



Revised Notice
February 25, 2010

Joel I. Klein
Chancellor

Revised Educational Impact Statement

I. Description of the subject, purpose and substance of the proposed item under consideration and identification of all substantial revisions to the item.

This is a revision to a proposal to relocate the majority of the P.S. 138 @ M033 (75M138, hereinafter referred to as “P.S. 138”) program from school building M033 to school building M047. P.S. 138 is an existing District 75 school that is sited in multiple locations. M033 is located at 281 Ninth Avenue, Manhattan in District 2. M047 is located at 223 West 25th Street, Manhattan, also in District 2. Since the proposal was initially posted on January 8, 2010, the Department of Education (“DOE”) has received several comments from P.S. 138 parents and local elected officials raising concerns about the limited number of wheelchair students that could be accommodated at M047. As a result of these concerns, the DOE has revised its proposal.

In the 2010-2011 school year, rather than move P.S. 138 to M047, P.S. 138 will relocate most of the students currently located in school building M033 to other existing P.S. 138 sites, new sites, or other existing District 75 sites. These moves will locate students closer to their homes, in buildings with age-appropriate general education populations, and provide greater focus on these students’ Individualized Education Programs (“IEPs”) and instructional needs.¹

Of the 100 students currently served at M033:

- Twenty-seven students would remain at M033. Twenty of these students have IEPs that call for integration in a hearing environment that does not use sign language. Seven of these students are already enrolled in inclusion classes at P.S. 33. This site will now serve only students with cochlear implants and students in full inclusion classes.
- Thirty-nine students would move to the main site of P.S. 138, located at M030 at 144-176 East 138th Street in District 5. Twenty-eight of these students reside in Districts 4, 5 or 6; the M030 location is significantly closer to their homes than M033. This site serves multiply handicapped and students with autism.
- Thirteen students would move to the new site for P.S. 276, the Battery Park City School, located at 55 Battery Place in District 2. This is a newly constructed facility opening in

¹ Parents of those P.S. 138M @ M033 students who will be moving from M033 retain all rights afforded to them under the Individuals with Disabilities Education Act and state law.

September 2010. P.S. 276 is a zoned school that will serve PK-2 and 6th grade in 2010, expanding grades each year until reaching full scale of PK- 8th grade. The P.S. 138 students moving to this location live in Districts 1, 2, and 3, and are age appropriate for the grades served at PS 276 in 2010. The program to which these students will transfer will be a new site for P.S. 94, an existing District 75 school with multiple sites. All students moving to this site will be in 6:1:1 classes and are typically students with autism.

- Eleven students would move to the new East Side Middle school building located at 331 East 91st Street in District 2. This is a newly constructed facility opening in September 2010 that will house East Side Middle School, a District 2 middle school choice school. The P.S. 138 students proposed for this location are age appropriate for middle school. All students moved to this site will be in 12:1:4 classes and are multiply handicapped.
- Ten students who do not live in Manhattan would be provided seats at schools in their home boroughs.

The DOE has proposed that the space vacated by the P.S. 138 sections that would leave M033 be used to house M.S. 260 Clinton School for Writers and Artists (“Clinton”), a District 2 middle school serving grades 6-8. This proposal is the subject of a separate educational impact statement that will be voted on by the Panel for Educational Policy at its March 22, 2010 meeting, along with this proposal. As stated above, twenty-seven P.S. 138 students, whose needs call for integration in a hearing environment that does not use sign language, will remain at M033.

The move of most sections of P.S. 138 from M033 will address the need to create additional elementary capacity in the West Village and Chelsea areas of District 2, by allowing Clinton to move from its current location in the M011 building located at 320 West 21st Street to M033. The Clinton move will allow P.S. 11, an elementary school serving zoned students and District 2 gifted and talented students, and also located in M011, to expand. The Clinton move is temporary while the DOE and School Construction Authority (“SCA”) acquire or construct a new facility for Clinton. Once Clinton moves to its permanent facility, the space at M033 would be used to address District 2 needs at that time.

II. Summary of all public comments received following the initial public notice.

The DOE received four written comments and no oral comments on the proposal to move P.S. 138 to M047. Three letters were from parents who opposed the move. One letter noted the following: (1) the move of P.S. 138 students is a violation of their right to a free and appropriate public education; (2) the M047 site has bussing problems and bringing children with disabilities to this site will cause longer waits and increase congestion; and (3) M047 is an old building with old elevators that will cause long waits for children in wheelchairs, thus violating their rights. The second letter was from a parent of an I.S. 47 student. In her letter, the parent stated that the loss of space at I.S. 47 in M047 to accommodate P.S. 138 would be detrimental to I.S. 47 students. The parent stated that progress has been made for hearing and non-hearing students at I.S. 47 and the school should be allowed to continue and to grow. The third letter was submitted by a parent asserting opposition to the proposal for moral, legal and personal reasons. She noted

that the students at P.S. 138 have legally binding IEPs as mandated by the Individuals with Disabilities Education Act. Also, the parent noted that the change could have an adverse effect on a child with autism. She further noted that the M047 building is an inappropriate location for P.S. 138 students. The fourth letter was received from local elected officials, who felt strongly that M047 could not accommodate the additional wheelchair and mobility impaired students that were proposed to move into that location.

In addition to these written comments, thirteen speakers at the hearings for the Clinton relocation proposal on February 8 and 9, 2010 spoke about their concerns for the related P.S. 138 relocation proposal. The comments included their concerns about the safety and accessibility of the M047 site for the proposed number of wheelchair students, as well as general concerns that the program would be located from a location where it has been successful for many years.

III. Information regarding where the full text of the proposed item may be obtained.

The [Revised Educational Impact Statement](#) can be found on the Department of Education's Web site:

http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/Proposals_March_Vote

IV. Submission of public comment.

Written comments can be sent to D02Proposals@schools.nyc.gov.

Oral comments can be left at 718-935-4415.

V. The name, office, address, email and telephone number of the city district representative, knowledgeable on the item under consideration, from whom information may be obtained concerning the item

Name: Kim Wong

Office: Office of Portfolio Planning

Address: 52 Chambers St

Email: Portfolio@schools.nyc.gov

Phone: 212-374-5049

VI. Date, time and place of joint public hearing for this proposal.

Please note that the hearing scheduled at 225 East 23rd Street (M047) on February 22nd at 6:30 has been cancelled. The hearing scheduled at 281 Ninth Avenue, Manhattan (M033) on February 22nd at 6:30 p.m. has also been cancelled; however, due to the late notice, it will be conducted as an information session and question and answer period for all interested parties and not as a joint public hearing on the revised proposal.

The date, time, and place of the joint public hearing for the revised proposal are as follows:

March 11 at 6:30pm
281 Ninth Avenue, Manhattan

VII. Date, time and place of the PEP meeting at which the Board will vote on the proposed item.

March 23, 2010
6:00pm
The Michael J. Petrides School
715 Ocean Terrace, Staten Island