Department of Education
Dennis M. Walcott, Chancellor

Amended Public Comment Analysis[1]

Date: March 10, 2013

Topic: The Proposed Opening and Co-location of New High Schools 10X351 and 10X353 with Existing Schools DeWitt Clinton High School (10X440) and P168X@X440 (75X168) in School Building X440 Beginning in 2013-2014

Date of Panel Vote: March 11, 2013

Summary of Proposal

On January 18, 2013, the New York City Department of Education ("DOE") issued an Educational Impact Statement ("EIS") describing a proposal to open and co-locate two new district high schools, 10X351 ("10X351") and 10X353 ("10X353"), in school building X440 ("X440"). Building X440 is located at 100 West Mosholu Parkway South, Bronx, NY 10468, within the geographical confines of Community School District 10 ("District 10"). The proposed new high schools, 10X351 and 10X353, will offer rigorous academic programming that will prepare students for post-secondary education and work. If this proposal is approved, 10X351and 10X353 will be co-located in building X440 with DeWitt Clinton High School (10X440, "Clinton"), an existing high school serving students in grades nine through twelve, and P168X@X440 (75X168, "P168X@X440"), a District 75 ("D75") Inclusion Program. In addition, X440 houses a Living for the Young Family Through Education ("LYFE") program, a full-time GED Plus – Learning-to-Work program (79Q950, "GED Plus – LTW") and one community-based organization ("CBO"), Good Shepherd Services. A "co-location" means that two or more school organizations are located in the same building and may share common spaces like auditoriums, gymnasiums, and cafeterias.

In an inclusion program such as P168X@X440, students with special needs receive services in general education classrooms along with general education students. Students in P168X@X440 are enrolled in general education classes at Clinton based on their Individualized Education Program ("IEP") recommendations and receive Special Education Teacher Support Services ("SETSS").

In consultation with the school's leader, cluster and network support, and community, the DOE is planning to reduce enrollment at Clinton over a four-year period. Details of the annual reduction are included in Section III.A and Section III.B of the EIS. By 2016-2017, Clinton will serve 2,210-2,250 students in ninth through twelfth grades, which will be 1,506-1,546 fewer students than it currently serves. The enrollment reduction at Clinton, which will occur regardless of whether this co-location proposal is approved, will create sufficient space for 10X351 and 10X353 to open in Building X440.

On February 20, 2013, the DOE issued an amended EIS, which provides updated information regarding the planned enrollment reduction at Clinton and corrects typographical errors, but does not substantially

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[1] An initial public comment analysis for this proposal was posted on March 8, 2013; an amended public comment analysis was posted on March 10, 2013 to reflect additional comments received after 6:00 p.m. on March 8, 2013 and before 6:00 p.m. on March 10, 2013. The DOE has responded to these new comments and has also clarified certain other responses.

revise the proposal.

The proposed co-location of 10X351 and 10X353 in building X440 is part of the DOE's central goal to create new school options that will better serve future students and the community at large and to replace a portion of the seats vacated by Clinton as it reduces its enrollment. 10X351 and 10X353 will be open to students through the Citywide High School Admissions Process and will both have limited unscreened admissions methods and will give admissions priority to students residing in or attending school in the Bronx.

According to the 2011-2012 Enrollment, Capacity, Utilization Report (the "Blue Book"), X440 has the capacity to serve a total of 3,428 students. In 2012-2013, the building is serving 3,849 students, yielding a building utilization rate of 112%.

If this co-location proposal is approved, 10X351and 10X353 will gradually phase into X440 while Clinton simultaneously scales back its enrollment. Enrollment at P168X@X440 will remain stable over the course of this proposal. The new schools will serve students in ninth grade beginning in 2013-2014 and will add one grade level each year until the schools reach their full grade spans of ninth through twelfth grades in the 2016-2017 school year, serving approximately 420–460 students each. In 2016-2017, once Clinton has completed its enrollment reduction and 10X351and 10X353 have reached full scale, there will be approximately 3,133-3,274 students served in the building, which will yield a building utilization rate of approximately 91%-96%.

Summary of Comments Received at the Joint Public Hearing

On February 21, 2013, a joint public hearing regarding this proposal was held at building X440, located at 100 West Mosholu Parkway South, Bronx, NY 10468. Approximately 200 members of the public attended the hearing, and 43 people spoke. Present at the meeting were Clinton Principal Geraldine Ambrosio; Clinton School Leadership Team ("SLT") representatives Alan Ettman (who is also a United Federation of Teachers ("UFT") representative), Isaura Valentine (who is also the Clinton Parent Association President ("PA President")), and Student Representative David Thomas; Past President of The DeWitt Clinton Alumni Association Gil Walton; P168X SLT representatives Assistant Principal Juanita Austin and Wilfredo Burgos; District 10 Community Education Council ("CEC 10") President Marvin Shelton, and CEC 10 member Valerie Greaves; New York State Assembly member Jeffrey Dinowitz; Michael Grubiak, representing New York State Senator Jeffrey Klein; New York City Councilman Oliver Koppell; Monica Major, representing Bronx Borough President Ruben Diaz; Senior Superintendent Elaine Gorman; District 10 High School Superintendent Elaine Lindsey; DOE Office of Public Affairs Representative Helen Tsang; and Jean-Pierre Jacquet, Meg Barboza, Ashley Davies, Lily Haskins and Kate Matthews from the DOE's Office of Portfolio Management.

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

1) Geraldine Ambrosio, principal of Clinton, expressed concern that the co-location might make it more difficult for a new principal at Clinton to begin and fulfill his or her mission during the 2013-2014 school year. She also described the efforts Clinton has made to improve credit

accumulation, graduation rate, and attendance, and shared examples of community support for Clinton as follows:

a) Clinton offers several programs to support students' credit accumulation, including the Governors and iLearn Programs, as well as Saturday and after-school tutoring and classes.

b) Clinton offers the Graduation Now Academy to assist students who failed to graduate with their cohort and instituted Individualized Graduation Plans to keep students on track for graduation.

c) The school added a new attendance teacher for the current school year to help improve student attendance.

d) Parent involvement and engagement efforts include monthly meetings to focus on parent issues, several activities including two planned workshops to support parents and students in completing the FAFSA application and two college trips for ninth through eleventh grade students and their parents to locations outside of New York City.

e) Partnerships with outside organizations include Good Shepherd, Bronx Thunder, Montefiore School Based Health Clinic, Lehman College, Manhattan College, and Sports and Arts.

f) The Clinton Alumni Association supports sports teams, co-curricular activities and college attendance initiatives.

2) Gil Walton, a past president of Clinton's Alumni Association, requested that the DOE withdraw the co-location proposal. He shared a plan developed by the Alumni Association to improve the school's Progress Report grade, which included:

a) Increasing cooperative efforts of the administration and teachers to identify students in need and provide needed support.

b) A promise from the Alumni Association to direct financial support away from clubs and events and towards academic tutoring and support.

c) A pledge from Lehman College to increase its academic support for current Clinton students.

3) Isaura Valentine, PA President for Clinton, stated the following:

a) She reiterated the general support and high esteem in which she and her grandson, an alumnus of Clinton, hold the administration, faculty and staff of Clinton.

b) She shared her belief that this proposal was already a decided matter.

c) She stated that the alumni of Clinton share her support of the school.

4) David Thomas, a current student at Clinton, stated that co-curricular opportunities played an important role in his and the development of his classmates, as well as in the college application process, and felt that Clinton needs more co-curricular opportunities.

5) Alan Ettman, UFT Chapter representative and an English teacher at Clinton, stated the following:

    a) He expressed general disapproval of the education reform work completed by the Bloomberg administration since its achievement of Mayoral Control, and he blamed the Bloomberg administration for the declines seen at Clinton over the past decade.

    b) He stated that the faculty had created a plan to improve Clinton, but had not received an opportunity to present the plan.

    c) He claimed that in each of the past two years, over one million dollars of funding had been taken away from Clinton.

    d) He also claimed that none of the faculty had an opportunity to meet the network and cluster representatives that are supposed to be supporting Clinton.

6) Marvin Shelton, CEC 10 President, opposed the proposal and asserted the following:

    a) The proposal would not help improve Clinton. A 40% reduction in enrollment will eviscerate the school.

    b) He is concerned about the lack of information provided in the EIS about the two new proposed schools.

    c) Since the new schools will only accept students from the second round of HSAPS they will be filled with over-the-counter ("OTC") students who were not actually interested in the two new schools.

7) Michael Grubiak, a representative from State Senator Jeffrey Klein's Office, stated that, after speaking with administrators, parents, students and members of the school community, Senator Klein contends that the DOE has failed to provide Clinton with adequate support needed to educate a difficult to serve student population.

    a) The statement cited the following statistics: 13% of students (556) receive special education services and 19% (748) are English Language Learner students. More than 100 of the 950 students in ninth grade were considered long-term absentees in eighth grade, and more than 100 of the ninth grade students failed a majority of their eighth grade classes. Thus 38% (1,400) of entire student body need extra support.

    b) The statement claimed that Clinton has a spending rate of $15,684 per student due to budget constraints which is far lower than the Citywide average of $18,419.

    c) The statement asserted that in March 2011, the Clinton school administration brought these numbers to the Joint Intervention Team ("JIT") with proposals to help support the Clinton student population and none of their suggestions were enacted.

    d) The statement expressed support for the school initiatives referenced by Principal Ambrosio earlier that evening. These initiatives target and support freshmen, honor students, special education students and ELL students.

    e) The statement suggested that the DOE should stop phasing out traditional schools and address the need for additional resources for struggling schools.

8) Assembly member Jeffrey Dinowtiz stated the following:

    a) He shared his partiality for Clinton since his father and brother were graduates and he attended Clinton for a year.

    b) He expressed concern and blamed the DOE for Clinton's decline since the late 1990s.

    c) He said that a company in Great Britain created the Progress Report. He also stated that though these reports often do not correctly or fully portray a school, the reports provide proof for the DOE to push their agenda of creating lots of small schools and doling out more salaries.

9) New York City Councilmember Oliver Koppell stated the following:

    a) He opposes the enrollment reduction at Clinton and the proposed siting of two new schools.

    b) He fears that Clinton will not exist in a couple years.

    c) Throughout its history Clinton has been able to improve from previous dips in performance.

    d) He will continue to oppose the closing or shrinking of Clinton as he did six or seven years ago.

10) Monica Major, a representative of the Bronx Borough President's Office, expressed opposition to the enrollment reduction at Clinton and the proposed siting of two new schools.

11) Many commenters, including Mr. Ettman, Assembly member Dinowitz, Councilmember Koppel, Ms. Major, and Norman Wechsler (a former Clinton principal), expressed general support for the large comprehensive high school model and opposition to the opening of smaller schools. The following concerns were raised in connection with small high schools:

    a) Increased administrative costs from small schools diverting funding that could otherwise be used for educating students. The opening of small schools is an inefficient way to serve the same number of students with more administrators.

    b) Small schools cannot provide programming and resources for ELL students.

    c) One current Clinton student shared that she had an unsatisfactory experience at her small middle school, which did not receive funding for field trips.

    d) The policy of creating small schools has shifted and concentrated underperforming students to schools that would eventually be phased out, such as Christopher Columbus.

    e) Oftentimes more motivated students are attracted to the small new high schools which results in a pool of difficult to serve students in the remaining schools.

    f) Commenters supported the large high school model because they can offer a larger number of activities.

12) Several commenters, including Ms. Valentine and Council Member Koppel, requested that the co-location be delayed.

13) Several commenters expressed opposition to the phasing out of Clinton.

14) Several commenters expressed opposition to the general policy of co-locating schools.

    a) Several commenters questioned the process the DOE used to select Clinton as a potential site for co-location as opposed to other potential sites.

    b) One speaker expressed the belief that there is plenty of other space in New York City and the Bronx to site the two new schools.

15) Several commenters expressed general opposition to the proposed siting of two new schools 10X351 and 10X353 on the following grounds:

    a) The proposed siting would overcrowd the X440 building.

    b) One commenter expressed opposition to the siting and co-location of eight new schools with Clinton.

16) Several commenters expressed the belief that the targeted enrollment reduction at Clinton would be detrimental to:

    a) Clinton's diverse student body and ability to serve as a haven for immigrant students.

    b) Clinton's ability to provide a range of sports, music, art and co-curricular programs that support student development.

    c) Clinton's ability to offer Advanced Placement classes.

    d) The continued educational development of current students.

17) Several commenters questioned DOE's ability to accurately and thoroughly evaluate schools, and questioned the effectiveness of the DOE's practices.

18) Many commenters questioned whether the DOE had provided Clinton with sufficient support to succeed, and requested that the DOE spend more time and resources on improving Clinton and supporting the needs of its student population, rather than siting two new schools.

19) One commenter expressed frustration at the quality of teaching at Clinton.

20) Several commenters stated that the DOE directs a disproportionate percentage of special education, ELL, long-term absentee, or previously poorly achieving students to Clinton.

21) One commenter stated that a focus on performance negates the ability of teachers to take the time to help support students.

22) Many commenters expressed support for the school and acknowledged the important history and good work of the school and its alumni in the Bronx community and the world.

a) Several commenters mentioned that Clinton was named one of the top high schools in America in 1999 by US News and World Report.

23) Many commenters expressed support for the school's principal, administration, teachers, staff and parent body.

24) A commenter praised Clinton staff for guiding students who fail to graduate from the school to GED, YABC and other alternative learning programs.

25) Many commenters stated that the proposal will cause Clinton to fire teachers.

26) Many commenters expressed support for the school's active parent body.

27) Many commenters expressed a willingness to provide voluntary and/or financial support to Clinton students.

The following questions, comments, and remarks were made at the Joint Public Hearing and are not related to the proposal

28) One commenter stated that the Mayor is encouraging students to dress inappropriately and to engage in high risk behavior, and that the city needs to hire more counselors and teachers.

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

29) Prior to the January 18, 2013 issuance of the proposal to co-locate two new high schools with Clinton, several commenters expressed concerns that Clinton would be proposed for phase-out.

The DOE received 11 written comments and 2 messages via voicemail concerning this proposal.

The commenters opposed the proposal for the following reasons:

30) The enrollment reduction and the co-location of two new high schools will harm Clinton.

31) The school has an important history and its alumni have been successful.

32) The co-location of two new schools would result in overcrowding.

33) Clinton has not received sufficient support and should receive increased resources to help it improve.

34) The school and its administration, teachers, and parent body work hard and do a good job.

35) Clinton may be unable to continue to offer the current range of academic and extra-curricular activities after the enrollment reduction.

36) The DOE does not accurately evaluate schools, including Clinton.

37) Small schools, like the ones proposed to open and co-locate with Clinton, attract higher performing students, which leaves schools like Clinton with more challenging populations.

38) Amy Melendez, the current President of Clinton's Alumni Association, shared in writing a plan developed by the Alumni Association to improve the school's Progress Report grade, which was also described by Gil Walton at the Joint Public Hearing and included:

    a) Increasing cooperative efforts of the administration and teachers to identify students in need and provide needed support.

    b) A promise from the Alumni Association to direct financial support away from clubs and events and towards academic tutoring and support.

    c) A pledge from Lehman College to increase its academic support for current Clinton students.

39) One commenter requested that a second joint public hearing be held in order to allow all community members the ability to express their opinion on the proposal.

40) Natasha Green, the current Vice-President of Clinton's Alumni Association, shared documentation of signed pledges from current students, teachers, administrators and members of the community, who opposed the co-location and proposed to improve Clinton without an enrollment reduction.

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

Comments 9(b), 9(d), 13 and 29 generally oppose the phase-out of Clinton.

As a preliminary matter, the DOE is not proposing to phase-out Clinton. However, Clinton has struggled for several years. The school received an overall Progress Report grade of F in both the 2010-2011 and 2011-2012 school years, a decrease from an overall C grade in 2009-2010. Although Clinton received a B on the College and Career Ready metric, in 2011-2012, the school received an F grade in three sub-categories: Student Progress, Student Performance, and School Environment. The four-year graduation rate at Clinton has dropped in each of the past three years and was 50% for the 2011-2012 year.

As a result of Clinton's poor performance, the DOE initiated a comprehensive review of Clinton in the fall of 2012, with the goal of determining what intensive supports and interventions will best benefit its students and the Clinton 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. At the conclusion of this process, the DOE concluded that reducing the enrollment of Clinton beginning in September 2013 and providing two new options for high school students in the X440 building will benefit current and future students at Clinton and in the Bronx.

Comment 14(a) concerns the process by which building X440 was identified as eligible for a co-location.

As discussed in the Revised Under-utilized Space Memorandum (as of November 20, 2012), on a yearly basis, the DOE's Division of Portfolio Planning ("Portfolio") conducts a transparent process to publish a list of under-utilized buildings by applying consistent criteria to all school buildings across the city. Buildings that have, or are projected to have, 300 or more seats available in the next one to two years according to the Blue Book may be eligible for a co-location, among other potential changes in school utilization. A copy of the Revised Under-utilized Space Memorandum describing in detail the process for

identifying under-utilized schools is available at: http://schools.nyc.gov/NR/rdonlyres/6D8EA76A-82FA-4740-9ED1-66BCABEE8BFB/134525/UnderutilizedSpaceMemorandum112012_vFINALforprint.pdf.

The list of under-utilized schools is updated periodically throughout the year. As indicated in the Updated Under-utilized Space Memorandum Addendum - February 1, 2013, the X440 building has been identified as eligible for a co-location in light of Clinton's enrollment reduction. A copy of the Updated Under-utilized Space Memorandum Addendum is available at: http://schools.nyc.gov/NR/rdonlyres/6D8EA76A-82FA-4740-9ED1-66BCABEE8BFB/138473/UUMemorandumAddendumlanguagere2013POsTER2114.pdf.

Comment 12 requests that the co-location be delayed.

Delaying the opening of two new high quality school options would needlessly deprive parents and students of high quality educational choices. Therefore, the DOE intends to move forward with the proposed co-location of these new schools, contingent on PEP approval.

Comment 14(b) suggests that there is sufficient space in New York City and the Bronx to site the new schools without co-locating them in X440.

Co-locations permit the DOE to use its limited facilities efficiently while simultaneously creating additional high-quality options for New York City families. Roughly half of DOE schools share space. The DOE believes that co-locating two new schools in the X440 building is the most appropriate way to use its facilities efficiently and create new options for families in the Bedford Park neighborhood in the Bronx.

Comments 9(a), 9(c), 9(d) and 10 oppose the decision to reduce Clinton's enrollment, and assert that Clinton historically has been able to improve.

Please refer to the response to comments 9(b), 9(d), 13 and 29 for a description of the DOE's process in reviewing struggling schools and determining what types of interventions are appropriate. Contrary to comment 9(c)'s assertion, Clinton has not demonstrated an ability to improve over the last several years. As discussed above, the DOE believes that reducing the enrollment at Clinton will give the school an opportunity to improve by focusing its resources on fewer students and programs.

Although three of the six programs currently offered by Clinton will cease admitting new students beginning in the 2013-2014 and gradually phase-out, Clinton will still enroll 2,210-2,250 students following the conclusion of the enrollment reduction, which should enable the school to continue offering a wide array of academic and elective offerings.

The proposed co-location of 10X351and 10X353 in building X440 is part of the DOE's central goal to create new school options that will better serve future students and the community at large and to replace a portion of the seats vacated by Clinton as it reduces its enrollment.

Comments 7(d), 7(e) and 11 express support for large, comprehensive high schools and opposition to the opening of smaller high schools.

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 the lowest-performing schools with better options, opening 576 new schools: 427 district schools and 149 public charter schools. As a result, we've 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).

Comments 11(a) and 11(c) concern the economic efficiency of, and adequacy of funding at, small schools.

While smaller schools may utilize more administrators per student than a larger high school, small schools on co-located campuses are able to realize efficiencies in other ways. Citywide, co-located schools (including newer, small schools), routinely share the cost of campus resources, including but not limited to, the cost of counselors, social workers, janitorial and maintenance staff. In this way, new small schools such as those described above are able to provide a wide array of services while also providing smaller learning environments for students. Please also refer to the response to comments 5(a), 5(c), 5(d), 7(b), 18 and 33 for more information concerning the standard methodology by which all schools receive funding.

Comments 11(b), 11(d), 11(e), and 37 contend that small schools can not, or do not, enroll and serve populations similar to their larger school counterparts, and thus performance comparisons cannot be made between the two types if schools. Certain of these comments also suggest that the opening of small schools results in an over-concentration of high needs students at remaining large schools.

When compared with the student demographics of the high schools that have been phased out, the demographics of the small schools opened in their place are very similar in terms of the percentages of black and Latino students, English language learners, and students with disabilities. In addition, our new schools on the whole serve more black, Hispanic, and students with disabilities than the schools they replaced and than the Citywide average.

- Black or Hispanic
    - New Small Schools – 94.5%
    - Phase Out Schools – 94.2%

- ELL
    - New Small Schools – 16.8%
    - Phase Out Schools – 18.8%
- Students with Disabilities (with IEP's)
    - New Small Schools – 14.9%
    - Phase Out Schools – 10.3%

These comparisons refute the notion that the opening of new small schools concentrates challenging student populations in any one type of school.

Comments 4, 11(f), 16(b), 16(c), 16(d) and 35 concern the impact that the proposal may have on academic programming (including electives and AP courses), co-curricular offerings (including art and music) and sports.

First, as stated in the EIS, the enrollment reduction at Clinton is not contingent on this proposal to co-locate two new high schools in building X440, and may occur regardless of whether this co-location proposal is approved. With respect to academics, all current students may remain at Clinton, as the school will continue offering all necessary classes to support them as they work to meet graduation requirements and earn their high school diplomas. Students currently enrolled in Animal Professions, Public and Community Service, or Future Teachers, the three programs that will cease admitting new ninth grade students beginning in the 2013-2014 school year, will continue to be supported as they work to complete those programs and graduate. As total enrollment at Clinton declines throughout the course of the enrollment reduction, the school may need to scale back its elective course offerings. It is difficult to predict how those changes might be implemented, as decisions will rest with school administrators and will be based on student demand as well as staff and budget conditions at the school. However, Clinton will still enroll 2,210-2,250 students following the conclusion of the enrollment reduction, which should enable the school to continue offering a wide array of academic and elective offerings.

Typically, campuses that are home to multiple schools continue to field athletic teams, but can opt to do so collaboratively, with students from all schools in the building eligible to participate. If this proposal is approved, the DOE anticipates that this same opportunity will exist for students at Clinton, 10X353 and 10X351. It is worth noting that teams from City campuses that include multiple small schools have competed at the championship level under their campus banners. Similarly, all school organizations in the building will offer extracurricular programs based on student interest, available resources, and staff support for those programs. Again, multiple schools may collaborate to offer joint extracurricular programs across the campus as appropriate. The proposed opening and co-location of 10X351 and 10X353 is not expected to impact extracurricular program offerings at Clinton. It is important to reiterate that after the reduction, Clinton's size will allow the school to continue to offer its own extracurricular and athletic offerings if the school so chooses.

Comments 15(a), 15(b) and 32 concern the impact that the proposal may have on overcrowding at the X440 building.

As a preliminary matter, the DOE does not propose to co-locate eight different schools in the X440 building as one commenter asserted. The DOE only proposes to co-locate two new schools with Clinton, which is not anticipated to result in overcrowding. The planned enrollment reduction at Clinton is expected to reduce the number of students enrolled at the school by 1,506-1,546 by the 2016-2017 school year. Once the two new schools have phased-in and the enrollment reduction at Clinton has been

completed, the building will have a utilization rate of approximately 91-96%, which is lower than the current building utilization rate of 112%.

Please see Section II of the amended EIS for more information concerning the availability and proposed allocation of space between 10X351, 10X353 and Clinton.

Comment 16(a) expresses concern that the enrollment reduction at Clinton will decrease diversity at Clinton and prevent the school from serving as a haven for immigrant students.

As previously stated, Clinton's size after the enrollment reduction is complete will allow the school to continue serving a diverse student population. With respect to services and programming geared towards immigrant students, it should be noted that Clinton will continue to serve students classified as ELLs, and offer English as a Second Language ("ESL") services and a Transitional Bilingual Program in Spanish. All students enrolled in schools in building X440 will continue to receive their mandated special education and/or ELL services if this proposal is approved. Appendix C to the EIS includes a list of other schools in the Bronx that offer Transitional Bilingual Programs in Spanish.

Furthermore, the three Clinton programs that will continue to admit new ninth grade students will maintain their current admissions policies, which provide priority to students who attend school or reside in the Bronx. Thus, the enrollment reduction is not expected to impact the diversity of Clinton's enrollment.

Comments 8(c), 17, and 36 question the DOE's evaluation process and its ability to assess Clinton properly.

The DOE uses both quantitative and qualitative data in evaluating 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 2010-11* 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 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 be proposed for phase out or not. In this case, the investigative process has led the DOE to conclude that an enrollment reduction, not a phase-out, is the appropriate intervention for Clinton. Additionally, all of the above-described pieces of qualitative information were taken into account when the DOE decided to propose the co-location of two new schools on this campus.

As described in the response to comments 7(d) and 11, the improved graduation rates at smaller high schools as compared to the larger ones they replaced indicates that the DOE's strategy for identifying and replacing struggling schools with smaller ones is effective.

Comments 5(c), 5(d), 7(b), 18 and 33 contend that Clinton has not received adequate funding or resources, request more resources for the school (especially for at risk students), and suggest that the resources that would be used to open two new schools should instead be given to Clinton.

All schools receive support and assistance from their superintendent and 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.

Over the past several years, the DOE has provided numerous supports to Clinton. Among those supports are:

- Working with the principal to develop strong leadership skills
- Providing strategies for engaging students in rigorous assignments that will prepare them for success in future educational and professional pursuits
- Working to improve classroom instruction by giving teachers feedback that is aimed at strengthening their practice and providing professional development aligned with the Common Core Standards
- Recommending effective ways to organize the school
- Providing operational support for budget, enrollment, facilities, transportation, and health, among other areas, to allow school leadership to maximize support for student learning
- Helping the school to improve the learning environment and develop a culture that supports safety, respect, and socio-emotional development; and
- Supporting the school in developing and maintaining strong ties to the community.

Despite these supports, Clinton's performance has failed to improve. Thus, the enrollment reduction is intended to provide an opportunity for Clinton to improve by narrowing its focus to fewer academic programs and a smaller number of students.

Turning to the issue of funding, all public schools in the city are funded through a per pupil allocation. That is, funding "follows" the students and is weighted based on student's grade level and need (incoming proficiency level and special education/ELL/Title I status). For example, if a school's population declines by 400 students 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.

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, purchasing supplies and materials, or implementing instructional programs. 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 have discretion over their budget and make choices about how to prioritize their resources. New schools may choose to hire fewer administrative staff (e.g., only a single assistant principal) freeing up dollars to be directed toward other priorities.

Comment 19 expresses concern about the quality of teaching at Clinton.

The DOE agrees that many factors, including the teaching at Clinton, may have contributed to the school's continued performance struggles.

As previously mentioned, the following instructional support has been made available to Clinton:

- Providing strategies for engaging students in rigorous assignments that will prepare them for success in future educational and professional pursuits
- Working to improve classroom instruction by giving teachers feedback that is aimed at strengthening their practice and providing professional development aligned with the Common Core Standards
- Helping the school to improve the learning environment and develop a culture that supports safety, respect, and socio-emotional development

As stated earlier, the enrollment reduction is intended to allow Clinton to improve by narrowing its focus to fewer academic programs and a smaller number of students.

Comments 7(a) and 20 attribute Clinton's performance issues to the purported large influx of high needs students.

As an initial matter, comment 7(a)'s calculations of the number of students with various high needs are inaccurate because they are premised on seat target figures, rather than the appropriate enrollment data source. As described in the amended EIS, as of October 26, 2012, Clinton's total enrollment was approximately 3,756. Thirteen percent of these students are served in SC or ICT sections, which totals approximately 489 students, and not 556, as claimed by the commenter. Similarly, 19% of Clinton's students are ELLs, which totals approximately 713 students, not 748 as cited by the commenter. Additionally, the commenter's tally of total students with high needs served by Clinton fails to account for the fact that students may be identified as an ELL *and* receive special education services; thus, the commenter has counted certain students twice, which inaccurately inflates the number students with high needs.

Furthermore, contrary to the commenter's assertion that Clinton has experienced an influx of new students with disabilities or ELLs in recent years, the data indicates that Clinton has served a relatively consistent percentage of students with disabilities and ELL students over the last three years. Specifically, in the last three years, the percentages of students at Clinton who have IEPs were 16% in 2011-2012, 15% in 2010-2011, and 14% in 2009-2010; although this is a slight increase, it does not represent a large influx or dramatic change to the type of students Clinton serves. In the last three years, the percentages of ELL students at Clinton were 20% in 2011-2012, 20% in 2010-2011, and 21% in 2010-2009. The DOE notes that the four-year graduation rate has dropped in the past three years and was 50% in 2011-2012, 57% in

2010-2011 and 62% in 2009-2010. The DOE expects schools to serve all students who enroll, and this means that when changes in the student population occur, schools need to adapt their educational programming to meet the changing needs of their students. The data suggests that Clinton has not adequately adapted to meet the needs of its populations of students with disabilities or ELLs, which, as indicated above, have remained relatively steady over the last three years.

Finally, 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 percentage of Black/Hispanic students, and the percentage of ELL students at the school. 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, Clinton is grouped in its peer group with other New York City public schools with similar student academic and demographic background. Other schools in Clinton's peer group are achieving significantly higher student outcomes than Clinton with comparable populations. For example, in 2011-2012 Bronx School of Law and Finance served 83% Free and Reduced Lunch students and 18% students with IEPs, which is similar to Clinton's corresponding student sub-groups which respectively comprise 76%, and 16% of its population. However, in 2011-2012, Bronx School of Law and Finance achieved a graduation rate of 72%, which is significantly higher than Clinton's 50%.

Comment 21 states that a focus on performance negates the ability of teachers to take the time to help support students.

The DOE strives to ensure that all students have access to high-quality school programs. To do so, it is appropriate to hold schools accountable for their students' progress. Therefore, the DOE assesses a school's performance from many different perspectives, as described in more detail in the response to comments 8(c), 17, and 36. All similarly-situated schools are held to the same accountability standards as explained in the response to comments 7(a) and 20. Many schools in Clinton's peer index group are outperforming it. This indicates that other schools enrolling similar populations of students, and working under the same accountability standards are serving their students better. Thus, the DOE's system of accountability based, in part, on a school's performance should not disproportionately affect Clinton.

Comments 2(a), 22(a) and 31 contend that the enrollment reduction and/or co-location of new schools with Clinton will diminish the reputation, legacy and contributions of the school, its alumni, and the community.

The DOE recognizes and commends Clinton's long and rich history. However, the desire to preserve the legacy of a school or its alumni cannot override the need to implement an appropriate intervention, which in this case is a reduction in enrollment. The DOE believes the enrollment reduction will better position Clinton to improve its ability to serve students and continue its legacy.

Comments 3(a), 3(c), 8(a), 23, 24, 26 and 34 note positive student achievement at Clinton and voice general support for the administration, teachers, school and parent community at Clinton.

The DOE commends and acknowledges the students and staff of Clinton for their hard work. While the DOE acknowledges that some Clinton students may have achieved success, this is not the case for the majority of students. Therefore, action must be taken given the school's performance struggles and recent decline.

Comment 25 pertains to the impact that the enrollment reduction at Clinton will have on teachers and staff.

As Clinton completes its enrollment reduction, some teachers, administrative, and non-pedagogical staff at Clinton will be excessed over the course of the reduction. Excessing of staff occurs when a school requires fewer positions than the number of staff currently in the license area or job title. This process would take place gradually as student enrollment declines. With fewer students, the school's staffing needs will naturally be reduced.

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

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

It is also important to understand that the students who would otherwise have enrolled at Clinton will now be enrolled in other high schools those schools might need to hire additional staff. Consequently, the proposal to reduce Clinton would not necessarily result in an overall loss of teaching positions within the Citywide system.

New district schools follow the hiring process consistent with the procedures set forth in the collective bargaining agreement between the DOE and UFT.

Comment 27 indicates that community members are willing to provide assistance to Clinton students.

The enrollment reduction will not prevent any alumni or community members from supporting Clinton.

Comments 6(a) and 30 express concern that the enrollment reduction will be detrimental to Clinton.

As previously mentioned, Clinton is projected to continue serving more than 2,000 students in ninth through twelfth grades after this enrollment reduction is completed. The DOE believes the reduction will better position Clinton to serve its students by narrowing its focus on fewer programs and a smaller population of students. Furthermore, with over 2,000 students, Clinton will still be able to offer a wide array of programs and extracurricular opportunities.

Comment 6(b) concerns the availability of information about the two new proposed schools, 10X351 and 10X353.

Consistent with Chancellor's Regulation A-190, the EIS concerning this co-location proposal included information concerning 10X351 and 10X353's admissions, enrollment and space allocations. Since the February 21, 2013 Joint Public Hearing at Clinton, the DOE has announced that 10X351 will be named Bronx Collaborative High School ("Bronx Collaborative"). Students of Bronx Collaborative will be guided to tap into the rich resources and rich history of New York City and will bring in community leaders, organizations and professionals to collaborate on student projects. Students will learn to use social media to share ideas that promote positive change and social justice. 10X353 will be called World View High School ("World View"). That school will follow an instructional program that will guide students through the investigation of local, national and global issues.

New school leaders will be introduced to the public at the Citywide Council of High Schools' meeting on March 13, 2013 and will subsequently be introduced at district-specific CEC meetings.

All of this information will be available to students and families as they make their decisions with respect to applying for transfers or enrolling at one of the new schools in September 2013. After the PEP has voted on this and other new school proposals on March 11, 2013, the 2013-2014 High School Directory will be available on the DOE Web site at:
http://schools.nyc.gov/ChoicesEnrollment/High/Publications/default.htm.

Comment 6(c) expressed concern that the timing of Round Two of the Citywide High School Admissions Process ("HSAP") will limit the school population of the two new proposed schools to Over-the-Counter students ("OTC").

10X351 and 10X353 will be open to students through HSAP and will both have limited unscreened admissions methods and will give admissions priority to students residing in or attending school in the Bronx. All proposed new high schools that will be voted on by the PEP on March 11 will accept students from Round Two of HSAP. Round Two is open to all eighth-grade and first-time ninth-grade students. Any student who does not receive a match in Round One must apply to the available programs in Round Two in order to receive a match. In addition, any student who received a match in Round One may reapply to available programs in Round Two. A student who participates in Round Two and has already received a Round One match will have his or her Round One match nullified if the student receives a match in Round Two. The available programs for Round Two include school programs with remaining seats and new schools that will open the following September. Students will receive Round Two results at the end of May 2013. As indicated by the below historical data, many students will likely enroll in 10X351 and 10X353 via HSAP, not just through the OTC process.

Last year, six new Bronx high schools were approved by the PEP to open in the 2012-2013 school year. None of these schools was available to students in Round One, but all of them accepted students in Round Two of HSAP. Aside from Claremont International, 09X564, no school received an excessive amount of OTC students. Claremont International has a screened language admissions policy and is only open to New York City residents living in the United States whose home language is not English and are classified as ELL students, and is thus uniquely suited for students newly arrived to the system who enroll via the OTC process. Please see chart on next page.

New High Schools That Opened in 2012-2013

		9th Grade Students		
DBN	School Name	HSAP	OTC	TOTAL
08X558	Westchester Square Academy	102	5	107
08X559	School for Tourism and Hospitality	83	5	88
08X561	Bronx Compass High School	77	5	82
09X327	Comprehensive Model School Project Middle School	118	1	119
09X564	Claremont International High School	18	59	77
10X565	High School for Energy and Technology	103	3	106

Comment 7(c) states that the school administration provided an improvement proposal to the JIT team during their March 2011 evaluation.

The 2011 JIT report makes no reference to receiving an improvement plan from the school's administration.

However, the JIT report includes many troubling findings regarding the effectiveness and organization of Clinton's administration, as well as many recommendations for improvement. A copy of the JIT report is available at:
http://www.p12.nysed.gov/accountability/School_Improvement/Reports/1011/DeWittClinton.pdf.

Comments 1(a-f), 2(a-c), 5(b), 38(a-c) and 40 concern proposed and in-progress plans to improve the achievement of current and future Clinton students as alternatives to the enrollment reduction and/or co-location proposal.

Given the prolonged and extended struggles that Clinton has faced, as detailed in the response to comments 9(b), 9(d), 13 and 29, and given the DOE's central focus on creating great educational opportunities for all New York City public school students, the DOE does not believe that the supports included in the alternative improvement plans referenced in comments 1, 2, 38 and 40 are sufficient to quickly and effectively improve educational outcomes at Clinton without additional interventions, such as

the enrollment reduction. Also as explained in the previous response to comment 27 the enrollment reduction will not prevent community members from supporting Clinton. Comment 5(b) did not include a description of the specific plan for improvement. At this time, the DOE believes that reducing the enrollment of Clinton beginning in September 2013 and providing two new options for high school students in the X440 building will benefit current and future students at Clinton and in the Bronx. The enrollment reduction is intended to provide an opportunity for Clinton to improve by narrowing its focus to fewer academic programs and a smaller number of students, and allow for new school options to develop in building X440.

Comments 5(a) and 8(b) express disapproval of Mayor Bloomberg and his education reform efforts across the city and specifically at Clinton.

The DOE acknowledges that some people may disagree with the current administration's strategy for improving educational options. However, the data indicates that the strategy has yielded many successful student outcomes.

Over the Mayor's eleven years in office, the City's graduation rate has steadily increased to an all time high of 65.5% percent. When today's ninth graders were entering kindergarten, 19,000 New York City high school graduates enrolled at CUNY schools. Last fall, more than 25,000 graduates of New York City public schools enrolled at CUNY, an increase of over 40%.

Comment 3(b) suggests that the decision to co-locate 10X351 and 10X353 has already been made.

While the DOE has determined that the co-location of these two new schools at X440 is appropriate, the proposal cannot be implemented without the PEP's approval. The PEP has not yet voted on this proposal. Furthermore, this analysis of public comments will be provided to the PEP for its consideration prior to the vote on this proposal.

Comment 39 requested that a second joint public hearing be held to collect community feedback and opinions on the proposal.

The DOE follows the process set forth by New York State law and Chancellor's Regulation A-190 to propose significant changes in school utilization, such as new school sitings. In addition to the joint public hearing which was held on February 21, 2013, the DOE has been soliciting feedback from the community via voicemail and email since the proposal was posted on January 18, 2013. The public was notified of these alternative methods of providing comment in the PEP notice, which was sent to the impacted Community Education Councils and community boards, in addition to various elected officials, as well as a letter and joint public hearing notice, which was backpacked home to Clinton families. Given that here has been ample opportunity for individuals to submit feedback on this proposal, a second joint public hearing will not be held.

As referenced in the response to comment 3(b) the PEP only votes on these proposals after collecting and reviewing public comment. Furthermore, there will be an additional opportunity for public comment at the meeting at which the PEP votes on this proposal, which will be held on March 11, 2013 at 6:00 PM at Brooklyn Technical High School located at 29 Fort Greene Pl, Brooklyn, NY 11217.

Changes Made to the Proposal

No changes have been made to the proposal in response to public feedback.