



## **Public Comment Analysis**

Date: March 20, 2012

Topic: The Proposed Re-siting of a District 75 School, 75K053, to Building K422 Beginning in the 2012-2013 School Year

Date of Panel Vote: March 21, 2012

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### **Summary of Proposal**

The New York City Department of Education (“DOE”) is proposing to re-site one site of a multi-site District 75 school (75K053) that currently serves 368 students<sup>1</sup> who are Emotionally Disabled (“ED”), Hearing Impaired (“HI”) or deaf, Intellectually Disabled (“ID”), have Multiple Disabilities (“MD”), Learning Disabilities (“LD”), or are Autistic in kindergarten through twelfth grade. These students are served in 12:1:1, 12:1:4, 9:1 inclusion, 8:1 inclusion and 6:1:1 settings.<sup>2</sup> The site that the DOE is proposing to re-site is P053@K838 which is currently located in school building K838 (“K838”) located at 720 Livonia Ave, Brooklyn, NY 11207 in Community School District 19. Currently, P053@K838 is not co-located with any other school organization. If this proposal is approved, P053@K838 will be re-sited to school building K422 (“K422”) located at 1065 Elton Street, Brooklyn, NY 11208 in Community School District 19, which is a newly constructed facility with space designed specifically for use by a District 75 program.<sup>3</sup> If approved, this re-siting would be effective beginning in the 2012-2013 school year.

75K053 is currently located at seven separate sites throughout Brooklyn, including P053@K838. The other six sites are: P053K@1088K located at 544 Seventh Avenue, Brooklyn, NY 11215; P053K@P104K located at 9115 Fifth Avenue, Brooklyn, NY 11209; P053K@Abraham Lincoln High School located at 2800 Ocean Parkway, Brooklyn, NY 11235; P053K@Kingsboro High School located at 1830 Shore Boulevard, Brooklyn, NY 11235; P053K@I296K located at 125 Covert Street, Brooklyn, NY 11207; and P053K@P384K located at 242 Cooper Street, Brooklyn, NY 11207.

P053@K838 currently offers six ID and LD 12:1:1 classes, five MD 12:1:4 classes, and two ID and Autism 6:1:1 classes. If this proposal is approved, P053@K838 will re-site eight of its classes to K422. The remaining classes will be moved by 75K053 to other existing sites or the students will graduate. Specifically, three ID and LD 12:1:1 classes and five MD 12:1:4 classes currently served by P053@K838 at K838 will be re-sited to K422. In addition, 75K053 will move one of the ID and LD 12:1:1 classes currently served at P053@K838 to P053K@1088K and two ID and Autism 6:1:1 classes currently served at P053@K838 will be moved to P053K@Kingsboro High School. District 75 projects that one of the two remaining ID and LD 12:1:1 classes will graduate, and the other will articulate into the District 75 Brooklyn Transition Center, a vocational program of the District 75 school 75K373 designed for students over the age

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<sup>1</sup> These enrollment data are not site specific and represent program 75K053 as a whole as of the 2011-2012 audited register.

<sup>2</sup> These ratios describe the number of students served by a teacher and a paraprofessional.

<sup>3</sup> If this proposal is approved, P053@K838 will be renamed “P053K@K422” to reflect the new siting at K422.

of 18. This proposal is not expected to affect P053K@P104K, P053K@Abraham Lincoln HS, P053K@I296K or P053K@P384K.

K422 is a new building, designed to house two secondary schools serving students in grades six through twelve and a District 75 program. The building is expected to become available for use by September 2012. On January 18<sup>th</sup>, 2012 the Panel for Educational Policy (“PEP”) approved the DOE’s proposal to re-site, expand, and co-locate Academy for Young Writers (14K404), an existing high school currently located in Community School District 14, with a new secondary school (19K422) and a District 75 program in K422 beginning in the 2012-2013 school year.<sup>4</sup> The DOE is now proposing that P053K@K838 be the District 75 program to be sited in K422, which represents the DOE’s complete plan for utilizing the newly constructed K422 building.

The Educational Impact Statement (“EIS”) describing this proposal is available in the main office of 75K053 and on the DOE’s website at:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Mar212012PEP.htm>.

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

A Joint Public Hearing regarding this proposal was held at K838 on March 9, 2012. At the hearing, interested parties had an opportunity to provide input on the proposal. Approximately 90 members of the public attended the hearing and 32 attendees spoke. Present at the meeting were Barbara Joseph, District 75 Deputy Superintendent; Heather Leykam, Principal of 75K053; Pierre Labissiere, Joanna Joseph, and Cathy Hockenjos, representatives of the 75K053 School Leadership Team (“SLT”); New York City Councilman Charles Barron; New York State Assemblywoman Inez Barron; County Committeeman David Best; and Erica Perez, First Vice-President of the District 19 Community Education Council (“CEC”). Also present were Stephanie Crane, Antonio Whitaker, and Toby Shepherd of the DOE.

The following comments and remarks were made at the joint public hearing on January March 9, 2012:

1. Councilman Charles Barron stated that:
  - a. The DOE goes through the motions of holding a Joint Public Hearing but then disregards public commentary to take whatever action the DOE has already decided to take.
  - b. It makes no sense to move some classes from K838 to K422 and to move other classes from K838 to other school buildings when K838 will be underutilized in 2012-2013.
  - c. The community needs to determine why the DOE is not proposing to re-site all sections of P053@K838 to K422. Are there structural problems with the building? Is the re-siting financially driven?

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<sup>4</sup> A copy of that EIS can be found at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/Jan2012Proposals>.

- d. Parents of P053@K838 will fight the proposal and the community will not sit back and let the DOE do whatever it wants without respecting the opinions and concerns of the P053@K838 community.
2. Assemblywoman Inez Barron stated that:
  - a. It can be unsettling for children with special needs to be relocated to a new school facility and, even if all sections of P053@K838 are relocated to K422, the school community needs to be sensitive to the needs and challenges associated with relocating students with special needs.
  - b. The community needs to make sure that students at P053@K838 do not experience a reduction in services as a result of this proposed re-siting.
3. First Vice-President of CEC 19 Erica Perez stated that:
  - a. Many of the children at P053@K838 are ‘travel trained,’ meaning that they have accomplished a significant feat by learning the routine of traveling to and from school.
  - b. If the DOE is proposing to re-site a school, there should be enough room to move all children to the new school site. To pick some classes that will move to a new site and other classes that will not move to a new site is segregation.
  - c. She has spoken with a P053@K838 parent who will have to spend \$40 daily transporting her child to and from P053K@Kingsboro, an existing site of the 75K053 school.
4. Joanna Joseph, a member of the 75K053 SLT, stated that the school needs to stay unified to fight for the children in 75K053 and to show the DOE that the school refuses to be split up.
5. Heather Leykam, Principal of 75K053, shared her pride at seeing many 75K053 students participating in the Joint Public Hearing, acknowledged that “the tremendous opportunity for a new space comes with controversy,” and affirmed that the school continues to plan to do what is in the best interest of the children.
6. A hearing attendee stated that re-siting P053@K838 will be a struggle for her son who has Down syndrome. The parent stated that she has to bring her child lunch every day and that it will be a major problem to continue doing so if her son is in a different school facility.
7. A hearing attendee stated that:
  - a. When K422 was in the design phase, the CEC was told that there would be room for 72 District 75 seats at the new facility but that, at that time, the CEC did expressed the opinion that K422 may need additional seats for a District 75 program.

- b. CEC 19 did not ask for a school from Williamsburg to be moved into K422, and CEC 19 did not ask for P053@K838 to be split up among multiple sites.
  - c. The attendee characterized the proposal as “an insult” and observed that the DOE representatives present at the hearing “must be a bunch of morons.”
  - d. The attendee stated that students at P053@K838 need to remain with the teachers and staff that they currently know and that the students at P053@K838 should receive the resources that they need.
8. A hearing attendee stated that P053@K838 has given her son confidence in himself and a will to live. The attendee implored the DOE to “do the right thing” and not re-site P053@K838 to K422.
9. A hearing attendee stated that two of her children are enrolled at P053K@I296K, but the closest location to her would be the new K422 site. She further stated that commuting to Bushwick to attend P053K@I296K is a hardship, but that she opposes the proposal because it splits up the P053@K838 site.
10. A hearing attendee observed that students at P053@K838 have severe disabilities and that parents are very concerned and united in opposition to this proposal.
11. A hearing attendee stated that:
  - a. It is unacceptable for the DOE to tell P053@K838 that it has to accept that it no longer will be united as a whole school and that teachers, students, and staff will be divided and sent a further distance all because there is not enough space at K422.
  - b. The DOE does not recognize the depth of needs of the children in P053@K838 who require special care on a regular basis.
  - c. The DOE is tearing apart who and what the students at P053@K838 know.
  - d. Dividing what students at P053@K838 are familiar with and not giving them a chance to transition will be the downfall of students at P053@K838.
  - e. The P053@K838 community will not be pushed around.
  - f. Students at 75K053 will have to travel longer to school and families will need to identify new doctors for their children.
  - g. The DOE should allow P053@K838 to transition into the new school together.
12. A hearing attendee stated that the teachers and staff at P053@K838 are wonderful and have been successful in encouraging her daughter to speak again. The attendee stated that she hopes the school will stay together and not be split up among multiple sites.
13. A hearing attendee stated that she is concerned for families that will be relocated, some to P053K@Kingsboro, which is over two hours away from K838. The attendee stated that

she did not understand why there is not room for all 13 classes at K422 and asked the DOE to please keep the entire P053@K838 site together.

14. A hearing attendee stated that since her son has come to P053@K838 he has grown so much, but the DOE's proposal to break the school apart is not good for future students. The attendee shared her hope that the DOE will keep P053@K838 together.
15. A hearing attendee who is a student at P053@K838 said "let us stay, please."
16. A hearing attendee stated that her child has attended many schools, but has loved the teachers and staff at P053@K838 very much. The attendee stated that she would like to see the school stay together and not be split up because it would be hard on students at P053@K838 who are fragile.
17. A hearing attendee stated that:
  - a. Her child loves P053@K838 and that it is a school where everyone works together. The attendee stated that parents only learned about the proposed division of children and staff very recently and that parents are upset at having options taken away from them and is upset at being forced to make critical decisions under severe time constraints.
  - b. The P053@K838 community must stay together and it is not happy about the proposed re-siting, but if they must be re-sited they will all do so together.
  - c. To add additional, unnecessary burdens on parents of P053@K838 is proof that the DOE does not care about students at P053@K838. Students with special needs should not be forced to spend over two hours a day traveling to and from P053K@Kingsboro. If the DOE does care about students with special needs, then the DOE will allow P053@K838 to remain together as one site at K422.
18. A hearing attendee stated:
  - a. Her children have great difficulty adapting to change, but can do so if everybody stays together.
  - b. If her child is separated she will digress and it will be the DOE's fault.
  - c. How dare the DOE disrupt her life like this? The attendee stated that the DOE wants to "tear us up" because it does not prioritize the needs of children with special needs.
19. A hearing attendee asked why the school was being punished despite its strong performance. The attendee stated that no one asked for a new school building and that P053@K838 does not want a big gymnasium or new technology, but instead wants to stay together and not be split among multiple sites.
20. A hearing attendee stated that:

- a. She has heard the phrase “no child left behind” for years but that it does not apply to minority students or students with special needs.
- b. She is concerned that students at P053@K838 will be subjected to bullying by high school students at the two secondary schools planned for K422.

21. A hearing attendee stated that:

- a. The DOE has built a new school building and has now said that not all children will be allowed to be there. It makes no sense to split up P053@K838 while simultaneously giving space at K422 to students from outside of the district.
- b. Sending children to sites of P053@K838 in far away locations will be problematic because students with special needs cannot ride to and from home by themselves.
- c. The attendee asked why the DOE has built a brand-new building in the community, but is now planning on sending children from P053K@K838 to a building outside of the community.

22. A hearing attendee stated that:

- a. The DOE is “throwing children around like guinea pigs.”
- b. The attendee asked why the DOE has to move students from K838 and speculated that it has to be about money.
- c. The attendee expressed concern about who would look out for her child if her child was re-sited to a different location.

23. A hearing attendee stated that:

- a. The community at P053@K838 is “mad as hell,” “is not backing down,” and “is going to win this.”
- b. The way the DOE has treated the P053@K838 community has been disrespectful and that the DOE thinks children at P053@K838 are animals.
- c. The children at P053@K838 should be respected like the children in the DOE representatives’ communities.
- d. Even though the commentary at the Joint Public Hearing would be brought back to the DOE, nothing will be respected and everything that has been said will be thrown out of the window.

24. A hearing attendee stated that her child has already been transferred to P053K@Kingsboro. The attendee stated that it takes her fifty minutes to drive him to school, two hours by a bus route that requires three separate buses, or even longer by a train route that requires four separate trains. The attendee stated that if her son misses the bus, he must skip school. The attendee characterized the proposal as “outrageous” and

stated that parents of children with special needs need the school and the family to stay together.

25. A hearing attendee stated that the school has told her that her child will be relocated to P053K@Kingsboro. In the past, because of her child's special needs, her child could not cope with traveling a longer distance. The attendee stated that the proposal is "ridiculous" and that staff at the DOE should live with a child with special needs 24 hours a day, 7 days a week to understand the hardship that families with special needs children face.

26. A hearing attendee stated that:

- a. The DOE has proposed to close the school attended by one of her daughters and has proposed to co-locate a new school in the building where her other daughter attends school. The attendee stated that the DOE is destroying the foundation of children's schools and does not care.
- b. Her son has flourished at P053@K838 and that separating students and not giving families the opportunity to decide where they want to send their children is like separating a child from its mother.
- c. Her son is accustomed to the routine and structure of attending P053K@K838 and changing routines will make her child regress.
- d. She lives three hours from the Kingsboro College site and it is not fair to expect her child to travel there.
- e. The P053@K838 community knows that in K422 there is enough space to house all 13 classes.

27. A hearing attendee stated that:

- a. She believes a person can judge a civilization by how it treats its most vulnerable populations and that she is now looking the DOE in the eye to say "you are wrong."
- b. Everyone needs to come together to let the DOE know that K422 is for students in District 19, not for students from District 14.

28. A hearing attendee stated that her son is very happy at P053@K838 because of the staff at the school. The attendee stated that she does not want and cannot afford for her son to be somewhere else. The attendee stated that she currently comes home from work at 2:00 AM but wakes up to bring her son to school at 5:00 AM.

29. A hearing attendee stated that:

- a. The P053@K838 school community is a family and that teachers work hard and that the DOE is "rewarding" the success of P053@K838 by splitting up the school. The attendee stated that more than a new building and new facilities, the P053@K838 community wants to stay together.

- b. The attendee stated that P053@K838 is “fighting, fighting, fighting” in futility against “the machine,” that the hearing is worthless and that attendee’s words will be falling on deaf ears because a decision regarding this proposal has already been made.
30. A hearing attendee stated that “we are people,” and that “we are going to stand and be respected and be treated as such and we are not going to settle for anything else.” The attendee said the entire P053@K838 family should be re-sited to K422.
31. A hearing attendee stated that:
- a. She is in agreement with other comments previously stated.
  - b. She is doing everything she can to find a way so that her child is not separated from the school.
  - c. The community has a right to have its opinion respected.
32. A representative of New York City Councilman Charles Barron stated that:
- a. The decision regarding the re-siting has already been made.
  - b. When the DOE takes the most vulnerable and disrespects them it is a measure of who the DOE really is.
  - c. The P053@K838 community has to speak directly with the Panel for Educational Policy (“PEP”) in a language the PEP will understand and tell them that just as they want what is best for their children, so do parents at P053@K838.
  - d. The P053@K838 community needs to strategize to win this struggle and there will be future organizing meetings. The P053@K838 community will continue to demonstrate and should be prepared to be unlimited in what it is willing to do to win.

In addition to collecting feedback at the Joint Public Hearing referenced above, the DOE solicited feedback on this proposal via email, telephone and an internet feedback form.

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

No issues were raised in oral or written comments submitted to the DOE.

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

Comment 5 is in support of this proposal and therefore does not require a response.

Comment 26(a) is not directly related to this proposal and therefore is not responded to here.

Comment 31(a), expressing general agreement with other commentary said, is considered responded to below.

Comments 1(a), 7(a), 11(e), 17(a), 23(b-d), 29(b) and 32(a-c) relate to the process of community engagement mandated by Chancellor's Regulation A-190 as well as the process of community engagement related to this proposal specifically.

The DOE believes it has satisfactorily engaged the District 19 community, including but not limited to the requirements outlined in Chancellor's Regulation A-190. The DOE discussed potential utilization of K422 with CEC 19 on at least five separate occasions between March and November of 2011. As noted, the DOE collected community input through a survey that was distributed in the spring of 2011. The EIS describing this proposal was issued and posted on the DOE's website on January 26, 2012. The families of 75K053 were notified of the proposal via a parent letter and were notified of the Joint Public Hearing via a public notice, both of which were backpacked home with students at all sites of 75K053 on January 27, 2012. The notice informed parents that the EIS was available online and that hard copies were available in the main offices of 75K053.

Contrary to several comments that the decision to implement this proposal has already been made, the proposal is not final until it is approved by the PEP. The PEP is expected to vote on this proposal on March 21, 2012. Like all proposals for significant changes in school utilization, no decision has been made until the Panel votes to approve or reject a proposal.

Comments 1(b, c), 3(b), 8, 9, 11(a, c, d, g), 12, 13, 14, 16, 17(b, c), 18(c), 21(a, c), 22(a-c), 23(d), 26(b, e), 30, and 31(b), question or oppose the DOE's decision to re-site some, but not all, of the current sections at P053@K838 to K422 beginning in 2012-2013.

Building K422 is a newly constructed facility designed for use by two secondary schools and a District 75 program. In January of 2012, the DOE proposed, and the PEP approved, a proposal to re-site, expand, and co-locate an existing high school with a new secondary school in K422 beginning in 2012-2013. At that time, the DOE had not identified which District 75 school would be resited to K422.

As explained in the EIS accompanying this proposal, the DOE is proposing to re-site P053K@K838 to K422 beginning in 2012-2013 for several reasons, including K838's proximity to the new facility, handicap accessibility, opportunities for inclusion with general education students and access to facilities specifically designed for use by a District 75 program. P053K@1088K and P053K@Kingsboro will also offer students from P053K@K838 opportunities for inclusion with general education students. As noted in the EIS:

“K422 will provide P053K@K838 with newly constructed facilities that have been designed specifically for District 75 programming. These rooms include an assisted daily living room, which is a classroom equipped to aid in the instruction of common household tasks, a room designed for speech therapy, a room designed for occupational/physical therapy, a supervisory office, a designed guidance office, a storage

room, and a nurse's office with a shower and a changing room. Moreover, unlike K838, K422 is a handicap accessible building.”

K422 has the capacity to serve eight existing sections of P053K@K838. Therefore, the DOE has proposed to re-site eight sections of P053K@K838 to K422 while also moving one section to P053K@1088K and two sections to P053K@Kingsboro High School. These two sites are existing sites of the 75K053 school. Additionally, District 75 projects that one section of students will graduate from 75K053 at the end of the school year while another section of 75K053 will articulate into the District 75 Brooklyn Transition Center, a vocational program designed for students over the age of eighteen.

The DOE notes that 75K053 is already a multi-sited school, with students currently being served at seven different locations throughout Brooklyn. Re-siting P053K@K838 to K422 in 2012-2013 will provide students currently at P053K@K838 with opportunities for inclusion with general education students in a barrier-free, newly constructed facility. Additionally, P053K@1088K and P053K@Kingsboro High School also offer opportunities for inclusion with general education students. As noted in the EIS, students who will not be re-sited to K422 will join other existing sites of the 75K053 school, thereby causing the least disruption to both 75K053 and the school organizations that already share space with 75K053's multiple sites.

Comments 1(d), 4, 7(c, b), 10, 23(a), 27(a), 28, 31(c), and 32(d) express general dissatisfaction with the proposal the DOE and several comments assert that parents and staff at 75K053 will continue to fight the proposal.

The reasons set forth above explain the basis for the DOE's determination that the re-siting from K838 to K422 is in the best interests of the students attending P053K@K838. Moreover, the DOE is committed to continuing to engage the District 19 CEC and the P053K@K838 community as this proposal is considered by the PEP and, if approved, implemented for the 2012-2013 school year.

Comments 2(a), 3(a), 6, 11(b), 18(a, b), and 26(c) relate to the unique difficulty attendant with re-locating children with special needs who may require routine and consistency more than their general education peers.

The DOE is confident that the staffs of District 75 and 75K053, who are experienced in these matters, will work with families of students that will be re-sited as a result of this proposal to ensure that adequate supports and resources are in place to address specific challenges relating to each students' varied needs.

Comments 2(b) and 7(d) relate to the impact of this proposal on the allocation of resources or the provision of services to students at 75K053.

As noted in the EIS accompanying this proposal, this re-location is not anticipated to impact the operating budget or costs of instruction at 75K053 as a whole or P053K@K838 specifically. During the proposed re-siting, funding will be provided in accordance with enrollment levels, allowing the schools to meet the instructional needs of its student population. All students will continue to receive their mandated services.

Comments 3(c), 11(f), 13, 17(c), 21(b), 24, 25 and 26(d) relate specifically to the travel hardship that will be incurred by students and families due to the re-siting, including those parents whose children will be re-sited to other existing sites of 75K053 as a result of this proposal.

As is true Citywide, special education students will continue to receive bussing services in accordance with their Individualized Education Programs and in accordance with Chancellor's Regulation A-801.

Comments 7(b), 20(b), 21(a), and 27(b) relate to Academy for Young Writers and Spring Creek Community School, the other schools approved to be re-sited, opened, expanded, and/or co-located at K422.

As noted, the PEP has approved the re-siting, expansion and co-location of Academy for Young Writers with Spring Creek Community School in K422 beginning in 2012-2013. Beginning in 2012-2013, all age appropriate children in District 19 will have access to Spring Creek Community School through the newly adopted District 19 middle school choice process. Beginning in 2013-2014, when Academy for Young Writers enrolls its founding sixth grade class, students in District 19 will have access to both schools through the middle school choice process. Finally, as noted in the EIS regarding its re-siting, Academy for Young Writers was proposed by the DOE for re-siting, expansion and co-location at K422 because of its track record of strong performance and because more students currently enrolled at Academy for Young Writers reside in District 19 than in any other individual district.

Co-location with these two schools will give students currently enrolled at P053K@K838 opportunities for inclusion with their general education peers throughout the school day. The DOE expects that staff at the three schools, in addition to the school safety agents assigned to K422, will work to ensure that all students have access to a safe and orderly learning environment.

Comments 15, 19, and 29(a) state that the P053K@K838 community, in part or in whole, would rather stay at K838 than be re-sited to K422.

As noted above, the DOE believes that re-siting P053K@K838 to K422 provides current and future students at 75K053 with access to superior physical resources than staying in K838.

Comments 17(c) and 20(a) assert that the DOE disregards the needs of minority students or students with special needs.

The DOE is committed to ensuring that all children, irrespective of racial or ethnic background or of disability status, have access to a portfolio of high quality school options. The DOE, in partnership with District 75, will continue to work to provide a high quality educational program to all students enrolled at 75K053.

### **Changes Made to the Proposal**

In response to public feedback, the following changes to the proposal were made:

- No changes have been made.