

Public Comment Analysis¹

Date: March 8, 2013

Topic: The Proposed Phase-out of Law, Government and Community Service High School (29Q494) 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”) issued an Educational Impact Statement (“EIS”) describing a proposal to phase out Law, Government and Community Service High School (29Q494, “LGCS”), an existing high school located in school building Q490 on the Campus Magnet Educational Campus (“Q490” or “Campus Magnet”), beginning in the 2013-2014 school year. Campus Magnet is located at 207-01 116th Avenue, Queens, NY 11411, within the geographical confines of Community School District 29 (“District 29”). LGCS currently serves students in grades nine through twelve. The DOE is proposing to phase out the school based on its poor performance and the DOE’s assessment that it lacks the capacity to improve quickly to better support student needs. In a separate EIS also posted on January 14, 2013 and amended on February 6, 2013, the DOE is proposing to co-locate a new high school 29Q243 in building Q490 as part of the replacement strategy for LGCS. That proposal can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>.

On February 6, 2013, the DOE issued an amended EIS that provides updated information regarding the impact on borough-wide seat capacity, including an accurately updated chart detailing the proposed changes to high school seats in Queens, and an updated description of the types of previously and concurrently proposed changes to high school seats in Queens.

If this phase-out proposal is approved, LGCS will no longer admit new ninth-grade students after the conclusion of the 2012-2013 school year. The school will continue to phase out one grade level at a time until it closes at the conclusion of the 2015-2016 school year, and current students will be supported as they progress towards graduation while remaining enrolled at LGCS. In cases where students do not complete graduation requirements by June 2016, the DOE will help students and families identify alternative programs or schools that meet students’ needs so that they may continue their education after LGCS completes phasing out.

LGCS is co-located with the following three district schools: Mathematics, Science Research and Technology Magnet High School (29Q492, “MAST”), an existing high school serving students in grades nine through twelve; Business, Computer Applications & Entrepreneurship High School (29Q496, “BCAE”), an existing high school serving students in grades nine through twelve; and Humanities & Arts Magnet High School (29Q498, “Humanities & Arts”), an existing high school serving students in grades

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.

nine through twelve. In addition, building Q490 houses a School Based Health Center (“SBHC”) program.

In a separate Educational Impact Statement (“EIS”) which was posted on January 17, 2013, the DOE is proposing to phase out BCAE due to its poor performance and the DOE’s assessment that it lacks the capacity to improve quickly to better support student needs. That proposal may be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>. If that proposal is approved, BCAE would begin phasing out in September 2013 and eventually close at the conclusion of the 2015-2016 school year. At this time, the DOE also anticipates opening a new school in September 2014 in Q490 as part of the replacement strategy for BCAE. The DOE would issue a separate EIS for such a proposal.

BCAE offers one Career and Technical Education (“CTE”) program. The program admits students in ninth grade through the Citywide High School Admissions process.

If this phase-out proposal is approved, LGCS will continue serving currently enrolled students, but will begin phasing out one grade at a time beginning in September 2013, and complete its phase-out after the 2015-2016 school year. In another EIS, the DOE is proposing to open a new high school, 29Q243, in building Q490 in September 2013. The proposal can be found at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>. 29Q243 will continue growing to full-scale as LGCS phases out. The new school will open with ninth grade, adding one grade annually and reaching full-scale in the 2016-2017 school year with a grade span of nine through twelve.

The details of this proposal have been released in an EIS which can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>. Copies of the EIS are also available in the Law, Government and Community Service High School, Humanities & Arts Magnet High School, Business, Computer Applications & Entrepreneurship High School, and Mathematics, Science Research and Technology Magnet High School main offices.

Summary of Comments Received

A joint public hearing regarding this proposal was held at building Q490 on February 13, 2013. Members of the School Leadership Team (“SLT”) from every school organization in the Q490 building were invited to participate. At that hearing, interested parties had an opportunity to provide input on the proposal. While representatives from the Citywide Council for Special Education, Citywide Council on High Schools, and Citywide Council for English Language Learners were invited, not all chose to participate in the hearing. Approximately 115 members of the public attended the hearing and 28 people spoke. Present at the meeting were: Deputy Chancellor Shael Polakow-Suransky; Queens High Schools Superintendent Juan Mendez; Community Education Council (“CEC”) 29 President Alicia Hyndman; Donna Delfyett-White, Principal of Law, Government & Community Service High School; Lynne Callender, Principal of Business, Computer Applications, and Entrepreneurship High School; Jose Cruz, Principal of Mathematics, Science, Research and Technology High School; Rosemarie Omand, Principal of Humanities & the Arts High School; SLT representatives from LGCS, Karen Dagis, Kelly Nurse, Eric Simone, Nicole Johnson, Lakita Middlebrooks, and Barbara Giamundo; Council Member Leroy Comrie; Maylene Thurton representing Assemblywoman Barbara Clark; Nathaniel Hezekiah representing Congressman Gregory Meeks; and Savita Iyengar, Rebecca Rawlins, and Jillian Roland from the Office of Portfolio Management.

The following comments and remarks were made at the joint public hearing:

1. Alicia Hyndman, President of CEC 29 expressed her opposition to the proposed phase-out of LGCS:
 - a. She cited the impact of budget cuts on LGCS, including losing a parent coordinator and cutting programs that support the career model.
 - b. She cited multiple leadership changes, and stated that continued leadership will bring results.
 - c. She stated that LGCS is working and the graduation rate has increased in 2011-2012.
 - d. She stated that LGCS should remain open, the parent coordinator should be re-hired, and the school should continue its upward trend with its current leader.
2. LGCS SLT Representatives gave a presentation during which they expressed their opposition to the proposed phase-out of LGCS:
 - a. They stated that LGCS has progressed despite dwindling resources, citing after-school tutoring, a modified budget to continue Saturday Academy, the purchase of the APEX online credit recovery program, and tutoring during lunch.
 - b. They stated that LGCS has progressed despite little support.
 - c. They stated that LGCS has progressed despite an increase in high needs students enrolled at LGCS.
 - d. They stated that LGCS has had four principals and three Assistant Principals in six years, and three Network Leaders in three years.
 - e. They stated that the teaching staff has remained the same since 2008 when the school received a B.
 - f. They stated that an after school program for struggling students was cut in 2009 due to budget cuts, and that this coincides with a drop in the school's four-year graduation rate.
 - g. They asserted that the school is progressing despite budget cuts and change in leadership, including the following: A 2.5% increase in attendance from 2010-2011 to 2011-2012; an improved environment grade from 2009-2010 to 2011-2012; the school was removed from the DOE's impact list under the current Principal's supervision; credit accumulation of 10+ credits for ninth-grade students increased 28% from 2010-2011 to 2011-2012; credit accumulation for ninth-grade students in the city's lowest third increased 75% from 2010-2011 to 2011-2012; ninth-grade credit accumulation is up 338% from 2006-2007 to 2011-2012; the six-year graduation rate increased from 58.3% in 2007-2008 to 76.4% in 2011-2012; law classes have been reestablished; the school has partnered with several college readiness programs; LGCS received a College and Career Readiness grade that ranked the school in the middle of all New York City High Schools; LGCS is ranked "in good standing" by New York State Education Department; and LGCS has purchased and added programs and classes to help students prepare for the Regents, recover credits, and learn in the classroom.
 - h. They expressed confusion about why the DOE is proposing to phase out LGCS, citing a high school in Brooklyn with lower progress report grades and graduation rates, and with a lower ranking by the New York State Education Department.
 - i. They shared testimonials from alumni demonstrating their support for the school and their confusion about why the DOE is proposing to phase-out LGCS.
 - j. They expressed that phasing out schools is a failed policy
 - k. They stated that with proper resources and supports, LGCS can remediate any difficulties.
3. Councilman Leroy Comrie expressed opposition to the proposed phase-out of LGCS:

- a. He stated that there are schools in the city with worse records that are being kept open.
 - b. He stated that a new school with a different environment would not help the building and would change the whole idea of what the campus was designed for.
 - c. He stated that LGCS has a good teacher base and there is no reason to phase out the school.
 - d. He stated that the school needs the proper resources, and that low registers have inhibited the school's ability to get additional resources.
 - e. He stated that the principal has only been at LGCS for two-and-a-half years and has not been given the time to improve the school.
 - f. He stated that the proposed phase-out would hurt students at LGCS who would not have the resources, assistance or counseling they need.
4. Multiple commenters stated that phasing out schools is a failed policy:
- a. Some of these commenters stated that LGCS needs resources and not closure.
 - b. Some of these commenters referred to the closure of Andrew Jackson High School in 1994 as an example of how closure doesn't work, since LGCS is one of the replacement schools for Andrew Jackson High School.
 - c. One commenter stated that, as LGCS phases out, it will not get resources.
 - d. One commenter stated that with limited resources, schools are set up to fail, and that closing LGCS is a racist act.
 - e. William McDonald, the Chair of the NAACP New York State Metropolitan Education Committee, stated that a school is a foundation in a community and that closing a school is almost as bad as closing a church.
5. Multiple commenters referred to the negative impact of school closure on the reputation and academic performance of students attending the school proposed for closure.
6. Multiple commenters expressed concern about the negative impact of closure on the Campus Magnet Campus.
7. Multiple commenters stated that LGCS has been improving and that they are against the proposed phase-out of LGCS.
- a. One commenter stated that the school has become safer.
 - b. Multiple commenters stated that the current Principal has brought many programs back to the school.
 - c. Multiple commenters supported the LGCS staff, citing Regents Prep courses and after-school tutoring.
 - d. Multiple commenter stated that LGCS should be given time to improve.
8. Multiple commenters expressed confusion about why the DOE is proposing to phase-out LGCS.
- a. One commenter added that the DOE receives money for school closures.
 - b. Mr. McDonald, the Chair of the NAACP New York State Metropolitan Education Committee, asked why the DOE closed I.S. 231, when it had a B?
 - c. Multiple commenters stated that there are no criteria for school closure, and that schools proposed for phase-out do not fit any pattern.
9. Multiple commenters cited multiple leadership changes over the past six years.
10. Multiple commenters stated that this is the only school with a Law interest area in the neighborhood.
11. Multiple commenters, including Queens High School UFT Representative James Vasquez, expressed a lack of supports provided to LGCS over the years, asking how LGCS has been supported since the last time the community met to discuss the possibility of phasing-out the school.

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

12. The DOE received a petition from the LGCS community with approximately 215 signatures and approximately 45 letters that expressed the following:
 - a. Asked for more resources to be provided to LGCS
 - b. Stated that the school should not be phased out.
 - c. Cited ways LGCS is improving under its current principal, including the following: A 2.5% increase in attendance from 2010-2011 to 2011-2012; an improved environment grade from 2009-2010 to 2011-2012; the school was removed from the DOE's impact list under the current Principal's supervision; credit accumulation of 10+ credits for ninth-grade students increased 28% from 2010-2011 to 2011-2012; credit accumulation for ninth-grade students in the city's lowest third increased 75% from 2010-2011 to 2011-2012; credit accumulation of 10+ credits for tenth-grade students increased 26% from 2010-2011 to 2011-2012; 10+ credit accumulation for tenth-grade students in the city's lowest third increased 64% from 2010-2011 to 2011-2012; law classes have been reestablished; the school has partnered with several college readiness programs; and the six year graduation rate increased from 58.3% in 2007-2008 to 76.4% in 2011-2012.
 - d. Added that the school has improved despite loss of financial resources and leadership turnover which includes four principals in six years, three Network Leaders in three years, and two Superintendents in three years.
13. The DOE received an electronic petition with approximately 314 signatures expressing the community's opposition to the proposed phase out of LGCS, and asking for resources and support instead of phase out.

The DOE received a number of comments which do not directly relate to the proposal. Those comments are summarized below.

14. Multiple commenters expressed that Mayor Bloomberg and his policies have failed.

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

- Comments 1(a), 2(a, b, f, k), 3(d), 4(a, d), 11, 12(a), and 13 concern the supports that were provided to LGCS and the impact of budget cuts, and express the belief that added resources, and not phase-out, is the appropriate course of action.

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

While the DOE recognizes that LGCS staff members have worked hard to improve the school, 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 including:

Leadership Support:

- Coaching the principal in the use of classroom observations and feedback to enhance

teacher effectiveness.

- Working with the principal to assess areas in need of improvement in the school and supporting the implementation of a strategic action plan to address these concerns.
- Assisting school leadership in the development of instructional plans and goals for the school year, in support of the school's Comprehensive Education Plan.

Instructional Support:

- Providing coaching and professional development for teachers on ways to strengthen instruction and improve academic outcomes for special education students.
- Participating in classroom walkthroughs to provide targeted feedback for teachers on ways to improve classroom instruction and increase student engagement.
- Coaching teachers in the development of lesson plans, curriculum maps and rubrics aligned to citywide instructional expectations.
- Facilitating the school's participation in a program that provides online resources and technology to help teachers differentiate instruction and improve literacy outcomes for students.

Operational Support:

- Training school staff in student data tracking systems to ensure efficient and effective monitoring of student attendance, and providing guidance on strategies to increase student attendance.
- 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 school staff on budgeting, staffing, teacher recruitment and building management.

Student Support:

- Coaching the school in the use of evidence-based guidance and counseling strategies to build the school's capacity to offer social and emotional support to students.
- Providing professional development for school staff on topics in youth development, including crisis-management, bullying, and violence prevention, in order to foster awareness and improve the school's culture and learning environment.

While the DOE acknowledges that the school underwent changes in the leadership, LGCS was provided the aforementioned comprehensive, school-specific supports by the DOE. Despite this extensive assistance, it is apparent that LGCS has failed to develop the proper infrastructure to meet the needs of its students and families.

With regards to the LGCS's budget, in New York City, we fund schools through a per pupil allocation. That is, funding "follows" the students and is weighted based on students' grade level and need (incoming proficiency level and special education/ELL/Title I status). If a school's population declines from 2,500 to 2,100 students, the school's budget decreases proportionally—just as a school with an increase in students receives more money. Even if the Department of Education had a budget surplus, a school with declining student enrollment would still receive less per pupil funding each year enrollment falls.

Fair Student Funding (FSF) dollars – approximately \$5.0 billion in the 2012-2013 school year based on projected registers – are used by 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 (e.g. parent coordinator), purchasing supplies and materials, or implementing instructional programs (e.g. law electives). 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. Principals at all schools throughout the city have discretion over their budget and make choices about how to prioritize their resources.

While the DOE acknowledges that budget cuts have impacted schools across the City, budget cuts have not disproportionately impacted LGCS specifically or schools that have been proposed for phase out and replacement generally. In 2010-2011, budget cuts Citywide were implemented as an equitable cut of 4.16% to total budgets. In 2011-2012, budget cuts Citywide were implemented as an equitable cut to flexible budgets of 3.26%. There were no cuts to school budgets in 2012-2013. It should be emphasized that principals have discretion over their budget and make choices about how to prioritize their resources.

We have had enormous success around the City replacing our lowest-performing schools with new schools that do better. We owe it to our families to give them the best possible options, and in some cases that means replacing low-performing schools with new ones. The DOE strives to provide strong educational opportunities for students of all races and backgrounds.

- Comments 1(b), 2(d), 9, and 12(d) concern the change in leadership at LGCS.

As mentioned above, while the DOE acknowledges that the school underwent changes in the leadership over the past six years, LGCS was provided the aforementioned comprehensive, school-specific supports by the DOE, including leadership support.

Under the current administration which began in March of 2010, LGCS earned consecutive D grades on its 2010-2011 and 2011-2012 annual progress reports, including F grades for Student Progress and C grades for School Environment. On its 2011-2012 annual progress report, LGCS went from a C to a D grade for Student Performance. LGCS has struggled for years, and the school’s performance during the 2011-2012 school year further demonstrates that the school lacks capacity to improve quickly to better support student needs. Thus, despite extensive assistance, it is apparent that LGCS has failed to develop the proper infrastructure to meet the needs of its students and families.

- Comment 2(c) concerns the high needs population at LGCS.

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 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 with disabilities, the average 8th grade English and Math proficiency scores of incoming students, the percentage of students with self-contained placements, and the percentage of overage students. For high schools, each school has up to 40 peer schools, up to 20 schools with peer index immediately above it and up to 20 with peer index immediately below it. Thus, LGCS is grouped in its peer group with other New York City public schools with similar student academic and demographic background. According to the 2011-2012 enrollment data, LGCS was composed of 3% ELLs, 56% students who are eligible for free and reduced lunch, 15% students with IEPs, and 7% students in self-contained classes ("SC"). Meanwhile, on average schools in LGCS' peer group are composed of 20% ELLs, 72% students who are eligible for free and reduced lunch, 17% students with IEPs, and 3% SC students.

From the 2010-2011 to 2012-2013 school year, LGCS has seen an increase in students who are eligible for free and reduced lunch from 52% to 66%, although it continues to serve below the district average of 69% of students who are eligible for free and reduced lunch. The school ranks in the bottom 11% of its peers serving similar populations.

Poor performance report grades thus indicate that a school is not serving its students well, both objectively and by comparison to other schools serving similar students. Moreover, the new schools proposed to open are anticipated to serve student populations similar to the phasing out school.

Further, in New York City, high school admission is based on a Citywide choice process, with students ranking up to 12 high school programs in order of preference. High school students with IEPs are admitted in the same manner as general education students. ELL students are admitted to high schools in the same manner as their non-ELL peers. The DOE does not guide students into certain schools based on whether they are part of a particular demographic group. Many schools Citywide serve high proportions of high-need or underserved populations and produce positive academic outcomes.

- Comments 1(c, d), 2(e, g), 3(c), 7(a, b, c), and 12(b, c) concern LGCS's improved performance and why this would warrant a proposed phase-out of the school; and Comments 3(e) and 7(d) contend that LCGS should be given more time to improve.

While the DOE acknowledges that LGCS's staff remain committed to supporting the school and current students, LGCS has struggled to improve and its performance during the last few years confirms the DOE's assessment that the school lacks the capacity to improve quickly to better support student needs.

LGCS has declined in performance over the last few years. While LGCS earned a B in 2008-2009, LGCS received an overall D grade on its Progress Report in 2011-2012, and received D grades the two years prior. The school 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. Although

LGCS's performance was better in 2008-2009, the school was still struggling. 75% of high schools Citywide received an A or B on the 2008-2009 Progress Report, and LGCS's 2008-2009 Progress Report overall scores were in the bottom 31% of schools Citywide.

The DOE acknowledges that in 2010, the New York State Education Department adjusted the "cut scores" on annual mathematics and English Language Arts exams, raising the score required for students to achieve proficiency on the exam. As a result, the percentage of students achieving proficiency fell significantly at schools statewide, including most New York City schools. While the percentage of students achieving proficiency declined, on average, New York City's students' scale scores on the tests remained largely unchanged relative to the prior year. Regardless, low student performance at LGCS has been a persistent trend.

Graduation rates have declined over the last four years from 72% of students graduating in four years in 2008-2009 to 54% of students graduating in four years in 2012 (including August graduates)—well below the most recent Citywide average of 65.5%. Although LGCS's six-year graduation rate has increased since the 2009-2010 school year, only three-quarters of the students attending LGCS are graduating in six years, which puts the school in the bottom half of schools Citywide. In 2011-2012, less than half of the students graduating from LGCS graduated with a Regents Diploma, which puts the school in the bottom 16% of high schools Citywide in terms of percentage of students graduating with a Regents Diploma.

Only 75% of the ninth-grade students at LGCS earned 10+ credits in 2011-2012, only 64% of the tenth-grade students at LGCS earned 10+ credits, and only 53% of eleventh-grade students at LGCS earned 10+ credits in 2011-2012. Credit accumulation at LGCS ranks the school in the lowest third Citywide.

Although LGCS received a C grade for School Environment under the current Principal, up from an F grade in 2009-2010, on the 2012 New York City School Survey, only 63% of student respondents reported feeling safe in the hallways, bathrooms, and locker rooms at LGCS, putting the school in the bottom 2% of high schools Citywide.

The DOE initiated and completed a comprehensive review of LGCS during the fall of 2011, after LGCS earned a D on its 2009-2010 and 2010-2011 Progress Reports. Upon completion of the review in the fall of 2011, the DOE believed that, at the time, phase-out was not the appropriate intervention for the school.

As a result of the aforementioned performance concerns, the DOE initiated a similar comprehensive review of LGCS in the fall of 2012 with the goal of determining what intensive supports and interventions would best benefit the LGCS community. During that review, the DOE looked at recent historical performance and demand data from the school, consulted with superintendents and other experienced educators who have worked closely with the school, and gathered community feedback.

The DOE recognizes that LGCS is a valued member of the District 29 community, and is supported by many. After completing that review, though, given the school's declining performance, the DOE now believes that only the most serious intervention – the gradual phase-out and eventual closure of LGCS – will address the school's declining performance and longstanding struggles and allow for new school options to develop in building Q490 that will better serve future students and the broader community.

With regards to comment 3(e) and 7(d), leadership, while very important, is still only one component of a school. The school culture and conditions have not enabled increased student achievement. LGCS's current outcomes cannot be permitted to persist, as LGCS students will fall further behind their peers in other high schools. Indefinitely trying to improve a school that has struggled for years is not a gamble the DOE is willing to take. It is our belief that phasing out this school and bringing in higher quality schools will provide better options for the community and families in the future.

- Comments 2(j), and 4(b, e) concern the policy of school closure; and Comment 4(b) refers specifically to the closure of Andrew Jackson High School.

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.

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, we have created more high-quality choices for families. Graduation rates at new schools are higher than the schools they replaced. Here are a few examples:

- *Manhattan:* 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).
- *Manhattan:* 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).
- *Brooklyn:* 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).
- *Brooklyn:* 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.)
- *Queens:* 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).
- *Bronx:* 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).

Ten years ago when the Mayor charged us with developing a system of great schools we knew it was a big goal to deliver on and would require bold action on the part of all of us.

We count on each of our schools to provide a high-quality education to its students—and we hold all schools to the same high standard. If a school is not getting the job done for its students, we are compelled to take serious action to ensure its students do not fall even further behind.

Of course, struggling schools must be given a real shot to improve. But if the school continues to fail after receiving additional support, we must make the incredibly difficult decision to replace the failing school with a new option.

We cannot stand by and allow schools to keep failing our kids when we know we can—and we must—do better.

With regards to comment 4(b), we count on each of our schools to provide a high-quality education to its students—and we hold 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 – we are compelled to take serious action to ensure its students do not fall even further behind.

In a June 2010, MDRC, an independent research group, issued a report on NYC’s new small schools strategy. MDRC concluded: “It is possible, in a relatively short span of time, to replace a large number of underperforming public high schools in a poor urban community and, in the process, achieve significant gains in students’ academic achievement and attainment. And those gains are seen among a large and diverse group of students — including students who entered the ninth grade far below grade level and male students of color, for whom such gains have been stubbornly elusive.” (MDRC, “Transforming the High School Experience,” June 2010.)

Findings released in January 2012 from MDRC showed that these schools are having a sustained effect on graduation rates with positive impacts for virtually every subgroup. In addition, the small high schools show positive impacts on five-year graduation rates and on a measure of college readiness.

New York City was ahead of the curve in complying with President Obama’s call to close or turnaround the lowest 5% of schools nationwide and provide better options to families. We simply cannot stand by and allow schools to keep failing our kids when we know we can—and we must—do better. New York City’s new schools strategy has helped us to deliver on the core promise we make to NYC families to provide *all* students with an excellent education.

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.

- Comments 2(h, i), 3(a), and 8(a, b, c) concern the criteria for identifying struggling schools.

In a concerted effort to ensure that all students have access to high-quality school programs, the DOE 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.

First, we compile a preliminary set of schools that meet one or more of the following criteria:

- Received a grade of D, F, or a third consecutive C or worse on the 2011-12 Progress Report; and/or
- Received a rating on the most recent Quality Review of Developing or Underdeveloped; and/or

- Identified as Priority (bottom 5% in the state) by the New York State Education Department; and/or
- Received a recommendation on their 2011-12 Joint Intervention Team review for significant change in organizational structure or phase out/closure.

Next, we apply additional criteria to determine which schools are most in need of support or intervention. We remove from consideration schools that meet any of the following criteria:

- Elementary and middle schools that have a higher English Language Arts and Math average proficiency than their district average or the city average (whichever is lower). The city average for 2011-12 is 53.5% proficient; and/or
- High Schools that have a higher graduation rate than the citywide graduation rate. The citywide rate for 2010-11* is 65.5%; and/or
- Schools that received an A or B on the 2011-12 Progress Report; and/or
- Schools that earned a Well Developed score on a 2010-11 or 2011-12 Quality Review; and/or
- Schools receiving a Progress Report Grade for the first time in 2011-12.

**Note: 2011-12 citywide graduation rate is not available yet.*

Schools that are removed from consideration for the most intensive support or intervention will receive differentiated support from their network team, but are not considered for phase-out.

We identify the remaining schools as struggling schools. These schools will undergo strategic action planning. These plans will identify concrete action steps, benchmarks, and year-end goals aimed at immediately improving student achievement. This plan will outline the specific support the network will provide to the school to address the most urgent areas of need, including:

- Leadership coaching;
- Professional development on instructional strategies for struggling students;
- Identifying grants aimed at specific needs of the school;
- Introducing new programs;
- Supporting the development of a smaller learning environment; and
- Possible leadership change.

Some of the struggling schools were also further investigated for more serious interventions that may include phase out/truncation and replacement. When considering whether a struggling school should be investigated as a candidate for more serious intervention – phase-out/closure/truncation – we consider a few key data points:

- Student performance trends over time;
- Demand/enrollment trends over time;
- Interventions already underway (e.g. SIG model);
- Talent data;
- School culture / environment;
- District needs / priorities; and
- School safety data.

In addition to our investigation, we also had conversations with school staff, parents, students, communities, and networks to get a holistic sense of what is happening at the school and what supports or interventions would most likely improve student outcomes. In our early engagement meetings at these schools, we had conversations with constituents about what is working and what is

not working before making a decision about the supports or interventions that can best support student outcomes.

At the end of this multi-step process, our analysis and engagement directed us to a set of schools that quantitative and qualitative indicators show do not have the capacity to significantly improve. Deciding what course of action can best support the students and community of a struggling school is not easy, but we are compelled to act based on our commitment to ensuring that every student has access to high-quality schools.

No single factor determines whether a school will phase out or not. Deciding to phase out a school is the toughest decision we make. But it is the right thing to do for the students of New York City.

LGCS received an overall D grade on its Progress Report in 2011-2012, and received D grades the two years prior. The school 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.

As a result, the DOE initiated a comprehensive review of LGCS, with the goal of determining what intensive supports and interventions would best benefit its students and the LGCS community. During that review, the DOE looked at recent historical performance and demand data from the school, consulted with superintendents and other experienced educators who have worked closely with the school, and gathered community feedback.

Given the school’s declining performance, the DOE believes that only the most serious intervention – the gradual phase-out and eventual closure of LGCS – will address the school’s declining performance and longstanding struggles and allow for new school options to develop in building Q490 that will better serve future students and the broader community.

- Comments 3(b) and 6 concern the impact of this proposal on the Campus Magnet Campus and the resources provided to the co-located schools.

There are currently hundreds of schools in buildings across the City that are co-located. 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 to ensure equitable allocation of classroom, resource and administrative space.

While the DOE acknowledges and commends the co-located schools in Q490 for their positive relationship, the DOE does not anticipate that the proposed phase-out and eventual closure of LGCS and BCAE will impact admissions, current or future student enrollment, or instructional programming at Humanities & Arts or MAST. Moreover, all schools will continue to receive support and assistance from their superintendent and their [Children First Network](#), a team that delivers operational and instructional support directly to schools.

Additionally, Q490 has the capacity to serve 2,009 students. In 2012-2013, the building is serving 1,709 total students, yielding a target utilization rate of just 85%. This is one indicator that the building is “underutilized” and has extra space to accommodate additional students. In 2016-2017, once LGCS and BCAE have phased out and 29Q243 has phased in, there would be approximately 1,345-1,465 total students served in the building. The projected utilization for Q490 at that point is

approximately 67%-73%. Therefore, the DOE believes there is sufficient space in Q490 to accommodate Humanities & Arts, MAST, 29Q243 during the course of its proposed phase in, and LGCS and BCAE during the course of their proposed phase outs. The DOE anticipates that building Q490 will still have excess space once LGCS and BCAE have completed their phase-outs and 29Q243 has completed its phase-in. At this time, the DOE anticipates opening a new school in September 2014 in Q490 as part of the replacement strategy for BCAE.

The proposed opening and co-location of 29Q243 in Q490 is part of the DOE's central goal to create new school options that will better serve future students and the community at large.

- Comment 3(f), 4(c), and 5 concern the impact on students attending LGCS as well as the resources that LGCS would be given if the proposal to phase out the school is approved.

While we know that phasing out and replacing schools is the right decision for these communities, we take seriously our obligation to provide high-quality support to students in schools that are phasing out.

Supports for students in phase-out schools have evolved over several years as we have learned what differentiated support is needed to support these schools and students.

If phase out proposals are approved, schools will receive support in the areas of budget, staffing, programming, community engagement, guidance and enrollment including, but not limited to:

- Helping the school provide students with options that support their advancement, and fully prepare students for their next transition point.
- Working with school staff to foster a positive culture.
- Supporting school leadership in efficiently and strategically allocating resources to ensure a consistent and coherent school environment focused on student outcomes.

In September 2011, 26 schools began phasing out. These schools have received additional funding and specialized network support. Middle schools and high schools that began phasing out in September 2011 have been supported by the Transition Support Network.

In September 2012, 17 additional schools began phasing out. All schools undergoing the process of phasing out are now supported by the Transition Support Network. Five schools that were approved for truncation continue to be supported by their networks.

While we do not know exactly what the supports will look like for the 22 proposed phase-outs and 2 proposed truncations that would be implemented beginning in September 2013 if approved, we do know that we will continue to establish differentiated and deliberate support to those schools and students.

These supports should help to continue a positive trend we have seen in phasing out schools. Historically, as high schools have phased out, their four-year graduation rates have risen.

- Comment 10 concerns the availability of schools providing courses in the Law and Government interest area.

Not including LGCS, there are nine schools with a Law and Government interest area in Queens, included in the chart below. Additionally, August Martin High School, located at 156-10 Baisley Boulevard, offers classes in the Law and Government interest area and is located approximately three miles from LGCS.

DBN	Boro	School Name	Address	2012-2013 Enrollment	2011-2012 Org Capacity	2012-2013 Org Util	2011-2012 Progress Report Grade	% SE	% ELL	Program Name	Admissions Method
25Q460	Queens	Flushing High School	35-01 Union Street	3,032	2,031	149%	D	10%	18%	Thurgood Marshall Law Academy	Ed. Opt.
26Q415	Queens	Benjamin N. Cardozo High School	57-00 223Rd Street	3,793	2,637	144%	B	8%	6%	Mentor Law and Humanities Institute	Ed. Opt.
26Q430	Queens	Francis Lewis High School	58-20 Utopia Parkway	4,149	2,360	176%	A	10%	13%	Jacob K. Javits Law Institute	Ed. Opt.
26Q495	Queens	Bayside High School	32-24 Corporal Kennedy Street	3,308	2,235	148%	A	7%	5%	International & Cultural Relations	Limited Unscreened
27Q400	Queens	August Martin High School	156-10 Baisley Boulevard	1,031	1,769	58%	D	21%	5%	Business and Law Scholars Academy	Ed. Opt.
28Q440	Queens	Forest Hills High School	67-01 110 Street	3,854	2,064	187%	A	9%	8%	Law & Humanities Institute	Ed. Opt.
28Q505	Queens	Hillcrest High School	160-05 Highland Avenue	3,154	2,676	118%	B	7%	14%	Academy of Public Service and Law	Ed. Opt.
28Q690	Queens	High School for Law Enforcement and Public Safety	116-25 Guy R Brewer Boulevard	559	883	63%	B	13%	2%	Law Enforcement and Public Safety	Screened
30Q445	Queens	William Cullen Bryant High School	48-10 31 Avenue	2,798	2,742	102%	C	10%	16%	Forensic Science and Law Institute	Screened

- Comments 14 does not directly relate to the proposal and do not require a response.

Changes Made to the Proposal

No changes have been made to this proposal.