

Public Comment Analysis¹

Date: March 8, 2013
Topic: The Proposed Opening and Co-location of a New Elementary School (23K559) and a New Middle School (23K664) with Existing School P.S. 73 Thomas S. Boyland in Building K073 Beginning in 2013-2014
Date of Panel Vote: March 11, 2013

Summary of Proposal

In an Educational Impact Statement (“EIS”) posted on January 11, 2013, the New York City Department of Education (“DOE”) proposed to co-locate a new elementary school (23K559, “New Elementary School”) and a new middle school (23K664, “New Middle School”) in building K073 located at 251 McDougal Street, Brooklyn, NY 11233, in Community School District 23 (“District 23”). If this proposal is approved, New Elementary School and New Middle School will be co-located in building K073 with P.S. 73 Thomas Boyland (23K073, “P.S. 73”), an existing school that currently serves kindergarten through eighth grade students and has a pre-kindergarten program.

In a separate Educational Impact Statement (“EIS”), published on January 22, 2013, the DOE has proposed to gradually phase-out and eventually close P.S. 73 because of its low performance and inability to improve quickly to better support student needs. If that 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.

If this proposal is approved, New Elementary School will open in K073 as a choice district elementary school. New Elementary School, like all District 23 elementary schools, will enroll students through the District 23 Elementary School Choice Process. In the 2013-2014 school year, New Elementary School will serve the kindergarten, first, and second grade students who may otherwise have attended P.S. 73 if it were not being phased out. New Elementary School will also offer a pre-kindergarten program. New Elementary School will then expand by one grade each year until it reaches full scale and serves students in kindergarten through fifth grades in 2016-2017.

If this proposal is approved, New Middle School will also open in K073 and will admit students through the District 23 Middle School Choice Process with an unscreened admissions method. For the 2013-2014 school year, New Middle School will offer priority to continuing P.S. 73 fifth grade students. For the 2014-2015 school year and beyond, this priority will no longer exist. New Middle School will begin enrolling sixth grade students in 2013-2014 and will add one grade per year until it reaches full scale and serves students in sixth through eighth grades in 2015-2016.

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.

During the years that P.S. 73 is phasing out, New Elementary School, New Middle School, and P.S. 73 will be co-located in K073. Once P.S. 73 has completed its phase-out, New Elementary School and New Middle School will be the only schools co-located in K073.

According to the 2011-2012 Enrollment, Capacity, Utilization Report (“Blue Book”), in 2012-2013, K073 has a target capacity of 778 students, but the building is serving only 421 students, yielding a building utilization rate of 54%.

In 2016-2017, once P.S. 73 has completed its phase-out and New Elementary School and New Middle School have reached full scale, it is projected that there will be approximately 411-501 students served in K073, thereby yielding an estimated building utilization rate of approximately 53%-64%.

If this proposal is approved, New Elementary School and New Middle School will replace the elementary and middle school seats that will be lost as a result of the phase-out and eventual closure of P.S. 73 and will provide new educational options for families in District 23.

The DOE has provided more detail on the decision to phase-out and close P.S. 73 in a separate EIS, which may be found on the DOE’s Web site at:
<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.html>.

The DOE strives to ensure that all students in New York City have access to a high quality school at every stage of their education. The co-location of New Elementary School and New Middle School in building K073 is intended to provide additional options to students and families in District 23.

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 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

Comments 1 (a), 2 (a, b,c), 3 (a, b), 4 (a), 6, 7, 9, 10 related to the proposed phase out of P.S. 73 and are addressed in that public comment analysis.

Comment 3 (c) concerns the proposed co-location of three schools in building K073.

There is sufficient space at building K073 throughout the phase-out of P.S. 73 and phase-in of 23K559 and 23K664 to accommodate all schools. There are currently hundreds of schools in buildings across the City that are co-located; some of these co-locations are multiple DOE schools while others are DOE and public charter schools sharing space. In all cases, allocation of classroom, resource, and administrative

space is guided by the Citywide Instructional Footprint (the “Footprint”) which is applied to all schools in the building.

The DOE seeks to fully utilize all its building capacity to serve students. The Footprint is the guide used to allocate space to all schools based on the number of class sections the school programs and the grade levels of the school. The number of class sections at each school is 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 full text of the Instructional Footprint is available at http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf.

Furthermore, the utilization of K073 is currently 54%. During the first year of the proposed phase out of P.S. 73, the utilization of the building will be between 50%-62%. Once all schools in the building are fully phased in or have completed phasing out, utilization in the building will be between 53%-64%. This means that K073 has adequate capacity to house all of the schools in the building and that there will be sufficient space to accommodate an increase in student enrollment if demand is above the current projections for the new schools.

Comments 4 (d), 5 (a), and 8 concern the success of the DOE’s phase out and replacement strategy of struggling schools.

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 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.

Our new schools are overwhelmingly getting the job done for students, and when they are not, and a school is struggling, we follow the same process to phase out and replace that school.

Comment 13 states the replacement schools will not serve special education students.

The co-location of 23K559 and 23K664 in K073 is intended to replace the seats lost by the phase out and closure of P.S. 73 and to provide additional options to students and families in District 23.

Both schools will serve students with IEPs. As stated in the EIS, elementary and middle school students with IEPs (with the exception of those recommended for a District 75 or a non-public school placement) will follow the same process as their non-disabled peers. The DOE will support schools by reviewing

students' IEPs to focus on addressing the needs of students with disabilities by providing individualized service models that ensure students with IEPs have access to learn alongside their non-disabled peers to the greatest extent possible. Any students with IEPs will continue to receive appropriate services at their elementary or middle school.

Changes Made to the Proposal

No changes were made to the proposal.