Department of Education

**Dennis M. Walcott**
*Chancellor*

# Amended Public Comment Analysis[1]

Date: March 10, 2013

Topic: The Proposed Opening and Co-location of a New Elementary School (07X359) and a New Site of a District 75 program (75X017) with Existing Schools Performance School (07X385) and Bronx Global Learning Institute for Girls (84X389) in Building X156 Beginning in 2013-2014

Date of Panel Vote: March 11, 2013

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## Summary of Proposal

On January 22, 2013, the New York City Department of Education ("DOE") issued a proposal to co-locate a new elementary school, 07X359 ("07X359") and open a new site of an existing District 75 program ("D75") program (75X017), in building X156 ("X156") located at 750 Concourse Village West, Bronx 10451 in Community School District 7 ("District 7"), to be called "P017X@X156". If this proposal is approved, 07X359 and P017X@X156 will be co-located in building X156 with Performance School (07X385, "Performance School"), an existing elementary school serving students in kindergarten through five and offering a pre-kindergarten program, and Bronx Global Learning Institute for Girls (84X389, "BGLIG"), an existing public charter school serving female students in grades kindergarten through five. 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.

If this proposal is approved, 07X359 will serve students in kindergarten through fifth grades and will offer a pre-kindergarten program, pending continued availability of funding. 07X359 will admit students as part of the District 7 Elementary School Choice Process—which will be new for District 7 starting in 2013-2014 (additional details provided below)—in accordance with Chancellor's Regulation A-101. If this proposal is approved, 07X359 will begin enrolling kindergarten, first and second grade students in 2013-2014, as well as students in the pre-kindergarten program, and will add one grade per year until the school has reached full scale and serves students in kindergarten through fifth grades in 2016-2017.

If this proposal is approved, the DOE will also open a new site of an existing D75 program in the 2013-2014 school year. P017X@X156 plans to serves students with an Individualized Education Program ("IEP") classification of autistic in grades kindergarten through five in X156. Students are placed in D75 programs based on individual student needs and recommended special education services. P017X@X156 will serve four sections of elementary students in self-contained settings, until 2016-

[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.

2017, when it will begin serving five sections students. Students will be placed in class sections based on their needs (not necessarily according to traditional grade levels) and may be served in this program throughout the course of their elementary education.

In a separate Educational Impact Statement ("EIS"), posted on January 22, 2013, the DOE proposed to gradually phase out and eventually close Performance School because of its poor performance and inability to improve quickly to better support student needs. If the phase-out proposal is approved, Performance School will no longer admit kindergarten, first, and second grade students after the conclusion of the 2012-2013 school year, and will cease to offer its pre-kindergarten program. One grade will then be phased out each subsequent year. During the 2013-2014 school year, Performance School will serve students in third, fourth, and fifth grades. In 2014-2015, it will serve students in fourth and fifth grades, and in 2015-2016, Performance School will only serve students in fifth grade. The school will close in June 2016. That EIS can be accessed on the DOE's Web site here: 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 the grades BGLIG serves in X156 from kindergarten through five to kindergarten through eight in X156. BGLIG is chartered by the DOE, which has already approved BGLIG's request to expand its charter from serving kindergarten through fifth grades to kindergarten through eighth grades. The New York State Board of Regents is expected to give final approval of this charter expansion in Spring 2013. Should the Board of Regents not finalize the charter expansion, the DOE will consider alternate options for the space in X156 and, if necessary, propose an alternative option in a new or revised EIS and Building Utilization Plan ("BUP"). BGLIG enrolls kindergarten students through a lottery, giving preference to students who reside in District 7. The proposal to expand the co-location of BGLIG can be accessed on the DOE's Web site here: http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Mar112013Proposals.htm.

If all relevant proposals are approved by the Panel for Educational Policy ("PEP") on March 11, 2013, BGLIG will phase in its middle school grades as 07X359 phases in, P017X@X156opens, and Performance School phases out.

On November 26, 2012, the District 7 Community Education Council ("CEC") 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 P017X@X156 in X156 is approved, 07X359 will participate in the District 7 Elementary School Choice Admissions Process.

According to the 2011-2012 Enrollment, Capacity, Utilization Report ("Blue Book"), X156 has a target capacity of 976 students. (The concept of "target capacity" is explained below in Section II). During the 2012-2013 school year the building is serving 867 students, yielding a building utilization rate of 89%. In 2016-2017, when Performance School has fully phased out, 07X359 has fully phased in, P017X@X156 has opened, and BGLIG has expanded to serve middle school grades, it is projected that there will be 911-1,066 students served in X156, for a building utilization rate of 93%-109%.

Copies of the EIS and related 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; CEC 7 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 DOE's 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. Tracy Woodall, a representative of CEC 7, encouraged increased parental involvement in Performance School and the larger District 7 community to ensure that all schools, including replacement schools, best support students.
2. Many commenters asked questions about how this proposal would impact the pre-kindergarten programming currently available in the X156 building. Many commenters voiced concern that there would no longer be pre-kindergarten programming available in the building.
3. 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.
4. Many commenters expressed concern about the co-location and the impact of having four school organizations co-located in the X156 building.
5. 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.
6. 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.

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

7. One comment raises concern about the shared space schedule, inquires as to why organizations do not share lunch periods, and raises concern about how some students eat lunch very early while other students eat lunch later in the day.
8. One comment stated that transcription of the February 21st hearing has not been provided to the public.
9. 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.
10. One comment expresses confusion about the availability of pre-kindergarten at the new school.

11. One comment raised concern about the utilization rate in the building and asserted that community members should have input regarding utilization figures.

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

Comment 1 pertains to parental involvement in the school community and encourages parents to be active and involved.

The DOE acknowledges the efforts being made by Performance School and District 7 families and encourages continued parental participation in the school community.

Comments 2 and 10 inquire as to whether or not pre-kindergarten will continue to be offered in the X156 building if the proposal for the co-location of the new elementary school is approved.

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. However, if this 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.

Comment 3 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, 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.

Comment 4 pertains to co-location of the organizations in the X156 building and voices concern about a co-location negatively impacting the school organizations, relationships between the schools, or students in the X156 building.

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. The DOE is confident that Performance School, 07X359, P017X@X156, and BGLG will be able to create a collaborative and mutually respectful environment for all students, staff, and faculty members in building X156.

Roughly half of all DOE schools share space in a building. Co-locations allow us to use our limited facilities efficiently while simultaneously creating additional educational options for New York City families. This is necessary because we have scarce resources and a demand for more options.

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 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.

Comment 5 concerns the new school replacement strategy and its effectiveness.

The central goal of the Children First reforms is simple: to create a system of great schools. Every child in New York City deserves the best possible education. This starts with a great school – led by a dedicated leader with a vision for student success.

To ensure that as many students as possible have access to the best possible education, under this Administration, New York City has replaced 142 of 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).

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.

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, 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 6 concerns the scheduling of this joint public hearing.

The DOE coordinated with the CEC and the leadership of the co-located schools to schedule the Joint Public Hearing in advance of the posting of the EIS and BUP. The DOE offered multiple dates in its communications with the superintendent, principals, SLTs, and CEC. The DOE also inquired as to whether the co-located school organizations would prefer to hold one joint public hearing to discuss the three proposals pending regarding the X156 building. The leadership of Performance School requested to have two separate hearings: one for both the proposed phase-out of Performance School and the Proposed Co-Location of a New Elementary School (07X359) and New Site of an Existing District 75 Program (P017X@X156) in the X156 building, and another, separate hearing regarding the proposal to expand the grades served by BGLIG. February 21st and February 25th were the two dates that were agreed upon as dates that all stakeholders had the necessary availability.

Comment 7 raise concerns about the shared space schedule and the early time period in which some students are scheduled to eat lunch; these comments also raises concern about why each organization has been given distinct time periods in the cafeteria.

The Building Utilization Plan puts forth a **proposed** shared space schedule for the co-located schools that is feasible and demonstrates that the co-located schools may be treated equitably and comparably in the use of shared spaces. The final shared space schedule will be collaboratively drafted by the Building Council if the proposed co-location is approved by the Panel for Educational Policy.

Generally, co-located organizations have elected to have each shared space allocated to each organization individually to meet its programmatic and curriculum needs. Should school organizations opt to share spaces during the same time period, or reschedule their lunch periods, they could elect to do so pending agreement by the Building Council.

Comment 8 states that the transcription of the joint public hearing held on the 21st was not made available to the public.

The joint public hearing regarding this proposal was held on February 21, 2013 and was recorded. The transcription of the hearing is made available to the public prior to the PEP vote and can be accessed here: http://schools.nyc.gov/community/planning/changes/bronx/feedback?id=347

Comment 9 asserts 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 11 raised concern about the utilization rate in the building and asserted that community members should have input regarding 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.

## Changes Made to the Proposal

No changes have been made to this proposal.