populations in a

specific school, DOE counts on the school to provide a high quality education to all students and, for the purposes of accountability through Progress Report metrics, compares each school with other schools serving similar populations. As noted in the EIS, students are offered the opportunity to apply to a range of middle schools within their district, and/or schools with borough-wide or city-wide eligibility through the District 19 Middle School Choice process. Students may also choose to apply to a number of schools that manage their own admission process. Information about all of these options is printed in each district's Middle School Choice Directory, which can be found at http://schools.nyc.gov/ChoicesEnrollment/Middle/Publications/default.htm#brooklyn.

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

Changes Made to the Proposal

No changes have been made to this proposal.