



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

COMMISSIONER OF EDUCATION
PRESIDENT OF THE UNIVERSITY OF THE STATE OF NEW YORK

January 3, 2012

Mr. Dennis M. Walcott
Chancellor
New York City Department of Education
52 Chambers Street
New York, New York 10007

Dear Chancellor Walcott:

In your letter dated December 30, 2011, you notified me that the New York City Department of Education is unable to comply with the requirements of its 2011-2012 School Improvement Grant (SIG) application related to teacher and leader evaluation and support in its schools, including necessary revisions to teacher and principal contracts. Since your district is unable to implement the Transformation and Restart models as described in your SIG application, the State Education Department is suspending your SIG grant effective immediately to the extent it implements the Transformation and Restart models. Your district must immediately cease obligating SIG funds in its Transformation and Restart model schools and will be required to submit a revised FS-10 budget to the Department documenting anticipated costs attributable to models other than Transformation and Restart, if any. Your district must also notify the Department if it intends to seek approval to amend its application to shift to a different intervention model in the current year.

The approval of your district's SIG application was based in part on signed commitments submitted with your application that stated that the districts and the teachers and principals unions would revise, by December 31, 2011, collective bargaining agreements for classroom teachers and building principals assigned to Transformation and Restart schools to implement the provisions of Education Law §3012-c, Commissioner's regulations, and the SIG application. Although §3012-c applies to teachers and principals in grades 4-8 English Language Arts and Math in 2011-12, the SIG application – consistent with the federal SIG guidelines requiring a rigorous evaluation system that takes into account student growth – further required evaluation in the four §3012-c categories (Highly Effective, Effective, Developing, Ineffective) using student growth as at least 20 percent of the composite evaluation score for all other teachers and principals in 2011-12.

Because your district has not provided us with evidence that these commitments have been fulfilled, we are taking immediate action to suspend all future SIG payments with respect to funds allocated to schools implementing the Transformation and Restart models. Please be advised that federal Teacher Incentive Funds and Race to the Top funding could also be in jeopardy; we are reviewing federal guidelines to determine the impact of this situation on those funds.

Pursuant to 34 C.F.R. §§ 80.43(b), 76.783(b) and 76.401(d)(2)-(7), your district may request a hearing to determine if our decision to suspend SIG funds violates any state or federal statute or regulation. Such hearing request must be submitted within 30 days of our action to suspend your SIG grant award and must specify the state or federal statute or regulation alleged to be violated. If you intend to request a hearing, please contact Assistant Commissioner Ira Schwartz at ischwart@mail.nysed.gov or Assistant Commissioner Sally Bachofer at sbachofe@mail.nysed.gov. At any time prior to such hearing, your district may submit evidence of compliance with the terms of your SIG grant, which will be considered by the Department.

Sincerely,

A handwritten signature in black ink, appearing to read "John B. King, Jr.", written in a cursive style.

John B. King, Jr.
Commissioner

c: Shael Polakow-Suransky
Marc Sternberg
Edward Hui
Ira Schwartz
Sally Bachofer
Roberto Reyes



Dennis M. Walcott
Chancellor

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January 12, 2012

Dr. John B. King, Jr., Commissioner
New York State Education Department
89 Washington Avenue
Albany, New York 12234

Dear Commissioner King,

As a condition of receiving School Improvement Grant (SIG) funding for the federal Transformation and Restart models, the New York State Education Department (SED) made clear that the City and the United Federation of Teachers (UFT) must agree by January 1, 2012 to implement a comprehensive and meaningful teacher evaluation system in New York City's 33 Transformation and Restart schools.

We had hoped that after months of intense negotiations we could reach an agreement with the UFT on a teacher evaluation system that would give principals the ability to dramatically improve teacher quality in their schools. However, as you know, despite discussions over the past five months, we did not reach a final agreement with the UFT by the deadline. Nearly every step of the way, the UFT insisted on conditions that I believe would undercut real accountability.

For example, the UFT wants an outside arbitrator to hear appeals of teachers who receive a rating of ineffective or developing. This would be a major departure from our current appeals process, and stems from the UFT's dissatisfaction with the low-rate at which teachers' "Unsatisfactory" ratings are currently overturned during appeals. However, if one considers the fact that less than 2% of all teachers are u-rated in a given year, it is unsurprising that the overwhelming majority of those would be upheld upon appeal. Ultimately, the UFT was insisting on conditions that contradict the intent of the law and the State's guidance by adding a burdensome new procedural layer designed to keep ineffective teachers in the classroom.

In your letter sent on January 3, 2012, you indicated that because we had not reached an agreement with the UFT, SED was suspending our School Improvement Grant funding for the 33 Transformation and Restart schools. Though we regret the suspension of \$58 million in critical funding for some of the City's highest-need schools, we understand your rationale. We cannot, however, accept the consequences. The challenges in these schools are too great, and the need to overcome those challenges is too urgent, to not take immediate action.

Given their current circumstances, and in response to your letter, we have assessed the specific needs of each of our Transformation and Restart schools and developed a proposed plan that would allow us to maximize the improvement work underway in these schools.

In summary, we are proposing to:

- Convert 13 Transformation schools to Turnaround; and
- Convert 14 Restart schools to Turnaround while allowing them to maintain their relationships with their EPOs.



Furthermore, we are informing you that we will be using existing funding from non-SIG sources for the remainder of the year to support reforms in place at six schools that are currently in Transformation. Two of these schools have already been proposed for phase out. Two of these schools have deep reforms underway and thus we do not want to implement a different strategy in these schools at this time. And for performance-based reasons, we will not be pursuing Turnaround in two schools currently implementing the Transformation model.

As a requirement of the Turnaround model, the Department is committing in these schools to measure and screen existing staff using rigorous, school-based competencies, and to re-hire a significant portion of them using this criteria. We believe that this requirement is achievable within the DOE's current collective bargaining agreement with the UFT.

In addition, consistent with Turnaround requirements, these schools will implement instructional and structural reforms which will include a new mission and vision for student success and faculty excellence; a new curriculum and instructional model; academic supports for serving high-needs students; professional development plans for staff; and structural reforms to create productive learning environments for students.

The DOE's goal is to ensure that we have the best teachers in our classrooms, since an effective teacher is the key school-based lever of student success. When we originally put these schools into Transformation and Restart, we did so with the belief that we would reach an agreement with the UFT on a teacher evaluation system.

But without an agreement with the UFT, we are obligated to advocate for an alternative approach to ensure that every school is getting the job done for students. We believe that Turnaround provides an aggressive framework to raise the bar for students in our PLA schools.

Finally, because we believe in Turnaround as a powerful lever for change, we are informing you of our intent to apply for Turnaround at six additional PLA schools that are not undergoing a SIG model in the current school year. Therefore, we will be applying to implement Turnaround in a total of 33 schools.

My staff will be following up with your office to further discuss New York City's plan. We will also be sending you an addendum to this letter that provides a snapshot of the improvement work underway at these schools and our rationale for why we believe you should approve our plan. In addition, we are prepared to submit a full proposal consistent with SED requirements and guidance.

I look forward to speaking with you further.

Sincerely,

A handwritten signature in black ink that reads 'Dennis M. Walcott'. The signature is fluid and cursive, with the first name 'Dennis' being the most prominent part.

Dennis M. Walcott
Chancellor



Ira Schwartz, Assistant Commissioner
Office of Accountability
55 Hanson Place, Room 400
Brooklyn, New York 11217
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March 8, 2012

Mr. Dennis Walcott, Chancellor
New York City Department of Education
52 Chambers Street
New York, New York 10007

Dear Chancellor Walcott:

I am writing to provide you with information regarding the New York City Department of Education's (NYC DOE) recent submission of a School Improvement Grant application for 2012-2013 funding and the prospective identification of Priority Schools in the Spring.

Fiscal Year (FY) 2011 1003(g) School Improvement Grants

In order to meet the requirements of Commissioner's Regulation 100.2(p)(10)(ii), school districts with schools identified as Schools under Registration Review (SURR)/Persistently Lowest Achieving (PLA) must submit a SURR Restructuring plan for the Commissioner's approval.

In December 2011, the New York State Education Department approved a SURR Variance request for seven identified SURR schools, which granted permission to delay submission of the SURR Restructuring Plan until December 31, 2011. The New York State Education Department also informed you at that time that an approvable 1003(g) School Improvement Grant (SIG) application could substitute for the SURR Restructuring Plan. On December 30, 2011 your district submitted a SIG application, which included intervention model implementation plans for the following schools:

1. Samuel Gompers HS
2. Jane Addams HS
3. JHS 296 The Halsey School/Anna Gonzalez School
4. Alfred E. Smith HS
5. Fordham Leadership Academy
6. Harlem Renaissance HS
7. J. P. Sousa MS
8. William H. Maxwell C.T.E. HS
9. HS of Graphic Communication Arts

The SIG application submitted for the nine schools listed above will be considered for FY 2011 SIG funding. However, the New York State Education Department (NYSED) will not be identifying a new list of PLA schools for the 2011 SIG application. Only those schools that have been previously identified as PLA, but not funded, will be eligible for FY 2011 SIG funding. In addition to the nine schools that you have listed above, Metropolitan Corporate Academy is also eligible to apply for FY 2011 SIG funding. If you would like to submit an application for this school, please submit an intervention model implementation plan by Thursday, April 5, 2012 (please see Appendix B of the LEA SIG application, found at: <http://www.p12.nysed.gov/nclb/programs/titleia/sig1003g/1112/1112sig1003g.html>).

As in the past, the submitted application will be reviewed by the NYSED staff to ensure that USDE and NYSED SIG guidelines have been followed, and that truly transformative plans for dramatic school

turnaround have been submitted for these nine PLA schools. Staff will then make a recommendation to the Commissioner regarding approval.

Please be advised that if the district has submitted implementation plans for either the Transformation or Restart models, the district must also submit evidence no later than July 1, 2012 using such format as prescribed by the Commissioner for submission by all districts that the district will fully implement in the 2012-13 school year the provisions of Education Law 3012-c and Commissioner's Regulations 100.2(o) for all teachers and their principals in these buildings. Districts that fail to provide this evidence during the application process will not be funded.

Prospective Identification of Priority Schools

On November 21, 2011, the schools listed on Attachment A were preliminarily identified as potential Schools Under Registration Review and Persistently Lowest Achieving (SURR/PLA) due to the 2010-11 graduation rates. The district was provided with an opportunity to present additional information and to verify the data used to make the SURR/PLA preliminary identifications. At this time, it has been determined that the schools listed on Attachment A will not be identified as a SURR/PLA. However, please note that these schools may still be identified as Priority Schools upon the United States Department of Education (USDE) approval of the Board of Regents submission of the Elementary and Secondary Education Act (ESEA) Flexibility Request. For more information on New York State's ESEA Flexibility Request, please visit our website at:

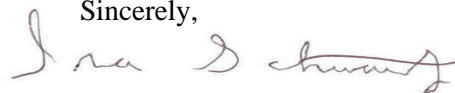
<http://www.regents.nysed.gov/meetings/2012Meetings/February2012/212bra5.pdf>.

Under a separate cover, you will receive information about schools that may be identified as Priority Schools as part of the waiver submission to the USDE, as well as the requirements for those schools. Schools that were previously preliminarily identified as PLA in December 2011 will be considered for identification as Priority Schools. If any of these schools are able to demonstrate that their 2007 Four Year Graduation Rate exceeded 60%, they will be removed from consideration as a priority school.

Should you have any questions and/or need for additional information regarding either the FY 2011 SIG application or the prospective identification of Priority Schools, please contact me at ischwart@mail.nysed.gov or Sally Bachofer, Assistant Commissioner of the Office of School Innovation at sbachofe@mail.nysed.gov.

We look forward to assisting your district in the implementation of dramatic changes that result in significantly improved student outcomes in schools.

Sincerely,



Ira Schwartz

cc: John B. King, Jr.
Ken Slentz
Sally Bachofer
Roberto Reyes
Doris Hill-Wyley
Marc Sternberg
Edward Hui

ATTACHMENT A

Schools Pending Identification as Priority Schools, **based on Graduation Rate**
January 2012

Community School District (CSD)	School	Title I	BEDS Code	Graduation Rate		
				2004	2005	2006
CSD # 2	Satellite Academy High School*	Yes	310200011570	20	17	27
CSD # 2	Harvey Milk High School*	Yes	310200011586	21	32	40
CSD # 2	Independence High School	Yes	310200011544	23	24	21
CSD # 3	Edward A. Reynolds West Side HS*	Yes	310300011505	27	29	34
CSD # 7	Crotona Academy High School*	Yes	320700011321	15	12	18
CSD # 7	Jill Chaifetz Transfer High School*	Yes	320700011379	16	20	18
CSD # 9	J. Levin High School-Media & Community	Yes	320900011414	58	54	50
CSD #10	Pulse High School*	Yes	321000011319	50	29	26
CSD #10	West Bronx Academy For The Future	Yes	321000011243	34	58	57
CSD #10	Bronx High School-Law & Comm. Svc.	Yes	321000011439	43	56	47
CSD #15	South Brooklyn Comm. High School*	Yes	331500011698	10	17	13
CSD #17	W. E. B. Dubois Academic High School	Yes	331700011489	11	23	22
CSD #17	Brownsville Academy High School*	Yes	331700011568	17	23	24
CSD #18	Brooklyn Bridge Academy*	Yes	331800011578	10	14	21
CSD #19	FDNY High School-Fire & Life Safety	Yes	331900011502	51	56	55
CSD #25	Queens Academy High School*	Yes	342500011540	23	23	23
CSD #31	Ralph R. McKee Career-Tech High School	Yes	353100011600	57	59	58

*These schools are currently under active consideration for removal from the priority school list based upon appeals submitted on their behalf by NYCDOE.



Marc S. Sternberg
Deputy Chancellor
Division of Portfolio Planning

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March 27, 2012

Dr. John B. King, Jr., Commissioner
New York State Education Department
89 Washington Avenue
Albany, New York 12234

Dear Commissioner King,

As outlined in our prior letter to SED on March 19th, the New York City Department of Education's School Improvement Grant (SIG) District Application, together with applications for 33 schools to implement the Turnaround Model has been submitted to your office. In absence of an agreement with New York City's collective bargaining units on implementation of 3012-c, we believe the federal Turnaround model represents an alternative pathway to School Improvement Grant compliance that will both allow for funding eligibility and augment critical improvement work already underway in these schools.

By submitting this application to implement the Turnaround model, the Department formally withdraws its prior application, submitted on May 13, 2011, to implement the Restart and Transformation models in 33 schools.

We believe our application makes clear the Department's plan for satisfying each of the requirements of the Turnaround model in these schools, and the Department has already taken important steps over the past several months to prepare to implement Turnaround. We have developed organizational capacity to manage this work, launched a Turnaround Institute for principals and school staff, and initiated our district's local process for implementing changes in school utilization. We hope that SED will choose to support the work our PLA schools have done to date by providing them with the critical financial resources through SIG.

We look forward to hearing back from your office regarding the status of our Turnaround application as soon as possible.

I appreciate your consideration and look forward to speaking with you further.

Sincerely,

A handwritten signature in black ink that reads "Marc S. Sternberg". The signature is written in a cursive style with a large, stylized "S" and "B".

Marc S. Sternberg
Deputy Chancellor for Portfolio Planning



May 31, 2012

Mr. Dennis M. Walcott, Chancellor
New York City Department of Education
Tweed Courthouse
52 Chambers Street
New York, NY 10007

Dear Chancellor Walcott:

I am writing regarding your March 26th School Improvement Grant (SIG) submission for funding beginning in the 2012-2013 school year for twenty-four persistently lowest achieving schools that have previously approved SIG plans. In this application, NYCDOE requested New York State Education Department (NYSED) approval to change the models in these schools from Transformation or Restart to the Turnaround model.

In its application, NYCDOE has provided data and the accompanying rationale that the current SIG plans being implemented in Transformation and Restart schools have seen mixed success. Additionally, NYCDOE asserts that under its current approved SIG plans, its inability to come to an agreement with the United Federation of Teachers (UFT) on the implementation of Education Law §3012-c puts the likelihood of these schools meeting their goals for students in question. In response, NYCDOE has submitted this continuing application to convert approved Transformation and Restart plans to Turnaround plans. Changing among the four intervention models, as outlined in USDE guidance on the SIG program, is one strategy that districts can consider if the original intervention model is not achieving improvements in student results or cannot be fully implemented.

The key features of the approvable implementation of the SIG Turnaround model include the replacement of the school principal and at least 50% of existing staff. However, the application submitted by NYCDOE to change to Turnaround models does not specifically identify the school principals who will lead the turnaround efforts, nor does it provide evidence necessary to determine whether NYCDOE can practically and effectively carry out the screening and rehiring of up to 50% of the instructional staff as required for the Turnaround model.

In addition, it is our understanding that a grievance and arbitration procedure has been brought by UFT and the Council of School Supervisors and Administrators (CSA), the employee organizations representing teachers and administrators at the schools which NYCDOE is proposing to close and implement the Turnaround model. In that arbitration procedure, UFT and CSA have asserted that NYCDOE is violating its collective bargaining agreements by invoking contractual procedures for excessing and assigning teachers, principals and assistant principals. In addition, we understand that litigation has been brought by UFT and CSA seeking a preliminary injunction barring NYCDOE from excessing and reassigning employees until the grievance arbitration procedures are completed. While we make no judgment on the merits of those proceedings, they do have a bearing on NYCDOE's ability to carry out the Turnaround model as proposed in your application.

Based on the information above, prior to making any final determination on NYCDOE's application for these schools, the following conditions must be met through re-submission.

For each school for which a Turnaround model is being proposed, NYCDOE must:

1. Identify the school principal assigned for each of the 24 schools and provide evidence that these leaders have the appropriate skills and experience to lead successful turnaround efforts in these schools;
2. Provide clear and satisfactory evidence that NYCDOE can successfully meet the staffing requirements of the Turnaround model, which include:
 - i. Providing the specific local competencies that will be used to screen, rehire and/or select new staff for the proposed Turnaround schools;
 - ii. Providing the required Consultation and Collaboration Forms, with signatures from the local teachers and principals unions, or supporting documentation that provides evidence of attempts to consult with those unions on the submitted application.
 - iii. Providing evidence that the district can meet the Turnaround model staffing requirements.
 - iv. Providing evidence that the education program for the proposed Turnaround Schools will include schedules and strategies that provide increased learning time and meet the Board of Regents-approved standards for extended learning time. (see: <http://www.regents.nysed.gov/meetings/2012Meetings/April2012/412bra5.pdf>)
3. Provide revised district and school-level budgets to reflect a greater percentage of the dollars directly to the schools. The percentage of district-level SIG funds should be no greater than 15% to 20% of the total requested LEA SIG budget.
4. Provide information about changes that will be made to the admissions process at the proposed Turnaround schools and/or district enrollment policies in response to concerns that SED has raised to NYCDOE regarding disproportionate numbers of students with disabilities, English language learners, and students that are performing below grade level being admitted to these schools. The requested additional information should show that the replacement schools will newly enroll a more nearly comparable percentage of high needs students as the community school or citywide district average. While SED is fully aware that NYCDOE operates a choice system for its high schools, we also believe that NYCDOE through the mixture of the type of seats it allocates to schools, the way in which it assigns Over The Counter (OTC) students, and the way in which it allocates funds to turnaround schools has the capacity to delimit the degree to which a school's entering class is disproportionately comprised of high need students.¹

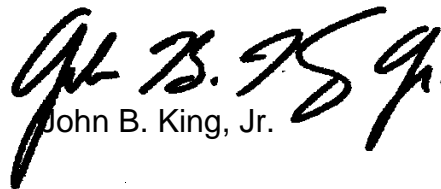
¹ See <http://www.p12.nysed.gov/psc/enrollment-retention-targets.html> for empirical data files containing enrollment numbers for at-risk students in all NYCDOE schools.

To facilitate consideration of NYCDOE's Turnaround plans and the related SIG applications, NYCDOE must meet these conditions and provide the requested documentation before June 4, 2012.

Should you have any questions and/or need for additional information, please contact Sally Bachofer, Assistant Commissioner of the Office School Innovation at sbachofe@mail.nysed.gov, or Ira Schwartz, Assistant Commissioner of the Office of Accountability at ischwart@mail.nysed.gov.

We look forward to supporting your efforts to successfully implement your intervention strategies and create new schools of excellence in New York.

Sincerely,



John B. King, Jr.

cc: Ken Slentz
Ira Schwartz
Sally Bachofer
Roberto Reyes
Owen Donovan
Alexandra Pressley

NYCDOE's Response to NYSED's May 31st Letter Regarding SIG

Question #4:

Provide information about changes that will be made to the admissions process at the proposed Turnaround schools and/or district enrollment policies in response to concerns that SED has raised to NYCDOE regarding disproportionate numbers of students with disabilities, English language learners, and students that are performing below grade level being admitted to these schools. The requested additional information should show that the replacement schools will newly enroll a more nearly comparable percentage of high needs students as the community school or citywide district average. While SED is fully aware that NYCDOE operates a choice system for its high schools, we also believe that NYCDOE through the mixture of the type of seats it allocates to schools, the way in which it assigns Over The Counter (OTC) students, and the way in which it allocates funds to turnaround schools has the capacity to delimit the degree to which a school's entering class is disproportionately comprised of high need students.

Overview

Developing a choice-based system for enrolling students to schools has been a cornerstone of New York City's Children First Reform efforts. Each year, NYC manages admissions processes for approximately 300,000 students from pre-K to high school. Year after year, these admissions processes consistently match the overwhelming majority of students to their top choices. For example, for the past 5 years, the high schools admissions process has matched over 80% of students to one of their top five choices. This past November, the Brookings Institution issued a report heralding New York City's school-choice system as the most effective of any of the nation's largest school districts. The report cited evidence that New York City's portfolio reforms had increased – and made more equitable – access to high-quality educational options.

But we acknowledge that there is still more work to do. Over the past 18 months, NYC has been working with the New York State Education Department to address its concerns about situations where our choice-based system may be leading to an over-concentration of students with disabilities, English language learners, and/or students that are performing below proficiency¹ in certain schools. Since implementing a choice system in New York City, we have continued to refine our admissions policies and processes to balance student demand while ensuring that all schools are able to succeed with the mix of students they enroll. Three recent citywide reform efforts are emblematic of the work we are doing to ensure that schools are serving an appropriate mix of students and have the right resources to do so.

- **“Over the Counter” Reform**

Each summer, the Office of Student Enrollment opens temporary registration centers across the city to assist families with placement and hardship transfers during the peak enrollment period. Approximately 15,000 new or returning students are placed during peak OTC. Placements are made based on projected seat availability, as determined by a school's projected 10/31 enrollment. The goal of peak OTC is to find appropriate placements for students, while helping each school achieve its targeted register.

Last summer, in an effort to increase high-quality options available for new students and minimize impact of OTC placements at struggling schools, additional seats were added to every high school's OTC projection. As a result, we increased student access to diverse high school programs across the city and we minimized the impact of OTC placements at low performing schools.

- 797 placements were made at 54 high schools that were initially projected for no OTC placements.
- 269 schools received more OTC placements than they were originally projected to receive. This resulted in an additional 2,880 OTC placements in these schools.

Additionally, as a result of the addition of OTC seats across the city, the number of OTC placements at Persistently Low Achieving (PLA) high schools was reduced. We made significantly fewer OTC placements at PLA schools this

¹ We are defining “students that are performing below proficiency” as students scoring Level 1 or Level 2 in NY State ELA and Math assessments.

year compared to last year, especially within the high needs categories of Overage, ELL and Students with Disabilities (Special Class & ICT). PLA schools (regardless of whether they were in a SIG model or not) received significantly fewer harder-to-serve students through the OTC process in 2011, when compared to 2010. In 2010, 1,936 students in one or more of these subgroups were placed at PLA schools via the OTC process. In 2011, only 1,421 students in one or more of these subgroups received an OTC placement at a PLA school. NYC is seeking to augment this work in the 2012-2013 school year.

- **Increasing Access through “de-screening” programs**

NYC has also begun to alter the composition of seats for students in the High School Admissions Process by de-screening seats in lower demand programs. Typically, schools that have screened programs are allowed to rank students who meet that program’s admissions criteria and only those students who are ranked may be matched to that school. However, this has historically led to situations where students who may be just slightly under the admissions criteria are denied access to a high-quality seat, while the school’s seat goes unfilled.

As a pilot program this year, the DOE began de-screening seats in programs that were not filling their seat targets in order to provide more access to students. The work of de-screening approximately 20 programs resulted in the placement of more than 800 students into academically screened seats that that would have otherwise gone unfilled. This created more available seats for OTC students at a wider range of schools. Next year, NYC is looking to further expand this pilot to ensure that students have a greater level of access to historically screened seats.

- **Fair Student Funding Resources**

In order to support all schools to meet the challenges of instructing hard-to-serve students, NYC has made some modifications to its Fair Student Funding formula. Within this funding formula, additional “weights” are provided to schools to serve students with particular needs. This includes weights for Academic Intervention Services (AIS), English Language Learners (ELL), and Special Education Services. Therefore, schools with large populations of students who are eligible for these services are already receiving a greater proportion of funds. However, this year, NYC revised the methodology for these weights to provide additional financial support to traditional high schools serving overage under-credited (OAUC) students. In the past, only Transfer Schools had received additional FSF funding for serving OAUC students. This shift in the funding formula is an acknowledgement that all schools serving OAUC students deserve additional resources to do so. With this additional weighting, many of our new replacement high schools will have additional funds to ensure that they are prepared to support the needs of their students who have fallen behind in terms of credit accumulation.

Conclusion

As described above, NYC through improvements to its enrollment processes continues to refine and expand upon a school-choice system that is an exemplar that districts nationwide seek to replicate. We recognize that our system is not perfect, and seek to make continuous revisions both to the enrollment processes themselves and to the school funding formulas, where necessary, to alleviate any unintended ill effects. We look forward to working with NYSED to continue to discuss these issues and develop solutions that meet our mutual goal of increased student achievement.

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Analysis of 24 Schools Proposed for Closure and Replacement

NYCDOE has conducted an analysis comparing the demographics of the 24 schools applying for the Turnaround model to their district (if a middle school) and borough (if a high school). In schools where the student populations are greater than one standard deviation from the district/borough average, we have highlighted that in the charts below.

In order to determine whether these schools are enrolling students who are further behind academically than their district or borough peers, we analyzed the 2011-2012 state test scores of all of the students in these schools and compared that number to their respective borough or district average. For the high schools, we compared the average combined 8th grade ELA and Math score for all of the students in the school to their borough’s average. For the middle schools, we compared the average combined 4th grade ELA and Math score for all of the students in the school to their district’s average. In terms of student performance, 16 of 17 high schools undergoing Turnaround

serve a population of students that is similar to the rest of the schools in their respective borough. For the middle schools, 1 of 7 serves a population of students that is similar to the rest of the schools in the district.

Chart 1: State Test Performance of Students Prior to Enrollment at 17 High Schools Proposed for Closure and Replacement Compared to Borough Average

DBN	School	School	Borough
		8th Grade Math/ELA	8th Grade Math/ELA
27Q400	AUGUST MARTIN HIGH SCHOOL	2.46	2.85
14K610	AUTOMOTIVE HIGH SCHOOL	2.42	2.62
07X600	ALFRED E SMITH CAREER-TECH HIGH SCH	2.35	2.53
08X405	HERBERT H LEHMAN HIGH SCHOOL	2.60	2.53
02M625	HS OF GRAPHIC COMMUNICATION ARTS	2.54	2.79
30Q450	LONG ISLAND CITY HIGH SCHOOL	2.72	2.85
27Q480	JOHN ADAMS HIGH SCHOOL	2.54	2.85
08X530	BANANA KELLY HIGH SCHOOL	2.38	2.53
05M685	Bread & Roses Integrated Arts High School	2.38	2.79
10X438	FORDHAM LEADERSHIP ACADEMY	2.45	2.53
27Q475	RICHMOND HILL HIGH SCHOOL	2.56	2.85
22K495	SHEEPSHEAD BAY HIGH SCHOOL	2.50	2.62
30Q445	WILLIAM CULLEN BRYANT HIGH SCHOOL	2.72	2.85
21K540	JOHN DEWEY HIGH SCHOOL	2.78	2.62
09X412	BRONX HIGH SCHOOL OF BUSINESS	2.36	2.53
25Q460	FLUSHING HIGH SCHOOL	2.64	2.85
24Q455	NEWTOWN HIGH SCHOOL	2.54	2.85

Chart 2: State Test Performance of Students Prior to Enrollment at 7 Middle Schools Proposed for Closure and Replacement Compared to District Average

DBN	School	School	District
		4th Grade Math/ELA	4th Grade Math/ELA
09X022	JHS 22 JORDAN L MOTT	2.63	2.75
09X339	IS 339	2.54	2.75

10X080	JHS 80 MOSHOLU PARKWAY	2.53	2.83
10X391	MS 391	2.48	2.83
11X142	JHS 142 JOHN PHILIP SOUSA	2.67	2.91
14K126	JOHN ERICSSON MIDDLE SCHOOL 126	2.54	2.89
19K166	JHS 166 GEORGE GERSHWIN	2.42	2.85

In order to assess the concentration of students with disabilities, we compared the current percentage of students with IEPs at each school to the percentage from their respective borough or district. In regards to this subgroup, 15 of 17 high schools undergoing Turnaround serve a population of students that is similar to the rest of the schools in their respective borough. For the middle schools, 4 of 7 serve a population of students that is similar to the rest of the schools in the district.

Chart 3: % SWD at 17 High Schools Proposed for Closure and Replacement Compared to Borough Average

DBN	School	School	Borough
		% SWD	% SWD
27Q400	AUGUST MARTIN HIGH SCHOOL	19%	12%
14K610	AUTOMOTIVE HIGH SCHOOL	25%	16%
07X600	ALFRED E SMITH CAREER-TECH HIGH SCH	24%	17%
08X405	HERBERT H LEHMAN HIGH SCHOOL	21%	17%
02M625	HS OF GRAPHIC COMMUNICATION ARTS	18%	14%
30Q450	LONG ISLAND CITY HIGH SCHOOL	13%	12%
27Q480	JOHN ADAMS HIGH SCHOOL	13%	12%
08X530	BANANA KELLY HIGH SCHOOL	21%	17%
05M685	Bread & Roses Integrated Arts High School	20%	14%
10X438	FORDHAM LEADERSHIP ACADEMY	21%	17%
27Q475	RICHMOND HILL HIGH SCHOOL	14%	12%
22K495	SHEEPSHEAD BAY HIGH SCHOOL	13%	16%
30Q445	WILLIAM CULLEN BRYANT HIGH SCHOOL	12%	12%
21K540	JOHN DEWEY HIGH SCHOOL	9%	16%
09X412	BRONX HIGH SCHOOL OF BUSINESS	22%	17%
25Q460	FLUSHING HIGH SCHOOL	12%	12%
24Q455	NEWTOWN HIGH SCHOOL	10%	12%

Chart 4: % SWD at 7 Middle Schools Proposed for Closure and Replacement Compared to District Average

DBN	School	School	District
		% SWD	% SWD
09X022	JHS 22 JORDAN L MOTT	17%	20%
09X339	IS 339	25%	20%
10X080	JHS 80 MOSHOLU PARKWAY	22%	20%

10X391	MS 391	26%	20%
11X142	JHS 142 JOHN PHILIP SOUSA	21%	18%
14K126	JOHN ERICSSON MIDDLE SCHOOL 126	35%	21%
19K166	JHS 166 GEORGE GERSHWIN	29%	15%

Finally, we compared the current percentage of students identified as English Language Learners at each school to the percentage from their respective borough or district. In regards to this subgroup, 16 of 17 high schools undergoing Turnaround serve a population of students that is similar to the rest of the schools in their respective borough. For the middle schools, 6 of 7 serve a population of students that is similar to the rest of the schools in the district.

Chart 5: % ELL at 17 High Schools Proposed for Closure and Replacement Compared to Borough Average

DBN	School	School	Borough
		% ELL	% ELL
27Q400	AUGUST MARTIN HIGH SCHOOL	4%	13%
14K610	AUTOMOTIVE HIGH SCHOOL	5%	10%
07X600	ALFRED E SMITH CAREER-TECH HIGH SCH	10%	17%
08X405	HERBERT H LEHMAN HIGH SCHOOL	10%	17%
02M625	HS OF GRAPHIC COMMUNICATION ARTS	11%	14%
30Q450	LONG ISLAND CITY HIGH SCHOOL	14%	13%
27Q480	JOHN ADAMS HIGH SCHOOL	16%	13%
08X530	BANANA KELLY HIGH SCHOOL	16%	17%
05M685	Bread & Roses Integrated Arts High School	17%	14%
10X438	FORDHAM LEADERSHIP ACADEMY	17%	17%
27Q475	RICHMOND HILL HIGH SCHOOL	17%	13%
22K495	SHEEPSHEAD BAY HIGH SCHOOL	19%	10%
30Q445	WILLIAM CULLEN BRYANT HIGH SCHOOL	19%	13%
21K540	JOHN DEWEY HIGH SCHOOL	20%	10%
09X412	BRONX HIGH SCHOOL OF BUSINESS	21%	17%
25Q460	FLUSHING HIGH SCHOOL	22%	13%
24Q455	NEWTOWN HIGH SCHOOL	32%	13%

Chart 6: % ELL at 7 Middle Schools Proposed for Closure and Replacement Compared to District Average

DBN	School	School	District
		% ELL	% ELL
09X022	JHS 22 JORDAN L MOTT	37%	25%
09X339	IS 339	32%	25%
10X080	JHS 80 MOSHOLU PARKWAY	30%	25%
10X391	MS 391	30%	25%
11X142	JHS 142 JOHN PHILIP SOUSA	5%	9%

14K126	JOHN ERICSSON MIDDLE SCHOOL 126	20%	16%
19K166	JHS 166 GEORGE GERSHWIN	6%	11%

As shown above, over-concentration of students with disabilities, English language learners, and students that are performing below proficiency is not systematically occurring across the 24 schools proposed for closure and replacement. In 13 of the 24, the student population of the schools is within one standard deviation of the borough or district average in all the subgroups.

DOE is committed to working with all the schools described above, especially those with the highest enrollments of special needs students, to help manage their enrollments and to ensure that they are equipped to accommodate the academic needs of their students.

To that end, NYCDOE is committing to implement a number of interventions at these 24 schools whenever during the SIG grant implementation period concentrations of subgroups greater than one standard deviation from the Community School District average (for middle schools) or borough average (for high schools) occur.

- **Reducing OTC Enrollment**

In schools that serve a percentage of students in a subgroup that is greater than one standard deviation from the district or borough-wide average (as applicable) for that subgroup, NYCDOE will aggressively pursue reducing the OTC enrollment at those schools as consistent with applicable state or federal statutes and regulations, including but not limited to Title VI, section 504 of the Rehabilitation Act, the Americans with Disabilities Act and the IDEA. The Department will do this through limiting OTC placements at the 24 schools, advising all OTC students of their school choices, including schools not proposed to implement the Turnaround model, and OTC reform (described below).

- **OTC Reform**

As discussed earlier, NYCDOE in the process of making additional seats available citywide to accommodate over-the-counter placements, which will lessen the concentration of over-the-counter students at any one school. For the schools noted above which exceed one standard deviation in a subgroup, we will analyze the percentage of their current new admits who are students with disabilities, English language learners, and students that are performing below proficiency and take action to better balance new admissions. The NYCDOE will monitor the school's OTC admits to avoid exacerbating this concentration even further.

- **New School Student Recruitment Support**

We know based on the track record of our existing new schools that new schools have the potential and ability to attract many more students to them. We believe that these new schools which the DOE has proposed to open have created new programs that will attract significant numbers of students of different types who might not have been drawn to the closing school. In addition, we will continue to support these schools and every new school with recruitment through admissions fairs and other marketing efforts.

- **New Screened Programs**

NYCDOE has been able to successfully develop a number of programs and schools that provide students with opportunities to aggressively pursue college level coursework while in high school. To draw a more diverse population of students, the NYCDOE will create new selective programs beginning in the 2013-14 school year in any of the 24 schools that as of BEDS day 2012 has an enrollment of Students with Disabilities, English Language Learners, and/or students that are performing below proficiency that is greater than one standard deviation from the Community School District average (for middle schools) or borough average (for high schools)

- **Instructional Support**

Ultimately, regardless of the population of students enrolled at any single school, the NYCDOE is committed to ensuring that all schools have the appropriate instructional support and services to serve all of their students. This includes ELLs, students with disabilities and students that are performing below proficiency.

APPENDIX A

DBN	School Name
02M625	High School of Graphic Communication Arts
05M685	Bread & Roses Integrated Arts High School
07X600	Alfred E. Smith Career and Technical Education High School
08X530	Banana Kelly High School
08X405	Herbert H. Lehman High School
09X339	I.S. 339
09X022	J.H.S. 022 Jordan L. Mott
09X412	Bronx High School of Business
10X391	The Angelo Patri Middle School
10X080	J.H.S. 080 The Mosholu Parkway
10X438	Fordham Leadership Academy for Business and Technology
11X142	MS 142 John Philip Sousa
14K126	John Ericsson Middle School 126
14K610	Automotive High School
19K166	J.H.S. 166 George Gershwin
21K540	John Dewey High School
22K495	Sheepshead Bay High School
24Q455	Newtown High School
25Q460	Flushing High School
27Q400	August Martin High School
27Q475	Richmond Hill High School
27Q480	John Adams High School
30Q445	William Cullen Bryant High School
30Q450	Long Island City High School



**Department of
Education**

Dennis M. Walcott, Chancellor

June 22, 2012

Dr. John B. King, Jr., Commissioner
New York State Education Department
89 Washington Avenue
Albany, New York 12234

Dear Commissioner King,

As noted in your School Improvement Grant (SIG) approval letter from last year, the New York State Education Department (NYSED) has expressed concerns about the enrollment practices of the New York City Department of Education (NYCDOE), particularly as they pertain to the enrollment of Students with Disabilities, English Language Learners, and students who are performing below proficiency in our persistently lowest-achieving (PLA) schools. Over the course of this school year, NYCDOE has engaged in a series of pilot initiatives to seek to address some of the concerns raised in that letter, including changes to our over-the-counter enrollment practices, increasing access of seats through “de-screening” programs in higher performing schools, increasing access to all high schools for our special education students, and creating new selective programs in PLA schools.

To advance upon the pilot work done to date, NYCDOE is committed to working with NYSED to develop an action plan to further monitor and refine our enrollment practices to address your concerns about high concentrations of particular populations in high schools citywide. This action plan, which we will develop before the commencement of our next admissions cycle (October 2012), may include expanding upon the strategies we piloted in 2011-2012 and, where appropriate, extending successful strategies we’ve already agreed to pursue in our SIG-funded schools to other schools with high concentrations of high need students. The plan will include action steps to be taken in any priority or focus schools that as of BEDS day 2012 have a high concentration of high needs students. The metric to determine high concentration will also be developed as part of the analytic component of the action planning process (for example with current SIG schools we are using one standard deviation from district or borough average). NYCDOE is committed to working with NYSED to develop a meaningful plan that continues to address NYSED’s concerns and ultimately best serves the students of New York City.

Sincerely,

A handwritten signature in black ink that reads "Dennis M. Walcott".

Dennis M. Walcott
Chancellor

A handwritten signature in black ink that reads "Shael Polakow-Suransky".

Shael Polakow-Suransky
Chief Academic Officer and Senior Deputy Chancellor



June 22, 2012

Dennis M. Walcott, Chancellor
New York City Department of Education
Tweed Courthouse
52 Chambers Street
New York, NY 10007

Dear Chancellor Walcott:

I am writing to inform you of my decision to conditionally approve the New York City Department of Education's (NYCDOE) 2012 School Improvement Grant (SIG) application for funding to support Turnaround model implementation in 24 schools previously approved to implement Transformation or Restart models. I am also writing to inform you that I have approved the Schools Under Registration Review (SURR) plans submitted by the New York City Department of Education in May for these persistently lowest achieving schools.

My approval of these SURR plans is based on my determination that these plans fulfill the requirements outlined in Section 100.2(p)(11)(iv) of Commissioner's Regulations. A list of the 24 PLA schools whose plans I have approved is attached to this letter as Appendix A.

The core purpose of the United States Department of Education's §1003(g) School Improvement Grant program has been to ensure that all students, particularly those in the lowest performing schools, receive the education necessary to become college and career-ready. The Board of Regents Reform Agenda is intended to meet this same purpose by ensuring that students receive instruction that is aligned to Common Core standards, driven by a rigorous analysis of data and provided by effective teachers who are supported by effective school leaders. The Department's review of the submitted plans and additional materials was intended to determine the degree to which applications adhered to this core purpose as well as met the specific Federal requirements for approval of a Turnaround model.

My conditional approval of these plans is contingent on the NYCDOE's ability to meet the relevant staff replacement requirements; ongoing consultation and collaboration with stakeholders; and reducing the risk of enrollment of disproportionate numbers of Students with Disabilities, English Language Learners, and students that are performing below proficiency in these 24 schools. These issues, elaborated below, directly affect the ability of the district and the 24 schools to realize the purpose of the School Improvement Grant program and the Reform Agenda of the Board of Regents.

First, SIG approval is contingent on the NYCDOE satisfying the staffing requirements for implementing the Turnaround model through the guidelines outlined in Article 18D. We are aware of the pending arbitration proceedings with the UFT and the CSA concerning your ability to implement the Article 18D process. We are not a party to those proceedings and make no comment on them in this letter.

Second, building on your efforts to-date in designing new schools, and in order to satisfy the Consultation and Collaboration requirements of the School Improvement Grant program, the NYCDOE must submit evidence that it consulted with collective bargaining units and recognized parent groups in the consultation/collaboration around the proposed new school plans, contained in the LEA's School Improvement Grant application. Accordingly, the NYCDOE must submit additional evidence that it has provided the School Improvement Grant application to relevant stakeholders, including the UFT and the CSA, as well as the local School Leadership Teams at each of the 24 schools, and requested comments. The NYCDOE must provide SED with the following:

- proof that the applications have been provided to these stakeholders and that the stakeholders were given reasonable opportunity to comment on the applications as they were submitted to NYSED;
- a copy of the comments they provided, if any; and
- a summary of changes that NYCDOE will make to the applications in response to the comments, or an explanation regarding why the NYCDOE will not make changes to the applications based on the comments received.

Documentation that the applications have been provided to these stakeholders, as well as any related correspondence must be documented using the Consultation and Collaboration Form found in Appendix C of the New York State LEA School Improvement Grant application. NYCDOE must satisfy this requirement by July 1, 2012. At that time, the district must also revise and submit to SED the originally submitted SIG application to include all information required in this letter as well as any information provided in response to my letter of May 31, 2012.

We appreciate the steps that you have identified to address concerns about the risk of enrollment in these schools of disproportionately high numbers of Students with Disabilities, English Language Learners, and students that are performing below proficiency. We are encouraged that NYCDOE this year added additional seats to every high school's Over the Counter (OTC) projection thereby increasing student access to diverse high school programs across the city and reducing the number of OTC placements at low performing schools.

We are pleased that NYCDOE has agreed that it will, to the extent consistent with applicable state or federal regulations and statutes including but not limited to Title VI, section 504 of the Rehabilitation Act, the Americans with Disabilities Act and the IDEA:

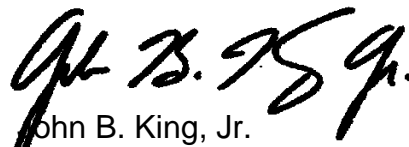
- aggressively manage OTC enrollment in these 24 schools as described in the NYCDOE's response to NYSED's letter dated May 31, 2012;

- provide appropriate instructional supports and services for English Language Learners (ELLs), Students with Disabilities and students who are performing below proficiency where there are high concentrations of these subgroups in the 24 schools;
- provide evidence to NYSED by December 31, 2012 that, in an effort to draw a more diverse population of students, the NYCDOE has created new selective programs for implementation beginning in the 2013-14 school year in any of these schools that as of BEDS day 2012 has an enrollment of Students with Disabilities, English Language Learners, or students performing below proficiency greater than one standard deviation from the Community School District average (for middle schools) or borough average (for high schools); and
- provide quarterly reports on the OTC intake in these schools, a report in Spring 2013 on the number of students who applied for and were admitted to such new screened programs as may be created in these schools for the 2013-14 school year, and annual reports on your success in reducing concentrations of students in the three subgroups.

Should you have any questions, please contact Sally Bachofer, Assistant Commissioner of the Office of School Innovation, at sbachofe@mail.nysed.gov, or Ira Schwartz, Assistant Commissioner of the Office of Accountability, at ischwartz@mail.nysed.gov.

We look forward to supporting your efforts to successfully implement your intervention strategies and create new schools of excellence in New York.

Sincerely,



John B. King, Jr.
Commissioner

cc: Shael Suransky
Marc Sternberg
Edward Hui
Ken Slentz
Ira Schwartz
Sally Bachofer
Roberto Reyes
Owen Donovan
Alexandra Pressley

Enclosure