



Public Comment Analysis¹

Date: March 8, 2013

Topic: The Proposed Opening and Co-location of Two New District Middle Schools, 19K661 and 19K662, with Existing Schools J.H.S. 302 Rafael Cordero (19K302) and Achievement First Apollo Charter School (84K774) in Building K302 Beginning in 2013-2014

Date of Panel Vote: March 11, 2013

Summary of Proposal

On January 22, 2013, the New York City Department of Education (“DOE”) posted an Educational Impact Statement (“EIS”) proposing to open and co-locate two new district middle schools, 19K661 and 19K662, in building K302 (“K302”) and Transportable Classroom Unit K974 (“K974”) located at 350 Linwood Street, Brooklyn, NY 11208, in Community School District 19 (“District 19”).² If this proposal is approved, 19K661 and 19K662 will be co-located in building K302 with existing schools J.H.S. Rafael Cordero (19K302, “J.H.S. 302”) and Achievement First Apollo Charter School (84K774, “AF Apollo”) beginning in 2013-2014. K302 also houses a Community Based Organization (“CBO”), Beacon, which provides after-school programming, and a School-Based Health Center (“SBHC”).

On February 6, 2013, the EIS was amended to include information about the Cypress Hills Local Development Corporation’s receipt of a one-year Promise Neighborhoods Program planning grant from the United States Department of Education and J.H.S. 302’s partnership with the New York City Department of Health and Mental Hygiene.

19K661 and 19K662 will serve students in sixth through eighth grade and will admit students through the District 19 Middle School Choice Process using a limited unscreened admissions method, offering priority to students residing in the K302 residential zone. If this proposal is approved, 19K661 and 19K662 will begin enrolling sixth grade students in 2013-2014 and will add one grade per year until each school reaches full scale and serves students in sixth through eighth grade in 2015-2016.

As previously stated, J.H.S. 302 and AF Apollo are currently co-located in K302. J.H.S. 302 currently serves students in grades six through eight, and admits students through the District 19 Middle School Choice Process, giving priority to students who reside in the zone and then admitting students using an unscreened selection method. In a separate amended EIS, the DOE has proposed to gradually phase out and eventually close J.H.S. 302 because of its low performance and inability to improve quickly to better support student needs. If the phase-out proposal is approved, J.H.S. 302 will no longer admit sixth grade students after the conclusion of the 2012-2013 school year. One grade will then be phased out each

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.

² For the purposes of this Public Comment Analysis, all references to K302 refer to both K302 and K974.

subsequent year. During the 2013-2014 school year, J.H.S. 302 will serve students in seventh and eighth grade and, in 2014-2015, it will serve students in eighth grade. J.H.S. 302 will close after June 2015. That proposal can be found here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.html>.

AF Apollo currently serves students in kindergarten through third grade, and will serve students in kindergarten through fourth grade in the 2013-2014 school year. AF Apollo admits kindergarten students through the charter lottery application process, with preference given to District 19 residents. In a separate proposal described in another amended EIS, the DOE is proposing to expand AF Apollo beginning in 2014-2015 to serve fifth through eighth grade students. If this proposal is approved, AF Apollo would serve kindergarten through fifth grade students beginning in the 2014-2015 school year and add one grade per year until it reaches full scale in 2017-2018. For the purposes of the amended EIS describing the proposal to open and co-locate 19K661 and 19K662, it is assumed that the proposals to phase out J.H.S. 302 and expand AF Apollo will be approved by the PEP. However, if the proposal to phase out J.H.S. 302 is not approved, the DOE still believes there is space for the co-location and expansion of AF Apollo in building K302. If the proposal to phase out J.H.S. 302 is not approved, the replacements 19K661 and 19K662 would not open.

If this proposal is approved, both 19K661 and 19K662 will be zoned middle schools that would serve students in sixth through eighth grades. 19K661 and 19K662 would admit students through the District 19 Middle School Choice Process and offer priority to students residing in the K302 zone.

Building K302 has the capacity to serve 1,657 students.^{3,4} (The concept of “target capacity” is described below.) In 2012-2013, the building is serving 1,231 total students,⁵ yielding a building utilization rate of 74%.⁶

In 2017-2018, once J.H.S. 302 has completed its phase-out and 19K661, 19K662, and AF Apollo have reached full scale, it is projected that there would be approximately 1,310-1,550 students served in building K302, yielding an estimated utilization rate of 79%-94%.

If this proposal is approved, 19K661 and 19K662 will replace the middle school seats that will be lost as a result of the phase-out and eventual closure of J.H.S. 302, and will provide new educational options for families in District 19.

The details of this proposal have been released in an amended EIS which can be accessed here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.html>. Copies of the EIS are also available in J.H.S. 302 and AF Apollo’s main offices.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at building K302 on February 26, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 145 people members of the public attended the hearing and 29 people spoke. Present at the meeting were: Deputy

³ 2011-2012 Enrollment Capacity Utilization Report (“Blue Book”).

⁴ Capacity includes both building K302 and TCU K974.

⁵ 2012-2013 Unaudited Register (as of October 26, 2012).

⁶ All references to building utilization rates in this document are based on target capacity data from the 2011-2012 Blue Book and enrollment data from the 2012-2013 Unaudited Register (as of October 26, 2012) or charter headcount as of October 1, 2012. This methodology is consistent with the manner in which the DOE conducts planning and calculates space allocations and funding for all schools. In determining the space allocation for co-located schools, the Office of Space Planning will conduct a detailed site survey and space analysis of the building to assess the amount of space available in the building.

Chancellor David Weiner; Community Education Council 19 (“CEC 19”) Representative Erica Perez; J.H.S. 302 School Leadership Team (“SLT”) Representatives, Oral Brody and Justin Greene; J.H.S. 302 Principal Lisa Linder; AF Apollo Representative Guerschmide Saint-Ange; New York State Assembly Member Rafael Espinel; Evelyn Cruz, representing U.S. Congresswoman Nydia M. Velazquez; Hugh Espinal, representing U.S. Senator Martin Dilan; President’s Council Representative Greg Grant; and Carrie Marlin and Gabrielle Wyatt from the Division of Portfolio Planning.

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

1. Erica Perez, representative from CEC 19, stated the following:
 - a. The DOE says they want to hear input from the community; there is an audience full of parents, teachers, staff, and students here tonight.
 - b. I have a petition with over 1,000 signatures from parents that states we reject the proposed phase out of J.H.S. 302.
 - c. I have a letter from New York City Council Member Erik Martin Dilan expressing his opposition to the charter expansion in the building.
 - d. Council Member Dilan also states he is opposed to the phase out and replacement of J.H.S. 302.
 - e. Council Member Dilan is concerned about programming for bilingual students.
 - f. Council Member Dilan also states there should be a leadership change before a proposed phase out.
 - g. I personally do not feel J.H.S. 302 has been given the resources or time to demonstrate improvement.
 - h. We have not been given the three-year process to show growth after we restructured.
2. Greg Grant, representative from the President’s Council, stated the following:
 - a. The DOE has not given us the chance to turn the school around.
 - b. Give us the opportunity and resources to do what we want in District 19.
 - c. Stop phasing out all of the schools in District 19 and fix the problems.
3. Oral Brody, representative from the SLT, stated the following:
 - a. Time is limited tonight, which is why I consider this an unfair process. We need time to present our facts. This process has been rushed and hurried.
 - b. Staff is hard-working here. We come in early and stay here until late at night.
 - c. It is unfortunate that the Deputy Chancellor’s statistics misguide the DOE. For example, here is what is coming out of a failing school. Just last weekend, J.H.S. 302’s debate team participated in a Citywide debate league championship and earned multiple medals for their performance.
 - d. We have a new Superintendent, the fifth since I have taught here. She has not been allowed to make a difference here.
 - e. J.H.S. 302 had a 98% graduation rate last year. We have a 100% passing rate in the science Regents. We had 98% passing rate in math and reading.
 - f. We have not been given the chance to see if restructuring has been a success because the exam by which we will be judged takes place after the vote.
 - g. We now have academies, an iZone program, a partnership with CityYear, tutoring opportunities, extracurricular activities, and theater productions. However, under Bloomberg’s plan, we’re not able to show how these things have contributed to our progress.
 - h. To be compared to our peer group is unfair because there are 10 charter schools in our peer group.
 - i. We are not getting the proper support from Bloomberg.
 - j. We have to provide services to students who are high needs, and we have the largest percentage of special education and English Language Learner students (“ELL”) in

- District 19. We have a high overage population, making it difficult to educate our students and keep the younger ones safe.
- k. We are the only barrier free building.
4. Justin Greene, representative from the SLT, stated the following:
 - a. We collaborate with Beacon.
 - b. We split the school into academies this year to boost academic achievement and have implemented advisory classes, which teach our students life lessons beyond math problems.
 - c. Our ELL population is nearly 5% more than Brooklyn and Citywide averages. However, our students are only given a year to demonstrate proficiency on an exam.
 - d. We want and are willing to serve high needs students. We have programs for them, such as incentive programs and academic intervention services. We will continue to have these programs for them as long as we are here.
 - e. We are not the problem; the elementary schools are because we receive students who are below grade level.
 - f. Our Quality Review results since 2009 demonstrate our improvements in closing the achievement gap, performance, and environment. For example, we've tripled the number of students taking Regents.
 - g. Our 2011-2012 Quality Review stated: "School leaders and teacher teams consistently make purposeful curriculum decisions that integrate Common Core Learning Standards and tasks resulting in rigorous instruction for all learners. A coherent set of beliefs about how students learn best is embedded in differentiated instructional practices across classrooms, which allow all learners to engage in critical thinking results and meaningful work products. Organizational decisions are purposeful, ensuring resources are well aligned with the school's instructional goals to accelerate student learning. Administration provides continuous feedback to teachers in order to support professional growth aligned with a research-based framework, which results in improved teacher instructional practices."
 - h. Our students are more than test scores. If you shutdown J.H.S. 302, you shutdown these kids.
 - i. I am asking that J.H.S. 302 is supported.
 5. New York State Assembly Member Rafael Espinel stated the following:
 - a. Teachers are doing a great job.
 - b. We have large class sizes and a high ELL population. We have 39 students in classrooms, which is unfair.
 - c. The school is disenfranchised and without resources.
 6. Evelyn Cruz, speaking on behalf of U.S. Congresswoman Nydia M. Velazquez, stated the following:
 - a. Teachers have accomplished a lot here with very little resources.
 - b. We need to fight to keep J.H.S. 302 open.
 - c. The Congresswoman understands the urgent needs to provide a quality education for students; however, not every student is lucky enough to get selected into a lottery system.
 - d. J.H.S. 302 has 39 students in the classroom. How can high needs students learn in such classes?
 - e. The DOE has been planning for expand the charter because it does not want to invest in J.H.S. 302 any longer.
 - f. District 19 is a neglected district.
 - g. How can the DOE say it has invested in improving J.H.S. 302 if there have been five superintendents over a short period of time?
 - h. Were the parents engaged in the discussions to phase out the school?

- i. Were the parents engaged in the discussions to expand AF Apollo, or was this an exclusionary process?
 - j. The Congresswoman is concerned about the lack of investment in ELLs who need additional afterschool services.
 - k. The DOE should downsize class sizes at J.H.S. 302 and give the school more space.
 - l. This is a design for failure.
7. One commenter stated the following:
 - a. More than two dozen schools are slated for closure and they do not fit into a particular pattern. For example, several have new principals and sufficient Quality Reviews.
 - b. Bloomberg is taking resources away from schools as if it is a game.
 - c. Bloomberg is taking away resources from students who have already suffered from previous school closings and are warehoused in failing schools.
 - d. This is a failed strategy.
 - e. I support the principal and staff and all of their hard work over the years.
 8. Several commenters stated opposition to the proposed phase out and replacement because current students will lose access to shared spaces, extracurricular activities, and sports.
 9. Several commenters stated opposition to the proposed phase out and replacement because of the hardworking school leaders and teachers and J.H.S. 302.
 10. Multiple commenters stated opposition to the proposed phase out and replacement because the DOE has not provided resources to J.H.S. 302.
 11. Several commenters stated concerns that students would no longer receive services from Beacon and CityYear if J.H.S. 302 is phased out.
 12. Multiple commenters questioned where current and future students will attend middle school if J.H.S. 302 is phased out.
 13. Several commenters stated AF Apollo was replacing J.H.S. 302 and that current J.H.S. 302 students would be unable to enroll due to the charter lottery process.
 14. One commenter stated parents need to become more involved in J.H.S. 302, especially if the school closes.
 15. Several commenters stated they were opposed to the shut down of J.H.S. 302.
 16. Multiple commenters questioned where teachers would go if the phase out is approved.
 17. Multiple commenters stated the replacement schools will not serve the J.H.S. 302 community or accept ELL or special needs students.
 18. Several commenters stated J.H.S. 302 should be given more time due to high class sizes and a large ELL population.
 19. One commenter stated phasing out schools does not solve anything. Bloomberg has closed 140 schools. 19K072 was the first in District 19 to be closed and replaced by a new elementary school and a new middle school. Last year, the new elementary school received an “F” on the Progress Report.
 20. One commenter stated:
 - a. The DOE’s data does not take into account ELL students who enrolled in J.H.S. 302 this week.
 - b. The replacement schools will not have ELL programming.
 - c. Pages 6 and 8 of the EIS do not mention the role of parent preference in ELL programming.
 21. One commenter stated the following:
 - a. There will be negative repercussions for the Promise Neighborhoods Planning Grant because the school will not exist in the long-term.
 - b. Why pursue this strategy? The phase out of Lane in District 19 was a travesty.

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

22. How will ELL students and students with special needs be served if J.H.S. 302 is phased out?
23. Will there be ELL programming at the new schools?
24. How were teachers and the school leader considered in the decision to propose to phase out J.H.S. 302?
25. How can J.H.S. 302 be compared to other schools if it serves such a high needs population?
26. Why are schools held accountable for student performance when many students are performing below their grade level when admitted?
27. How effective is it to phase out and replace low-performing 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.

28. Evelyn Cruz stated charter schools in New York City usurp public school space
29. Several commenters stated general opposition to Mayor Bloomberg.
30. One commenter stated that the DOE is no longer allowing District 19 students into their buildings because the proposed opening of AF High School in building K166 brings students from Bushwick to District 19.
31. One commenter stated it is unfair for Bloomberg to not allow the Superintendent to improve the district.

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

32. The DOE received an oral comment stating opposition to the proposed phase out of J.H.S. 302 and expansion of AF Apollo because J.H.S. 302 needs space to grow.
33. The DOE received an oral comment stating J.H.S. 302 should not be closed because students need a place to go to school.
34. The DOE received an oral comment stating:
 - a. J.H.S. 302 is a good school and should not be closed.
 - b. The charter should not be expanded because J.H.S. 302 needs the space. The building is already overcrowded.
35. The DOE received multiple comments stating general opposition to the proposals.
36. The DOE received several oral comments stating J.H.S. 302 is a good school and should not be closed. J.H.S. 302 should be given more time.
37. The DOE received an oral comment stating J.H.S. 302 should be given additional funding and not phased out.

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

Comments 6 (f) and 7 (b, c) are unrelated to this proposal and will not be addressed in this public comment analysis.

Comment 1 (c) pertains to the proposed expansion of AF Apollo and are addressed in the corresponding public comment analysis.

Comments 3 (b, c, d, e, f, g, h, j, i), 4 (b-i), 5, 6 (a, d, e, g, h, i, k), 1 (f, g, h), 2 (a), 15, 16, 18, 20 (a), 22, 24, 25, 26, 36, 37, 7 (e), and 9 pertain to the proposed phase out of J.H.S. 302 and will be addressed in the corresponding public comment analysis.

Comments 1(a) and 3(a) pertain to the public input process.

The DOE appreciates all feedback from the community regarding a proposal. When the Educational Impact Statement and Building Utilization Plan are issued, they are made available to the staff, faculty and parents at J.H.S. 302 and AF Apollo on the DOE's Web site, and in each school's respective main office. In addition, the DOE dedicates a proposal-specific website and voicemail to collect feedback on this proposal. Furthermore, all schools' staff, faculty and parent communities are invited to the Joint Public Hearing to provide further feedback.

Although the DOE recognizes that people in the community may have strong feelings against this proposal, the DOE believes that, if this proposal is approved, the school communities at J.H.S. 302 and AF Apollo will be able to create productive and collaborative partnerships.

Comment 14 asks parents to become more involved in J.H.S. 302, especially if the proposals are approved.

The DOE notes that through the Parent/Parent-Teacher Association (PA-PTA) and the SLT, parents can work with school administrators to enhance their involvement in planning for the proposed phase out, the proposed opening and co-location of two new middle schools, and proposed expansion of the co-location of AF Apollo. These bodies can also assist in the outreach the larger parent communities of their respective schools with regular updates.

Comments 1(b, d), 2 (b), 4 (h), 6 (b), 10, 15, 34(a) and 35 state general opposition to the proposed phase out and replacement of J.H.S. 302.

While some members of the J.H.S. 302 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 believes that phasing out and replacing J.H.S. 302 is the best option for future students and the broader community. The DOE plans to incorporate community feedback as it continues to support current J.H.S. 302 students working toward elementary school completion, and has developed plans to replace J.H.S. 302 with new school options that the DOE believes will better meets student and community needs.

Comment 1 (e), 6 (j), 20 (b, c), and 23 concern ELL programming in the proposed replacement schools.

In accordance with DOE policy, the proposed new district schools will provide ELL students with mandated services. The DOE notes that programming could include Dual Language or Transitional Bilingual Education.

Regarding the role of parents or guardians in the provision of ELL programs to eligible students, the DOE notes that schools are required to hold orientations for parents or guardians of newly enrolled ELLs to inform them of the different ELL programs that are available. In orientations, parents and guardians have the opportunity to receive materials about ELL programs in their home language, and to ask questions about ELL services (with assistance from a translator, if necessary). At the end of each orientation, school staff collect the Parent Survey and Program Selection Form, which indicates the requested program.

Comments 12 and 33 question where current and future middle school students will attend school.

If the proposal to phase out J.H.S. 302 is approved, J.H.S. 302 will no longer admit new sixth grade students after the end of this school year and will subsequently phase out one grade per year. All currently enrolled students will have the opportunity to continue their education at JHS 302:

- **Current sixth- and seventh-grade students** will continue on to the next grade level at J.H.S. 302 in September 2013. These students can remain at J.H.S. 302 through their eighth-grade graduation.
- **Current sixth-grade students** who do not meet promotional standards would be served in one of the two new middle schools, located in the same building as J.H.S. 302.
- **Current eighth-grade students** will have the opportunity to graduate at the end of this school year.

During the course of the phase-out of J.H.S. 302, 19K661 and 19K662 will phase into the K302 building beginning with sixth grade in the 2013-2014 school year and adding one grade each subsequent year until each middle school reaches full scale serving sixth through eighth grade in the 2015-2016 school year. 19K661 and 19K662 will admit students through the District 19 Middle School Choice Process, offering priority to students residing in the K302 residential zone and then using a limited unscreened admissions method. Current J.H.S. 302 sixth-grade students who do not meet promotional standards at the end of this school year will have the opportunity to enroll as sixth-grade students at 19K661 and 19K662. If, in a future year, students attending J.H.S. 302 are held over in a grade that J.H.S. 302 will no longer serve, then they will be served in 19K661 and 10K662.

Furthermore, all students currently attending Title 1 schools that are designated as Priority or Focus schools under SED's state accountability system are eligible to apply for a transfer to another school through the DOE's Public School Choice (PSC) Process. This year, pending approval from SED, the DOE will prioritize students in eligible current and proposed phase-outs, including J.H.S. 302, to get first priority within the PSC process. This would mean that students at J.H.S. 302 would be considered for a public school transfer before other eligible applicants in non-phase out schools. Applications for these transfer opportunities will be available to students this spring for enrollment starting in September 2013.

Comment 13 states AF Apollo is replacing J.H.S. 302.

If this proposal to expand the co-location of AF Apollo is approved, the co-location of AF Apollo in K302 will provide District 19 students with an additional kindergarten through eighth grade option; however, the proposed expansion of the co-location of AF Apollo is not part of the proposed replacement plan for J.H.S. 302. While AF Apollo will provide middle school seats in the future, the opportunity for students to enroll in the middle school grades of AF Apollo in 2013-2014 is not possible, as AF Apollo will serve kindergarten through fifth grades. Furthermore, J.H.S. 302 students will be unable to participate in AF Apollo's charter application lottery, as AF Apollo only admits incoming kindergarten students.

District 19 students will continue to have the opportunity to participate in the charter application lottery to enter kindergarten at AF Apollo. AF Apollo's lottery preferences, in order, are as follows:

- Students who attended the school the previous year and are returning to the school;
- Siblings of students already enrolled in the school;
- Students who will be eligible for Free or Reduced-Price Lunch;
- Students residing in District 19.

For the 2013-2014 school year, once the available spaces are filled by students whose names are drawn or by students whose siblings are selected for enrollment, the remaining applicants will be placed on a waiting list in the order in which their names are drawn and according to the admissions preference listed

above. AF Apollo may admit students in other grades from the school's waitlist if seats become available in higher grade levels.

Comment 17 states the replacement schools will not serve ELL students or special education students or the J.H.S. 302 community.

The opening and co-location of 19K661 and 19K662 in K302 is intended to replace the seats lost by the proposed phase out and closure of J.H.S. 302 and to provide additional options to students and families in District 19. The proposed new middle schools will admit students through the District 19 Middle School Choice Process, offering priority to students residing in the K302 residential zone and then using a limited unscreened admissions method. As stated in the amended EIS describing the proposal to open and co-located 19K661 and 19K662, the DOE anticipates that both schools will likely serve students with characteristics and needs similar to those of current J.H.S. 302 students, because they would serve students from J.H.S. 302's zone.

Furthermore, both schools will serve students with IEPs and ELL students. As stated in the amended EIS, middle school students with IEPs, with the exception of those recommending placement in a District 75 school, are admitted to schools in the same manner as general education students. Schools will create programs that meet the needs of all students, ensuring students with IEPs access to learn alongside their non-disabled peers to the greatest extent possible.

In accordance with DOE policy, ELL students participate in the middle school admissions processes in the same manner as their peers who are not ELL students. Students who are ELL students are placed according to the same placement criteria as their English-speaking peers. Students requiring ELL services will continue to receive appropriate services at the middle school they attend.

Comments 2 (c), 6 (l), 7 (d), 19, 21 (b), and 27 concern the success of the DOE's phase out and replacement strategy of struggling schools; comments 19 and 21 (b) cite examples in District 19.

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.

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.

While some new schools may not be currently performing as well as others, our new schools are overwhelmingly getting the job done for students, and the DOE will continue to strive to provide our students with the best possible educational options.

Comment 3 (k) relates to the Site Accessibility of building K302.

There are three Site Accessibility designations used for the DOE: functionally accessible, partially accessible, and not accessible. Functionally accessible means that a student who uses a wheelchair can,

without difficulty, enter the building and access relevant programs and services. Partially accessible means that the school is functionally accessible beyond the first floor but not for all relevant spaces and services in the school. Not accessible means that the school does not fall into either of the previously noted accessibility descriptions.

K302 is a fully accessible building; however, K302 is not the only middle school building that is fully accessible. K089 and K311 in District 19 are fully accessible buildings as well.

The proposal does not change the accessibility of the building, or the ability of students to access the building. It is the policy of the DOE to make its schools and programs accessible to students with disabilities. Federal law requires that all programs, when reviewed in their entirety, are accessible. The word “program” in this policy statement means a program, activity or service. This policy statement is a general summary of applicable law and does not create any additional legal rights or obligation. For specific detail, see Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

For additional information about Site Accessibility in New York City public schools, please refer to the document List of Accessible Schools found at:
<http://schools.nyc.gov/Academics/SpecialEducation/tellmemore/importantdocuments>.

Comments 4 (a) and 11 pertain to J.H.S. 302’s current partnerships with Beacon and CityYear.

As stated in the amended EIS, the proposal will not prevent J.H.S. 302 from continuing its current partnerships, as J.H.S. 302 will continue to serve students through June 2015.

The Beacon program partners with the J.H.S. 302 school community, neighborhood residents, businesses, and other community-based organizations to provide after-school programs that incorporate a wide variety of activities, such as homework help and recreational activities. Similar to other existing partnerships, the DOE will work with J.H.S. 302 in an effort to provide for current students served by the Beacon program, in addition to fostering similar opportunities for students served by 19K661 and 19K662 as they phase in. The DOE does not expect the proposal to impact the ability of Beacon to continue to provide services to students in K302.

Comment 6 (c) suggests J.H.S. 302 students will not be selected into a lottery system and therefore not provided a quality education.

As stated previously, if this proposal to expand the co-location of AF Apollo is approved, the co-location of AF Apollo in K302 will provide District 19 students with an additional kindergarten through eighth grade option; however, the proposed expansion of the co-location of AF Apollo is not part of the proposed replacement plan for J.H.S. 302. While AF Apollo will provide middle school seats in the future, the opportunity for students to enroll in the middle school grades of AF Apollo in 2013-2014 is not possible, as AF Apollo will serve kindergarten through fifth grades. Furthermore, J.H.S. 302 students will be unable to participate in AF Apollo’s charter application lottery, as AF Apollo admits incoming kindergarten students.

District 19 students will continue to have the opportunity to participate in the charter application lottery to enter kindergarten at AF Apollo.

The DOE is proposing to replace J.H.S. 302 with two new district schools. The new schools are intended to replace the seats lost by the phase-out of J.H.S. 302 and to provide additional options to students and families in District 19. 19K661 and 19K662 will admit students through the District 19 Middle School

Choice Process, offering priority to students residing in the K302 residential zone and then using a limited unscreened admissions method.

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

Comment 7 (a) pertains to the criteria used when the DOE proposes the phase out and replacement of schools.

In a concerted effort to ensure that all students have access to high-quality school programs, the Department of Education annually reviews the performance of all schools Citywide. This process identifies schools that are having the most trouble serving their students. Using a wide range of data and on-the-ground information, we identify our most struggling schools for intensive support or intervention.

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 2010-11⁷ 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.

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;

⁷ 2011-12 citywide graduation rate is not available yet.

- 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 isn't 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.

Comment (8) states J.H.S. 302 students will lose access to shared spaces, sports, and other extracurricular activities.

As stated in the amended EIS, J.H.S. 302 will be able to continue offering existing special programs and initiatives, extra-curricular activities, and partnerships if the proposal is approved. However, the number and range of programs offered may gradually diminish if the proposal to phase out J.H.S. 302 is approved due to declining student enrollment as the school phases out. Again, it is difficult to predict precisely how those changes might be implemented as decisions will rest with school administrators and will be made based on student interests and available resources. That is true for any City school as all schools modify extra-curricular offerings annually based on student demand and available resources.

J.H.S. 302 will continue to have access to shared spaces, as outlined in the Building Utilization Plan (BUP) attached to the proposal to expand AF Apollo. The BUP contains a proposed shared space plan which equitably allocates time in each of the shared spaces to the school organizations in K302. To the extent feasible, shared spaces are allocated in a manner that allows schools that have already been using the space this year to continue using it on a similar schedule next year. The Building Council, consisting of principals from all co-located schools, may deviate from the proposed shared space plan, provided that the Building Council comes to a collaborative agreement on the final shared space plan.

Comment 21 (a) states there will be a negative impact on the Promise Neighborhood Planning Grant in the long-term.

As stated in the EIS, the Cypress Hills Local Development Corporation was a recent recipient of a one-year Promise Neighborhoods Program planning grant from the United States Department of Education. The purpose of the Promise Neighborhood Program planning grant is to support eligible organizations that seek to develop a continuum of services with the potential to improve the educational and developmental outcomes of youth in a struggling neighborhood.

As a recipient of the planning grant, CHLDC plans to work with J.H.S. 302 and P.S. 89 Cypress Hills (19K089), which are located in the Cypress Hills Promise Neighborhood, as well as Academy of Innovative Technology (19K618), Brooklyn Lab School (19K639), Cypress Hills Collegiate Preparatory School (19K659), and Multicultural High School (19K583), which enroll students who live in the neighborhood.

The DOE does not expect the proposed phase out of J.H.S. 302 and the proposed phase-ins of 19K661 and 19K662 to impact CHLDC's receipt of the planning grant, as J.H.S. 302 will continue to serve students until June 2015, and the other schools identified by CHLDC will continue to exist during the duration of the planning grant.

Comment 32 expresses opposition to the proposals because J.H.S. 302 needs space to grow.

The DOE believes that J.H.S. 302 lacks the capacity to turn around quickly to better serve its students and, therefore, future investments in the students in District 19 can be better leveraged for student achievement through a new school organization. Furthermore, the DOE notes that J.H.S. 302's enrollment has declined since 2006-2007 by 18%.

Comment 34 (b) states J.H.S. 302 needs more space because the building is overcrowded.

As stated previously, buildings K302 and K974 are currently 74% utilized and on the underutilized list. Furthermore, principals have discretion over their budget and make choices about how to prioritize their resources, including programming the number of classes needed for each grade

Changes Made to the Proposal

No changes have been made to this proposal.