

Public Comment Analysis

Date: December 15, 2015

Topic: The Proposed Consolidation of P.S. 137 John L. Bernstein (01M137) with P.S. 134 Henrietta Szold (01M134) in Building M134 Beginning in the 2016-2017 School Year

Date of Panel Vote: December 16, 2015

Summary of Proposal

On October 30, 2015, the New York City Department of Education (“DOE”) posted an Educational Impact Statement (“EIS”) proposing to consolidate P.S. 137 John L. Bernstein (01M137, “P.S. 137”), an existing elementary school that currently serves students in kindergarten through fifth grades and a pre-kindergarten program, with P.S. 134 Henrietta Szold (01M134, “P.S. 134”), an existing elementary school serving students in kindergarten through fifth grades and a pre-kindergarten program, in building M134 (“M134”), located at 293 East Broadway, New York, NY 10002, beginning in the 2016-2017 school year.

The DOE is proposing to consolidate P.S. 137 with P.S. 134 because both schools have struggled with low enrollment, which creates budgetary and programmatic challenges. A “consolidation” means that two or more existing school organizations are combined into one school to operate and serve students more effectively. If this proposal is approved, P.S. 137 and P.S. 134 will be combined such that students, staff, and resources of P.S. 137 will become part of P.S. 134, and P.S. 137 will no longer exist as a distinct school option as of the 2016-2017 school year.

P.S. 137 and P.S. 134 are currently co-located in building M134. A “co-location” means that two or more school organizations are located in the same building and may share common spaces like auditoriums, gymnasiums, and cafeterias. Building M134 also houses two community-based organizations (“CBOs”), Henry Street Settlement and University Settlement. If this proposal is approved, Henry Street Settlement and University Settlement will continue to provide services and maintain their space in building M134.

The New York State Education Department (“SED”) assigns an accountability status to each district school—Good Standing, Local Assistance Plan, Focus, or Priority. P.S. 134 is identified as a school in Good Standing, and P.S. 137 is identified as a Local Assistance Plan (“LAP”) school. Schools are identified as LAP for having a subgroup of students that fail to make progress in English Language Arts, Math, Science or high school graduation rates for multiple years; having large and increasing gaps in performance between specific subgroups of students; or, for schools not located in a low-performing district, having a subgroup perform at or below the benchmark used for low-performing districts. Schools can be identified as LAP any year. If this proposal is approved, the newly consolidated school would not inherit the state accountability status of P.S. 137. Rather, P.S. 134’s state accountability status of Good Standing would remain.

The DOE is proposing to consolidate P.S. 137 with P.S. 134 based primarily on the benefits students would derive from the additional resources made available by consolidating the two school organizations into one. If this proposal is approved, students attending the consolidated P.S. 134 will have access to a wider variety of academic and enrichment opportunities, interventions, and other supports that would not be financially feasible for either individual school to offer in the absence of a consolidation. In addition to increased resources, the consolidation will allow the schools to combine the strengths and best practices of each individual school into a single, larger organization.

This proposal has been developed by the District 1 Superintendent in conjunction with the principals of the consolidating schools and the school communities through a collaborative planning process. The need to address limited resources and low enrollment at P.S. 137 and P.S. 134 became evident over the course of conversations

between the District 1 Superintendent and the Principals of P.S. 137 and P.S. 134 as they sought to revitalize their schools. The consolidation of P.S. 137 with P.S. 134 will improve resources at the consolidated school and reduce the number of under-enrolled elementary schools in the district.

P.S. 137 and P.S. 134 are currently co-located in building M134. Collaboration between the P.S. 134 principal and the acting principal at P.S. 137 began during the summer of 2015 and has continued into the 2015-2016 school year. Presently the schools are sharing resources such as a speech room, an occupational and physical therapy room, and a teachers' cafeteria.

Building M134 has the capacity to serve a total of 652 students. If this proposal is approved, P.S. 134 will absorb the enrollment of P.S. 137 and will serve a projected 374-434 students in kindergarten through fifth grades and three sections of pre-kindergarten in the 2016-2017 school year. This will result in a total projected building enrollment of 374-434 students in M134, yielding a building utilization rate of 57%-67%. This proposal is not expected to significantly change the total building enrollment.

The details of this proposal have been released in an EIS which can be accessed here:
<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2015-2016/December2015SchoolProposals>.

Copies of the EIS are also available in the main offices of the following schools: P.S. 137 and P.S. 134.

Summary of Comments Received at the Joint Public Hearing

A Joint Public Hearing regarding the proposal was held at M134 on December 7, 2015. At that hearing, interested parties had an opportunity to provide input on the proposal. 56 members of the public attended the hearing, and there were 11 speakers. Also present at the meeting were: Deputy Chancellor Elizabeth Rose; District 1 Superintendent Daniella Phillips; Community Education Council ("CEC") 1 President Arnette Scott; CEC 1 member Naomi Pena; Daniel Kim, principal of P.S. 134 and representative of the School Leadership Team ("SLT"); Sarah Pinto-Viagran, Acting Principal of P.S. 137 and representative of the SLT; Maria Diaz, a representative of the P.S. 137 SLT; Tanya Castro, a representative of the P.S. 137 SLT; Mabel Lopez, a representative of the P.S. 137 SLT; Rosa Cortes, a representative of the P.S. 137 SLT; Kimberly Keefe, a representative of the P.S. 134 SLT; Josephine Chan, a representative of the P.S. 134 SLT; Mai Koyo, a representative of the P.S. 134 SLT; Tricia Purvis, a representative of the P.S. 134 SLT. Eric Herman, Sarah Turchin, Gregory Whitten, and Dipa Desai from the DOE were also present. Democratic State Committeeman John Quinn and 65th Assembly District Leader Jenifer Rajkumar were present, as well as representatives from the offices of New York State Senator Daniel Squadron, New York City Council Member Margaret Chin, United States Congresswoman Nydia Velazquez, and New York County District Attorney, Cyrus R. Vance, Jr.

Below is a summary of the comments received at the Joint Public Hearing:

1. Arnette Scott, CEC 1 President, stated the following:
 - a. P.S. 137 parents would lose a piece of history because the school would cease to exist.
 - b. The Parent Teacher Association ("PTA") president and the parents of P.S. 137 felt like they did not have a voice in the decision to consolidate their school.
 - c. She encouraged the P.S. 137 community to be engaged at the new consolidated school and to be active in the planning process. She reminded everyone that they were all one school community and hoped everyone would work together to build a great school.
 - d. The P.S. 137 community was owed an apology because of what happened with the previous re-siting and co-location of their school.
2. Sarah Pinto-Viagran, Acting Principal of P.S. 137, stated that she was happy to be at the Joint Public Hearing and excited to hear about ways to make the merger a positive experience.

3. Daniel Kim, Principal of P.S. 134, compared the consolidation to two families coming together. He acknowledged that there would be bumps in the road, but that he was excited for what the consolidation could bring to the school community. He thinks the consolidation will better serve children and the community.
4. John Quinn, Democratic State Committeeman, stated the following:
 - a. There is a distrust of the DOE in District 1 because of the history of decision-making in the district.
 - b. That there was previously a violent event between a teacher and a student at a different school in the district.
 - c. He feels generally nervous about the combination of these two schools together.
5. A representative from Council Member Margaret Chin's office thanked everyone for coming and stated that they are interested in hearing from the community.
6. Jenifer Rajkumar, 65th Assembly District Leader, stated that she was blown away by the work of the P.S. 137 PTA and their initiative to turn the school around. She stated that they were doing an amazing job finding enrichment opportunities for the students and were creating an edge for the students. She encouraged the DOE to work with the PTA of P.S. 137.
7. One commenter, who referred to herself as an advocate in the community, commented as follows:
 - a. She is opposed to the consolidation and does not think it will be for the betterment of these particular schools.
 - b. She expressed concern because P.S. 137 has a lot of students with disabilities, and she is not sure how the consolidation will help these students.
8. A parent from an unspecified school in M134 stated the following:
 - a. She is afraid to send her kids to school because of bullying and wanted to know what is being done to prevent bullying.
 - b. She does not like the tone of teachers and the way teaching is happening at the school. She feels that teachers are not teaching with respect and that they need to be more professional.
 - c. The schools need better food.
 - d. She expressed an interest in wanting kids to do better in school and have their homework explained to them.
9. Another parent from an unspecified school in M134 stated the following:
 - a. She is concerned about bullying in the school and feels that the consolidated school will not be able to provide a safe environment with more students in the building.
 - b. She feels like the teachers and principal are great, but that she is ignored by some people in the administrative offices.
 - c. She stated that the schools need to improve their lunches.
10. Tanya Castro, the PTA President of P.S. 137 made the following comments:
 - a. She stated that she is not opposed to the consolidation.
 - b. She expressed anger that not all of the parents at P.S. 137 were involved in the consolidation conversations and over the lack of engagement throughout the consolidation process.
 - c. She stated that the school needs a gym instructor so that students can expend their energy.
 - d. She feels that parent engagement with kids is the solution for bullying.
 - e. She stated that Principal Kim is an awesome principal.
 - f. She stated that the Common Core Standards are confusing to parents and that parents need help understanding them so they can teach their kids.

11. A P.S. 137 parent was concerned about what the consolidation would mean for students with disabilities since there are a lot of students with disabilities at P.S. 137, including her son.

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

The DOE did not receive any voicemails through the dedicated phone number for this proposal.

The DOE did not receive any emails through the dedicated email address for this proposal.

Analysis of Issues Raised and Significant Alternatives Proposed

Comments 2, 3, and 10a expressed general support for the proposal and do not require a response.

Comments 4b, 8b, 8c, 8d, 9b, 9c, 10e, and 10f are unrelated to the proposal and do not require a response.

Comment 1d discusses the previous re-siting and co-location of P.S. 137 in M134 several years ago and is unrelated to the current proposal. This comment does not require a response.

Comment 5 expressed the interest of an elected official to hear feedback from the community on the proposal. This does not require a response.

Comment 6 illustrated and commended the individual hard work of the P.S. 137 PTA and urged the DOE to work with the PTA of school.

The DOE commends the hard work of the P.S. 137 PTA and looks forward to working with the parents and school community going forward.

Comments 4c and 7a expressed general opposition to the proposal.

There are times when the DOE and certain members of the community differ in their opinions about specific projects. This proposal is driven by the DOE's desire to address the budgetary and programmatic challenges that arise because of low enrollment. Because P.S. 137 has an enrollment of 174 students and P.S. 134 has an enrollment of 261 students, they are unable to provide a full range of supports and academic enrichment opportunities. The consolidation of P.S. 137 and P.S. 134 will result in healthier school enrollment at the consolidated school, with a projected enrollment of 374-434 students. This will provide the consolidated school with the budget necessary to operate effectively. While P.S. 137 will no longer exist as a distinct school option, many of the programs, teachers, and defining characteristics will continue on at the consolidated P.S. 134.

Comments 8a, 9a, and 10d relate to bullying at the schools and school safety concerns.

It is the policy of the DOE to maintain a safe and supportive learning and educational environment that is free from harassment, intimidation, and/or bullying committed by students against other students. Pursuant to Chancellor's Regulation A-832, students found guilty of engaging in discrimination, harassment, intimidation and/or bullying of other students will be subject to appropriate disciplinary action consistent with the Discipline Code and Chancellor's Regulation A-443. Furthermore, every school is required to ensure that students, parents and staff members have been provided with information and training on the policies and procedures in Chancellor's Regulation A-832, which includes tactics to identify and mitigate incidents of harassment, bullying and discrimination. In accordance with Chancellor's Regulation A-832, incidents of bullying, harassment and/or intimidation are reported and investigated, and where appropriate, disciplinary action is taken.

Pursuant to Chancellor's Regulation A-414, every school/campus is mandated to form a School Safety Committee, which is responsible for developing a comprehensive School Safety Plan that defines the normal operations of the site and what procedures are in place in the event of an emergency. The School Safety Plan is updated annually by

the Committee to meet changing security needs, changes in organization and building conditions, and any other factors. Updates can also be made at any other time if it is necessary to address security concerns. The Committee will also address safety matters on an ongoing basis and make appropriate recommendations to the principal(s) when it identifies the need for additional security measures. As such, the consolidated P.S. 134 will develop a safety and security plan for M134 prior to the first day of the school in September 2016.

The DOE makes available the following supports to schools around safety and security:

- Providing “Best Practices Standards for Creating and Sustaining a Safe and Supportive School” as a resource guide;
- Reviewing and monitoring school occurrence data and crime data (in conjunction with the Criminal Justice Coordinator and the New York City Police Department);
- Providing technical assistance via the Borough Safety Directors when incidents occur;
- Providing professional development and kits for Building Response Teams; and
- Monitoring and certifying School Safety Plans annually.

The Office of School and Youth Development (“OSYD”) supports schools in maintaining a safe, orderly, and supportive school environment. The DOE encourage all schools, including those in M134, to seek support from OSYD to address any issues involving safety and security. School Safety Agents (“SSAs”) are allocated to schools based on each building’s projected enrollment. The NYPD’s School Safety Division looks at a set of variables to determine the number of SSAs to deploy to a particular school building, including the crime rate, size and design of the building, enrollment, and grade span.

Comments 7b and 11 expressed concern about what the consolidation would mean for kids with disabilities since P.S. 137 serves many students with disabilities. Comment 7b further expressed concern over how the consolidation would help students with disabilities.

P.S. 137 and P.S. 134 serve general education students and students requiring special education services, including students currently enrolled in Integrated Co-Teaching and Self-Contained special education classes and students receiving Special Education Teacher Support Services and related services. Students with disabilities will continue to receive services in accordance with their Individualized Education Programs. Services are tailored to meet the individual needs of the students with disabilities currently enrolled and, as such, may vary from year to year. All current and future students enrolled at the consolidated P.S. 134 will continue to receive all mandated special education services if this proposal is approved.

Most funding in schools’ budgets is allocated on a per-pupil basis, based on Fair Student Funding per capita allocation levels. P.S. 134’s total enrollment is expected to increase as a result of the consolidation, and as a result P.S. 134’s budget is expected to increase to reflect the additional pupils. Schools also receive additional funds for students with disabilities, English Language Learner students, and those students with other supplemental academic needs. This consolidation will result in increased resources, which will allow the schools to combine the strengths and best practices of each individual school into a single, larger organization.

Comments 1b and 10b stated that the P.S. 137 community, and in particular the parents, did not have a voice in the consolidation decision and was not involved in the consolidation discussions.

The DOE values the voice of the P.S. 137 community and conducted several public engagement events that provided an opportunity for feedback over the course of creating this proposal. Parents of the P.S. 137 community were involved in the process and participated in a parent meeting and information session as well as a follow-up session. A list of public engagement events, including parent meetings, are as follows:

- A meeting led by the District 1 Superintendent with teachers and staff of P.S. 137 and P.S. 134 held on May 12, 2015.
- A meeting of the District Leadership Team (“DLT”) on May 14, 2015, at which the District 1 Superintendent discussed this proposed consolidation.
- A parent meeting and information session held on May 18, 2015.
- A presentation made to the District 1 CEC on October 21, 2015 by the DOE Office of District Planning and District 1 Superintendent.
- A walkthrough of building M134 with a member of DOE Senior Leadership on October 23, 2015 to discuss the proposal further and take questions and concerns from the school communities in advance of the Panel for Educational Policy (“PEP”) vote. Participants included the District 1 Superintendent as well as representatives from the Office of District Planning, the DOE Office of Space Planning, CEC 1, P.S. 137’s SLT, and P.S. 134’s SLT.
- The District 1 Superintendent convened a meeting of all teachers and staff from P.S. 137 and P.S. 134 as a follow-up from the May 2015 staff meeting on October 23, 2015. A District 1 United Federation of Teachers representative and the Human Resources Director were also in attendance to answer staff questions.
- The District 1 Superintendent convened a meeting with parents from P.S. 137 and P.S. 134 as a follow-up from the May 2015 meetings on October 30, 2015.

When the EIS was issued, it was made available to the staff, faculty and parents at both P.S. 137 and P.S. 134, placed in the main offices of both schools, and posted on the DOE’s website. In addition, the DOE dedicated a proposal-specific website and voicemail to collect feedback on this proposal. Furthermore, both schools’ staff, faculty and parent communities were invited to the Joint Public Hearing, which was attended by 56 members of the public, to solicit further feedback. Each school distributed parent letters and notices provided by the DOE to all students informing parents of the proposal and the various ways they could provide feedback. All feedback received from the community via email, phone or at the hearing is included in this document, which has been provided to the PEP and is publically available on the DOE website.

The DOE’s public review process is governed by Chancellor’s Regulation A-190 and this process was followed for this proposal.

Comment 1a states that parents would lose a piece of history because the school would cease to exist.

While this consolidation will result in P.S. 137 no longer existing as a distinct school option, the DOE does not view the consolidation as a loss of P.S. 137. This consolidation will combine the strengths and best practices of each individual school into a single, larger organization. Much of the history and defining characteristics of P.S. 137 will continue to exist in the consolidated P.S. 134. The consolidation of P.S. 137 and P.S. 134 is a combination of students, staff, and resources of both schools and not a closure of any organization.

Comment 1c encourages community engagement and involvement in the new consolidated school.

The DOE fully supports and encourages members of both the P.S. 134 and P.S. 137 communities to be involved and active in their school communities and hopes that the consolidated school community will work together to build a great school.

Comment 4a pertains to a distrust of the DOE in the District 1 community based on historical decision-making.

This proposal has been developed by the District 1 Superintendent in conjunction with the principals of the consolidating schools and the school communities through a collaborative planning process. There has been robust engagement around this proposal. The DOE and the District 1 Superintendent have worked with the District 1 community throughout the development of this proposal. There have been several events to foster collaboration, including:

- A meeting led by the District 1 Superintendent with teachers and staff of P.S. 137 and P.S. 134 held on May 12, 2015.
- A meeting of the District Leadership Team (“DLT”) on May 14, 2015, at which the District 1 Superintendent discussed this proposed consolidation.
- A parent meeting and information session held on May 18, 2015.
- A presentation made to the District 1 CEC on October 21, 2015 by the DOE Office of District Planning and District 1 Superintendent.
- A walkthrough of building M134 with a member of DOE Senior Leadership on October 23, 2015 to discuss the proposal further and take questions and concerns from the school communities in advance of the Panel for Educational Policy (“PEP”) vote. Participants included the District 1 Superintendent as well as representatives from the Office of District Planning, the DOE Office of Space Planning, CEC 1, P.S. 137’s SLT, and P.S. 134’s SLT.
- The District 1 Superintendent convened a meeting of all teachers and staff from P.S. 137 and P.S. 134 as a follow-up from the May 2015 staff meeting on October 23, 2015. District 1 United Federation of Teachers representative and the Human Resources Director were also in attendance to answer staff questions.
- The District 1 Superintendent convened a meeting with parents from P.S. 137 and P.S. 134 as a follow-up from the May 2015 meetings on October 30, 2015.

Comment 10c states that P.S. 137 needs a gym instructor so that students can expend their energy.

The DOE is proposing to consolidate P.S. 137 with P.S. 134 based primarily on the benefits students would derive from the additional resources made available by consolidating the two school organizations into one. Presently P.S. 137 students do not have a gym instructor. If this proposal is approved, the students at the consolidated P.S. 134 will have access to a gym instructor. Additionally, if this proposal is approved, students attending the consolidated P.S. 134 will also have access to a wider variety of academic and enrichment opportunities, interventions, and other supports that would not be financially feasible for either individual school to offer in the absence of a consolidation.

Changes Made to the Proposal

No changes have been made to this proposal.