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Chancellor

Amended Public Comment Analysis¹

Date: March 10, 2013

Topic: The Proposed Phase-Out of Performance School (07X385) Beginning in 2013-2014

Date of Panel Vote: March 11, 2013

Summary of Proposal

In an Educational Impact Statement (“EIS”) posted on January 22, 2013, the New York City Department of Education (“DOE”) proposed to phase out Performance School (07X385, “Performance School”), an existing elementary school in building X156 (“X156”) located at 750 Concourse Village West, Bronx 10451 in Community School District 7 (“District 7”). It currently serves students in kindergarten through fifth grades and offers a pre-kindergarten program. Performance School is co-located in X156 with Bronx Global Learning Institute for Girls (84X389, “BGLIG”), an existing public charter school serving female students in kindergarten through fifth grades. 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.

The DOE proposed to phase out Performance School based on its poor performance and the DOE’s assessment that the school lacks the capacity to improve quickly to better support student needs.

In a separate EIS also posted on January 22, 2013, the DOE proposed to co-locate a new public elementary school 07X359 (“07X359”), and a new site of an existing District 75 (“D75”) program (75X017, “P017X@X156”) in building X156. The new site in X156 for the existing D75 program P017X will be referred to as P017X@X156 throughout the course of this document. This proposal can be accessed on the DOE’s Web site: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>.

In another EIS posted on January 22, 2013, the DOE proposed to expand BGLIG from serving grades kindergarten through five to serving grades kindergarten through eight in X156. The proposal to expand BGLIG can be accessed on the DOE’s Web site here: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm>.

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.

If all relevant proposals are approved by the Panel for Educational Policy (“PEP”), as Performance School phases out, 07X359 will phase in, P017X@X156 will open, and BGLIG will phase in its middle school grades.

If the phase-out proposal is approved, Performance School will no longer admit new kindergarten students and will no longer offer grades one and two or its pre-kindergarten program after the 2012-2013 school year. Beginning in the 2014-2015 school year, it will no longer serve third grade and will serve one less grade each subsequent year until it completes its phase-out and closes in June 2016.

As mentioned above, the DOE is proposing to replace Performance School with a new public elementary school, 07X359. 07X359 will serve students in kindergarten through fifth grades and will offer a pre-kindergarten program (pending continued availability of funding) when it reaches full scale in 2016-2017. If the proposal to co-locate 07X359 and P017X@X156 in X156 is approved, 07X359 will serve as a new elementary school option for District 7 families and will replace the seats lost by the proposed phase-out of Performance School.

If the phase-out and co-location proposals are approved, current students in kindergarten and first grade—whether or not they meet promotional standards—will be served by 07X359, to be opened in building X156. Current students in second grade who meet promotional standards will continue to progress towards the completion of elementary school at Performance School. However, any current second-grade students who do not meet promotional standards will complete second grade at 07X359. Current students in third and fourth grades will continue their education at Performance School regardless of whether they meet promotional standards. Current fifth-graders will proceed to apply to middle school via the District 7 Middle School Choice process, unless they do not meet promotional standards, in which case they will continue fifth grade at Performance School. In cases where students do not meet promotional requirements by June 2016, the DOE will help students and families identify alternative programs or schools that meet students’ needs so that they may continue their education after Performance School completes its phase-out.

On November 26, 2012, the District 7 Community Education Council voted to implement an unzoning of the elementary schools in District 7 in order to provide greater access to educational opportunities for District 7 families and to create a process that allows families to choose schools that reflect their individual preferences. Beginning in the 2013-2014 school year, all elementary and K-8 schools in District 7 will be unzoned. Families will have the opportunity to rank their preferences among all elementary schools in the district, similar to the Middle School Choice Process. If the proposal to co-locate 07X359 (and to open a new site for an existing D75 program, P017X@X156) in X156 is approved, 07X359 will participate in the District 7 Elementary School Choice Admissions Process.

Copies of the EIS and related Building Utilization Plan (“BUP”) are available in the main offices of Performance School and BGLIG.

Summary of Comments Received at the Joint Public Hearings

A joint public hearing regarding this proposal was held at the X156 building on February 21, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 110 members of the public attended the hearing, and 15 people spoke. Present at the meeting were District 7 Community Superintendent Yolanda Torres; Senator Jose Serrano’s Representative, Angel Santana; Councilmember Maria Del Carmen Arroyo; Bronx Borough President Representative, Erica Veras; Community Education Council (“CEC”) representative, Tracy Woodall; District 75 CEC representative Gloria Carsino; Performance School Principal, Frank Hernandez; Performance School’s School Leadership Team (“SLT”) Representatives: Jamaira Paramo, Anna Merrero, Hope Rodriguez, Ernest Suarez, Betty Jenkials, Vellanire Barron, Gregory Dob, and Jack O’Casey; a representative from the Council of School

Supervisors and Administrators (“CSA”), Ms. Gangemmi; Deputy Chancellor Kathleen Grimm, Executive Director of the office of Family and Community Engagement (“FACE”) Jesse Mojica, James Dandeneau from the DOE’s Office of Public Affairs; and Amanda Cahn and Stephanie Crane from the DOE’s Division of Portfolio Planning.

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

1. Many commenters noted Performance School’s many student achievements and success stories.
2. Many commenters voiced support for the school leader, teachers, staff, and students at Performance School.
3. Many commenters noted the positive ways in which the school leadership and staff worked with families to support both parents and students. Commenters also stated how this comprehensive support created a strong sense of community at Performance School.
4. Many commenters stated that the new principal has actively engaged the parent community and held parenting workshops in the school to further support the families served by the school. These commenters acknowledged the way this work with parents has positively impacted Performance School students and the school community.
5. Many commenters acknowledged that the many previous changes in leadership at the school had negatively impacted the school’s performance; these commenters also voiced support for the new principal and noted the ways he had positively impacted the school since he started in the role at the beginning of this school year.
6. Many commenters requested that the DOE give the school more time to improve student outcomes and overall performance of the school, especially given the short time in which the principal has served in the leadership position at the school.
7. Many commenters, including members of Performance School’s SLT, stated that Performance School provides positive, comprehensive support for students with IEPs.
8. Many commenters voiced general opposition to the proposal and to the practice of phasing out schools generally.
9. Many commenters raised concerns about how a phase-out could impact the socio-emotional well-being of students and asked how students will be supported if the phase-out proposal is approved.
10. Councilmember Maria Del Carmen Arroyo:
 - a. Stated that she met with the parents of Performance School and she spoke at this hearing in order to communicate their concerns about this phase-out and share their sentiments of support for Performance School.
 - b. Stated that while there are many parents and community members who would like to speak out against the proposal or raise concerns about the education in their community, many feel hesitant to do so as a result of language barriers they may face or their current immigration status. She noted that while the DOE will support all families and listen to all concerns, many are afraid to speak out or share concerns and it is important to consider this when considering the community response and concern around this proposal.
 - c. Stressed that the vote for these proposals should be democratic and that community feedback should be taken into consideration and prior to the vote.
 - d. Voiced opposition to the DOE’s holding two separate joint public hearings: one for the phase-out of Performance School on Thursday, February 21st and another regarding the expansion of BGLIG on Monday, February 25th. She noted that this is inconvenient for families and community members.
 - e. Claimed that the strategy of phasing out and replacing schools is not effective.
11. A representative from Senator José Serrano’s Office read a letter that Senator Serrano sent to the DOE regarding the proposal to phase out performance school. The letter:

- a. Opposed the proposal to phase-out Performance School.
- b. Noted the amount of administrative turnover that challenged the school community prior to the current school year.
- c. Asked that the DOE to give the new principal and his policies time to impact student performance, citing the following achievements made in the past year: (i.) school attendance has increased by 4%-5%; (ii.) a functioning PTA has been established; (iii.) teachers are receiving positive professional development; (iv.) students are now receiving extra support services immediately; and (v.) Saturday programming has been established to further support students
- d. Noted that both faculty and parents have positively endorsed the current principal.
- e. Urged the DOE to consider the result of the upcoming quality review before allowing the PEP to vote on the proposal for phase-out.

12. Tracy Woodall, a representative of CEC 7:

- a. Stated that there are too many schools in the Bronx that are proposed for phase-out or currently undergoing phase-out. She voiced general opposition to the practice of phasing out schools.
- b. Encouraged increased parental involvement in Performance School and the larger District 7 community.
- c. Acknowledged that District 7 has several schools with performance issues and expressed desire to see these schools improve to best support students.
- d. Stated that there is a need for more supports and funding to be provided to assist schools in District 7 and throughout the city, in particular to ensure that all students are college-and career-ready.

13. A CSA representative:

- a. Noted that more than two dozen schools are currently slated for closure but it is not clear why these specific schools were selected for phase-out given that these schools have different performance grades, state statuses, and received different quality review scores.
- b. Voiced concern that struggling students are turned away from new schools and “warehoused” in schools that are failing.
- c. Voiced support for the current principal of Performance School

14. A representative from the UFT:

- a. Voiced opposition to this proposal and the process of phasing out schools, indicating that phase-outs negatively impact children.
- b. Stated that Mayor Bloomberg opened Performance School five years ago but failed to put the needed money into the school to support it and allow for its success; He further indicated that we should put additional resources into Performance School instead of phasing it out.
- c. Noted the way the administrative turnover that occurred over the past five years negatively impacted the school community and student performance.

15. Many commenters acknowledged that the X156 building is the only barrier-free elementary school building in the district and noted that Performance School has strongly supported and served students with physical disabilities and special education needs; commenters also raised concerns about how the replacement plan will ensure that the barrier-free environment best serves all current and future students, especially students with special needs and physical disabilities.

16. Many commenters noted the high needs population served by the school and acknowledged the different challenges the students face as incoming students at Performance School. These commenters also asked if the DOE considers the different populations of students served by the school—for example, overage students as well as students who have IEPs or are ELL students—in evaluating the overall performance of a school.

17. One commenter raised concern about students who enroll in the school with limited English language skills and are then evaluated on overall student progress in exams that are conducted only in English, as well as the fact that this data is then used to evaluate overall school and student performance.
18. Many commenters expressed concern about the co-location and the impact of having three school organizations co-located in the X156 building.
19. Many commenters asked questions about how this proposal would impact the available pre-kindergarten programming available in the X156 building. Many commenters voiced concern that there would no longer be pre-kindergarten programming available in the building.
20. One commenter stated that the DOE's change in testing standards is what impacted the school's performance, and it was not the leaders, teachers or staff of the school that caused the school's decline in performance.
21. Many commenters acknowledged that Performance School served as a replacement for a school previously located in the X156 building and asked how this new school would be different and improve the school's overall performance.
22. One commenter stated that he originally advocated for the construction of the school and opposes the closing of the school building.
23. Many commenters voiced opposition to the fact that the hearing for the phase-out was held on Thursday, February 21st while the hearing for the expansion of BGLIG was held the following Monday, February 25th.

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

24. One commenter raised concern about the lack of crossing guards provided for the school in the morning and noted that two students have been hit by cars due to the lack of crossing guards provided.

Summary of Issues Raised in Written and/or Oral Comments Submitted to the DOE²

25. Many comments voiced opposition to the proposal to phase out Performance School.
26. Many comments voiced support for the leadership, staff, teachers and students at Performance School.
27. Many comments voiced concern about prior administrator turnover at Performance School and the impact that had on the school's overall performance.
28. Many comments asked for the school to review an additional quality review before making the decision regarding the phase-out of Performance School.
29. One written submission, submitted by the Performance School SLT, rejected the many points made in the EIS:
 - a. Referred to the "Summary of Community Feedback" section of the EIS and refuted the contention that the SLT had previously stated that socio-emotional issues negatively impact student performance.
 - b. Referred to the "Summary of Community Feedback" section of the EIS and refuted the contention that the SLT had previously stated that there is a lack of parental involvement in the school community; the SLT clarified that there are new parental involvement programs at the school that are increasing family involvement.
 - c. In response to parental feedback concerning the lack of a school bullying program, noted in the "Summary of Community Feedback" section of the EIS, the SLT responded that Performance School invited the New York Police Department to speak with students.

² The letter that was read by Senator José Serrano's representative at the Joint Public Hearing was also provided to the DOE as a written submission. Since those comments are outlined above, they are not again included in this section.

- d. In response to the parental comment, noted in the “Summary of Community Feedback” section of the EIS, that there is a need for improved school communication, the SLT noted that school communication has improved immensely for parents and community members.
 - e. Voiced belief that the school could quickly improved as evidenced by the past year of school improvements.
 - f. Voiced concern about the high turnover of administrators in the past several years.
 - g. Stated that previously the school had encountered the following obstacles that had impeded its overall performance: school evaluations were denied, school administration was not effective, the previous principal was not involved with parents, and the principal refused to implement anti-bullying campaigns.
30. A written statement was submitted to the DOE that voiced opposition to the proposal to phase-out Performance School and stated the following:³
- a. Requested the phase-out proposal be abandoned or postponed.
 - b. Stated that Performance School was a replacement for a previously struggling school, and questioned the efficacy of the phase-out and replacement strategy.
 - c. Attributed the school’s poor performance data, teacher attrition rate, and low morale to previous principals who did not do a good job, as well as to administrative turnover more generally.
 - d. Stated that renaming the school and changing the staff would not improve the school, noting that the population of students—and its challenges (e.g., poverty)—that it serves will remain the same.
 - e. Voices support for the current leader of Performance School and asks that the DOE give him more time to improve the school's performance.
 - f. States that the phase-out of Performance School will cause disruption for the students currently attending the school and will have an overall negative impact on the students—and suggests that Performance School’s poor performance data is attributable to the disruptions caused by the phase-out of P.S. 156.
 - g. States that the DOE’s phase-outs disproportionately affect poor students and students of color.
 - h. States that the DOE is using phase-out as a means to get funding.
 - i. States that that pre-kindergarten will be discontinued for three years (until 2016-2017), expressing confusion concerning a statement made on page 1 of the EIS.
 - j. States that the discontinuation of pre-kindergarten will disrupt one specific student's IEP.
 - k. Disputes the statement in the EIS that Performance School ranks in the lowest percentile of Citywide schools and compared to schools in Performance School's peer index, it is not ranking in the lowest percentile; this comment cites the School's Progress Report as the source for this data.
 - l. States that the proficiency percentile should only account for 25% of the assessment of the school's performance.
 - m. States that the school's performance data does not demonstrate that it lacks the capacity to improve.
 - n. Comments on the DOE’s use of Performance School’s Priority School status as a basis for its proposed phase-out.
 - o. Argues that the Network Supports detailed in the EIS, particularly the student supports, were given to Performance School under a previous, ineffective principal, not the current principal.
 - p. States that the engagement meeting to collect parent feedback was held on the day of a snow storm, and shortly after Hurricane Sandy, and therefore was challenging for parents to attend; This comment states that the meeting should have been re-scheduled and

³ Two written statements were submitted by the same author and to avoid duplicating the same comments, they will be categorized as one written submission for the purposes of this PCA

- expresses concern that the DOE believed low turnout to signal disinterest from the school community in improving the school.
- q. States that the EIS was misleading because it did not detail the specific positive feedback about the school given during the early engagement meetings.
 - r. Argues that the data cited as the basis for the phase out decision is misleading because it was generated under the previous administration and not under the current principal, whose management has not had the opportunity to be evaluated.
 - s. States that the phase-out will likely disrupt services for special education and ELL students; this statement also asserts that this proposal will cause students to be placed in a more restrictive environment than is appropriate and therefore many students will have to find another school to attend and this will disrupt their education.
 - t. States that the school's closure is based on its high number of special needs students.
 - u. States that the DOE neglected to record the early engagement meetings with parents; the statement also asserts that the DOE failed to record the February 25th hearing and has neglected to publish the transcripts from the hearings held on February 21st and February 25th.
 - v. Asserts that translations should be made available in languages other than Spanish; she also asserts that the Spanish translator made errors in his translation at the February 21st hearing.
 - w. Asserts that the community should be allowed input in determining building's utilization figures.
 - x. Raises concern about the phase-out's impact on programming and extra-curricular activities at Performance School.
 - y. Raises concern about the impact of the phase-out on Performance School's budget.

The following Issues were Raised in Written and/or Oral Comments Submitted to the DOE and are not related to the proposal

31. One comment stated that the school's report cards were not distributed and despite providing copies to the school, the DOE did not work to ensure that the school staff distributed the report cards to Performance School families.

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

Comments 1 – 5, 7, 10(a), 11(c,d), 13(c), 26, and 29 (b,c,d) note positive student achievement at Performance School and voice general support for the principal, administration, teachers, and school community at Performance School.

The DOE commends and acknowledges the leadership, staff, teachers and students of Performance School for their hard work. The DOE also recognizes the importance of building community within each school through parent outreach, effective communication with families and community members, and comprehensive student support. While the DOE notes that some Performance School students may have achieved success, and while many members voiced support of leadership, teachers, and school community at Performance School, the DOE believes that drastic action must be taken given the school's overall performance struggles and recent decline.

Comments 4, 5, 6, 11(b, c, d, e), 12(c), 14(c), 27, 28, 29(e, f, g), and 30(a, c, e, m, r,) pertain to the impact of previous administrative turnover and indicate a preference for the DOE to give the current leader more time to receive a new quality review and improve school performance rather than phasing out the school.

The DOE acknowledges that Performance School, not unlike other New York City schools, has experienced administrative changes over the past several years and recognizes that these changes can be

challenging for a school community. However, the DOE also recognizes that school leadership, while very important, is still only one component of a school. The school culture and conditions have not enabled increased student achievement. After a comprehensive review of Performance School with the goal of determining what intensive supports and interventions would be best benefit the Performance School community, the DOE believes that the school's history of poor student performance indicates that Performance School has failed to develop the proper infrastructure to meet the needs of its students and families. The DOE believes that the proposals to gradually phase-out and replace Performance School will provide a better option for the Performance School community.

The DOE acknowledges that attendance has improved during the 2012-2013 school year, and acknowledges the many comments voiced in support of the principal and his policies encouraging parental involvement, but, as described in the EIS and in the data cited above in the answer to comments 8, 10(a), 11(a), and 14(a), Performance School has struggled to improve, and its performance during the last few years confirms the DOE's assessment that the school lacks the capacity to turn around quickly to better support student needs. Performance School is in the bottom 40% of all elementary schools Citywide in terms of learning growth in English Language Arts ("ELA") and is in the bottom 6% of all elementary schools Citywide in terms of learning growth in Math. Learning growth measures annual student growth on State ELA and Math tests relative to similar students. If these outcomes persist, Performance School students will fall further behind their peers in other schools.

The DOE has offered specific supports to help the school's efforts to improve the school's performance, as detailed in the EIS and in the responses below to Comments 12(c) and 12 (d) but even with support the school has not produced adequate outcomes for the students.

Performance School's current outcomes cannot be permitted to persist, as Performance School students will fall further behind their peers in other elementary schools. Indefinitely trying to turn around a school that has continued to struggle since its opening is not a strategy the DOE is willing to use.

Comments 8, 10(a), 11(a), 14(a), 25, and 30(a) express general opposition to the proposal.

In a concerted effort to ensure that all students have access to high-quality school programs, the DOE annually reviews the performance of all schools citywide. During the process that identifies schools that are having the most trouble serving their students, the DOE found Performance School to be among these schools. As noted in the EIS proposing Performance School's phase-out:

- The overwhelming majority of Performance School students remain below grade level in ELA and Math. Only 14% of students were performing on grade level in ELA—putting the school in the bottom percentile of elementary schools Citywide. Only 12% of students were performing on grade level in Math—putting the school in the bottom percentile of elementary schools Citywide. In both ELA and Math proficiency, Performance School ranks last among District 7 elementary schools.
- The Progress Report measures the progress and performance of students in a school, as well as the school environment, compared to other schools serving similar student populations. Performance School earned a D grade on its 2011-2012 annual Progress Report, including a C grade for Student Progress, an F grade for Student Performance and a C grade for School Environment. This year marks a further decline in performance after the school received C grades in both 2010-2011 and 2009-2010.
- Performance School was identified by the State Education Department ("SED") as a Priority school, defined by SED as one of the bottom 5% of schools in the state.
- Safety issues have been a concern at the school. On the 2011-2012 New York City School Survey, only 64% of teacher respondents believed that discipline and order were maintained at Performance School.

While some members of the Performance School community object to the possibility of phasing out the school, the DOE believes that a phase out is the right course of action given the school's performance struggles and the lack of evidence that the school is poised to quickly improve to better support students. The DOE will continue to incorporate community feedback as it continues to support current Performance School students working toward elementary school completion and develops plans to replace Performance School with new school options that better meet student and community needs.

Comments 8, 10(e), 12(a), 13(a), 14(a), and 30(b,d) express general opposition to the practice of phasing out schools, question the effectiveness of the strategy of phasing out and replacing schools, and question how phase-out decisions are made.

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. Over the Mayor's eleven years in office, the DOE'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 the City University of New York ("CUNY") schools. Last fall more than 25,000 City graduates enrolled at CUNY, an increase of over 40%.

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 and opened 576 new schools: 427 districts schools and 149 public charter schools. As a result, the DOE created more high-quality choices for families.

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 are 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. School Improvement Grant model);
- Talent data;
- School culture / environment;
- District needs / priorities; and
- School safety data.

In addition to our investigation, we also have 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 have 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. These meetings along with the joint public hearing provide opportunity for community members, elected officials, families, students, school staff to provide input and feedback regarding the proposal for phase-out.

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 when we proceed, it is because we believe it is the right thing to do for the students of New York City.

MDRC, a nationally recognized nonprofit, nonpartisan education and social policy research organization, has analyzed the effect of New York City's new schools created since 2002. It has found repeated evidence that the new schools created under this administration have helped students graduate, be better prepared for college, complete required Regents exams, and earn credits at a higher rate than schools created before 2002.

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

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

Comments 9, 14(a), and 30(d) pertain to the socio-emotional impact of a phase-out on students.

The DOE recognizes that phasing out and closing a school is a difficult experience for students, staff, and community members.

If this phase out proposal is approved, Performance School will receive support in the areas of budget, staffing, programming, community engagement, guidance, and enrollment including, but not limited to:

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

In September 2013, the DOE will continue to provide differentiated and deliberate supports to Performance School students.

It is important to note that decisions around the future of a school in no way reflect on the students who attend the school. The DOE, rather than students, are responsible for the quality of a school. Whenever we make the decision to move forward with a proposal to phase out a school, we do so because students deserve better options.

Comments 3, 4, 10(b), 12(b), and 29(d) pertain to parental involvement in the school community and encourage parents to be active and involved.

The DOE acknowledges the efforts being made by Performance School families and encourages continued parental participation in the school community.

Comments 10 (b) and 10(c) pertain to the joint public hearing process and how the DOE considers community feedback when creating and voting on proposals; one commenter expressed concern about the inclusion of immigrant families who face language barriers.

The DOE appreciates all feedback from the community regarding a proposal. The DOE has both revised and withdrawn phase-out proposals in the past based on community feedback received.

When an EIS is issued, it is made available to the staff, faculty and parents at all the impacted schools, on the DOE's Web site, and in each school's respective main office. In addition, the DOE dedicates a proposal-specific Web site and phone line with voicemail to collect feedback on this proposal.

In the case of this proposal, the DOE solicited feedback from parents through the Joint Public Hearing held on February 21, 2013, as well as through voicemail and email since the proposal was posted on January 22, 2013. Parent feedback is incorporated throughout this document, which is presented to the PEP to help inform their decision about this proposal. While some parents disagree with the proposal, the DOE believes it is the right decision for students.

With respect to comment 10(b), the DOE encourages all families and community members to participate in these processes and will not inquire into or report these individuals' immigration statuses. To facilitate the involvement of Spanish-speaking families, the DOE provided translated versions of all documents relevant to the proposed changes for building X156, as well as offered translation services at the joint public hearing. Translation services will also be available for community members at the PEP vote where there will be a vote regarding the proposal for the phase-out of Performance School.

The proposal for the phase-out of Performance School has not yet been decided and consistent with practice for proposals regarding significant change in school utilization, the PEP only votes on these proposals after collecting and reviewing public comment. The PEP vote regarding this proposal 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.

Comments 10(d) and 23 oppose the DOE's holding two separate joint public hearings: one for the phase-out of Performance School and co-location of new elementary school 07X359 and a new site of an existing District 75 program on Thursday, February 21st, and another regarding the expansion of BGLIG, held on Monday, February 25th.

In scheduling the hearings for the proposals that could impact the X156 building, the DOE reached out to all school organizations in the X156 building, the CEC, and the Superintendent to inquire about all parties' availabilities on no less four dates prior to the March 11, 2013 PEP vote. In this communication with the school organizations, Superintendent, and CEC, the DOE asked if the various stakeholders would prefer to hold one joint public hearing for the three proposals impacting the X156 building. The leadership of Performance School requested that the DOE hold two separate joint public hearings: one for both the proposed phase-out of Performance School and the Proposed Co-Location of a New Elementary School and New Site of an Existing District 75 Program in the X156 building, and another hearing for the proposed expansion of BGLIG. Given that this was the preference of Performance School, the DOE scheduled two distinct joint public hearings.

Comments 12(c), 12 (d), and 30(o) pertain to the funding resources as well as the network supports provided to struggling schools, specifically schools in District 7, and indicate that more resources or supports should be provided to these schools instead of phasing them out.

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/English Language Learner ("ELL")/Title I status). If a school's population declines from 2,500 to 2,100 students, the school's budget decreases proportionally—just as a school with an increase in students receives more money.

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.

While every school across the city receives funding via the same formula, some schools have been less successful in serving students than their peer schools that serve similar populations. After the comprehensive review of school data and community feedback, the DOE believes that Performance School lacks the capacity to improve quickly enough to provide its students with the best educational options, and only the most serious intervention—the gradual phase-out and eventual closure of Performance School—will best serve students and the community.

In terms of the network supports also provided to Performance School and other District 7 schools, all schools receive support and assistance from their superintendent and Children First Network (<http://schools.nyc.gov/AboutUs/schools/support/default.htm>) 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. The DOE does everything it can to offer struggling schools leadership, operational, instructional, and student supports that can help turn a struggling school around.

Staff members have worked hard to improve Performance School, but even with support, the school has not produced adequate outcomes for students. To help the school's efforts to improve performance, the DOE offered numerous supports, including:

Leadership Support:

- Coaching the principal and assistant principals in the use of classroom observations and feedback to enhance teacher effectiveness.
- Assisting the principal and assistant principals in the development of instructional plans and goals for the school year, in support of the school's Comprehensive Education Plan.
- Supporting school leadership in aligning curriculum to citywide instructional expectations to ensure standards for teacher practice and student learning are high.
- Training the principal and assistant principal in the use of data analysis to monitor student progress and academic achievement, in order to inform school-wide instructional planning.

Instructional Support:

- Providing coaching to teachers to identify and share best instructional practices and support lesson planning in the subject areas of math and English Language Arts.
- Training school staff in research-based instructional strategies to increase the academic achievement of special education students and English Language Learners.

Operational Support:

- Training school staff in student data tracking systems to ensure efficient and effective monitoring of student attendance and academic programming.
- Advising school staff on budgeting, human resources, staff recruitment and building management.
- Advising the school on grant opportunities and working with the principal to align the budget with the school wide instructional goals.

Student Support:

- Providing coaching to school staff in the implementation of a plan to reduce suspensions and improve school environment and culture.
- Supporting school in monitoring student attendance and developing strategies and activities to encourage higher attendance rates.

Performance School has received individualized support plans, as well as centralized services that the DOE provides to all schools—yet despite this extensive assistance, the school has failed to meet the needs of its students and families.

Comment 13(b) pertains to struggling students and how they enroll in schools across the city; this comment claims that all struggling students are refused admission to new schools and “warehoused” in failing schools.

While some may believe that new schools are outperforming peer schools because the new schools serve less challenging student populations, the demographics of these small schools shows that this is not true. 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, ELLs, 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, as well as more than the Citywide average:

- Black or Hispanic
 - New Elementary Schools – 91.4%
 - Phase Out Elementary Schools – 93.6%
 - New Middle Schools – 93.4%
 - Phase Out Middle Schools – 94.8%

- ELL
 - New Elementary Schools –15.7%
 - Phase Out Elementary Schools –14.4 %
 - New Middle Schools –11.3%
 - Phase Out Middle Schools – 12.0%

- Students with Disabilities (with IEPs)
 - New Elementary Schools – 17.9%
 - Phase Out Elementary Schools –18.1%
 - New Middle Schools – 21.7%
 - Phase Out Middle Schools –20.2%

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

Comment 15 notes that X156 is the only barrier free elementary building in District 7, acknowledges the way Performance School has successfully supported students with special needs and physical disabilities, and inquires as to how the replacement school will continue to serve students with these same needs.

Performance School, like all New York City schools, is required to create programs that meet the needs of all students, ensuring students with IEPs access to learn alongside their non-disabled peers in a general education setting to the greatest extent possible. As noted in the EIS, Performance School currently offers Integrated Co-Teaching (“ICT”) and Self-Contained (“SC”) Special Education classes and Special Education Teacher Support Services (“SETSS”). Current students who are being served by these programs will continue to have their needs met as Performance School phases out, 07X359 phases in, and P017X@X156 opens. Students with disabilities will continue to receive mandated services in accordance with their IEPs,

Additionally, given the barrier-free accessibility of the X156 building, the DOE has proposed to open a new site of an existing District 75 program, P017X@X156, that will provide a new educational option for students requiring District 75 special education services in a self-contained setting. The DOE is proposing to open this new program in the X156 building to help meet increased demand for D75 self-contained programming in District 7. This District 75 program will admit future students in a manner consistent with current District 75 enrollment procedures. Students will be placed in District 75 schools based on individual student needs and recommended special education services. The following variables are taken into account when considering the best placement: whether the student needs a barrier free site, whether the student requires nursing services, the student's home district, and whether the student has siblings in the articulating school.

As mentioned above, building X156 is a fully accessible building and accordingly, as was expressed by many commenters at the joint public hearing, the DOE believes it is a good site for a student population that may require a barrier-free site for their education.

Comments 16, 17, and 30(t) relate to the demographics of the school community, and how the different student populations (such as ELL, special education, and over-age students) are taken into consideration during the evaluation of overall school performance; these comments also voice particular concern about ELL students, given that students are tested in English, and inquires as to how that data is taken into consideration in evaluating overall student and school performance.

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 ELL 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 eligible for free lunch, the percentage of students with disabilities, the percentage of Black/Hispanic students, and the percentage of ELL students at the school. For elementary 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, Performance School is grouped in its peer group with other New York City public schools with similar student academic and demographic background.

Using the peer index methodology, Performance School still performed in the absolute bottom of its peer group in ELA proficiency and the absolute bottom of its peer group in math proficiency meaning that the school is performing at the bottom of its peer group. This data, along with the information noted in the response to above comments 8, 10(e), 12(a), 13(a), and 14(a) informed the decision to propose the phase out Performance School. Therefore, poor progress report grades thus indicate that a school is not serving its students well, both objectively and by comparison to other schools serving similar students. New school 07X359, which is proposed to open, is anticipated to serve a student population similar to that of Performance School, and the DOE anticipates that the new school will provide a better educational option for these students and their families.

Comment 18 pertains to co-location of three organizations in the X156 building and voices concern about a co-location negatively impacting the school organizations.

When multiple school organizations are sharing space in one building, the allocation of classroom, resource, and administrative space is guided by the Citywide Instructional Footprint (the “Footprint”) which is applied to all schools in the building. The DOE seeks to fully utilize all its building capacity to serve students. The DOE does not distinguish between students attending public charter schools and students attending district schools. In all cases, the DOE seeks to provide high quality education and allow parents/students to choose where to attend school.

The Footprint is the guide used to allocate space to all schools based on the number of class sections the school programs and the grade levels of the school. The number of class sections at each school is determined by the principal based on enrollment, budget, and student needs; there is a standard guideline of target class size (i.e., number of students in a class section) for each grade level. At the middle school and high school levels, the Footprint assumes every classroom is programmed during every period of the school day except one lunch period. The full text of the Instructional Footprint is available at http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf.

The BUP attached to this proposal details the number of class sections each school is expected to program each year and allocates the number of classrooms accordingly. As mentioned above, the allocation of space is largely determined by the number of class sections each school serves. The assignment of specific rooms and location for each in the building, including those for use in serving students with IEPs or other special education needs, will be made in consultation with the principals of each school and the Office of Space Planning if the proposal is approved. The BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location.

As to the general practice of co-locating school organizations in one building, the DOE attempts to use all of its school buildings as efficiently as possible, given the finite number of buildings available in New York City. Co-location is therefore very common in New York City schools – with 33% of all DOE buildings housing more than one school organization, as there are not sufficient school buildings to allow each school organization to operate within its own building. A co-location means that two or more school organizations are located in the same building. While they share common spaces like auditoriums, gymnasiums, and cafeterias, each school is allocated particular classrooms and spaces for its own students’ use.

As per the Campus Policy Memo 2011, co-located schools on campuses must actively participate in a Building Council, which is a campus structure for administrative decision-making for issues impacting all schools in the building. Only principals and charter school leaders serve on the Building Council. The Building Council meets at least once a month to discuss and resolve issues related to the smooth daily operation of all schools in the building and the safety of the students they serve. The Building Council principals and charter school leaders, where applicable, communicate their decisions campus-wide to staff, students and parents, especially for issues of safety, shared space, campus schedules, split-staff agreements and extended facility use.

A Shared Space Committee will also be established by the principals of the schools at campuses where charter schools are co-located in a public school building with one or more non-charter schools or District 75 schools, as set forth in Chancellor’s Regulation A-190. The Shared Space Committee will be comprised of the principal, a teacher and a parent of each co-located school. With respect to a non-charter school’s teacher and parent members, such Shared Space Committee members shall be selected by the corresponding constituent member of the School Leadership Team of the school. Charter school leaders will work with their constituencies to select the parent and teacher representing that school. Shared Space Committee agendas and minutes will be shared with the Building Council.

If conflicts emerge and progress is impaired, the Building Council will follow the dispute resolution procedures outlined in the Campus Policy Memo available at the following link: <http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo>.

The DOE anticipates that all school organizations will work collaboratively in order to ensure the most safety of all students, and work together to create a supportive learning environment for all students served in the X156 building.

Comments 19 and 30 (i,j) inquire as to how the phase-out proposal will impact the pre-kindergarten programming currently offered in the X156 building; one comment expresses confusion over the EIS and speculates that pre-kindergarten will not be offered until 2016-2017.

If the proposal to phase-out Performance School is approved, Performance School will cease to offer pre-kindergarten programming in the 2013-2014 school year. If the proposal to open and co-locate a new elementary school (07X359) and a new site of a district 75 program (75X017) in the X156 building is approved, 07X359 will open with a pre-kindergarten program in the 2013-2014 school year, pending continued funding and demand. This program will serve the same number of students as are currently served in Performance School's pre-kindergarten program.

As to the comment regarding pre-kindergarten not being offered until 2016-2017, this is false. The statement to which the commenter refers indicates that the new elementary school, 07X359, will be at full scale in 2016-2017 (at which time it will be offering a pre-kindergarten program and serving kindergarten through fifth grades). However, subject to continued funding and demand, 07X359 will open its pre-kindergarten program in 2013-2014, even though the school will not then be at full scale.

Comment 20 pertains to the change in testing that took place in 2010 and how this change in testing standards impacted Performance School's overall student and school performance.

In 2010, the New York State Education Department adjusted the "cut scores" on annual mathematics and English Language Arts exams, raising the score required for students to achieve Level 3 (grade-level proficiency) or higher on the exam. As a result, the percentage of students performing at grade level fell significantly at schools statewide, including most New York City schools. While the percentage of students achieving proficiency declined, on average, New York City's students' raw scores on the tests remained largely unchanged relative to the prior year.

Further, the DOE uses the Peer Index as a measure of school performance (the detailed explanation of the Peer Index can be found in responses to comments 16 and 17 above) and as all New York City schools were impacted by this adjustment, the DOE is confident that this adjustment does not account for the DOE's determination that Performance School is struggling.

Comments 14(b), 21 and 30(b, f) acknowledge prior interventions implemented at Performance School and inquire as to how this proposal will result in a different outcome.

The DOE acknowledges that staff members have worked hard to improve Performance School, but even with support and multiple interventions, the school has not produced adequate outcomes for students. While Performance School was opened as a replacement for an elementary school that had previously struggled to serve its students effectively, we count on each of our schools to provide a high-quality education to its students—and we hold all schools to the same high standard. If a school isn't getting the job done for students—whether it was opened as a replacement for a previously struggling school or not—we are compelled to take serious action to ensure its students don't fall even further behind.

This year, the Department is proposing to phase out or close 22 schools. Additionally, the DOE has proposed to truncate the middle school grades at 2 schools, after which the schools will continue to serve students in either elementary or high school grades. Of these 24 schools proposed for phase-out, closure, or truncation, 3 were opened under this Administration (since 2002). These 3 schools represent less than 1% of the schools opened since 2002.

As mentioned above in response to comments 8, 10(e), 12(a), 13(a), and 14(a), the DOE has found that new schools typically outperform old schools, improve graduation rates and better serve New York City students. New York City's new schools strategy has helped us to deliver on the core promise we make to NYC families to provide *all* students with an excellent education. Our new schools are overwhelmingly getting the job done for students, and when they aren't, and a school is struggling, we follow the same process to phase out and replace that school.

Comment 22 voices opposition to the closing of school building X156.

While there is a proposal to phase-out Performance School, school building X156 will remain open. There is no proposal to close the X156 building. Additionally, this proposal is not expected to impact the ability of community members and organizations to obtain school building use permits at X156. This proposal is not expected to impact the site accessibility of X156 (functionally fully programmatically accessible).

Comments 29(a) and 29(b) refute points attributed to the SLT in the EIS, indicating it had previously stated that socio-emotional issues negatively impacted student performance at the school and there was a lack of parental involvement; the written statement submitted by the SLT clarifies that it did not say these things.

This information was collected from notes taken at the SLT's early engagement meeting. The DOE will follow up with the transcriber for this meeting and will submit this additional commentary to the public record and to the PEP prior to the March 11, 2013 vote at Brooklyn Technical High School.

Comment 29(c) acknowledges anti-bullying work that has been done at the school in the past year and notes the importance of that in the school community.

The DOE supports anti-bullying programming in New York City schools. The NYC School Survey ranks Performance School in the bottom 28% of schools citywide in response to the statement "My child is Safe at School" and in the bottom 19% of schools Citywide in response to the statement, "Order and discipline is maintained at my school." Additionally, the school received an overall C grade in the School Environment section of the Progress Report in both 2010-2011 and 2011-2012. The DOE hopes that this anti-bullying programming will continue in the X156 building in order to continue to improve the overall school environment.

Comment 30(d) and 30(f) pertain to the student population served at Performance School and inquires as to how a new school will better serve a population that face many challenges and have many academic needs.

The DOE expects all schools to serve all students, regardless of educational needs, in a way that prepares them to be successful for the next step in their education. As mentioned in response to comment 3(b), when compared to the demographics of schools that have been phased out and the schools that have been opened in their place, they are very similar in terms of the percentages of black and Latino students, ELLs, and students with disabilities that they serve.

In ensuring that all students are served well by their school, the DOE can dramatically improve student achievement across the City by opening new schools in traditionally underserved communities that need high-quality educational options. There is an extremely detailed and rigorous process for creating new schools. The DOE's top priority is ensuring that the new schools that DOE opens have strong leaders with clear and visionary plans, and that these leaders are supported as they get their new schools up and running. The DOE's new schools process is based on three core principles:

- A great school starts with a great principal. Over the past ten years, the DOE has learned the powerful role a principal can play as an agent for change. Through the DOE's new schools process, the DOE seeks principals who demonstrate the qualities of visionary and effective leadership and who are poised for the privilege and challenge of opening a new school.
- The DOE needs community partners to help the DOE develop great schools. The DOE has worked with local and national intermediary organizations to help us develop and scale new schools. These partners provide critical start-up support and help push the thinking of the DOE's new school leaders.
- There isn't one "recipe" for what makes a great school. While there are conditions that contribute to an effective school – a mission; leadership; and great teachers devoted to student success, there are different ways of organizing a school to create these conditions, especially given the need to serve diverse student populations. The DOE encourages leaders to be entrepreneurial and to leverage their expertise to develop innovative models.

With this strategy in mind as well as the overall replacement strategy detail in response to comments 8, 10(e), 12(a), 13(a), 14(a), and 30(b,d), the DOE anticipates that the new replacement school will provide a better educational option for all students.

Comment 30(g) states the concern that the DOE targets specific communities and schools with a high percentage of students of color for phase-out.

The DOE does not consider student or community demographics when making decisions about interventions for struggling schools. A detailed description of the process by which the DOE arrives at a phase-out proposal is provided in the response to comments 8, 10(e), 12(a), 13(a), 14(a), and 30(b).

Comment 30(h) speculates that the DOE is phasing out Performance School as a means to receive funding.

Under this proposal, by which Performance School will be phased out and replaced by a new school serving the same grade levels, Performance School could receive funding from the New York State Education Department ("SED") to support this type of whole school reform intervention model. However, receipt of such funding is conditioned upon the plan meeting a number of eligibility requirements, including the approval of a new teacher evaluation system for New York City. No teacher evaluation deal has currently been reached therefore it is not certain that funding will be provided under this intervention model. Regardless of funding eligibility, the DOE believes this course of action will provide better educational options for students and families in New York City.

Comments 30(k), and 30(l) contest the proficiency percentiles cited in the EIS and argue that proficiency should only account for 25% of a school's performance assessment.

This comment contests the percentile ranking published in the EIS and argues that the school is not in the bottom percentile in ELA and math proficiency, citing the school's Progress Report data in support of that contention. While it is true that the school is not in the very bottom percentile in terms of its overall Progress Report data, the school does rank at the very bottom (or the zero percentile) in ELA and Math proficiency according to the school's test scores, which is the metric to which that bullet point

referred. Performance School is in the bottom (or zero percentile) in both Math and ELA proficiency when compared to all schools Citywide, district-wide, and in its peer group according to state test scores. While the EIS did not purport to refer to Progress Report data in the bullet point cited, Progress Report data also confirms that the school is struggling: according to the Progress Report, Performance School is in the bottom 6th percentile of all schools Citywide, in the bottom 14th percentile of District 7, and in the bottom 5th percentile of schools in its Peer Group.

In response to comment 30(l), no single factor determines whether a school will phase out or not. While ELA and math proficiency are important data points to evaluate in examining a school's overall performance, it is considered in conjunction with the many indicators mentioned in the response to comments 8, 10(e), 12(a), 13(a), 14(a), and 30(b,d).

Comment 30(n) concerns the DOE's use of Performance School's Priority status as a basis for its proposed phase-out.

While the DOE is unclear as to the specific point the commenter was making with respect to Performance School's status as a Priority School, the DOE notes that the New York State Education Department ("SED") identified Performance School as a Priority School, which is defined by SED as one of the bottom 5% of schools in the state. SED's designation of a school as a Priority School is based on its performance data and this information is included in the EIS as evidence of the school's struggle to provide the best education for all students; it is not included not to demonstrate the school's funding eligibility. For information regarding funding, there is a portion of the EIS entitled "Section V. Initial Impact on Budget and Cost of Instruction" that details funding and budget practices associated with a phase-out proposal.

Comment 30(p) states that the parent meeting held to collect community feedback was challenging to attend given inclement weather conditions and argues that the meeting should have been re-scheduled; the comment also expresses concern that the DOE believed that the low turnout signaled disinterest from the school community in improving the school.

The DOE acknowledges that individuals may face challenges in attending certain public community meetings and as such established a proposal-specific website for public comment as well as a phone line (212-374-5150) and an email address (D07proposals@schools.nyc.gov) for community members to continue to give feedback in the event that they are unable to attend meeting. This information was made available to the Performance School community during the early engagement process. The turnout level at the early engagement meeting described by the commenter was not a basis for the decision to propose Performance School for phase-out. In addition to early engagement, the DOE held a joint public hearing regarding this proposal on February 21, 2013 that was open to the public and provided an opportunity for public comment.

As indicated in response to comments 10 (b) and 10(c) the DOE appreciates all feedback from the community regarding a proposal. The DOE encourages all community members to provide public comment regarding this proposal. The proposal for the phase-out of Performance School has not yet been decided and consistent with practice for proposals regarding significant change in school utilization, the PEP only votes on these proposals after collecting and reviewing public comment. The PEP vote regarding this proposal 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.

Comment 30(q) claims that the EIS should have included the specific positive feedback given at parent, teacher, staff and SLT meetings.

The DOE is aware of the specific positive feedback received at the parent, staff, and SLT meetings as well as the comments offered at the joint public hearing and through the dedicated email address and phoneline. The DOE has noted this positive feedback. Despite this feedback, DOE believes that the points raised in EIS and in response to comments 4, 5, 6, 11(b, c, d, e), 12(c), 14(c), 27, 28, 29(e, f, g), and 30(a, c, e) as well as comments 8, 10(a), 11(a), 14(a), 25, and 30(a) provide a compelling argument that the school has failed to meet the needs of its students and families. While some members of the Performance School community object 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 better support students.

Comment 30(s) concerns how this proposal will impact Performance School's special education and ELL populations.

As mentioned in the EIS, Performance School currently offers Integrated Co-Teaching ("ICT") classes, Self-Contained ("SC") classes, and Special Education Teacher Support Services ("SETSS"). It also has an English as a Second Language ("ESL") program for English Language Learners ("ELLs").

Current students will be able to continue in their existing ICT and SC classes and SETSS will continue to be provided as Performance School phases out, and students with disabilities will continue to receive mandated services in accordance with their IEPs. Current students at Performance School who receive ELL services will continue to receive their mandated services as the school phases out. Additionally, 07X359 plans to offer bilingual programming in accordance with community need and parent choice.

As mentioned in the response to comment 15, the DOE acknowledges that building X156 is a barrier-free fully accessible school building. The DOE will support Performance School and new elementary school, 07X359, in providing the mandated services for ELL and Special Education students. As students will receive the mandated services designated in their IEPs, the DOE does not anticipate students will need to transfer to alternative sites. The DOE anticipate the new elementary school will provide a better educational option for students and thus better support their educational experience, instead of having a negative impact on it or disrupting it.

Additionally, given the barrier-free accessibility of the X156 building, the DOE has proposed to open a new site of an existing District 75 program, P017X@X156, that will provide a new educational option for students requiring District 75 special education services in a self-contained setting. The DOE is proposing to open this new program in the X156 building to help meet increased demand for D75 self-contained programming in District 7. This District 75 program will admit future students in a manner consistent with current District 75 enrollment procedures. Students will be placed in District 75 schools based on individual student needs and recommended special education services. The following variables are taken into account when considering the best placement: whether the student needs a barrier free site, whether the student requires nursing services, the student's home district, and whether the student has siblings in the articulating school.

Comment 30(u) asserts that the DOE did not record the early engagement meetings that took place in the fall; these comments also assert that the DOE did not record the joint public hearings that took place on February 21st and February 25th. These comments also assert that the DOE has not made these transcriptions available to the public.

The superintendent took notes during the early engagement meetings with parents, staff, and the school leadership team. These notes were submitted to the DOE for review. The comment also incorrectly characterizes the early engagement meeting as part of the legally required public notice and comment process. Early engagement meetings are not required by the law. The DOE holds them regardless, in an effort to hear community feedback before the formal legal process even begins.

The joint public hearings were held on February 21st and February 25th. The transcriptions of these hearings are made available to the public prior to the PEP vote. The transcriptions of the hearings held on February 21st and February 25th can be accessed here:

<http://schools.nyc.gov/community/planning/changes/bronx/feedback?id=347>

Comment 30(v) assert that translation services should have been made available in languages other than Spanish at the joint public hearings; She also asserted that there were many errors in the Spanish translation provided at the February 21st hearing.

The school did not request, nor did the Office of Portfolio Management receive a request for translation services in languages other than Spanish. The DOE's data indicate that fewer than 5% of students at the school come from families which speak neither Spanish nor English.

The DOE is not aware of any specific error made by the translator at the hearing, but regrets any such errors that may have occurred.

Comment 30(w) asserts that the community should be allowed input in determining a building's utilization figures.

In assessing utilization and the potential to co-locate an organization in a school building, the DOE uses enrollment information, utilization data, school facilities surveys and current building walk-through data. To learn more about how utilization is calculated, please visit the Enrollment, Capacity and Utilization report located here:

http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Enrollment/2011-2012_Classic.pdf.

The DOE also uses New York City's Instructional Footprint to make space allocation determinations. The Footprint sets forth the baseline number of rooms that should be allocated to a school based on the grade levels served by the school and number of classes per grade. For existing schools, the Footprint is applied to the current number of classes and class size a school has programmed and is confirmed by a walk-through of the building by the Borough Director of Space Planning and the school's principal. For more information on the space allocation process for this proposal, please refer to Section III. B of the EIS and the BUP.

By using a single, consistent methodology for space allocation decisions, the DOE ensures that schools throughout the city are treated similarly. The school-specific approach suggested by the commenter would likely result in inconsistent and possibly unfair approaches to space utilization in different buildings.

Comment 30 (x) raises concern about the phase-out's impact on programming and extra-curricular activities at Performance School.

As noted in the EIS, this proposal will not prevent Performance School from continuing to offer any of these options, but the number and range of programs offered may gradually diminish 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.

Additionally, the DOE that new elementary school, 07X359, will be able to offer additional programming and extra-curricular opportunities as it phases into the X156 building. School

organizations in co-locate buildings sometimes cooperate to provide these services and opportunities to students across the campus and may choose to do so in this case.

Comment 30 (y) raises concerns about the phase-out's impact on Performance School's budget.

If this proposal is approved, all teachers, administrative, and non-pedagogical staff at Performance School will be excessed over the course of the phase-out. This process will take place gradually as student enrollment declines with each successive graduating class. With fewer students, the school's staffing needs will naturally be reduced.

All excessing will 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 will be eligible to apply for other City positions, and any teachers who did not find a permanent position will be placed in the ATR pool, meaning that they will continue to earn their salary while serving as substitute teachers 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 will have a right of return to the school, consistent with applicable contractual provisions regarding teachers' seniority.

New staff positions will be created due to the phase-in of new or replacement schools Citywide. Consequently, this proposal would not necessarily result in an overall loss of teaching positions within the Citywide system.

If this proposal is approved, all school supervisor and/or administrator positions assigned to Performance School will eventually be excessed when the school is closed. Some positions will likely be excessed as the school gradually phases out, as administrative needs will decrease as the school serves a decreasing student population. Again, all excessing will take place in accordance with existing labor contracts.

To learn more about fair student funding and how that operates at all city schools, please see the above response to comments 12(c), 12 (d), and 30(o)

Changes Made to the Proposal

No changes have been made to this proposal.