

Public Comment Analysis¹

Date: March 8, 2013
Topic: The Proposed Opening and Co-Location of New Visions Charter High School for Applied Math and Science III (84KTBD) and New Visions Charter School for the Humanities III (84KTBD) with Sheepshead Bay High School (22K495) P811K@495 (75K811), a New District High School (22K611) and a New Transfer High School (22K630), in School Building K495) Beginning in 2013-2014
Date of Panel Vote: March 11, 2013

Summary of Proposal

On January 14, 2013 the New York City Department of Education (“DOE”) proposed to open and co-locate two new public charter high schools, New Visions Charter High School for Applied Math and Science III (84KTBD, “AMS III”), and New Visions Charter High School for the Humanities (84KTBD, “HUM III”), in Building K495 (“K495”), beginning in the 2013-2014 school year. K495 is located at 3000 Avenue X Brooklyn, NY 11235, within the geographical confines of Community School District 22 (“District 22”). The proposed new high schools will offer rigorous academic programs with a CTE component that will prepare students for post-secondary education and work. If this proposal and the corresponding proposals (described below) are approved, AMS III and HUM III will be co-located with Sheepshead Bay High School (22K495, “Sheepshead Bay”); one site of a multi-sited District 75 (“D75”) inclusion program, P811K@K495 (75K811, “P811K@K495”); 22K611, a new district high school; and 22K630, a new transfer high school. In addition, K495 houses four Community Based Organizations (“CBOs”): City Year, Counseling in Schools, Diplomas Now, and a Relationship Abuse Prevention Program (“RAPP”).

On January 17, 2013, the Educational Impact Statement (“EIS”) was revised to provide updated information regarding the impact of this proposal on the availability of Transitional Bilingual Education (“TBE”) programming. The January 17, 2013 revised notice also corrected a typographical error in identifying P811K@K495 that appeared in the original notice.

On February 5, 2013, the DOE amended the EIS to update the eligibility status of Sheepshead Bay High School, new district high school 22K611, new district transfer school 22K630, AMS III, and HUM III for School Improvement Grant funding. The amended information was provided in a Notice of Amendment for Section V. of the Revised Educational Impact Statement and does not substantially revise the proposal.

On February 22, 2013, the DOE amended the EIS a second time to provide updated information on 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.

age range of students served by the proposed new transfer high school, 22K630, and corrected calculations with regard to the impact on available ninth grade seats in Brooklyn.

In a separate EIS the DOE is proposing to phase out and eventually close Sheepshead Bay after an extensive review of data and community feedback indicating that the school is unable to turn around despite numerous efforts to improve instruction and school organization. In a third EIS, the DOE is also proposing to open and co-locate a new district high school, 22K611, and a new district transfer high school, 22K630, in building K495 beginning in 2013-2014. If that proposal is approved, AMS III and HUM III would also be co-located in building K495 with 22K611, and 22K630 throughout the course of their phase-ins and thereafter. Information on both of these proposals can be accessed on the DOE's website at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>.

If the Panel for Educational Policy ("PEP") approves the proposal to phase out Sheepshead Bay, the school will no longer admit new ninth-grade students after the end of this school year. However, Sheepshead Bay will continue to serve students currently enrolled in the school. Sheepshead Bay's enrollment will decrease gradually over the next three years, and the school will complete phasing out in June 2016.

The proposed opening and co-location of AMS III and HUM III in K495 is part of the DOE's central goal to create new school options that will better serve future students and the community at large. In November 2012, the New York State Education Department ("SED") authorized New Visions for Public Schools ("New Visions"), a charter management organization, to serve students in ninth through twelfth grades at both AMS III and HUM III. AMS III and HUM III will each offer a rigorous academic program and prepare students for post secondary work in math and science and the humanities, respectively. According to New Visions, New Visions schools provide all students, regardless of their previous academic history, the highest quality education in an atmosphere of respect, responsibility and rigor. The schools ensure that graduates have the skills and content knowledge necessary to succeed in post-secondary choices by engaging students, teachers and administrators in learning experiences that allow risk-taking, embrace multiple attempts at learning, cultivate students' imaginative and creative abilities, and celebrate achievement.

AMS III and HUM III will also offer a CTE component. The new charter high schools will admit students through a lottery application process, with admissions preference given to residents of District 22. The new charter high schools will open in September 2013 when each is projected to serve approximately 115-140 students in the ninth grade. AMS III and HUM III will gradually phase in to K495 by adding one grade level every year until reaching full scale. The schools are expected to reach full scale in grade levels in 2016-2017 and will continue to increase enrollment by accepting a larger ninth grade cohort in 2015-2016 until each school serves approximately 515-640 students in grades nine through twelve in 2017-2018. Detailed information about the High School Admissions Process, charter lottery application process, transfer schools admissions, and the proposed schools' admissions criteria can be found in Section III.A of the second amended revised EIS describing this proposal.

According to the 2011-2012 Enrollment, Capacity, Utilization Report (“Blue Book”), K495 has a target capacity of 2,430 students, but the building serves only 1,736 students, yielding a building utilization rate of 71%. If this proposal is approved, the new schools will open during the 2013-2014 school year, when AMS III and HUM III will serve approximately 115-140 students each in the ninth grade. Each school will gradually phase in by adding one grade per year. The schools are expected to reach full scale in grade levels in 2016-2017 and will continue to increase enrollment by accepting a larger ninth grade cohort until each school serves approximately 515-640 students in grades nine through twelve in 2017-2018. In 2017-2018, once Sheepshead Bay has completed its phase-out and 22K611, 22K630, AMS III, and HUM III are at full scale in terms of enrollment, it is projected that there will be approximately 1,685-2,025 students served in K495, thereby yielding an estimated utilization rate of approximately 69%-83%.

Copies of the second amended revised EIS describing this proposal are available in the main office of Sheepshead Bay and P811K@K495. 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 the three related proposals to phase-out and replace Sheepshead Bay High School was held on February 20, 2013 at Sheepshead Bay, located at 3000 Avenue X Brooklyn, NY 11235, in building K495.

Approximately 129 members of the public attended the hearing and 22 people spoke. Present at the meeting were Deputy Chancellor Kathleen Grimm; Facilitator Elizabeth Rose of the DOE; Principal of Sheepshead Bay John O’Mahoney; Community Education Council (“CEC”) 22 Member Jackie Pierre Louis; Citywide District 75 Council representative Gloria Smith, Citywide Council on High Schools representative Marianne Russo; Sheepshead Bay High School SLT Representatives Mile Katusa, Vikie Angelekakis, Marlene Belnavis, Mario Ford, Rita McRae, Niki Monogiodis, Thimica Ming, Maribel Pena, and Michael Turovskiy; and Assembly member Alan Maisel. The principal of 75K811 was invited to the Joint Public Hearing but did not attend. Additionally, Amanda Cahn, Miriam Sondheimer, and Lauren Lefty from the DOE were present.

Below is a summary of the comments received:

The following comments and remarks were made or submitted at the Joint Public Hearing on February 20, 2013:

1. Mile Katusa of the Sheepshead Bay SLT asserted:
 - a. Emotions have been running high amongst the staff at Sheepshead; there is a perceived lack of support from the DOE that led to the decimation of morale. A year and a half ago the school was told the DOE had a plan to improve the school. The system created cold-hearted cynicism.
 - b. The staff works hard and has had many successes, including the Mock Trial program, athletics programs, and scholarships earned by students. The staff works hard and fights for the students.
 - c. The staff at Sheepshead Bay has been working hard to support the low-performing students at the school and has implemented plans to improve, like developing small learning communities and grade level teams to help address student needs.

- d. The DOE has the hard data, but not the soft data about success stories.
- e. Students don't want to feel like their success stories are dismissed; this is an insult to students.
- f. What specific supports will be provided to Sheepshead Bay as it phases out?
- g. The staff is frustrated that only the new district school will be unscreened; why can't the charter school be unscreened, too?
2. Marianne Russo of the Citywide Council on High Schools stated:
 - a. We should help schools improve and not just help them survive as they phase out. All children deserve the best, and students attending a school being phased out do not always receive the best.
 - b. The DOE should understand why students are not achieving then determine how to help them, rather than just phasing out a school.
 - c. Sheepshead Bay is taking in everyone.
 - d. The DOE is wasting money and resources on phasing out schools when it should be using these resources to help schools improve.
 - e. Is it the best policy to bring in new schools when the students in the school phasing out cannot take advantage of them?
3. Assembly member Alan Maisel, who stated that he was also representing Councilmember Lewis Fiddler, asserted:
 - a. He has been very involved in educational issues involving mayoral control, which is out of control.
 - b. The decision to phase-out Sheepshead Bay was made ten years ago when Chancellor Klein came to the DOE because his policy goal was to close big high schools.
 - c. The way the DOE is going about the process is disingenuous. Students who would have gone to other phase-out schools had to go elsewhere, like Sheepshead Bay.
 - d. Big schools like Sheepshead Bay serve all students, including low level students, so the DOE should not say that the school is doing a bad job.
 - e. The DOE is not doing its job; the Deputy Chancellor is not doing her job. The DOE should support schools; closing schools is not a sign of support.
 - f. Charter schools are not the answer. They select their own students, have their own rules, and can get rid of students when they please.
 - g. The DOE has not demonstrated that schools that have replaced phase out schools are doing significantly better.
 - h. The DOE should think about what occurs in the home.
 - i. The DOE's goal is to close schools and make Bloomberg's education policies look like they're working.
 - j. This proposal will most likely be approved by this administration. I am asking that the DOE withhold the decision to phase-out Sheepshead Bay until after a new mayor is in office. None of the new mayors approve of this school closure policy.
 - k. Let's evaluate whether or not closing schools has some sort of effect.
4. Multiple commenters shared positive feedback about the staff and educational and extracurricular opportunities at Sheepshead Bay High School, and noted that there have been many success stories at the school.
5. Multiple commenters asserted that Sheepshead Bay serves every type of student regardless of background, including many low-achieving students, English Language Learners, and special education students, and therefore Sheepshead Bay should not be punished for poor performance.
6. Multiple commenters asked the DOE to provide Sheepshead Bay with more time to improve.

7. One commenter inquired about the DOE's decision-making process regarding the proposed phase-out, and asserted that the DOE does not have the right to phase-out the school because they are not members of the community.
8. Multiple commenters expressed general opposition to the DOE's policy of phasing-out and closing schools, and two commenters asked for specific evidence regarding the efficacy of this policy.
9. One commenter claimed that the school supports cited on the community fact sheet never occurred.
10. One commenter questioned why the phase-out decision is so soon after last year's Turnaround proposal.
11. Multiple commenters claimed that students from other phase-out schools were sent to Sheepshead Bay, and this in part accounts for the school's low performance.
12. Two representatives from Diplomas Now, a CBO partner on campus, expressed their support for the Sheepshead Bay community and one commenter cited a study regarding gains made with the ninth grade cohort.
13. One commenter asserted that there is no pattern to the DOE's decision to phase out schools.
14. One commenter opposes the phase-out because Sheepshead Bay is a place for the community and the DOE should not just get rid of it.
15. Multiple commenters asserted that the DOE should be providing schools with more support instead of phasing them out.
16. One commenter asked where general and special education students will go if this proposal is approved.
17. Multiple commenters cited recent improvements in the school that resulted from the new leadership and academies, and asked the DOE to provide Sheepshead Bay with more time to improve.
18. One commenter stated that the DOE does not take the community's comments into consideration when making the decision to approve proposals.
19. One commenter asserted that the cause of low student performance is not the school, but problems at home.
20. Multiple commenters expressed general opposition to the proposal to phase-out Sheepshead Bay.

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

21. What evidence can the DOE provide that substantiates the claim that closing schools improves the education students receive?
22. Explain the proof/evidence of phase out being a success.
23. Can I submit a transfer for my son to another school within Brooklyn? Any school other than Brooklyn?
24. The school should have been closed in the seventies but it was not. The school is not failing; the students that want to go to the school are making it fail.
25. There are other schools worse than Sheepshead Bay. Why shut down a school with a Principal that is trying to improve the school? Shut down the schools that are not willing to change.
26. The current Principal just got to the school a few months ago. Why not give him a chance for another few years to see if he can change the school?
27. Why shut down the genuine magic that Sheepshead Bay High School is fighting so hard to spread to the students?

28. Is the DOE proud that they will be separating these kids from people that want them to succeed as if they were their own?
29. What are the plans for special education students? Will physically challenged and learning disabled students be accepted in the replacement plans?

Additionally, one statement was submitted in writing to the DOE:

30. At the General Board meeting of Community Board 15 on January 29th, 2013, the Board voted unanimously to oppose the closing of Sheepshead Bay High School for the following reasons:
 - a. The Board is opposed to the new charter schools at K495.
 - b. Parents and students should be included in the decision-making process.
 - c. This closure is another example of the decline of the education system.
 - d. Students should be allowed the opportunity to continue their education at this community school

The DOE received a number of comments which do not directly relate to the proposals being discussed.

31. One commenter asserted that mayoral control is “out of control.”
32. One commenter stated that all of the DOE’s “minions” will be out of a job in November.
33. One commenter stated that there have been lies told by the DOE.
34. One commenter stated that “Education Mayor” has been destroying the city and is responsible.
35. One commenter stated that he has a petition to repeal mayoral control and that the PEP vote in a rubber stamp.
36. One commenter asserted that the Deputy Chancellor was taking “phony notes.”
37. One commenter expressed that everything that is happening is part of a national movement that is trying to make it so people lose a stake in community schools. They achieve this by bringing in people from outside the community to teach; this movement wants to destroy and undermine the community. We should not call them “reformers,” but “deformers.”
38. The problem is not with Sheepshead Bay High School, but with the mayor’s office. Many important offices are overworked and undermanned.
39. Joel Klein was a businessman, not an educator.
40. People who cannot handle classrooms become superintendents and chancellors.

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

Comments 1(a-f), 3(a-e, h-k), 4-7, 9-20, 22-28, and 30-40 do not directly relate to this proposal and therefore will not be addressed.

Comment 3(g), 8 and 21 question whether phasing out and replacing schools is an effective strategy.

The DOE uses the strategy of phase-out and replacement because it works. 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 has created more high-quality choices for families. Graduation rates at new schools are higher than the schools they replaced. Here are a few examples:

- The new schools located on the Seward Park Campus in lower Manhattan had a graduation rate of 71.1% in 2011, compared to Seward Park High School's graduation rate in 2002 of 36.4% (Seward Park HS completed its phase-out in 2006).
- The new schools located on the Park West Campus in Manhattan had a graduation rate of 72.2% in 2011, compared to Park West High School's graduation rate in 2002 of 31.0% (Park West HS completed its phase-out in 2006).
- In 2011, the schools on the Van Arsdale campus in Brooklyn had a graduation rate of 86.7%—about 40 points higher than the former Harry Van Arsdale High School's graduation rate of only 44.9% in 2002 (Van Arsdale HS completed its phase-out in 2007).
- The Erasmus Hall High School graduated only 40.3% of student in 2002. The new schools on the Erasmus campus are getting tremendous results, graduating 71.4% of students in 2011. (Erasmus Hall HS complete its phase-out in 2006.)
- The new schools located on the Springfield Gardens Campus in Queens had a graduation rate of 68.8% in 2011, compared to Springfield Gardens High School's graduation rate in 2002 of 41.3% (Springfield Gardens HS completed its phase-out in 2007).
- The new schools located on the Evander Childs Campus in the Bronx had a graduation rate of 72.6% in 2011, compared to Evander Childs High School's graduation rate in 2002 of 30.7% (Evander Childs HS completed its phase-out in 2008).

The DOE believes that AMS III and HUM III will serve as higher quality options for students than what is currently being offered by Sheepshead Bay.

Comment 29 relates to the plan for special education students, including those that are physically challenged and learning disabled.

All students, including special education students, will be appropriately served and supported by Sheepshead Bay as it phases out and by the new school options proposed for building K495, including the new district high school, transfer high school, and the two charter high schools, in accordance with DOE policy. Students currently attending P811K@K495 will continue to be served in an inclusion setting as Sheepshead Bay phases out, and any incoming District 75 students will be supported in an inclusion setting in the new district school, 22K611. Furthermore, this proposal is not expected to impact the accessibility (functionally accessible) of the K495 building. In this way, the DOE will continue to support special education students of varying needs on the K495 campus.

Comment 3(f) expresses general opposition to the co-location proposal for AMS III and HUM III in building K495.

As part of the replacement strategy for Sheepshead Bay, the DOE is proposing to recover a substantial number of the seats lost through the phase-out of Sheepshead Bay by adding four new schools in the K495 building, including two new charter high schools: AMS III and HUM III. AMS III and HUM III will offer rigorous, college-preparatory programs designed to equip students with the skills necessary to achieve post-secondary success. Furthermore, both AMS III and HUM III will offer a CTE component, which would train students with workforce skills in specific careers. The new charter high schools will be managed by New Visions, an organization committed to preparing students for high school graduation as

well as for successful futures in careers or college. New Visions has created many new small high schools in New York City, and has demonstrated a track record of success since beginning this work in 2002. The DOE believes that co-locating two New Visions charter high schools in K495 will create much needed additional educational options in the community.

If this proposal is approved, AMS III and HUM III will admit prospective ninth-grade students through the charter application lottery process, which is a blind admissions process that takes place if there are more applicants than available seats. Admission to a charter school cannot be limited on the basis of disability, race, creed, gender, national origin, religion, ancestry, intellectual ability, measures of achievement or aptitude, or athletic ability. Furthermore, in May 2010 the Charter Schools Act was amended to expressly require that charter schools demonstrate good faith efforts to attract and retain English Language Learners (“ELLs”), students with disabilities, and students eligible for free or reduced lunch at rates comparable to those of the Community School District. Charter schools which fail to meet the special education and/or ELL targets set by their authorizer risk being closed or having their renewal applications rejected. Charter schools must admit all students according to their lottery preferences, and may not turn away a student because of language ability, behavioral problems, or services required by an IEP. In this way, AMS III and HUM II are expected to meet the needs of students and the community.

Comment 1(g) questions the limited unscreened admissions policy at the proposed new district high school in comparison to the admissions method at the proposed new charter high schools.

22K611 will admit students as part of the Citywide High School Admissions Process through a limited unscreened option method and give priority to residents of Brooklyn. Limited unscreened schools give admissions priority to students who demonstrate interest in the school by attending an information session, open house event, or visiting the school's exhibit at any one of the High School Fairs. In this way, the school will serve all students, regardless of past academic success and demographics, and is likely to serve a population with similar demographics as Sheepshead Bay.

As stated above, AMS III and HUM III will admit students through a charter lottery process, which is a blind admissions process that takes place if there are more applicants than available seats. Admission to a charter school cannot be limited on the basis of disability, race, creed, gender, national origin, religion, ancestry, intellectual ability, measures of achievement or aptitude, or athletic ability. Admission to AMS III and HUM III is open to all New York City students with priority given to residents of District 22. In this way, the proposed charter school replacements operate a similar admissions process to that of the proposed new district high school, in that it is also an “unscreened” process.

Changes Made to the Proposal

No changes were made to his proposal.