

**BREAKING DOWN BARRIERS: AN EVALUATION
OF PARENT ENGAGEMENT IN SCHOOL
CLOSURES AND CO-LOCATIONS**

A Report by:

Public Advocate Bill de Blasio and the Alliance for Quality Education

July 22, 2010

TABLE OF CONTENTS

1. Executive Summary
2. Introduction
3. Background
 - a. Understanding Closures and Co-Locations
 - b. Understanding the Law Related to the City's School Governance Structure
 - c. Issues Raised by the Current Policy and Law
 - d. Metrics and Tools that Inform Closure and Co-location Decisions
 - i. Standards Applicable to Closures
 - ii. Analysis of Progress Report and Quality Review Scores from 2006-2008 for the Closing Schools
 - iii. Standards applicable to co-locations
 - iv. The Need for Clear and Consistent Standards and Accountability
4. Analyzing the Public Engagement Process for Closure and Co-locations
 - a. Analyzing School Closures
 - b. Co-locations: Space Utilization vs. Educational Impact
 - c. Parental Engagement in Major Educational Changes
 - d. Public Hearings
 - e. Analysis from the Hearings
5. Parental Engagement in Other Cities
6. Engagement the Parent's Way – Inside the Parent Survey
 - a. Methodology
 - b. Survey Findings
7. Conclusions and Recommendations
8. Appendices

1. EXECUTIVE SUMMARY

The Department of Education's ("Department") decisions to close or co-locate schools frequently involves the loss of critical space and programs, which can have serious impacts on students' education. Historically, in making these decisions the Department has a poor track record of soliciting and incorporating parental and community input. Despite new parental engagement procedures added to the law in 2009 to facilitate greater parental consultation in major school change decisions, this year's story does not seem to be markedly different. The Department treated these hearings as procedural hurdles in order to satisfy the letter of the law, rather than an opportunity to engage in a productive dialogue about the impacts of proposed school closures and co-locations on students and what is in the best interests of affected students.

By examining the New York State Education Law, Educational Impact Statements (EIS), transcripts from public hearings, and by conducting a parent survey of 873 parents at 34 schools affected by co-locations, the report concludes that the Department's parental engagement process provided insufficient information and left too many unanswered questions about how students and the school community will be affected by these major school decisions.

The report's key finding is that the EIS – the official document assessing the impact that a proposed change will have on school services – does not provide adequate information for members of the school community to understand and comment about how students will be affected by these decisions. This finding is consistent with the courts' recent decision that the school closure process is flawed.

Further, if not well-planned and coordinated, closures and co-locations can disrupt students' education and decrease their access to school facilities such as classrooms, gymnasiums and cafeterias.

Among main findings revealed by the survey are:

- ***Parents don't know how the programs in their school will be impacted by a co-location:*** 42% of parents responded that the Department did not provide specific information on how existing education programs will be affected by school changes.
- ***Parents whose children's schools will be co-located beginning in September reported that their children's school could have less access to gymnasiums, classrooms, cafeterias, and auditoriums.*** At least a third of parents surveyed reported that their schools' access to the following areas could suffer after the co-location: cluster rooms (44%), gymnasium (41%), cafeteria (43%), classroom space (41%), auditorium (35%).
- ***Department's Educational Impact Statements, which are supposed to thoroughly evaluate and explain the impact of a co-location or closure, confuses parents and are deeply flawed:*** 62% of parents did not know about the EIS (44%) or knew about the EIS but did not see it (18 %); and 52% of parents said the DOE did not address questions about proposed school changes.

- ***Parents overwhelmingly responded that the engagement process can be improved and have valuable suggestions, many of which the Public Advocate and AQE recommend the Department adopt.*** 70% of parents said that process can be improved and a significant number offered a variety of suggestions including providing more specific information about changes to school programs, additional opportunities for parental comment on program changes, a more detailed EIS and informational meetings for parents at their schools before the official hearing and comment period begins.

Given their respective interests and concerns raised about the Department’s public engagement process, the Public Advocate Bill de Blasio joined with AQE to conduct quantitative and qualitative research to assess the effectiveness of engagement in the context of decisions – decisions to close, co-locate or re-site schools in order to provide constructive recommendations to the Department about how to improve the process moving forward:

In its effort to improve our schools, the City is faced with the immense challenge of finding suitable space for new schools in our densely populated City. Major school changes in utilization are frequently part of the solution. These school changes should be based on uniform standards and decided upon through an inclusive process that guarantees stability in school environments and the continuation of school programs. This report reaffirms the authors’ findings that if parents are given meaningful opportunities to understand school changes and provide feedback, the Department will be able to advance important reforms.

The report offers eight viable recommendations for policy improvements by the Department and at the State level that aim to make school changes less disruptive, including the following:

1. ***Provide meaningful Educational Impact Statements.*** The EIS must be substantially improved to include a detailed and understandable analysis of potential effects of the closures and co-locations, including: safety issues, such as ensuring sufficient access to fire exits; impact on students who are English language learners and students with disabilities; impact on existing educational programs; and specific plans to guarantee the provision of physical education and arts education programs. For co-locations, the law should be amended to ensure that EIS address access to common facilities, gymnasiums, and cluster rooms. If the Department does not implement proposed changes to improve the process to implement school changes on its own accord, the State Legislature should amend the State Education Law to make such requirements explicit.
2. ***Create school building councils.*** The Department should require all schools slated to share space to create permanent School Building Councils comprised of school administrators, staff and parents which will evaluate space decisions for co-located schools.
3. ***Ensure greater transparency, access to information and opportunities for involvement.*** The Department should make the EIS more widely available at schools and the process more transparent, including posting transcripts of all public hearings online, and webcasting school-based public hearings and PEP meetings.

4. ***Require school-based informational meetings.*** Schools should conduct informational meetings with parents prior to the start of the official hearing process to discuss the EIS with members of the school community and provide parents opportunities to review and discuss the proposed changes, as well as have their questions and concerns addressed.
5. ***Do not hinder school growth.*** The Department should refrain from implementing co-locations that require schools currently not slated for closure to reduce enrollment or to scale back expansion plans that are already in progress.
6. ***Develop uniform standards for co-location and closure decisions.*** The Department should develop, make publicly available and utilize clear and consistent standards for its decisions regarding co-locations and closures.
7. ***Study the impact of closures and co-locations before proposing additional major school utilization changes.*** The Department should delay proposing new closure and co-locations for a period of up to six months to allow sufficient time for an independent analysis of the impact on students of closures and co-locations is completed.
8. ***NYSED and State Legislature should monitor City's compliance with current law and modify if necessary.*** The New York State Education Department and the State Legislature should monitor the Department's compliance with current law. The State Legislature should amend the law, as necessary, to incorporate necessary changes.

2. INTRODUCTION

The Department of Education's ("Department") decisions to close or co-locate schools frequently involve the loss of critical space and programs, which can have serious effects on students' education. Parents place a high value on their children's education, so it is not surprising that they are concerned about the proposed changes.

Historically, in making these decisions the Department has a poor track record of soliciting and incorporating parental and community input. Despite new parental engagement procedures added to the law in 2009 to facilitate greater parental consultation in major school change decisions, this year's story does not seem to be markedly different. School-based hearings that were supposed to be held jointly were operated using a top-down approach and although parents expressed their opinions about the proposed changes the Department did not thoroughly consider, deliberate on, or provide meaningful feedback to parents. The Department treated these hearings as procedural hurdle to overcome to satisfy the letter of the law, rather than an opportunity to engage in a productive dialogue about the impacts of proposed school closures and co-locations on students and what is in the best interests of affected students.

Public Advocate de Blasio's interest in this issue dates back to his days as a City Councilmember when he prioritized increasing parental and community engagement in education decision-making to ensure that students' receive the highest quality education. Improving parental engagement was one of the first policy issues that the Public Advocate began to tackle upon taking office in January 2010 during the peak of the public debate surrounding the Department's implementation of the new parental engagement procedures for school closures and co-locations. Monitoring this issue and recommending areas for improvement fits within the Office's statutory mandate to conduct meaningful oversight of citywide policy and the delivery of services. Public Advocate de Blasio also has a vested interest in these issues given his perspective as a New York City public school parent.

The Alliance for Quality Education ("AQE") AQE is a statewide education advocacy organization committed to improving access to quality educational opportunities for high-needs students and eliminating the State's achievement gap. In 2009, as part of the Campaign for Better Schools, AQE successfully advocated for changes in state law to increase the role of parents and community members in decisions to close, co-locate or re-site schools in New York City and for the creation of an educational impact analysis – educational impact statement – as an essential part of their decisions. The Public Policy and Education Fund, a non-profit organization that conducts policy research and provides educational information to the general public, provided research and background information in preparing this report.

This report analyzes the Department's parental engagement process for major school changes through an examination and analysis of State education law, the Department's standards and regulations, the Educational Impact Statements ("EIS"), public hearings and conducting a voluntary parent survey of parents at co-located schools in order to provide constructive recommendations to the Department about how best to improve the parental engagement process going forward.

In its effort to improve our schools, the City is faced with the immense challenge of finding suitable space for new schools in our densely populated City. Major school changes in utilization are frequently part of the solution. These school changes should be based on uniform standards and decided upon through an inclusive process that guarantees stability in school environments and the continuation of school programs. This report reaffirms the authors' findings that if parents are given meaningful opportunities to understand school changes and provide feedback, the Department will be able to advance important reforms.

3. BACKGROUND

a. Understanding Closures and Co-Locations

For the upcoming 2010-2011 school year, the Department proposed closing nineteen schools and co-locating and re-siting sixty-six schools with changes scheduled to take effect in September 2010 when the new school year begins.¹ A closure is the phase-out of an entire school and its replacement with one or more new schools. A co-location is a change which will result in more than one school inhabiting a single school building or facility.² Some co-locations are new, meaning that a school that has historically utilized an entire facility will now have to share that space with another school. But co-locations can also involve reconfigurations or extensions of existing shared facilities. Some co-locations are referred to as re-sitings, which describes an existing school that is being moved from its current location into a building which is already occupied by one or more schools.³ For purposes of this report, "co-location" refers to both co-locations and re-sitings.

Closures and co-locations have become increasingly important in the public debate over the past decade, but especially in the last six years, as the Department has accelerated the pace of establishing new schools.⁴ The Department opened 452 new schools between 2003 and 2009, including seventy-four charter schools.⁵ As a comparison, in the seven-year period from 1996 to 2002, the Department (or its predecessor) opened 314 new schools, including nineteen charter schools.⁶ Since obtaining space is often the biggest obstacle to starting a new school, the Department has enabled new schools to overcome this obstacle by offering space in buildings where schools are being phased-out or in existing neighborhood school buildings.⁷ For example, a combination of small schools and charter schools may be opened within a facility when a large school is closed. The Department has allowed schools to share space on either a permanent or temporary basis while they search for and secure their own independent permanent school

¹ *New York City Department of Education, 2009-2010: Proposals for Significant Changes in School Utilization*, <http://schools.nyc.gov/AboutUs/leadership/PEP/documents/SchoolProposals>.

² Rick Docksai, *Charter School Co-Locations Creating Tensions in NYC*, April 2010, Heartland Institute, available at http://www.heartland.org/schoolreform-news.org/Article/27250/Charter_School_CoLocation_Creating_Tensions_in_NYC.html

³ *Id.*

⁴ NYC.gov, Data Mine: Raw Data (drop down "data by category;" search "education;" follow "download" hyperlink) http://www.nyc.gov/html/doed/downloads/datasets/DOE_LocationMasterData_001.xls.

⁵ *Id.*

⁶ *Id.*

⁷ Jennifer Medina, *City's Schools Share their Space, and Bitterness*, *New York Times*, November 30, 2009, at A1.

facility.⁸ Nearly two-thirds of the City's 99 charter schools are housed in public school buildings⁹ and more than half of all City schools are co-located with at least one other school.¹⁰

Closures and co-locations have historically raised issues regarding capacity and the effect of such changes on students, parents and the community. Since they have the capacity to serve more students, large schools are more likely to have programs targeted to specific student populations, such as teen mothers, children with special needs or English language learners.¹¹ Whether a co-location is created when several schools are opened within a facility at once, or when a new school moves into a building already occupied by another school, issues regarding space utilization can be controversial.¹² Common spaces, such as the auditorium, gymnasium and cafeteria have to be shared between the schools.¹³ Other school space that may be affected by co-locations includes cluster rooms, classrooms, libraries, labs, and specialized spaces for special education.¹⁴ If the co-location makes the school space more constricted within a facility, libraries, labs and cluster rooms may be converted into classroom space.¹⁵ In addition, classroom space may be sacrificed to accommodate the incoming school, which could result in increased class sizes in some cases.¹⁶

With respect to capacity issues, the Department publishes official figures that provide information regarding the capacity of school facilities in its Enrollment-Capacity-Utilization Report (the "Blue Book").¹⁷ Concerns have been raised about the formula used to calculate school capacity which causes some schools to appear under-utilized that may actually be operating at- or near-capacity.¹⁸ In such situations, the incoming school proposed for co-location can create overcrowding.

Real or perceived inequities in the educational facilities shared between multiple schools in the same building may create friction in the school community. Parents, students and staff at neighborhood schools have sometimes found that the incoming new small school or charter school has more or better equipment, nicer looking classrooms and hallways, and other

⁸ *Id.*

⁹ *Id.*

¹⁰ Chancellor Joel Klein, Let Charter Schools Flourish: Stop Pitting Parents Against Each Other, Says Schools Chancellor, New York Daily News, February 24, 2010, available at http://www.nydailynews.com/opinions/2010/02/24/2010-02-24_let_charter_schools_flourish.html.

¹¹ The New School Center for New York City Affairs, *The New Market Place: How Small School Reforms and School Choice Have Reshaped New York City's High Schools*, 3, 5, 23 (June, 2009).

¹² Jennifer Medina, City's Schools Share their Space, and Bitterness, New York Times, November 30, 2009, at A1.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Elizabeth Lazarowitz, *Charter eyes a fair share: PAVE may have to extend stay in PS 15 another year*, New York Daily News, June 12, 2010, available at http://www.nydailynews.com/ny_local/education/2009/06/12/2009-06-12_charter_eyes_a_fair_share.html.

¹⁶ Leonie Haimson, *The City's Resistance to Cutting Class Size*, Gotham Gazette, <http://finance.tc-library.org/Content.asp?uid=2195> (April 26, 2006).

¹⁷ Class Size Matters, *Comments on the DOE Impact Statements and the proposals to co-locate thirteen charter schools*, February 23, 2010, http://www.classsizematters.org/EIS_comments_charters_2.23.10.pdf.

¹⁸ Diane Vacca, Chelsea Now, May 7, 2010, available at <http://chelseanow.com/articles/2010/05/24/news/doc4be471b2aebd6915637859.txt>

improvements.¹⁹ Perhaps the most polarizing issue in regards to school closures and co-locations is related to parents' and community members' right to be involved in the decision-making process about such major school utilization changes.²⁰ In addition, parents at some schools which the Department has identified for closure or co-location have expressed feeling powerless to change or to stop a change that they believe would be detrimental to the existing school or community.²¹

While there is some encouraging research about New York City's small schools, there has been no substantial research tracking where students displaced by closing schools enroll and what the educational impacts are for those students. In addition, there is not substantial research in New York City regarding whether school closings result in overcrowding in other schools and how closings impact educational outcomes in schools that absorb displaced students.

Recent research in Chicago tracking the impact of school closings on displaced students and educational impacts shows that on balance closings had negative or negligible impacts for the vast majority of displaced students. This research indicates that closure policies did not benefit students' education. Of students who transferred from closing schools, "only 6 percent of displaced students enrolled in academically strong schools, while 42 percent of displaced students continued to attend schools with very low levels of academic achievement."²² These study results do not directly correlate to school closings in New York City without specific local research; however, it highlights the importance of ensuring that the impact of school closing policies is analyzed in a thoughtful manner.

b. Understanding the Law Related to the City's School Governance Structure

The City's educational governance system, which is authorized by State Education Law, has evolved over time from a mayoral controlled to a decentralized system to the current iteration of a mayoral controlled system.²³ In 2002-2003, the education governance structure was changed. These changes to the system made the system centralized again with the mayor regaining large control of the system, including the ability to appoint the chancellor and the majority of the Board – subsequently renamed the Panel for Educational Policy ("PEP"), as well as the elimination of the school boards as previously constructed.²⁴ While the law replaced school

¹⁹ Elizabeth Lazarowitz, Public School 15 and PAVE Academy in Red Hook struggle sharing space, New York Daily News, Sept 27 2009, available at http://www.nydailynews.com/ny_local/brooklyn/2009/09/27/2009-09-27_ps_15_and_pave_academy_in_red_hook_struggle_sharing_space.html; see also, Jennifer Medina, City's Schools Share their Space, and Bitterness, N.Y. Times, November 30, 2009, at A1.

²⁰ Juan Gonzalez, Students at PS 123 in Harlem are Pushed Aside for Charter School Expansion, New York Daily News, June 3, 2009, available at http://www.nydailynews.com/ny_local/education/2009/06/03/2009-06-03_dont_these_kids_count_too_students_at_ps_123_are_pushed_aside_for_charter_school.html

²¹ Rachel Monahan, Cypress Hills parents rage over refusal to use Brooklyn School, New York Daily News, March 19, 2009 available at http://www.nydailynews.com/ny_local/brooklyn/2009/03/19/2009-03-19_cypress_hills_parents_rage_over_refusal_.html; see also Meredith Kolonder, Parents say Special-Ed Kids Falling Victim in Charter Battle for Space Inside City Schools, New York Daily News, March 23, 2010, available at http://www.nydailynews.com/ny_local/education/2010/03/23/2010-03-

²² Consortium on Chicago School Research. "When Schools Close: Effects on Displaced Students in Chicago Public Schools" October 2009. http://www.edweek.org/media/ccsr_school_closings-final.pdf

²³ *When Mayors Take Charge: School Governance in the City* 171 (Joseph Viteritti, ed., Brookings Institute Press 2009).

²⁴ N.Y. EDUC. Law §2590-c (McKinney's 2007) (codified as amended at NY LEGS. Chap. 345 (2009))

boards with community district education councils (also known as “CEC”), their power became much more advisory than binding.²⁵ The law also increased the PEP’s size from a seven to a thirteen member mayor-controlled body.²⁶ However, the law’s provisions were subject to reauthorization seven years later in 2009,²⁷ which left the door open for further consideration.

As the law was being renegotiated in 2009 many stakeholders and elected officials proposed reforms designed to increase parental engagement in the closure and co-location processes.²⁸ The final legislation contained provisions designed to increase parental involvement in “proposed significant change[s] in school utilization.”²⁹

Accordingly, for the first time at the start of the 2009-2010 school year, parents were given a greater role in the decision-making and evaluation processes whenever the Chancellor proposes any school closing or significant change in school utilization.³⁰ Specifically, the law now requires the Chancellor to prepare an EIS, modeled after the environmental impact statements required under the State Environmental Quality Review Act, which must include the following information regarding the proposed school closing or significant change in school utilization:

- i. the current and projected pupil enrollment of the affected school, the prospective need for such school building, the ramifications of such school closing or significant change in school utilization upon the community, initial costs and savings resulting from such school closing or significant change in school utilization, the potential disposability of any closed school;
- ii. the impacts of the proposed school closing or significant change in school utilization to any affected students;
- iii. an outline of any proposed or potential use of the school building for other educational programs or administrative services;
- iv. the effect of such school closing or significant change in school utilization on personnel needs, the costs of instruction, administration, transportation, and other support services;

²⁵ See *id.* § 2590-c

²⁶ See *id.* §2590-b

²⁷ See *id.* §2590-b

²⁸ United Federation of Teachers, *Ensuring an Effective School Governance Framework: United Federation of Teachers School Governance Task Force Report and Recommendations* (2009), http://www.uft.org/news/issues/reports/governance_report.pdf, see also Javier Hernandez, *A Diverse Set of Voices Struggles to be Heard on School Control*, New York Times, March 22, 2009. at A25., Philissa Cramer, *Communities Must be Involved in School Governance, Group Says*, Gotham Schools (Feb. 6, 2010) <http://gothamschools.org/2009/02/06/communities-must-be-involved-in-school-governance-group-says/#more-9089>., New York City Council, *Working Group on Mayoral Control and School Governance* http://council.nyc.gov/downloads/pdf/mayoral_control_june_09_rpt.pdf (last viewed July 21, 2010), Elizabeth Green, *A Proposal to Empower Parent Councils by Transforming Them*, Gotham Schools (March 27, 2009) <http://gothamschools.org/2009/03/27/a-proposal-to-empower-parent-councils-by-transforming-them/>, Parent Commission on School Governance and Mayoral Control, *Recommendations on School Governance*, (March 2009) http://www.parentcommission.org/parent_commission_Final_Report.pdf.

²⁹ N.Y. EDUC. Law §2590-e (McKinney’s 2007) (codified as amended at N.Y. LEGS. Chap. 345 (2009)) - This description specifically covers “the phase-out, grade reconfiguration, re-siting, or co-location of schools, of any public school” in the City’s school system.

³⁰ N.Y. EDUC. Law §2590-h (McKinney’s 2007) (codified as amended at N.Y. LEGS. Chap. 345 (2009))

- v. the type, age, and physical condition of such school building, maintenance, and energy costs, recent or planned improvements to such school building, and such building's special features;
- vi. the ability of other schools in the affected community district to accommodate pupils following the school closure or significant change in school utilization; and
- vii. information regarding such school's academic performance including whether such school has been identified as a school under registration review or has been identified as a school requiring academic progress, a school in need of improvement, or a school in corrective action or restructuring status.³¹

The Chancellor must make the EIS wisely publicly available, including by filing a copy with the affected “community council, community boards, community superintendent, and school based management team.”³² This must occur at least six months in advance of the first day of school in the succeeding school year.³³ Between 30 and 45 days after the Chancellor files the EIS with the aforementioned parties, the Chancellor (or his designee) must also hold a joint public hearing with the impacted CEC and school-based management to allow “all interested parties an opportunity to present comments or concerns regarding the proposed school closings or significant change in school utilization.”³⁴ In order to facilitate participation by all “interested parties,” the law specifically articulates that the Chancellor must widely publicize notice for such hearing, including with community boards and state and local elected officials who represent the affected school district.³⁵

Contemplating that this should be a deliberative and iterative process, the law leaves room for the Chancellor to modify an EIS after receiving public comment, so long as there are no new schools affected by the decision.³⁶ If this is the case, the Chancellor must publish and file the revised EIS and hold a subsequent joint public hearing within 15 days.³⁷ Once the EIS review, joint school-based hearing, and comment period have been satisfied, the school closing or significant change in school utilization must be approved by the PEP before it can become effective for the upcoming school year.³⁸ However, a little publicized provision of the law reserves powers for the Chancellor to “temporarily close a public school or adopt a significant change in the school’s utilization on an *emergency* basis” for up to six months.³⁹ [*emphasis added*] If the Chancellor seeks to extend the “temporary” decision beyond the initial six months, s/he must comply with the law’s procedural requirements outlined above.⁴⁰

c. Issues Raised by the Current Policy and Law

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*; see also N.Y. EDUC. Law §2590-g (McKinney’s 2007) (codified as amended at N.Y. LEGS. Chap. 345 (2009))

³⁹ N.Y. EDUC. Law §2590-h (McKinney’s 2007) (codified as amended at N.Y. LEGS. Chap. 345 (2009))

⁴⁰ *Id.*

Changes to state law made in 2009 now require a more robust parent engagement process in school closure and co-location decisions. The Department contends that any changes it proposes are being made to improve educational options for New York City students.⁴¹ Still, this year's announcements of school closures and co-locations brought with them many of the same issues experienced in past processes.⁴² In fact, the closure decisions in particular were challenged in a lawsuit on the grounds that the Department used flawed procedures and failed to specifically analyze the educational impact each proposed change would have on students and schools.

The United Federation of Teachers (UFT), the National Association for the Advancement of Colored People (NAACP), and AQE along with New York State elected officials and parents of students enrolled in City schools ("petitioners") brought an administrative proceeding against the Department and the Chancellor ("respondents") seeking a ruling that it failed to comply with the newly amended State Education Law when it decided to close 19 schools. Petitioners also sought a preliminary injunction that would stop the Department from closing the schools. Specifically, the petitioners in Mulgrew v. the Board of Education of the City School District of the City of New York argued that the Department failed to provide adequate public notice, failed to hold meaningful joint hearings, and that the EIS prepared by the Department did not contain the information required by the law.⁴³

Since the court had not yet examined the new law, it sought guidance from prior courts' analysis of laws requiring similar impact statements. The court found instructive the environmental conservation law known as the State Environmental Quality Review Act ("SEQRA").⁴⁴ SEQRA requires any agency planning to undertake an action which may have a significant impact on the environment to prepare a detailed environmental impact statement covering areas specified in the law. The court reasoned that the language of the Education Law requiring the Department to prepare an EIS for any proposed school closing or proposed significant change in how a school is used requires analysis similar to that required by SEQRA. The court determined that the Department "failed to provide any meaningful information regarding the impacts on the students or the ability of the schools in the affected community to accommodate those students."⁴⁵ For example, the court stated that the EIS failed to provide information about specific programs at the schools proposed to be closed or the locations of alternate programs that could be accessed by displaced students.⁴⁶ Additionally, the court noted that the language used in many EIS was boilerplate and failed to address the impact of school closures on students.⁴⁷

⁴¹ Chancellor Joel Klein, Op-Ed., *Let charter schools flourish: Stop pitting parents against each other, says schools chancellor*. Chancellor Joel Klein, Op-Ed, New York Daily News, February 24, 2010, available at http://www.nydailynews.com/opinions/2010/02/24/2010-02-24_Jet_charter_schools_flourish.html.

⁴² Ben Chapman, *Red Hook parents push to toss PAVE charter school from PS 15 space*, New York Daily News, May 12, 2010. Meredith Koloder, *Ed Dept. OKs charter move to public school buildings*. New York Daily News, February, 25, 2010. Antoinette Hargrove, *P.S. 123: Squeezed In and Squeezed Out*, Ed Vox Blog, New York Times, April 14, 2010.

⁴³ *Mulgrew v. The Board of Education of the City School District of the City of New York*; 2010 WL 1655440 at *3.

⁴⁴ N.Y. ENVTL. CONSEV. § 3-0301 (McKinney 2008)

⁴⁵ *Mulgrew*, WL 1655440 at *5.

⁴⁶ *Id.*

⁴⁷ *Id.*

The Court also found that during the public meetings required under the law the Department failed to allow time for questions and answers, gave speakers only two minutes to speak, and provided only a forty-five minute window for individuals to sign up to speak. The court further noted that although public meetings were held, members of the CECs and SLTs were not a meaningful part of the decision making process.⁴⁸

The lawsuit also challenged the sufficiency of the Department's compliance with notice requirements. The court held that by only posting the EIS on the Department's website, the Department failed to distribute the EIS as required by law and largely ignored the requirement to file the EIS with entities in the affected community, specifically community boards, community superintendents, and members of the PEP, six months before the start of the next school year.⁴⁹

On March 26, 2010, the court held that the Department failed to comply with the state education law; ordered the votes to close the 19 schools null and void; ordered the Department to re-issue EIS for those schools; and prohibited them from closing the schools affected the by the decision until the respondents comply with the law,. On July 1, 2010, the Appellate Division, First Department affirmed the lower court's decision.

d. Metrics and Tools that Inform Closure and Co-location Decisions

Standards for school closings and co-locations are not clear or consistent. Regarding closing the policy states, “[t]he Chancellor will consider immediate closure of any school with a Progress Report grade of F and a Quality Review score of less than Proficient” – however the Chancellor reserves the right to close schools “where deemed appropriate.”⁵⁰ While the basic standard articulated for closures is an F on the Progress Report and a Quality Review of less than proficient, the Department also spells out that schools that receive an F or a D on progress report, or a C three years in a row, can be “subject to school improvement measures and target-setting.”⁵¹ This can be followed by a “possible leadership change” and can lead to “restructuring or closure”—“if no progress is made over time.” The EIS did not provide sufficient documents to allow PEP members, parents and other interested parties to judge whether the Department satisfied its standards.

Although there is no separately articulated policy for co-location decisions, the Department's decisions are guided by the city-wide standard for assessing capacity within Department buildings – the Enrollment-Capacity-Utilization Report (“Blue Book”) and the New York City Department's Instructional Footprint (“Footprint”), which many school administrators and parents have argued are outdated and inaccurate.⁵² These documents do not provide sufficient

⁴⁸ *Id.* at 7.

⁴⁹ *Id.*

⁵⁰ Children First Statement to Principals available at: http://schools.nyc.gov/NR/ronlyres/732BDC3F-01C8-416F-9414-ABBAE719B591/24798/CHILDRENFIRSTSTATEMENTOFPERFORMANCETERMS_FINAL_Jun.pdf

⁵¹ See Educational Impact Statement for the Choir Academy of Harlem; see also DOE Office of Accountability documents <http://schools.nyc.gov/Accountability/tools/rewards/default.htm>

⁵² *New York City Department of Education: The NYC Department Instructional Footprint for assessment for Department Buildings* (2009), http://schools.nyc.gov/NR/ronlyres/8CF30F41-DE25-4C30-92DE731949919FC3/65901/NYC_DEPARTMENT_Instructional_Footprint_revisedMay2009_noco.pdf

guidelines about their decision-making process to allow stakeholders to evaluate the Department's decision-making standards.

The Department's Office of Accountability began grading all schools in 2006 through Progress Reports and Quality Reviews. Progress reports grade schools on a scale of A – F, quality reviews rank schools based on qualitative measures through site visits on a scale of “Underdeveloped” to “Well-Developed.”

i. Standards Applicable to Closures

The Department publicizes three slightly different standards for assessing improvement and closure – the Children's First Statement,⁵³ the Department's Office of Accountability Statement⁵⁴ and the EIS.⁵⁵ While these standards are similar they are not identical and all three emphasize that “school improvement measures” will be implemented prior to schools being closed. The lack of standardization in these statements makes it hard for parents and members of the education community to determine which standard governs school closure decisions. Further, the Department's progress report grading system has evolved dramatically over time with

⁵³ The first standard is contained in the Department's Children's First statement to principal, which provides that “the Chancellor will consider immediate closure of any school with a Progress Report grade of F and a Quality Review score of less than ‘Proficient.’” Whereas, other schools with a Progress Report grade of F and schools with a Progress Report grade of D (or of C for three years in a row) are subject to target setting and improvement planning. If those schools do not improve, the Department can also change school leadership (subject to the provisions of applicable contracts and legal requirements), restructuring or closure. *New York City Department of Education: Children First Statement of Performance Terms*. (2008); http://schools.nyc.gov/NR/ronlyres/732BDC3F-01C8-416F-9414-ABBAE719B591/24798/CHILDRENFIRSTSTATEMENTOFPERFORMANCETERMS_FINAL_Jun.pdf

⁵⁴ The Department's Office of Accountability Statement, however, states that “[s]chools that receive an overall grade of D or F will be subject to school improvement measures and target setting and, if no progress is made over time, possible leadership change (subject to contractual obligations), restructuring, or closure. The same is true for schools receiving a C for three years in a row.” *New York City Department of Education, Rewards and Consequences*, <http://schools.nyc.gov/Accountability/tools/rewards/default.html>

⁵⁵ Under the Department's accountability framework, schools that receive an overall grade of D or F on the Progress Report and a score below “Proficient” on the Quality Review are subject to school improvement measures and target-setting and, if no progress is made over time, possible leadership change (subject to contractual obligations), restructuring, or closure. The same is true for schools receiving a C for three years in a row and for schools that the Chancellor has determined lack the necessary capacity to improve student performance.... Additional factors contributing to decisions regarding school closure or phase-out include demand for the school's services, structural factors such as principal tenure and special population concentration, comparative quality of existing options, and potential replacement options.” Quality Review: Department of Education (2009-2010), <http://schools.nyc.gov/Accountability/tools/review/default.htm>; Education Impact Statement: *Proposal for Significant Change in the Utilization of the Building M501: Grade Truncation of Choir Academy in Harlem (05M469) and Co-location of The New School, 05M436 with Existing Schools in M501 (2009)*; http://schools.nyc.gov/NR/ronlyres/F004_3783_-8608-433C-855E-99228622A268/73626/05M469_ChairAcademy_EIS6.pdf

Kolodner, Meredith. *Uncharted territory: Success Academy riles another Harlem school with plans to move in next fall*. New York Daily News, January 8, 2010 available at http://www.nydailynews.com/ny_local/education/2010/01/08/2010-01-08_uncharted_territory_success_academy_riles_another_harlem_school_with_plans_to_move_in_next_fall.html. *Public School 15 in Brooklyn one of many struggling against charter schools*. New York Daily News, January 20, 2010 available at http://www.nydailynews.com/n_local/education/2010/01/20/2010-01-20_paving_way_over_bklyn_school.html

variations in the distribution of letter grades from year to year, which also makes it hard to measure a school's progress over time and to determine whether closure is warranted.

The Department also performs Quality Reviews of each school annually, which may be helpful in assessing a school's strengths and weaknesses. The Quality Reviews entail two to three day long site visits by Department lead reviewers during the school year. The visits include meetings with faculty and staff. Review teams assess information about the school's context, leadership, and programs, how the administration uses data systems to effect student learning, assess strengths and weaknesses of the school, assess how consistent the school is with Department's evaluation criteria, planning and goal setting, capacity to improve, and other factors.⁵⁶ The quality review statements include a brief explanation of each measure and each factor receives a grade of underdeveloped, underdeveloped with proficient features, proficient, or well-developed. Each measure is individually graded and the school is given an overall quality review score.

ii. Analysis of Progress Report and Quality Review Scores from 2006-2008 for the Closing Schools

None of the schools proposed for closure satisfied the applicable closure standard of a progress report grade of F and less than proficient on the quality review. On the 2008-09 Progress Report grades the schools received mostly D's (12) and C's (7). However, on the Quality Review scores, most of the schools were rated as Proficient (11), a few were Underdeveloped with Proficient Features (4), and a few were Underdeveloped (3) – one school was not rated. In fact, in some Quality Review Statements, the Department noted that schools had improving graduation rates and student attendance.

A number of the Quality Review statements for these schools asserted that schools were on the right track and were demonstrating significant progress. For example, The Quality Review Statements stated for example, that:

- The Academy for Environmental Science School has “two state-of-the-art science labs and a fully functional and operational greenhouse on the roof . . . This year AESS took the first place award in the City's Envirothon for Manhattan schools, and placed third citywide.”⁵⁷
- At the Alfred E. Smith School, "an important indicator of the school's success is the way in which the majority of students leave school to take up a technical career immediately in their chosen area of endeavor. Many parents transfer their children from other schools where their education has faltered, and are delighted in the way that the school brings them back on track.”⁵⁸

These examples underscore the lack of clear, consistent and publicly understandable policies for making school closing decisions.

56 New York City Department of Education: Quality Review, <http://schools.nyc.gov/Accountability/tools/review/default.htm>

⁵⁷ Quality Review Report Office of Accountability 2008-09 for AES. Accessed online: July 21, 2010. Available at: http://schools.nyc.gov/OA/SchoolReports/2008-09/Quality_Review_2009_M635.pdf

⁵⁸ Quality Review Report, Office of Accountability 2008-09 for Alfred E. Smith. Accessed online: July 21, 2010. Available at: http://schools.nyc.gov/OA/SchoolReports/2008-09/Quality_Review_2009_X600.pdf

A full summary of the Progress Reports and Quality Reviews for schools proposed for closure is contained in Appendix 1.

iii. Standards Applicable to Co-locations

While schools slated for co-location also are subjected to progress report and quality review assessment, that analysis is not the sole determining factor in making co-location decisions. Instead, the Footprint is the guiding document. The Footprint represents a minimum space allocation and, where possible additional space that could be utilized. These space utilization decisions are made by the Department, the City’s School Construction Authority and other key stakeholders by analyzing enrollment trends, at the city, district, and building level; a review of building utilization and usage; and on-site assessments.⁵⁹

In a recent survey of principals at schools reported as underutilized, over half replied that their schools are overcrowded.⁶⁰ This calls in to question the accuracy of the Department's space utilization calculation formula.

A full summary of the Progress Report and Quality Review scores for schools slated for co-location is contained in Appendix 2.

iv. The Need for Clear and Consistent Standards and Accountability

Given the significance of these decisions and any resulting confusion from conflicting standards, it is important that the Department articulate and follow clear and consistent standards. While the Chancellor retains discretion to close schools, there is not a clear or consistent policy utilized for targeting these schools for closure or co-location.

The lack of a clear and consistent standard is seen in the large citywide fluctuation in Progress Report letter grades. Specifically, none of the schools proposed for closure met the articulated standard of an F and a Quality Review Score below Proficient. Furthermore, out of all the schools in the City, this year only three schools received an F on the Progress Report – and **none** of these were proposed for closure. By failing to establish and then follow clear standards, the Department undermines public confidence in the closure process.

There is also a significant discrepancy between Quality Review Statements that provide positive assessments of school programs and the determination that these schools have a “lack of capacity” to make significant progress. Co-locating schools involves complex issues that would benefit from policies designed to maximize positive relationships among co-locating schools and minimize disruption to any of the affected schools or their students.

4. Analyzing the Public Engagement Process for Closure and Co-locations

As previously mentioned, the Chancellor is required to prepare an EIS for any major change in school utilization—this includes both closings and co-locations. Analyzing and disclosing this information was intended to demonstrate the anticipated or likely educational and community impacts of the proposal. In order to allow the educational community to consider the impact of

⁵⁹ See *infra* footnote 59

⁶⁰ How Crowded Are Our Schools? Results from a Survey of NYC Principals.” May 20, 2008. Found at: http://www.classsizematters.org/principal_survey_report_final_4.08.pdf

these decisions, these documents should demonstrate how students and the community would be affected, assess what could happen to neighboring schools and the students at those schools, and analyze other significant indicators to demonstrate the ways that educational opportunities for students would improve as a result.

This section analyzes the EIS for the nineteen proposed school closures, as well as twenty EIS covering twenty-five of the sixty-six schools that the PEP approved for co-location during the 2010-2011 school year. The major finding from this analysis is that the Department utilized boilerplate language which did not meaningfully analyze the educational impact of the proposed decisions on students.

a. **Analyzing School Closures**

The inclusion of boilerplate language raises serious questions about how the Department formulates its decisions with respect to such important school utilization changes. The recent court ruling affirms this point, at least specifically to the EIS for school closures, stating that the Department “failed to provide adequate information regarding the ramifications of the proposed agency action on the community and the students.”⁶¹ Without comprehensive language justifying the educational impact of major school decisions, parents and schools lack sufficient information to meaningfully participate in the decision-making process.

Most of the EIS provide the quantitative information prescribed by law, i.e. enrollment and estimated enrollment; type, age, condition of building; maintenance and energy costs. They fall short in providing the qualitative analysis to demonstrate the impact on students, schools and the community. Further, not one EIS articulated a clear plan for the educational improvement for the affected students.

Specifically in regards to the EIS for school closures, the statements contained no analysis of what the impact of closing these schools and losing these programs would be on students. In five of the EIS for school closures the Department explicitly stated that the school did not meet the standard for closure. There was only one school in which the Department stated the school was “eligible for phase-out in accordance with the criteria set forth by the Department.”⁶² In each EIS, the Department stated that “decisions about the consequences a school will face are based on the school’s Progress Report grades, Quality Review scores, and a variety of other factors.”

Additional factors contributing to decisions regarding school restructuring, closure, or phase-out found in the EIS include the demand for the school’s services, structural factors such as principal tenure and special population concentration, comparative quality of existing options, and potential replacement options” – however, the Department failed to provide any detail on these “additional factors” or to explain how they were actually used in the decision to close any of the

⁶¹ *Mulgrew*, WL 1655440 at pg. 28 EIS “fails to provide adequate information regarding the ramifications of the proposed agency action on the community and the students.”

⁶² Norman Thomas is eligible for phase-out in accordance with the criteria set forth by the DOE. *Education Impact Statement: Proposal for a Significant Change in the Utilization of School Building M620: The Phase-out and Eventual Closure of Norman Thomas High School (02M620) and Co-Location of Two New Schools, 02M427 and 02M432, in M620 (2009)*, <http://schools.nyc.gov> (search Norman Thomas EIS).

schools. In addition, a number of EIS failed to fill out at least one section and four EIS did not explain plans for the building.

b. Co-locations: Space Utilization vs. Educational Impact

Looking specifically at the EIS for co-locations, the Department asserted in thirteen out of the twenty EIS analyzed that the change will “provide high quality school options”⁶³ without a methodical description as to how these schools will in fact “provide high quality education” to their districts. The Department also used this statement for six new schools without any substantiation in the form of curriculum or performance data, as well as to describe schools that are currently reconfiguring their grades.⁶⁴

In addition to relying heavily on boilerplate language, the EIS did not address how the proposed changes would impact other educational variables, such as art and music space, afterschool programming, early education programs, physical education space and other valuable school resources. The availability of such programs are not only valuable programs to children, but in the case of art, music and physical education are mandated by New York State law.⁶⁵

While the EIS for co-locations focuses on the underutilization of space and increased seat capacity at schools, the Department did not conduct a thorough analysis addressing the educational impact of such changes at the affected schools. Although space should be a key variable in the assessment of proposed co-locations, other critical factors should also be examined, such as non-mandated and mandated school programs, such as arts and physical education.⁶⁶ In the few cases when the Department’ EIS did address these issues,⁶⁷ the EIS still

⁶³ Educational Impact Statement: *Grade Expansion of Girls Preparatory Charter School of New York (84M330)* (2010), <http://schools.nyc.gov> (search Girls Prep EIS).

⁶⁴ Education Impact Statement: *Co-location of Democracy Prep Charter School 2 with Existing Schools in M092* (2010) <http://schools.nyc.gov> (search P.S.92 Mary McLeod Bethune EIS), Amended Educational Impact Statement: *Co-loation of Two Grade Levels of Bronx Success Academy 1 with P.S. 30 in School Building X030* (2010) <http://schools.nyc.gov> (search P.S. Wilton School EIS), Amended Educational Impact Statement: *Co-location of Two Grade Levels of Harlem Success Academy 5 Charter School with P.S. 123 in School Building M123* <http://schools.nyc.gov> (search P.S. 123 Mahalia Jackson EIS), Educational Impact Statement: *New Charter School Siting: Lefferta Garden Charter School Siting in 17K092* <http://schools.nyc.gov> (search P.S. K. Adrian Hegeman), Educational Impact Statement: *Co-location of Metropolitan Lighthouse Charter School with an Existing School in School Buildings X093 an X893* <http://schools.nyc.gov> (search P.S. 93 Albert Oliver EIS), Educational Impact Statement: *Co-location of Bronx Success Academy 2 with P.S. 146 in School Building X146* <http://schools.nyc.gov> (search for P.S. 146X Edward Collins EIS).

⁶⁵ N.Y. EDUC. Law § 803 (McKinney’s 2009), see also *New York City Department of Education: NY State Arts Requirement*, <http://schools.nyc.gov/offices/teachlearn/arts/nysartsrequirements.html> New York State Instructional Requirements for the Arts, available at http://www.cae-nyc.org/New_York_State_Instructional_Requirements_For_the_Arts (last visited July 21, 2010); see also State Profiles: New York (2010), <http://www.aahperd.org/naspe/publications/upload/New-York-profile.pdf>.

⁶⁶ *New York State Instructional Requirements for the Arts*, available at http://www.cae-nyc.org/New_York_State_Instructional_Requirements_For_the_Arts (last visited July 21, 2010); see also State Profiles: New York (2010), <http://www.aahperd.org/naspe/publications/upload/New-York-profile.pdf>.

⁶⁷ For example, in the EIS for the co-location of PAVE Academy and P.S. 15 states that “P.S. 15 is currently using 11 more full size classrooms than the minimum number allocated the school by the Footprint. To the extent that P.S. 15 is currently using this space to provide additional programming for students, such as arts and enrichment programming, and providing additional non-mandated services for students through partnerships with outside organizations, the continued co-location may impact how the school provides and accommodates such programs.”

did not address the educational impact these program changes would have on students. In addition to being a legal requirement in some cases, these critical programs play a major role in the educational outcomes for many students and are valued by families, teachers and the students.

Moreover, the section of the EIS that discusses shared space does not explicitly state how the spaces will be shared. Of the analyzed EIS, only one had a space plan developed by the participating schools. Of the nineteen remaining EIS for co-located schools, only seven explicitly state that the Department space planners would be present during the shared space conversation. Stating that a “shared space plan” is yet to be discussed by principals is insufficient to assess of the educational impact and does not give parents and community members the ability to comment on the shared space negotiation. Further, each school co-location is unique depending upon the particular school community, programs, facilities and student body. The EIS do not address why specific schools are a good match for specific buildings or what will be done to ensure a smooth and successful co-location between impacted schools.

Without properly assessing the utilization of space, the plan for shared space and the possible positive and negative effects of the closure or co-location on school programs, parents can only make assumptions about the effect of these proposed decisions instead of basing their decision on tangible facts as was intended by the law. Examination of the EIS for proposed school closings and co-locations reveals that Department did not undertake a serious effort to assess the educational impact of the closings. Enhancing the language of the EIS addresses a primary factor in the community and parental engagement process for major educational changes, but as the analysis of the public hearings and parent surveys show, the entire parental engagement process has room for improvement.

c. Parental Engagement in Major Educational Changes

Parents want to be involved in decisions regarding their children’s education and research shows that this involvement is integral to school improvement and quality education because parent and community ties are an essential element of rapid improvement of schools.⁶⁸ Parent advocacy and support also has a protective effect on children. The more families can speak out for children and support their progress, the better their children do, and the longer they stay in school.⁶⁹

Educational Impact Statement: *Extension to the Co-Location of PAVE Academy Charter School (84K651) and P.S. 15 Patrick F. Daly (15K015)*, <http://schools.nyc.gov> (search PAVE P.S. 15 EIS).

⁶⁸ Penny Bender Sebring, et. al., *Consortium on Chicago School Research: The Essential Supports for School Improvement* (2006), <http://ccsr.uchicago.edu/publications/EssentialSupports.pdf>; Anthony S. Bryck, *Organizing Schools for Improvement: Lessons from Chicago* (2010)

<http://ccsr.uchicago.edu/publications/OrganizingSchoolsPressRelease.pdf>; See generally Michael Fullan & S. Steigelbauer, *The New Meaning Of Educational Change*. (New York: Teachers College Press 1991) (1982); Levine and Lezotte, *Unusually Effective Schools: A Review and Analysis of Research and Practice* (The National Center for Effective Schools Research 1990) (1990). C.S.Purkey & M.S. Smith, *Effective Schools: A Review*, *Elementary School Journal* 1983) (1983).

<http://ccsr.uchicago.edu/publications/OrganizingSchoolsPressRelease.pdf>; See also Fullan and Stiegelbauer 1991; Levine and Lezotte 1990; Purkey and Smith 1983.

⁶⁹ *An Informed Approach to Parent Involvement: Research Findings* (2002) (2002), http://www.georgiapta.org/documents/Parent_Involvement_Pamphlet.pdf

The importance of fostering parental engagement was also central to the bill's sponsors during the 2009 reauthorization of the law. Specifically, Speaker of the Assembly, Sheldon Silver said "[t]here has to be a process for parental input into the system...there should be a place where a parent can be involved who wants to be involved in their education and that's what's lacking in the current system."⁷⁰ This sentiment was echoed by the bill's Senate sponsor, Senate President Pro Tempore Malcolm A. Smith who said when the bill passed: "[d]elivering a quality education for all our children is a moral imperative. Establishing greater avenues for parental input in our schools will better prepare students to contribute as our next generation of thinkers, workers and leaders. The more engaged parents are, the better an education our children receive."⁷¹

d. Public Hearings

As required by law, the Department held hearings for every school where a significant change in utilization was proposed. The Department created an EIS, provided public notice, and prepared a brief analysis of public comments. Procedurally, the school-based public hearings began with a Department representative providing introductions and describing the hearing format. This was followed by a Department official reading a prepared statement which provided few details about the schools, but instead focused on the Department's strategy for closing schools and opening new smaller schools, and its decision to phase-out the school based on test scores, learning environment survey results, demand for seats, and other factors. Then school officials and the members of the school district's community were allowed to speak, followed by statements from elected officials and finally members of the public. Following the hearings, the Department made transcripts for the school-based hearings for all of the proposed closures publicly available, but of the twenty EIS for co-locations reviewed only one transcript was available.

e. Analysis from the Hearings

Community feedback indicates that many viewed this process more as a procedural hoop than as an opportunity for meaningful engagement to revise and improve the proposals. This sentiment was also expressed by the trial court in Mulgrew v. the Board of Education of the City School District of the City of New York, Supreme Court which stated that the Department trivialized public participation.⁷²

Many parents expressed that local schools played a vital role in their communities and that several schools had specific unique and successful aspects that should be preserved.⁷³ Further, there was a great deal of confusion about what "internal stakeholders" the Department had

⁷⁰ Silver in No Rush on Mayoral Control. 5/27/2009.

<http://www.nydailynews.com/blogs/dailypolitics/2009/05/silver-in-no-rush-on-mayoral-c.html#ixzz0qqSZ2KVb>

⁷¹ citation to smith needed

⁷² *Mulgrew v. Board of Educ. School Dist. of New York*, 902 N.Y.S.2d 882, 889

⁷³ For example, at the Academy of Environmental Science students cited the Envirothon environmental competition between schools, roof-top garden, the math club, College for Every student, after-school programs, and free tutoring. New York City Department of Education: Office of Portfolio Planning, Academy of Environmental Science: January 5, 2009, www.schools.nyc.gov (search for Academy of Environmental Science School Closure Hearing)..

consulted, what the consultation with the stakeholders entailed, how the process was going to be conducted and what constitutes sufficient progress in order for a school to remain open.⁷⁴

Parents also expressed concerns that the PEP, Chancellor and other Department officials were unresponsive to students' or parents' concerns both at the school-based hearings and at the January 26, 2010 PEP meeting where the PEP considered the school closures. The lack of response from many of the PEP members caused Manhattan Borough President Stringer's appointee Patrick Sullivan to implore members to respond to the concerns voiced by parents and the public.⁷⁵

At this PEP meeting, despite major protests and parent feedback, every school closure proposal, except for one, was approved by the PEP. The only proposal where the Department responded to feedback and significantly changed the proposal was at Alfred E. Smith Vocational High School where the Department modified its proposal to close the entire school and save a unique automotive program. The Supreme Court noted that "[t]he decision of respondents to alter their plans to close the Alfred E. Smith Career and Technical Education High School, however, underscores the importance of community input in the decision-making regarding school closures."⁷⁶

Though the Chancellor and City asserted that the Department sufficiently addressed the public input requirements, the process should be a real dialogue, including by the Department responding to questions, comments, alternate proposals from parents and ultimately a resolution that best suits students' learning and education.

The law requires public input including a joint hearing with the SLT and the CEC. The Department's entire approach to the process communicated a disregard for parent and community concerns.

5. Parental Engagement in Other Cities

Nationwide trends of best practices focus on breaking down barriers to parental involvement by utilizing already-existing parent and community organizations at each individual school-site to empower parents and by providing flexible alternatives to attending vital school-site hearings.

Failing to engage parents until later in the decision-making process has led to ineffective parental engagement strategies in mayoral-controlled school districts nationwide. The authors reviewed the parental engagement processes for major school utilization changes in Chicago, Boston and Washington D.C. – large urban cities with mayoral control education governance structures. In Chicago and Boston, the research shows that parent advisory councils leave little room for parent input because they do not engage parents in discussions regarding school closures and co-

⁷⁴ *Id.*

⁷⁵ *Brouhaha in Brooklyn: Live-Blogging the PEP's School Closure Vote: 2:59 a.m.*, GothamSchools, January 26, 2010, <http://gothamschools.org/2010/01/26/brouhaha-in-brooklyn-live-blogging-the-peps-school-closure-vote/>

⁷⁶ *Mulgrew v. Board of Educ. School Dist. of New York*, 902 N.Y.S.2d 882

locations until after the plans are developed.⁷⁷ Likewise, the school district in Washington D.C. has not engaged parent advisory boards in the closure and co-location process at all.⁷⁸ Unfortunately, this research did not provide the authors with any best practices for implementation in the City.

Based on the analysis of EIS and results of the parent survey, the authors conclude that the City needs to empower parents by utilizing parent communication strategies already in-place at the school-site level and by providing flexible alternatives to attending school-site hearings, which would ensure greater transparency and ensure that parents feel engaged in the policy decision-making process from its inception.

One school-site communication strategy already in place – the SLTs and CECs – could act as a vehicle of collaborative action in the policy decision-making process if the independent parent outreach and training center is funded and effectively implemented. Proper parent engagement training is vital to ensuring that diverse parent groups are aware of and understand the importance of participating in the SLTs and CECs and that parent engagement is tailored to the needs of each individual family.

In order to meet the needs of a diverse parent base, the Department should provide flexible alternatives to attending school-site hearings in order to ensure transparency in the policy decision-making process. Finally, ensuring that all parents have access to the EIS by posting hard copies at school-sites and in school communities will provide parents with greater access to vital policy decisions.

6. Engagement the Parent's Way – Inside the Parent Survey

As previously mentioned, the report authors conducted a survey to ascertain how well-informed parents were about the proposed major school changes, as well as their level of engagement in the decision-making process established under the 2009 reforms to the mayoral control law. The key results of the survey which are discussed in greater detail below were used to analyze the implementation and effectiveness of the new community engagement requirements. In addition, the survey results provided the drafters with a baseline assessment of parent engagement to allow further tracking and study about how to continue to improve the process going forward.

Overall, while this year there was more information publicly available about the school change proposals than in years past, parents overwhelmingly felt that the process for engaging them in the process could be improved. Parents felt uninformed as to the specific ways in which the proposed changes would affect their children's schools and felt frustrated that the Department did not address their specific issues and concerns regarding the changes. Most parents said that having access to more detailed, specific information would improve their ability to be involved in the process.

⁷⁷ Phone Interview with John Mudd, Senior Project Director, Massachusetts Advocates for Children, 7/15/10; Phone consultation with Dr. Donald Moore, Executive Director, Designs for Change 7/19/10

⁷⁸ *New Guidelines for School Advisory Boards DRAFT*

<http://dcps.dc.gov/DCPS/Files/downloads/COMMUNITY/DCPS-LSRT-Guidelines-DRAFT-5-11-10.pdf>

a. Methodology

Specifically, the report analyzes the language utilized in the EIS for the nineteen schools slated for closures in the 2010-2011 school year, as well as twenty-five out of the sixty-six schools slated for co-location in the 2010-2011 school year.⁷⁹ The authors looked for common language in the EIS, and examined the EIS through the lens of the court rulings challenging the school closures. In addition, the authors examined public hearing transcripts to assess the Department's responsiveness to parents' questions and concerns. Analysis of the EIS and hearings provided essential insight into responses to the parent survey.

The authors collected parent surveys from thirty-four of the sixty-six schools the PEP voted to co-locate or re-site beginning at the start of the 2010-2011 school year. This sample excluded schools that the PEP voted to close, co-located schools scheduled to begin matriculation during the 2010-2011 school year, schools that are moving into new facilities, and schools that began phasing-out prior to the 2009-2010 school year were not included in the survey.

Survey collection was divided proportionally between schools proposed for co-location and re-siting. Survey collection surpassed 5% of school enrollment at twenty-five of the sixty-six schools being co-located. Schools from each of the four affected boroughs were represented in the survey as well. In total, the drafters collected a total of 1,022 survey responses, of those, 148 responses were not included in the analysis because they were from parents at schools not included in the survey. This analysis includes results from 873 completed surveys.

The authors utilized a written survey instrument to gauge the level of parental engagement in the Department's decision to co-locate or re-site schools. The survey instrument included eleven questions, nine of which had multiple choice answers. One question explicitly asked the name of the child's school and the last question was a free response section for general recommendations about the closure, co-location and siting process.

A full copy of the survey instrument is included in Appendix 3.

In addition to being available online, the voluntary surveys, available in English and Spanish, were administered in person during twenty-five shifts over a six week period beginning on April 21, 2010 and ending on June 2, 2010. For each shift, staff and volunteers spent approximately an hour at the affected school site during high traffic times, such as the beginning and end of the school day, for a total of eighty-three hours of survey collection. As a part of their outreach, trained outreach team members from the Public Advocate's Office and AQE sought feedback on a voluntary basis from parents outside of schools proposed for co-location. Outreach workers asked parents if they were interested in filling out a survey, and if parents did not have time they

⁷⁹ The EIS for co-locations were selected based on those schools where survey responses surpassed 5% of school enrollment. In determining the scope of the survey, the drafters initially included all schools proposed for closure, co-location, or re-siting which were subjected to an EIS assessing the proposed changes, and were voted on by the PEP between January and May 2010. However, the drafters decided to exclude the nineteen schools. schools that the PEP voted to close from the survey results due to litigation challenging the validity of the process for closing such schools and the PEP's vote, as well as due to an insignificant statistical sample

were given a flier with the link to fill out the survey online.⁸⁰ All members were trained to use neutral language when soliciting parent participation, so as not to bias the participants' answers.

The method of data collection used for this report was unscientific. Most of the forty-two schools from which at least one parent responded to the survey were elementary schools. The survey data is mostly drawn from parents who were able to pick their children up at school in the early afternoon. In addition, this sample is limited to those parents who were interested or understood the importance of responding. The parents who took the survey online or mailed in surveys elected to do so and were not randomly selected.

The full survey results are contained in Appendix 4.

b. Survey Findings

The survey results show that respondents did not believe that the parent engagement process was lacking in many respect – with 70% parents stating that the process for engaging parents in decisions to co-locate or re-site schools could be improved.

While the EIS was designed to give parents information about the Department's plans, a little less than half (44.8%) of parents at schools that are being co-located with another school in the fall were even aware of the EIS and only about a quarter of respondents (25%) reported having seen the EIS for their child's school. Of the 25% of respondents who actually saw an EIS, 50% requested a more detailed EIS and 60% expressed that they would like to receive more detailed information about specific changes to school programs and resources.

Specific to the parent engagement process, the majority of parents (51%) expressed that the process was too short – stating specifically that they would like more opportunities to comment on the changes. Parents also responded that there was insufficient information provided in the EIS to allow them to understand the actual impact of the Department's proposed changes on schools and their existing programs and space. In particular, parents suggested that the process be improved by: (i) schools should conduct informational meetings to discuss the EIS with members of the school community prior to the "official" hearings (43%); and (ii) parents wanted a summary of the changes to be sent home with all students (42%).

42% of respondents reported that they had not been informed about how the proposed changes would affect particular programs at the school such as pre-kindergarten, arts and music education. Parents did not feel well-informed about the specific ways in which the changes would impact their child's school and their child's education. Parents reported that there could be an impact on their child's school's access to: the auditorium (35.1%), cluster rooms (44.2%), cafeteria (43.1%), gymnasium (40.7%), and classroom space (40.9%).

In addition to not having access to the details and specifics that would enable parents to be more engaged in the decision-making process, such as the impact on specific student populations like English Language Learners and students with special needs, existing programs, class offerings,

⁸⁰ Office of the Public Advocate and Alliance for Quality Education, *Survey of NYC Parents of closing, co-locating, or moving schools*, <https://www.surveymonkey.com/s/NYCParentSurvey>

and space utilization, less than 20% of respondents felt that their specific concerns or issues had been adequately addressed and resolved by the Department. Over half (51.5%) of the parents surveyed did not believe the Department had adequately addressed their questions about the planned co-location. 52% of parents said the DOE did not address questions about proposed school changes.

7. **RECOMMENDATIONS AND CONCLUSION**

1. ***Provide meaningful Educational Impact Statements.*** The EIS must be modified to include detailed analysis of potential effects of the closures and co-location, including: safety issues; impact on instructional time; impact on instructional space, such as gyms, cluster rooms, cafeterias and auditoriums; and plans to guarantee the provision of physical education and arts education programs. In addition, the EIS should include a comprehensive assessment of existing instructional services at affected schools, potential impact that the co-location will have on these programs, and plans to provide for their continuance or replacement with similar programs, if necessary. When the co-location is temporary, the EIS should also provide specifics of when and how the school will move out. In addition, the State Legislature should amend the law to explicitly specify that the EIS include an analysis of the effect of the proposed school change on students who are English language learners, students with disabilities, on closing the achievement gap; and on other schools within the affected district. For co-locations, the law should be amended to ensure that EIS address access to common facilities, gymnasiums, and cluster rooms.
2. ***Create school building councils.*** The Department should require all schools slated to share space to create permanent School Building Councils comprised of school administrators, staff and parents. These councils can be modeled after the Building Councils recently established in State law as a part of the Race to the Top amendments reform package. The new councils will evaluate space decisions for co-locations involving traditional public schools and charter schools in the same facility. The building councils should negotiate a memorandum of understanding in advance of a proposed co-location specifying exactly which rooms each school will use, and the schedule of usage for common spaces such as the cafeteria, gymnasium, or library.
3. ***Ensure greater transparency, access to information and opportunities for involvement.*** Make the EIS more widely available at schools and the process more transparent, including by posting transcripts of all public hearings online, and webcasting school-based public hearings and PEP meetings.
4. ***Improve the process of obtaining parent and community feedback.*** Prior to holding the “official” joint school-based hearings organized by the SLTs, CECs and the Chancellor, schools should conduct informational meetings to discuss the EIS with members of the school community. These meetings will provide parents opportunities to review and discuss the proposed changes, as well as hopefully have their questions and concerns addressed. Also, the Department must work collaboratively with the affected CECs and SLTs to conduct the joint school-based hearings required by the law.

5. ***Do not hinder school growth.*** The Department should refrain from implementing co-locations that require schools currently not slated for closure to reduce enrollment or to scale back expansion plans that are already in progress.
6. ***Develop uniform standards for co-location and closure decisions.*** The Department should develop, make publicly available and utilize clear and consistent standards for its decisions regarding co-locations and closures.
7. ***Study the impact of closures and co-locations before proposing additional major school utilization changes.*** The Department should delay proposing new closure and co-locations for a period of up to six months to allow sufficient time for an independent analysis of the impact on students of closures and co-locations is completed.
8. ***NYSED and State Legislature should monitor City's compliance with current law and modify if necessary.*** The New York State Education Department and the State Legislature should monitor the Department's compliance with current law. The State Legislature should amend the law, as necessary, to incorporate necessary changes.
9. ***Parents need training to effectively participate in the public engagement processes.*** In addition, the report recommends that the Department and the State Senate fund and implement the independent parent outreach and training center that was agreed upon in 2009. This center is vital to training parents and providing them with the skills they need to be effective participants in School Leadership Teams and Community Education Councils, and to be effective advocates for their child's education, including in decisions involving major school changes.
10. ***Provide parents with meaningful feedback about rationale for major school changes.*** School-based hearings must provide parents opportunities to receive meaningful feedback about their questions and concerns, either at the hearing or within a reasonable time period after the hearing and before the PEP vote.

If school closings and co-locations are not well-planned and coordinated, it could have detrimental impacts on students' access to instructional services that depend on the use of common facilities such as gymnasiums, science labs and cluster rooms. Accordingly, if the Department does not implement proposed changes to improve the process to implement school changes, the State Legislature and the State Education Department should act to explicitly strengthen the State Education Law's public engagement requirements to avoid harmful educational impacts.

Appendix 1 – Summary of Progress Reports and Quality Reviews for Schools Proposed for Closure

The chart below outlines the Progress Report and Quality Review scores for the schools that were slated for co-location.

SCHOOL	PR 2006	PR 2007	PR 2008	Quality Review Score for 2006-07	Quality Review Score for 2007-08	Quality Review Score for 2008-09
Academy of Collaborative Education	NA	C	D	Proficient	Underdeveloped	Underdeveloped
Academy of Environmental Science	C	C	D	Undeveloped	Underdeveloped w/ Proficient Features	Underdeveloped w/ Proficient Features
Alfred E. Smith Career and Technical Education	C	C	C	Proficient	Well Developed	Proficient
Beach Channel HS	C	C	D	Proficient	Proficient	Proficient
Business, Computer Applications, and Entrepreneurship HS	B	C	D	Proficient	Proficient	Underdeveloped w/ proficient features
Charles H. Houston	C	C	C	Proficient	Proficient	Proficient
Choir Academy of Harlem	D	C	D	Proficient	(None Given)	Proficient
Christopher Columbus	C	C	D	Proficient w/many well developed features	Proficient	Proficient
Frederick Douglass Academy III	B	D	C	Proficient	Well Developed	Proficient
Global Enterprise	B	C	C	Undeveloped	Underdeveloped w/ Proficient Features	Underdeveloped w/ Proficient Features
Jamaica HS	C	C	D	Proficient	Proficient	Proficient
KAPPA II	B	C	D	Proficient	Underdeveloped	Underdeveloped w/ Proficient Features
Maxwell HS	F	D	D	Proficient	Proficient	Proficient
Metropolitan Corporate Academy	C	C	D	Undeveloped	Underdeveloped w/ Proficient Features	Underdeveloped
Middle School for Academic and Social Excellence	B	C	C	Proficient	Underdeveloped w/ Proficient Features	Underdeveloped w/ Proficient Features
Monroe Academy for Business/Law	C	C	D	Undeveloped w/ many Proficient	Proficient	Underdeveloped

				Features		
New Day Academy	D (M)	C (M)	C (M)	Proficient	Proficient	Proficient
Norman Thomas HS	D	D	D	Proficient	Proficient	Proficient
Paul Robeson	C	C	C	Proficient, w/ Some well- Developed Features	Well Developed	Proficient
School for Community Research and Learning	C	B	C	Proficient	Proficient	NA/

Appendix 2 – Progress Report and Quality Review Scores for Schools Slated for Co-location

The chart below outlines the Progress Report and Quality Review scores for the schools that were slated for co-location.

SCHOOL	PR 2006	PR 2007	PR 2008	Quality Review Score for 2006-07	Quality Review Score for 2007-08	Quality Review Score for 2008-09
Girls Preparatory Charter School	-	N/A	A	N/A ⁸¹	N/A ⁸²	N/A ⁸³
P.S. 188 The Island School	A	A	A	-	Well developed	None conducted ⁸⁴
The Anderson School	A	A	A	-	Well developed	None conducted ⁸⁵
PAVE Academy Charter School ⁸⁶	N/A	N/A	N/A	N/A	N/A	N/A
P.S. 15 Patrick F. Daly	A	A	A	Proficient with well developed features	Proficient	None conducted ⁸⁷
P.S. 140 The Eagle School	C	B	A	Well developed	Well developed	None conducted ⁸⁸
Hamilton Heights School	-	-	A	-	-	Proficient
P.S. 153 Adam Clayton Powell	A	A	A	Well developed	Outstanding	Well developed
Clinton School for Artists and Writers	A	A	A	Underdeveloped	Proficient	None conducted ⁸⁹
The 47 American Sign Language and English Lower School	MS: F HS: F	MS: B HS: B	MS: N/A HS: A	-	Underdeveloped with proficient features	Underdeveloped with proficient features
Quest to Learn	-	B	C	-	Well developed	None conducted ⁹⁰
P.S. 30 Wilton	C	C	A	Proficient	Well developed	Proficient
P.S. 123 Mahalia Jackson	B	B	A	Well developed	Well developed	None conducted ⁹¹
P.S. 256 Benjamin Banneker	C	C	A	Proficient	Proficient	Proficient
Harlem Success Academy II Charter School ⁹²	N/A	N/A	N/A	N/A	N/A	N/A
P.S. 30 Hernandez/Hughes	A	B	A	-	Well developed	None conducted ⁹³
Explore Empower	N/A	N/A	N/A	N/A	N/A	N/A

Charter School ⁹⁴						
P.S. 214	B	B	A	Proficient	Proficient	Proficient
P.S. 134 George Bristow	C	C	A	Proficient	Proficient	Proficient
P.S. 284 Lew Wallace	C	D	A	Proficient	Proficient	Proficient
P.S. 92 Mary McLeod Bethune	C	B	B	-	Well developed	N/A
P.S. 92 Adrian Hegeman	C	B	A	Well developed	Well developed	N/A
P.S. 93 Albert G. Oliver	C	A	A	Underdeveloped	Proficient	None conducted ⁹⁵
P.S. 146 Edward Collins	B	A	A	Proficient	Proficient	None conducted ⁹⁶
The Goldie Maple Academy	N/A	A	A	Proficient with well developed features	Well developed	None conducted ⁹⁷

APPENDIX 3 – SURVEY INSTRUMENT



Public Advocate of the
City of New York



PARENT SURVEY

*Survey of Parents and Guardians of Students Attending Schools
Voted on for Closure, Co-Location or Re-Siting*

This anonymous survey is being conducted by the Office of the Public Advocate and the Alliance for Quality Education. Please answer this survey *only if* your child’s school was announced for co-location (another school will be placed inside your school’s building) or re-siting (your child’s school will be moved to another location) during the 2009-2010 school year. Please answer these questions in regard to your child’s school that is being co-located or re-sited.

1. Which school does your child attend?

2. How did you first find out that your child’s school had been identified for co-location or re-siting by the NYC Department of Education (DOE)?

- Notice posted at the school Notice Sent Home Friend /
Word of Mouth
- DOE / School Website News Media Report Other:

This is the first I am hearing about it (If you check this box, please skip to question 9)

3. Was there notice posted at your child’s school informing you that the school would be moved or that another school was being placed inside your school?

- Yes No Unsure/Do not remember Other

4. Do you believe that the DOE addressed your questions about the proposed school co-location or re-siting?

- Yes No Unsure

Other: _____

5. Has your school’s access to any of the following been impacted in order to make room for the new school? (Check all that apply)

- | | | |
|---|-------------------------------------|---|
| <input type="checkbox"/> Cluster Rooms (for Art, Music, etc) Labs | <input type="checkbox"/> Gymnasium | <input type="checkbox"/> Science |
| <input type="checkbox"/> Cafeteria Classroom Space | <input type="checkbox"/> Auditorium | <input type="checkbox"/> |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Don't Know | <input type="checkbox"/> Not Applicable |

6. The DOE is required to provide information on how educational programs currently available to students will be affected by the proposed re-siting or co-location. Did the DOE make it clear to you whether current students would continue to have access to educational programs despite the proposed re-siting or co-location at your child's school? (Examples could include: pre-kindergarten, special education, speech therapy, English as a Second Language, art and music)

- Yes No Unsure If yes, please specify which programs:

7. The DOE is required by law to release an Educational Impact Statement. The Educational Impact Statement is supposed to describe how a proposed school co-location or re-siting will affect students' access to educational programs. Did you know about or see the Educational Impact Statement?

- Yes, I saw the Educational Impact Statement
 I knew about the Educational Impact Statement, but did not see it
 No, I did not know about the Educational Impact Statement

8. Do you believe that the process for informing parents when schools are being moved or when a school is being placed inside an existing school, could be improved?

- Yes No Unsure Other

9. If you believe the process could be improved, which of the following would you recommend to make the decision-making process for school co-locations and re-sitings better (please select any that apply):

- A more detailed Educational Impact Statement
 More specific information about changes to school programs and resources
 More opportunities for parents to comment about the changes, such as online, or at school during drop-off and pick-up
 Distribution of a summary of the proposed changes in multiple languages
 Sending a summary of the proposed changes home with children for their parents to read
 Widely publicized meetings and hearings that parents can view online
 Meetings at school leading up to the hearing to give parents information about the proposed changes

- Require that DOE respond meaningfully to each parent comment individually
- Other: _____

Please provide any additional recommendations about the school co-location and re-siting processes:

**Please fill out this survey online at www.advocate.nyc.gov or return it to:
NYC Public Advocate, 1 Centre Street, 15th Floor, New York, NY 10007, or fax it to (212) 669-4701**

Appendix 4 - SURVEY RESULTS

1. Which school does your child attend?	Response Total	Percent of Survey Total
PS 284 Lew Wallace	35	4.0%
PS 30 Hernandez Hughes	25	2.9%
PS 138	1	0.1%
47, The American Sign Language and English Secondary School	5	0.6%
PS 347, The 47 American Sign Language and English Lower School	27	3.1%
PS 138 @M047	1	0.1%
PS 153 Adam Clayton Powell	76	8.7%
PS 214 Lorraine Hansberry Academy	49	5.6%
PS 15	21	2.4%
PAVE Academy Charter School	8	0.9%
PS 92 Adrian Hegeman	42	4.8%
PS 256 Benjamin Banneker	26	3.0%
PS 328 Phyllis Wheatly	4	0.5%
Computer School	1	0.1%
Anderson School	163	18.7%
PS 92 Mary McLeod Bethune	13	1.5%
St. Hope Leadership Academy Charter School	2	0.2%
PS 123 Mahalia Jackson	40	4.6%
PS 158 Bayard Taylor	6	0.7%
IS 59 Springfield Gardens	1	0.1%
Goldie Maple Academy	36	4.1%
PS 30 Wilton	59	6.8%
PS 93 Albert G Oliver	18	2.1%
PS 146 Edward Collins	22	2.5%
PS 134 George F Bristow	36	4.1%
PS 140 The Eagle School	33	3.8%
Girls Preparatory Charter School of New York	15	1.7%
PS 188 Island School	29	3.3%
IS 195 Roberto Clemente	1	0.1%
Quest to Learn	4	0.5%
Harlem Success Academy 2	17	1.9%
Clinton School for Artists and Writers	26	3.0%
Hamilton Heights Academy	21	2.4%
Explore Empower Charter School	10	1.1%
Total	873	100.0%

2. How did you first find out that your child's school had been identified for co-location or re-siting by the NYC Department of Education (DOE)?		
Notice posted at the school	143	16.4%
Notice Sent Home	296	33.9%
Friend / Word of Mouth	230	26.3%
DOE / School Website	27	3.1%
News Media Report	13	1.5%
This is the first I am hearing about it	125	14.3%
Other*	152	
Total (excluding "other")	834	95.5%
*Excludes respondents who entered one of the available choices into the free response space for "other". Such responses are included in the appropriate category.		
3. Was there notice posted at your child's school informing you that the school would be moved or that another school was being placed inside your school?		
Yes	308	35.3%
No	263	30.1%
Unsure/Do not remember	226	25.9%
Other*	6	0.7%
Total	803	92.0%
*excludes respondents who additionally responded "Yes", "No" or "Unsure/Do not remember"		
4. Do you believe that the DOE addressed your questions about the proposed school closure, co-location or re-siting?		
Yes	160	18.3%
No	450	51.5%
Unsure	162	18.6%
Other*	16	1.8%
Total	788	90.3%
*excludes respondents who additionally responded "Yes", "No" or "Unsure"		
5. If your child's school is being co-located with another school, has your school's access to any of the following been impacted in order to make room for the new school? (Check all that apply)		
Cluster Rooms (for Art, Music, etc)	386	44.2%
Gymnasium	355	40.7%
Science Labs	218	25.0%
Cafeteria	376	43.1%
Auditorium	306	35.1%

Classroom Space	357	40.9%
Don't Know	231	26.5%
Not Applicable	60	6.9%
Other	138	15.8%
6. The DOE is required to provide information on how educational programs currently available to students will be affected by the proposed closure, re-siting, or co-location. Did the DOE make it clear to you whether current students would continue to have access to educational programs despite the proposed closure, re-siting, or co-location at your child's school? (Examples could include: pre-kindergarten, special education, speech therapy, English as a Second Language, art and music)		
Yes	171	19.6%
No	365	41.8%
Unsure	237	27.1%
Total	773	88.5%
7. The DOE is required by law to release an Educational Impact Statement. The Educational Impact Statement is supposed to describe how a proposed school closure, co-location or re-siting will affect students' access to educational programs. Did you know about or see the Educational Impact Statement?		
Yes, I saw the Educational Impact Statement	220	25.2%
I knew about the Educational Impact Statement, but did not see it	155	17.8%
No, I did not know about the Educational Impact Statement	386	44.2%
Total	761	87.2%
8. Do you believe that the process for informing parents when schools are being closed, moved, or when a school is being placed inside an existing school, could be improved?		
Yes	611	70.0%
No	118	13.5%
Unsure	102	11.7%
Other*	7	0.8%
Total	838	96.0%
*excludes respondents who additionally responded "Yes", "No" or "Unsure"		
9. If you believe the process could be improved, which of the following would you recommend to make the decision-making process for school closures, co-locations and re-sitings better (please select any that apply):		

A more detailed Educational Impact Statement	398	45.6%
More specific information about changes to school programs and resources	496	56.8%
More opportunities for parents to comment about the changes, such as online, or at school during drop-off and pick-up	444	50.9%
Distribution of a summary of the proposed changes in multiple languages	233	26.7%
Sending a summary of the proposed changes home with children for their parents to read	367	42.0%
Widely publicized meetings and hearings that parents can view online	337	38.6%
Meetings at school leading up to the hearing to give parents information about the proposed changes	372	42.6%
Require that DOE respond meaningfully to each parent comment individually	321	36.8%
Other	103	11.8%

Appendix 5 - Schools Voted on for Co-Location Included in Survey

47, The American Sign Language and English Secondary School*
 Alfred E Smith Career and Technical High School
 Anderson School*†
 Bronx Haven High School
 Carl C Icahn Charter School IV
 Cinema School
 Clinton School for Artists and Writers*†
 Community Partnership Charter School
 Computer School*
 Eagle Academy for Young Men II
 Emolior Academy
 Explore Empower Charter School*†
 Girls Preparatory Charter School of New York*†
 Goldie Maple Academy*†
 Gramercy Arts High School
 Hamilton Heights Academy*†
 Harlem Success Academy 2*†
 High School for Excellence and Innovation
 High School for Language and Diplomacy
 Humanities Preparatory Academy
 IS 195 Roberto Clemente*
 IS 302
 IS 59 Springfield Gardens*
 IS 73 Frank Sansivieri Intermediate School
 James Baldwin School for Expeditionary Learning
 JHS 52 Inwood
 JHS 8 Richard S Grossley
 KIPP Infinity Charter School
 Landmark High School
 Leadership Preparatory Brownsville Charter School
 Manhattan Business Academy
 Mott Hall IV
 Mott Hall V
 Mott Haven Village Preparatory High School

MS 394
 PAVE Academy Charter School*†
 PS 123 Mahalia Jackson*†
 PS 134 George F Bristow*†
 PS 138*
 PS 138 @M047*
 PS 140 The Eagle School*†
 PS 146 Edward Collins*†
 PS 15*†
 PS 153 Adam Clayton Powell*†
 PS 158 Bayard Taylor*
 PS 186X
 PS 188 Island School*†
 PS 214 Lorraine Hansberry Academy*†
 PS 256 Benjamin Banneker*†
 PS 284 Lew Wallace*†
 PS 30 Hernandez Hughes*†
 PS 30 Wilton*†
 PS 328 Phyllis Wheatly*
 PS 347, The 47 American Sign Language and English Lower School*†
 PS 352X
 PS 753 School for Career Development
 PS 92 Adrian Hegeman*†
 PS 92 Mary McLeod Bethune*†
 PS 93 Albert G Oliver*†
 PS 94
 Quest to Learn*†
 St. Hope Leadership Academy Charter School*
 University Heights Secondary School
 Washington Irving High School
 West Prep Academy
 York Early College Academy

* Survey responses were collected from this school.

† Survey response rate surpassed 5% of enrollment.

**DRAFT
PRIVILEGED AND CONFIDENTIAL
FOR DISCUSSION PURPOSES ONLY**

Appendix 6 – Analysis of Co-location Hearings

School	EIS Release→Hearing	Hearing→ PEP Vote
PS 214 Lorraine Hansberry Academy	Approx. 4 weeks	2 days
PS 284 Lew Wallace	Approx. 4/6 weeks	2 days
PS 123 Mahalia Jackson	3 days	8 days
Goldie Maple Academy	Approx. 2 weeks	19 days
PS 256 Benjamin Banneker	Approx. 4 weeks	15 days
PS 92 Adrian Hegeman	Approx. 6 weeks	2 days
PS 153 Adam Clayton Powell	Approx. 2-3 weeks	15 days
PS 30 Hernandez Hughes	Approx. 6 weeks	2 days
PS 188 Island School	Approx. 4 weeks	13 days
Hamilton Heights Academy	Approx. 2-3 weeks	15 days
Clinton School for Artists and Writers	Approx. 5 weeks	5 days
PS 30 Wilton	Approx. 4 weeks	8 days
PS 347/The 47 American Sign Language and English Lower School	4/6 days	12 days
Anderson School	Amended release and hearing coincide	7 days
P.S.146 Edward Collins	Approx. 4 weeks	15 days
P.S.92 Mary McLeod's Bethune	Approx. 6 weeks	2 days
Harlem Success Academy 2	Approx. 6 weeks	2 days
P.S.93 Albert Oliver	Approx. 6 weeks	2 days
P.S.134 George F. Bristow	Approx. 4-6 weeks	2 days
P.S.15	Approx. 3 weeks	6 days
P.S 140 Eagle School		
Quest to Learn	Approx. 5 weeks	12 days
Girls Preparatory Charter school of New York	Approx. 4 weeks	13 days
PAVE Academy Charter School	Approx. 3 weeks	6 days
Explore Empower Charter School	Approx. 4 weeks	15 days