

## **Public Comment Analysis<sup>1</sup>**

Date: March 8, 2013  
Topic: The Proposed Phase Out of P.S. 73 Thomas S. Boyland (23K073) Beginning in 2013-2014  
Date of Panel Vote: March 11, 2013

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### **Summary of Proposal**

The New York City Department of Education (“DOE”) is proposing to phase out P.S. 73 Thomas S. Boyland (23K073, “P.S. 73”), an existing district school in building K073 (“K073”) located at 251 McDougal Street, Brooklyn, NY 11233, in Community School District 23 (“District 23”). P.S. 73 currently serves students in grades kindergarten through eight and offers a full-day pre-kindergarten program. The DOE is proposing to phase out P.S. 73 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 22, 2013, the DOE is proposing to co-locate a new elementary school (23K559, “New Elementary School”) and a new middle school (23K664, “New Middle School”) in building K073. That proposal can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.html>.

P.S. 73 currently serves zoned kindergarten through fifth grade students. It also serves sixth through eighth grade students, and gives priority for admission for sixth-grade to continuing fifth-grade students. P.S. 73 offers a full-day pre-kindergarten program.

If this proposal is approved, P.S. 73 will be phased out gradually over the next several years and will no longer admit new kindergarten, first-grade, second-grade, or sixth-grade students at the end of this school year. Additionally, after the end of this year, P.S. 73 will not offer its pre-kindergarten program. In 2013-2014, P.S. 73 will only serve students in third, fourth, fifth, seventh, and eighth grades; in 2014-2015, P.S. 73 will only serve students in fourth, fifth, and eighth grades; in 2015-2016, P.S. 73 will only serve students in fifth grade. P.S. 73 will close in June 2016.

In a separate EIS posted on January 22, 2013, the DOE has also proposed to open New Elementary School and New Middle School in the same building next September. The proposal can be found at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.html>. New Elementary School will serve kindergarten, first, and second grades next year and will add one grade per year over the next three years. New Elementary School will also offer pre-kindergarten. Current P.S. 73 kindergarten and first-grade students will be enrolled in New Elementary School next year. Current P.S. 73 pre-kindergarten students will have priority for admissions at New Elementary School next year. At full scale, New Elementary School will serve students in kindergarten through fifth grades in 2016-2017 and offer a pre-kindergarten program. New Elementary School, like all District 23 elementary schools, will enroll students through the District 23 Elementary School Choice Process. Additional information about the District 23 Elementary School Choice process is provided in Section III.A of this proposal. New Middle School will serve sixth grade when it opens and will add one grade per year over the next two

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<sup>1</sup> 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.

years. Current P.S. 73 fifth-grade students will be given priority for admissions at New Middle School next year only. At full scale, New Middle School will serve students in sixth through eighth grades in 2015-2016. New Middle School will enroll students through the District 23 Middle School Choice process.

Copies of the EIS describing this proposal are available in the main office of P.S. 73. It is also available on the DOE's website 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 25, 2013 at P.S. 73, 251 McDougal Street, Brooklyn, NY 11233 in building K073.

Approximately 20 members of the public attended the hearing and 5 people spoke. Present at the meeting were Deputy Chancellor Dorita Gibson; Facilitator Laura Feijoo of the DOE; and Principal of P.S. 73 Kenya Stowe. Additionally, Amanda Cahn and Stephen Demers from the DOE were present. The Community Education Council ("CEC") 23 confirmed their participation, but they were not present at the joint public hearing.

The following comments and remarks were made or submitted at the Joint Public Hearing on February 25, 2013:

1. A representative of the School Leadership Team ("SLT") asserted:
  - a. The school has received additional funding due to its state status and additional funding has arrived through grants. As a result, the school should be given more time to succeed.
2. Mr. Steven Rosen, Director for Council of Supervisors and Administrators ("CSA"), asserted:
  - a. The school has a new principal who was informed she would have sufficient time to improve the school's performance.
  - b. The phase-out model is not consistent and there is no clear rationale for phasing-out schools. Some phase-out schools are in good standing from the state, or have new leadership.
  - c. Opening and closing schools is not the answer. This school needs additional support.
3. A representative of the United Federation of Teachers ("UFT") asserted:
  - a. P.S. 73 should not be phased out. Instead, the community and school staff should be engaged in ways to improve P.S. 73
  - b. P.S. 73 and the community need additional social services and supports.
  - c. If this proposal is passed, next year there will be three schools in this building. That's going to be a hardship for parents, staff, administration, and students.
  - d. What will the new schools have that P.S. 73 does not?
4. One commenter stated the following:
  - a. There has not been enough time to turn around this school.
5. One commenter stated the following:
  - a. What resources will the new school have that P.S. 73 does not?

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

6. What resources were provided to parents and families at P.S. 73?
7. What are the next steps in the phase-out proposal process?

8. What will distinguish the new schools from the existing schools?
9. Can you review the career expectations of the current staff at P.S. 73?
10. Does the phase-out of P.S. 73 increase the Absent Teacher Reserve (“ATR”)? Can ATRs apply for the positions at the new schools?

**The DOE received a number of comments at the joint public hearing which do not directly relate to the proposal, and therefore will not be addressed. Those comments are summarized below.**

11. The lack of parent participation at P.S. 73 is disappointing.
12. This decision is about money.

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

13. One commenter stated the following:
  - a. Special education students currently receive support at P.S. 73. Will the new schools offer special education support?

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

Comment 3(a) states general opposition to the proposed phase out and replacement of P.S. 73.

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. 73 is the best option for future students and the broader community.

While some members of the P.S. 73 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. 73 students working toward elementary school and middle school completion, and has developed plans to replace P.S. 73 with a new elementary school and a new middle school that the DOE believes will better meets student and community needs.

Comments 3 (c, d), 5 (a), 8, and 13 (a) pertain to the proposed replacements of P.S. 73 and will be addressed in the corresponding public comment analysis.

Comments 1 (a), 2 (c), 3 (b), 4 (a), and 6 request P.S. 73 be given more resources and time.

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. 73 is a school that the DOE has determined warrants this intervention.

- The overwhelming majority of P.S. 73 students remain below grade level in English Language Arts (“ELA”) and math. Only 20% of students were performing on grade level in English, putting

the school in the bottom 3% of K-8 schools Citywide. Only 28% of students were performing on grade level in math, putting the school in the bottom 3% of K-8 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. 73 earned an F grade on its 2011-2012 annual Progress Report, including an F grade for Student Progress, an F grade for Student Performance, and a C grade for School Environment. P.S. 73 has a history of low performance, including C grades on its Progress Reports in the 2010-2011 and 2009-2010 school years.
- P.S. 73 was designated a Focus School, 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 Learners, low-income students, and students with disabilities).
- The school's attendance rate remains below most other K-8 schools. The 2011-2012 attendance rate was 89%, putting P.S. 73 in the bottom 3% of K-8 schools Citywide.

For these reasons, the DOE believes that P.S. 73 lacks the capacity to turnaround quickly to better serve its students and, therefore, phasing out this school and bringing in higher quality schools will provide better options for the community and families in the future.

Comment 2 (a) states P.S. 73 should not be proposed for phase out because of the new school leader.

We recognize that P.S. 73 staff members have worked hard to improve the school, but even with support the school has not produced adequate outcomes for students. To help the school's efforts to improve performance, the DOE has offered numerous supports to P.S. 73 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;
- Assisting the principal in strategizing professional development plans for school staff aimed at building school-wide capacity and professional growth;
- Supporting school leadership in aligning curriculum to Citywide instructional expectations to ensure standards for teacher practice and student learning are high; and
- Coaching the principal and assistant principals in the use of classroom observations and feedback to enhance teacher effectiveness.

**Instructional Support:**

- Supporting the development of teacher teams and other collaboration among school staff to share best instructional practices and increase school-wide professional growth;
- Providing direct coaching for teachers in developing rigorous curriculum, using curriculum maps and rubrics to enhance instructional coherence and consistency; and
- Training teachers in the use of data tools and data analysis, to build teacher capacity to use student performance data to differentiate instruction and target support to struggling students.

**Operational Support:**

- Advising school staff on budgeting, human resources, teacher recruitment, and building management; and

- Training school staff in the use of student data tracking systems to ensure efficient monitoring of student attendance and academic programming.

Student Support:

- Providing training and support for school staff to ensure efficient and effective tracking of student attendance; and
- Working with school staff to monitor suspension and safety incident rates and to develop strategies to improve the school's culture and learning environment.

Comments 2 (b) and 7 suggests that the DOE has not been successful in phasing out and replacing schools and discussing the process for phasing out schools.

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. 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. The new schools have outperformed schools in phase out both in ELA and Math in grades three through eight by wide margins. 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, 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.

The DOE believes that phasing-out and replacing P.S. 73 is the right decision, and therefore this proposal will go before the Panel for Educational Policy on March 11, 2013.

Comments 9 and 10 question what happens to the staff and teachers currently employed at P.S. 73.

As discussed in the EIS, if this proposal is approved, all teachers, administrative, and non-pedagogical staff at P.S. 73 will be excessed over the course of the phase-out. This process will take place gradually as student enrollment declines with each successive graduating class. With fewer students, the school's staffing needs will naturally be reduced.

All excessing will be conducted in accordance with existing labor contracts. For example, the current UFT contract would require excessing to take place in reverse seniority order within each given teaching license area.

Barring system-wide layoffs, excessed teachers will be eligible to apply for other City positions, and any teachers who did not find a permanent position will be placed in the ATR pool, meaning that they will continue to earn their salary while serving as substitute teachers in other City schools. Should there be a vacancy in the school in a teacher's license area within one year of the teacher being excessed, the teacher will have a right of return to the school, consistent with applicable contractual provisions regarding teachers' seniority.

As P.S. 73 phases-out, two new district replacement schools will phase-in and follow the hiring process consistent with the procedures set forth in the collective bargaining agreement between the DOE and UFT, and hire no less than 50% of their staff from the most senior qualified staff from the P.S. 73, if sufficient number of staff apply, until the impacted school has completed its phase-out.



New staff positions will also be created due to the phase-in of new or replacement schools Citywide. Consequently, this proposal will not necessarily result in an overall loss of teaching positions within the Citywide system.

If this proposal is approved, all school supervisor and/or administrator positions assigned to P.S. 73 will eventually be excessed when the school is closed. Some positions will likely be excessed as the school gradually phases out, as administrative needs will decrease as the school serves a decreasing student population. Again, all excessing will take place in accordance with existing labor contracts.

#### **Changes Made to the Proposal**

No changes have been made to this proposal.