



Date: January 25, 2010

Topic: Proposed Phase-Out and Eventual Closure of W.H. Maxwell Career and Technical Education and Co-location of a New School, 19K751, with Existing Schools in School Building K660

Date of Panel Vote: January 26, 2010

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### **Summary of Proposal**

Beginning in the 2010-2011 school year, W. H. Maxwell Career and Technical Education High School (19K660, “Maxwell High School”), an existing Career and Technical Education (“CTE”) school serving grades 9-12, will be phased out of operation. Maxwell High School is housed in school building K660 (hereinafter referred to as “K660”), located at 145 Pennsylvania Avenue, Brooklyn in Community School District 19 (“District 19”). A District 75 program, 75K077 (“District 75 K077”), is also currently located at K660.

The phase-out and eventual closure of Maxwell High School will create available space to house a new high school, 19K751. The DOE proposes to phase in 19K751 to replace Maxwell High School as it phases out. 19K751 would open in 2010 with grade 9. A new grade would be added each year until it reaches its full 9-12 grade scale in 2013.

The Educational Impact Statement regarding this proposal was published on the Department of Education’s (“DOE”) Web site on December 10, 2009.

### **Summary of Comments received at the Joint Public Hearing**

A joint public hearing was held on January 12, 2010 at K660. All interested parties had an opportunity to provide input on the proposal. Two hundred and fifty-four individuals attended the hearing, and 39 individuals spoke, all in opposition to the proposal. The two primary reasons cited for opposition to the proposal were desire to maintain Maxwell High School’s CTE program and disagreement with using the four-year graduation rate as a metric to evaluate schools.

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## **Summary of Issues Raised in Written and Oral Comments and Significant Alternatives Suggested**

The DOE has received neither written nor oral comment on this proposal.

Some individuals and one organization, Class Size Matters (“CSM”), submitted written comments objecting to all of the phase-outs proposed by the DOE. Although the comments did not address any one phase-out proposal in particular, but instead addressed all proposals generally, the DOE has incorporated these comments into the public comment analysis for each phase-out proposal, including Maxwell High School. In opposing the DOE’s proposal to phase-out and eventually close these schools, these commenters cited the following reasons: (1) the Educational Impact Statements for the proposals cite incomplete or inaccurate graduation rates and do not state the schools’ five-year graduation rates as used by the New York State Education Department; (2) the DOE did not use a rational formula and failed to follow its own accountability standards in proposing these phase-outs; (3) the schools the DOE has proposed for phase-out have significantly high numbers of minority and high-risk students, including special education students, incoming ninth-grade students with low scores upon admission, and homeless students, who will not be accepted or accommodated at the new small schools that replace the phasing out schools; (4) the Educational Impact Statements do not address where students at the phasing out school who are behind in credits will attend in the future; (5) the Educational Impact Statements fail to analyze the impact of the phase-outs on overcrowding of other schools and use figures from the DOE’s Blue Book, which does not use a formula that is aligned with state-mandated class size goals; (6) closing large, zoned high schools will force many students to travel further from their homes; (7) large high schools provide more choices in electives for students and can address a broader range of students; (8) the Educational Impact Statements do not address the financial impact of the placements of teachers from the phasing-out schools into the Absent Teacher Reserve (ATR) or the expense of funding the new schools; (9) the phasing out schools are being punished for setting high academic and safety standards; (10) the phase-outs will impair recruitment of teachers into schools serving high-needs students; and (11) there is no evidence that the DOE has made an attempt to improve conditions at the schools the DOE has proposed to phase-out.

Finally, CSM calls for a moratorium on school closings until the City’s Independent Budget Office can prepare a report on the effects such closings. As an alternative, CSM suggests that, rather than phase-out these schools, the DOE should: (1) implement smaller class sizes at the schools; (2) restore the superintendent role and cooperation between schools; (3) provide more resources and expert help for the schools; (4) develop better curricula for at-risk students; (5) provide more support to large, comprehensive high schools; (6) launch an independent investigation of test score inflation, credit recovery and cheating, and reform the accountability system so as to not encourage these practices; and (7) implement new approaches to discipline.

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

Maxwell High School has struggled for years. The school earned an F grade on its 2006-07 Progress Report and two consecutive D grades in 2008 and 2009. On the most recent progress report, the school also earned an F grade on the student performance subsection of the report. Fewer than 45% of Maxwell students graduate in four years. Fewer than 50% of students graduate within six years. The DOE has a track record of creating hundreds of smaller, focused learning environments that succeed in graduating more students within four years, and will do the same on the Maxwell campus. In addition, the DOE will ensure that the new school offers CTE pathways.

The school has a longstanding history of failure and the graduation rates over the past four years show only a very modest increase from a very low baseline. This little progress is not sufficient to indicate that a radical turnaround is on the horizon. In addition, the 6 year graduation rate of 49.1% is still not indicative of a school that is serving its students well. One commenter cites the New York State Education Department's recent adoption of five-year graduation rates as a reason for opposition to the phase-out proposals. However, the policy cited by the commenter was only recently adopted by the Regents and the state continues to use the four-year graduation rate in their accountability standards as well.

Some commenters have suggested that the DOE has not used a rational formula and has not followed its accountability criteria in deciding which schools should be phased out. Under the DOE's accountability framework, schools that receive an overall grade of D or F on the Progress Report are subject to school improvement measures. If no significant progress is made over time, a leadership change (subject to contractual obligations), restructuring, or closure is possible. The same is true for schools that receive a C for three years in a row and for any school that the Chancellor has determined lacks the necessary capacity to improve student performance, regardless of the school's Progress Report grades and Quality Review scores.

It is important to understand that the DOE weighs numerous factors when evaluating schools as candidates for closure. Although Progress Report grades and Quality Review scores contribute significantly to the decision-making process, they are not the only considerations. The DOE takes into account many other sources of information as well, including school performance trends, enrollment data, demand data, and evaluations by superintendents and school support staff who work closely with the school and can evaluate its capacity to make significant improvements within a short time span.

The Quality Review evaluates how well schools are organized to improve student learning. The Quality Review measures educator and administrator actions, which are "inputs." It does not measure results, or "outputs," and though it reflects some factors in school success, those are but one set of factors. If administrator actions improve while student progress does not, we still must try to change the outcome. Schools are rated on a four-point scale, with "Well Developed" representing the top category of performance.

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But school turnaround is difficult, takes time, and does not always succeed. A score of “Well Developed” might give us confidence that the school has the capacity to rapidly make significant improvements, while a “Proficient” school may only be capable of making incremental gains insufficient to quickly reverse a longstanding history of failure.

Proficient schools possess strengths and weaknesses. In evaluating the Quality Review reports from schools considered for closure, we looked closely at the reviewer’s assessment of those strengths and weaknesses to see how they might impact the school’s capacity to achieve a dramatic turnaround. For example, at many of the schools proposed for closure, evaluators found that instruction lacked rigor or was not sufficiently differentiated to meet individual student needs—both very serious concerns.

Many of the schools we proposed for closure received “Proficient” ratings on their Quality Reviews, and that is good news for current students who will remain enrolled in the school as it phases out. We expect phase-out schools to continue supporting their students and, in fact, outcomes at phase-out schools have historically improved with each successive year. That said, the Department’s comprehensive review of the 19 schools proposed for closure found that none of those schools was equipped to make the dramatic progress needed to quickly transform into truly successful schools where all students can thrive.

Some commenters have asserted that the DOE has targeted schools with high numbers of minority students and at-risk students, including special education students, incoming ninth graders with low test scores, and homeless students. In support of this claim, commenters state that the schools subject to phase-out serve a significantly higher number of at-risk students than schools with similarly low grades that are not slated for closure. They also claim that these students will be displaced as a result of the school phase-outs because the new small replacement schools will not accept or accommodate such students. New schools that have been opened by the DOE serve all students.

The new small schools that have been created over the last six years do, in fact, accept English Language Learners (“ELLs”) and special education students and are serving them at a higher rate than schools citywide, with better outcomes. On average the new schools have a graduation rate of 75% and are serving some of the hardest to serve students. Here are some facts:

- The vast majority of new schools have unscreened admissions policies.
- During the 2008-2009 school year, ninth-grade enrollment at new schools included 14.2 percent special education students and 13.6 percent ELLs, compared to 12.8 percent special education students and 10.3 percent ELLs citywide.
- When looking across a school’s entire population, new schools also serve more special education students and ELL students than the citywide average. In 2008-2009, new schools served an average of 12.3 percent special education students and 12.6 percent ELLs compared with 11.6 percent and 10.8 percent, respectively, citywide.

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- Looking at collaborative team teaching and self-contained classes—considered the highest-need special education students—new schools continue to serve a larger population than schools citywide with 8.1 percent of their students requiring those services compared to 7.4 percent citywide in 2008-2009.
- Similarly, new small schools serve a higher proportion of low-income students, black and Hispanic students, and students performing below grade-level expectations upon ninth-grade enrollment when compared against citywide averages.

Current students at the schools proposed for phase-out who are behind in credits, including current Maxwell students, will not be displaced as a result of the phase-out proposals. The DOE is committed to supporting schools as they phase-out. The DOE will assist phase-out schools in developing individual plans for each student to ensure that they continue to accumulate credits and will be able to graduate before or at the point the school is slated for complete phase-out. Any students who are unable to accumulate the requisite number of credits within the three-year timeline will be placed in other schools or programs that meet their needs and where they will continue to work towards earning a diploma.

The DOE does not anticipate that the phase-out of schools will result in overcrowding at other schools throughout the city. With the phase-out and eventual closure of these schools, including Maxwell High School, the DOE has also proposed the phase-in of several new small schools. The building in which Maxwell High School is housed will not be closed and citywide we will be replacing each seat that is lost. For next year there will be sufficient seats. To the extent CSM asserts that the DOE has not adhered to state-mandated class size goals in planning school phase-outs and new replacement schools, the DOE disagrees. Through a combination of new facilities, the adjustment of enrollment projections and the opening of new schools, we will serve all students who otherwise would have attended a school proposed for closure. The centralized High School Admissions Process allows us to do two things: (1) ensure that students have access to high quality options and (2) ensure that we plan for all schools appropriately.

It is important to be clear that the DOE values choice. Many of the overcrowded schools are zoned schools that offer additional programs for students outside of the zone. We constantly struggle to balance demand for zoned and choice programs in a school. Currently students are not choosing to attend these schools and they are not at full capacity. By phasing out these underperforming and low demand schools and putting in new options, we will draw students back to the campus and ultimately reduce overcrowding in other areas.

Commenters have further stated that closing large, zoned high schools will force many students to travel further from their homes. Given the over 400 high school options available to students, they will only have to travel further from their homes if there is a high school option that they wish to attend. Additionally, some commenters have stated that large high schools provide more choices in electives for students and can address a broader range of students than the small schools that will replace them. Small schools currently offer Advanced Placement and College Now Courses in addition to other electives depending on the particular school and student demand. Schools on a campus can also collaborate to offer electives to students across the various schools on the campus.

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Some commenters also state that schools are being punished for setting high academic and safety standards. The DOE is not using phase-out proposals to punish schools. The schools proposed for phase-out have not exhibited evidence of helping students to achieve high standards. In fact, the schools proposed for phase-out have a long history of underperformance.

In opposing all of the DOE's phase-out proposals, one commenter argues that no school should be phased out and closed due to the potentially impaired recruitment of teachers into schools serving high needs students, the costs associated with starting new replacement schools, and the expense of placing teachers in the absent teacher reserve pool. There is, however, no evidence that school closures cause teachers to avoid working at schools that serve high needs students. In fact, over the last seven years, the DOE has raised teacher preparation to a point where 100 percent of teachers are certified, as compared to a low of 83 percent before, with the gap existing in high-poverty schools. Second, while there are costs associated with the opening of new schools and with teachers put into excess, the greater cost is that of the thousands of students who have passed through the schools proposed for closure without graduating or developing proficiency. Cost can only be considered in the context of what is earned in return. In these cases, too few students have earned the education we owe them, and the costs are borne by not just the DOE, but those children, their families, and society at-large.

Finally, members of the public commenting on this proposal have asserted that there is no evidence that the DOE attempted to improve the conditions at any of the schools it has proposed to close and suggests steps the DOE should take to improve these schools. Maxwell High School has worked closely with a School Support Organization ("SSO") and network team selected by the principal and School Leadership Team. The SSO works with the principal and other school staff members to provide support on a broad set of issues, including curriculum and instruction, human resources, professional development, budgets, and legal issues, among others. These SSOs work closely with the schools to ensure that inquiry teams are working at each school and using data to drive instruction. Network Leaders and Achievement Coaches spend time on a weekly basis in the schools. In addition, the Superintendents and School Achievement Facilitators also provide support to schools and Principals. All City schools benefit from these supports and most City schools have made steady progress under this Administration.

Because there is little evidence to suggest that continued school improvement measures will result in improved outcomes for students, the DOE has chosen not to accept the alternatives proposed. The proposal will be presented to the Panel for Educational Policy as currently posted.

A copy of the Educational Impact Statement for this proposal can be obtained at [http://schools.nyc.gov/NR/ronlyres/F0043783-8608-433C-855E-99228622A268/73715/19K660Maxwell\\_EIS2.pdf](http://schools.nyc.gov/NR/ronlyres/F0043783-8608-433C-855E-99228622A268/73715/19K660Maxwell_EIS2.pdf).

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