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Chancellor

Public Comment Analysis

Date: November 7, 2012

Topic: The Proposed Grade Expansion of P.S. 291 (10X291) to a K-5 School Beginning in 2013-2014

Date of Panel Vote: November 8, 2012

Summary of Proposal

P.S. 291 (10X291, “P.S. 291”) is an existing zoned elementary school located in building X015 (“X015”), located at 2195 Andrews Avenue, Bronx, NY 10453, in Community School District 10 (“District 10”). It currently serves students in kindergarten through fourth grades. P.S. 291 is co-located with P.S. 15 Institute for Environmental Learning (10X015, “P.S. 15”), an existing district choice school that serves students in kindergarten through eighth grades, and a District 75 program (75X010, “P010X”) that provides both self-contained and inclusion classes. 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.

On September 20, 2012, the New York City Department of Education (“DOE”) issued an educational impact statement (“EIS”) describing a proposal to implement a “grade expansion,” whereby P.S. 291 would expand to serve students in kindergarten through fifth grades (“K-5”) at full scale. If this proposal is approved, P.S. 291 will begin enrolling fifth-grade students in the 2013-2014 school year.

- On November 6, 2012, the DOE issued an amended EIS which made a number of corrections to the EIS. These corrections are discussed in greater detail at the end of this analysis.

The standard exit point for an elementary school in the Bronx is fifth grade; therefore P.S. 291’s grade configuration of kindergarten through fourth grades is not aligned with the majority of other District 10 elementary schools. The majority of students residing in the P.S. 291 elementary zone are zoned to I.S. 206 for fifth grade. I.S. 206 is a middle school that currently serves fifth through eighth grades. P.S. 291 is the only remaining K-4 school and I.S. 206 is the only remaining 5-8 school in District 10. Thus, currently, P.S. 291 and I.S. 206 are among the minority of schools in District 10 that serve irregular grade spans in the K-8 realm, and this proposal seeks to bring these two schools into conformity with the majority of the schools in the district. As it stands, the majority of fourth-grade students graduating from P.S. 291 enroll in I.S. 206 for fifth grade, and remain there for middle school due to the schools’ complementary exit and entrance points. It is sensible that most graduating fourth-graders from P.S. 291 attend I.S. 206 for middle school; otherwise, they would have to complete one additional year of school (fifth grade) at a new elementary school, before switching again for middle school (sixth through eighth

grades).

In a separate EIS posted in September of 2012, and amended on November 6, 2012, the DOE proposed to truncate I.S. 206 to become a traditional middle school serving sixth through eighth grades. This proposal can be found on the DOE Web site:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/Nov2012Proposals>. Under that proposal, I.S. 206 will no longer enroll fifth-grade students. By aligning P.S. 291 and I.S. 206 with other schools in the district, the DOE will offer a better range of options to students who graduate from P.S. 291. If both proposals are approved, fourth-grade students enrolled at P.S. 291 will be able to stay at P.S. 291 for fifth grade and will no longer be able to attend I.S. 206 for fifth grade. Other fourth-grade students residing in District 10 may also apply for a seat at P.S. 291 for fifth grade, but their enrollment will depend on seat availability as P.S. 291 would first give preference to its current fourth-grade students and then to other zoned students.

The DOE is confident that P.S. 291 can accommodate fifth grade in the excess space available in the X015 building. P.S. 291 was budgeted to reduce the number of kindergarten sections it serves from approximately five to four for the 2012-2013 school year and will continue to work with the Office of School Enrollment (“OSE”) to implement this practice in the coming years. In addition, OSE has implemented a new enrollment strategy whereby District 10 schools will no longer enroll out-of-zone students, further ensuring the feasibility of this expansion in terms of space availability within the X015 building.

Summary of Comments Received at the Joint Public Hearings

A joint public hearing regarding this proposal was held at the X015 building on October 22, 2012. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 230 members of the public attended the hearing, and 50 people spoke. Present at the meeting were District 10 Community Superintendent Melodie Mashel; Chancellor’s Designee Meg Barboza; Community Education Council 10 (“CEC 10”) President Marvin Shelton; P.S. 291 School Leadership Team (“SLT”) representative and Principal Carlos Velez; Network Leader Debra Lamb; P.S. 15 SLT representatives Maggie Grant, Doreen Luckey, Manuel Martinez, Rfal Sandah, Jamie Bennett, and Carol Lebrion; P010X SLT representatives Shawanda Weems and Assistant Principal Bill Green; Ariel Guerrero from the Office of Public Affairs; and Jean-Pierre Jacquet and Stephanie Crane from the Division of Portfolio Planning.

The following questions, comments, and remarks were made at the joint public hearing:

1. Many members of the P.S. 15, P.S. 291, and P010X communities noted the strong performance of the school, the supportive environment, positive culture, significant improvements made over the past several years, and the achievements of the students who attended school at each of these organizations.
2. Multiple commenters voiced general opposition to the proposal.
3. Many commenters expressed appreciation for the sense of community felt between the three co-located organizations (P.S. 15, P.S. 291, and P010X) and voiced concern that this proposal is negatively impacting the community and will continue to do so if passed.
4. Several commenters inquired as to how this expansion will impact the students’ ability to learn and expressed concern that this proposal will negatively impact the performance of students in building X015.
5. One commenter expressed concern about how this proposal will impact programming for English Language Learner (“ELL”) students; she noted the high population of ELL students

served in the X015 building and expressed the need for sufficient space to effectively work with these students.

6. Many commenters inquired about the impact of this proposal on special education programming:
 - a. P010X SLT representative and Assistant Principal, Bill Greene, voiced concern about the ability of students to receive mandated special education services in accordance with their Individualized Educational Programs (“IEPs”) and the continuation of special education programming, especially with regards to the inclusion programming at the D75 program located in the X015 building.
 - b. One commenter asked how this proposal will impact special education reform and ensure students can learn in the least restrictive environment.
7. Multiple commenters inquired as to how this proposal will impact learning environment and class size for students at P.S. 15.
8. CEC 10 President Marvin Shelton raised concern about reducing the number of Kindergarten classes at P.S. 291 and the impact that it could have on other schools in the area, especially in consideration of the general need for capping in District 10’s kindergarten class sections.
9. Many parents voiced concern about overcrowding in the district and in the X015 building.
10. Several commenters voiced concern about the increase in utilization rates caused by this proposal.
 - a. CEC 10 President Marvin Shelton also voiced concern about the short term increase in utilization at X015 from 115% to approximately 125%.
 - b. Multiple commenters asked how it is possible to expand the grades served by P.S. 291 when the X015 building is already at utilization rate of over 100%.
11. Several commenters inquired about the size of classrooms where instruction takes place:
 - a. One commenter, a teacher in building X015, inquired about whether he would be placed in an appropriately-sized room for instruction. He also expressed the importance of teaching children in the least restrictive environment.
 - b. One commenter questioned how P.S. 291 currently utilizes its full-size spaces and proposed that a full-size room that is storage space be re-purposed to serve as a classroom.
12. Many commenters inquired as to how the space usage in the building will change if this proposal is passed, and asked if there were alternate options that could be utilized instead of re-allocating space currently used by P.S. 15:
 - a. One commenter, the president of P.S. 291’s Parent Association, asked how the additional grade will be accommodated within the building
 - b. One commenter noted that P.S. 15 had lost a music room previously and administrative space had been re-purposed in such a way that some staff do not have office space.
 - c. One commenter suggested that the DOE construct additional classrooms on the parking space near X015 to accommodate the proposed grade expansion.
13. Multiple commenters asked where the excess space was located within X015 and claimed that if space on the fourth floor is re-allocated to P.S. 291, P.S. 15’s culture will be disrupted.
14. One commenter noted that extra space is needed for extra-curricular activities.
15. One commenter asked how the additional students in the building will be accommodated and if the increased population will lead to after-school activities being cut to accommodate the additional students.
16. One commenter asked if more space would be taken from P.S. 15 if enrollment did not meet the projections noted in the EIS.
17. Several commenters raised concerns about the scheduling of shared spaces, especially the cafeteria and gymnasium schedules.

18. One commenter asked what the rules will be for the time period during which students change classes and raised particular concern about the fifth-grade students being older than the students in the younger grades, and potentially having behavioral problems.
19. One commenter inquired as to who makes up the panel that will vote on this proposal.
20. One commenter asked why we are holding the meeting now and why the community was not aware of this meeting sooner.
21. One commenter asked why P.S. 291 serves four sections of kindergarten while I.S. 206 serves two sections of kindergarten.
22. One parent expressed concern about where her fourth-grade son who attends P.S. 291 will receive his education after he completes his credits at P.S. 291. This parent voiced support for the proposal, and the opportunity for her son to continue his education at P.S. 291.
23. Two parents voiced concern about sending their students to I.S. 206 after they completed their schooling at P.S. 291.
24. One parent expressed concern that the DOE might close P.S. 15.

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

The DOE received one written comment and one oral comment through the dedicated Web site and phone line for this proposal.

25. Marvin Shelton, CEC 10 President, submitted a written comment that noted that the “middle school students residing in the X291 catchment area are not zoned to I.S. 206 as referred to in the EIS.” He noted that P.S. 291 students are zoned to the X115 building for middle school.
26. The DOE received a written comment that voiced general opposition to the proposal.

Summary of Comments and Remarks Made That Were Not Related to the Proposal

27. One commenter noted that P.S. 15 should offer a variety of language programming for students.
28. One commenter noted that President Obama is instituting job opportunities for students to come out and serve children.

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

Comments 1 and 3 express support for the school organizations located in the X015 building, note the positive achievement of the students who attend these organizations, and voice concern that the proposal may disrupt the sense of community among the schools.

The DOE acknowledges and commends the students, staff, leadership, and partners of P.S. 291, P.S. 15, and P010X for their hard work, dedication, and passion for the school. The DOE believes that this proposal will best serve the families of District 10 by increasing access to the educational opportunities available within the district, and will also build upon the existing collaboration between the X015 schools. Although this transition may pose new challenges, the DOE is confident that the Building Council will be able to continue building a collaborative and mutually respectful environment for all students, staff, and faculty members with support from the DOE.

Comments 2 and 26 express general opposition to the proposal.

The DOE acknowledges the opposition voiced to this proposal but believes the expansion of P.S. 291 will best serve District 10 families by increasing the educational options available to elementary and middle school students.

Comments 4, 5, 6(a), and 6(b) express concern about the proposed expansion's impact on instruction and learning for all students attending school organizations located in the X015 building, especially for ELL and Special Education students.

As discussed on pages 4-6 of the amended EIS, the proposed expansion is not expected to impact the instructional programming at P.S. 291, P.S. 15 or P010X. In addition to General Education ("GE") classes, P.S. 291 and P.S. 15 currently offer Integrated Co-Teaching ("ICT"), self-contained ("SC") special education classes, Special Education Teacher Support Services ("SETSS"), and an English as a Second Language ("ESL") program for ELL students. P.S. 291 and P.S. 15 will continue to provide all of these programs, and students with disabilities will continue to receive all mandated services in accordance with their Individualized Educational Programs. ELL students at P.S. 291 and P.S. 15 will also continue to receive mandated services. P010X provides both self-contained and inclusion programming for the D75 students served at the X015 site. The students served in the P010X program at the X015 site will not be impacted by this proposal and will continue to receive self-contained services and inclusion programming based on each student's IEP. The DOE does not anticipate any impact to instructional programming at any of the three schools in the X015 building.

Additionally, the special education reform will not be impacted by this proposal and schools should continue to implement the initiative consistent with the DOE's policy.

Comment 7 relates to concerns about learning environment and class sizes at P.S. 15.

As stated in the EIS, the Bronx Director of Space Planning determined that P.S. 15 had two full size rooms in building X015 in excess of its baseline allocation under the Instructional Footprint (the "Footprint"). After these two rooms are re-allocated to P.S. 291, P.S. 15 will continue to receive its baseline allocation of rooms pursuant to the Footprint.

For elementary grades, the Footprint assumes that classes are self contained. Therefore, the Footprint allocates one full-size room for each general education or ICT section and a full-size or half-size room to accommodate each SC special education section served by the school. In addition to these rooms, schools serving grades kindergarten through five receive an allocation of cluster or specialty rooms proportionate to the number of students enrolled. These spaces can be used at the principal's discretion for purposes such as art and/or music instruction, among other things.

Based on the 2011-2012 audited register, the average size of P.S. 15's kindergarten is equivalent to the District 10 average general education kindergarten class size. Moreover, according to the 2011-2012 audited register, all grade sections were under the contractual maximum as determined by the UFT. Historically, P.S. 15 has not experienced any issues regarding class size being over the UFT contractual maximum. The DOE anticipates that P.S. 15 will maintain similar levels of enrollment and class size if this proposal is approved.

Additionally, it is important to note that self-contained Special Education classes and all other self contained models will receive size appropriate space allocations varying from 240 to 499 square feet. Designation of students with disabilities in K-5 as being served in a single classroom does not preclude a school from implementing flexible models of service delivery. Space

allocation adjustments may be made in consultation with the Office of Space Planning and the Division of Students with Disabilities and English Language Learners as appropriate based on the profile of the special education population.

The Office of Space Planning will continue to work with the Building Council, which is made up of principals from each co-located school organization, to ensure that all students are placed in an environment conducive to learning.

Comments 8, 9, 10(a) and 10(b) express concern about overcrowding in the district, kindergarten seat availability in the P.S. 291 area, as well as the current and proposed utilization rates in the X015 building based on the proposed grade expansion.

If this proposal is approved, P.S. 291 will expand to create approximately 115-125 fifth-grade seats in the 2013-2014 school year. In that year, it is projected that P.S. 291 will serve a total of approximately 600-660 students, P.S. 15 will serve approximately 490-580 students, and P010X will serve approximately 110-120 students, yielding an estimated target utilization rate of 116-132% for X015. This utilization rate, as indicated in the 2011-2012 Blue Book, is roughly comparable to other nearby elementary buildings in District 10: Building X206 has a utilization rate of 125%; Building X091 has utilization rate of 92% with a mini-building (X891) that has a utilization of 163%; X226 has a utilization rate of 91% with a mini-building (X826) that has a utilization of 148%; Building X026 has a utilization of 71%; and Building X279 has a utilization rate of 112% and has a mini-building (X896) utilization of 108%.

Although a utilization rate in excess of 100% may suggest that a building will be over-utilized or over-crowded in a given year, this rate does not account for the fact that rooms may be programmed for more efficient or different uses than the standard assumptions in the utilization calculation. As discussed in more detail on pages 10-11 of the amended EIS, each school will continue to receive its baseline allocation under the Footprint. Moreover, as mentioned above, P.S. 291 has made changes to its enrollment strategy as of 2012-2013, such that the school now only accepts zoned students and is budgeted for one fewer kindergarten section than in prior years. P.S. 291 will continue to work with the Office of School Enrollment (“OSE”) to implement this practice in the coming years, and as a result, the DOE anticipates that these changes will continue to reduce P.S. 291’s overall enrollment over the course of the next four years, and projects that building X015’s overall utilization will decrease to approximately 108-123% by the 2015-2016 school year.

In District 10, the DOE historically has overflowed students from their zoned schools in instances where each section of a grade level reaches the contractual maximum class size limit. In 2012-2013, the DOE approved cap and overflow plans for approximately 11 schools in District 10. However, it was not necessary to cap enrollment at P.S. 291 or P.S. 15. Only one neighboring school, P.S. 396, required a cap and overflow plan for four kindergarten students. However, no other surrounding schools such as I.S. 206, P.S. 91, P.S. 279, P.S. 390, P.S. 226 or P.S./M.S. 315 required capping or an overflow site. Therefore, the DOE believes that it can continue to provide an adequate number of seats for District 10 students while reducing the number of kindergarten sections available at P.S. 291.

Comments 11(a) and 11(b) concern the square footage of the classrooms and how they are allocated to and used by the school organizations located in X015.

Full-size classrooms are 500 square feet or more. Half-size classrooms have an area of less than 500 square feet but greater than 249 square feet. Pursuant to the Instructional Footprint, space is allocated such that all classes are served in spaces that are appropriately-sized for instruction. As

described further in the response to comment 7 above, self-contained Special Education classes, which typically serve up to 12 students, may be served in half-size classrooms. This does not preclude a school from implementing flexible models of service delivery in order to provide instruction in the least restrictive environment. Space allocation adjustments may be made in consultation with the Office of Space Planning and the Division of Students with Disabilities and English Language Learners as appropriate based on the profile of the special education population.

As it stands, P.S. 291 is currently allocated the baseline number of rooms needed to meet its Instructional Footprint, including administrative rooms that can sometimes be used for storage. Adequate storage will be provided for all organizations within the building. If there is interest in repurposing storage rooms to serve as instructional classrooms, the Building Council can discuss this and make the final determination with the consultation of the Office of Space Planning.

Comments 12(a), 12(b), 12(c), and 13 inquire as to how space usage in the building will change if this proposal is implemented, and ask if there are alternate options to provide space for the potential grade expansion of P.S. 291.

If this proposal is approved, the Office of Space Planning will work closely with the building council, consisting of all principals of the co-located organizations in X015, to create space configurations within the X015 building to accommodate the expansion of P.S. 291 that maintain a positive learning environment for all students, staff, and administration. The DOE, in consultation with the Building Council, will, where possible, allocate contiguous and dedicated space to schools. The allocation of space, in accordance with the Footprint, includes a certain number of administrative spaces to each school organization based on the enrollment of the school organization. In addition to these rooms, schools serving grades kindergarten through five receive an allocation of cluster or specialty rooms proportionate to the number of students enrolled. These spaces can be used at the principal's discretion for purposes such as art and/or music instruction, among other things. The programming of these spaces is left up to the principal and may therefore change from year to year.

Given that there is currently space within the building to accommodate the grade expansion proposed, as outlined in the EIS, the DOE does not believe there is a need to construct an addition to the X015 building at this time.

Comments 14 and 15 concern the impact of the proposal on extra-curricular activities.

The DOE does not anticipate that the proposal will impact the availability of extra-curricular programming at any of the three organizations in the X015 building. As is current practice and described in further detail in response to Comments 17 and 18 below, the Building Council will work to determine a schedule for the use of shared spaces in the building during and after the school day in order to accommodate extracurricular activities.

Comment 16 inquires as to whether P.S. 15 will lose additional space if the school's enrollment is lower than the enrollment projections noted for P.S. 15 in the EIS.

The DOE does not currently anticipate re-allocating from P.S. 15 any space other than the two excess full-size rooms noted in the EIS in connection with the expansion of P.S. 291.

Comments 17 and 18 concerned the shared space scheduling in the building with particular concern for the the gymnasium, cafeteria, and class change schedules.

Principals from each school organization co-located in a building serve on a Building Council to make decisions about overall use of the shared space and shared space schedules including the use of the cafeteria and scheduling of lunch periods for students in each co-located school organization. If the principals are unable to agree upon a schedule for shared spaces, there is a mediation process outlined in the Campus Policy Memo, which is available at <http://schools.nyc.gov/community/campusgov>. Although P.S. 291 does not currently serve fifth grade, P.S. 15 serves students in kindergarten through eighth grades and as such, the DOE does not anticipate that there will be any negative impact from P.S. 291 serving fifth-grade students, as fifth-grade students have already been attending school in building X015 at P.S. 15.

Comment 19 inquires as to who serves on the Panel for Educational Policy (“PEP”) that will make the final vote on this proposal.

The PEP consists of thirteen appointed members and the Chancellor. Each borough president appoints one member and the mayor appoints the remaining eight. The Chancellor serves as an ex-officio non-voting member. The PEP is responsible for electing a chairperson from among the voting members.

The biographies of the individual members of the PEP are available at: <http://schools.nyc.gov/AboutUs/leadership/PEP/members/default.htm>

Comment 20 concerns the timeline by which the public was notified about this joint public hearing.

The DOE is committed to engaging with the community for all proposals requiring a significant change in school utilization, as detailed in Chancellor’s Regulation A-190, which sets forth the public review and comment process that the DOE must undertake with respect to all such proposals, including grade re-configurations. Consistent with that regulation, prior to posting the EIS, representatives of the DOE proposed potential dates and times for the joint public hearing to representatives of CEC 10 and the SLTs of P.S. 291, P.S. 15 and P010X, among other people. Each of these groups indicated their availability on these dates and had the opportunity to propose alternative dates. CEC 10 and the SLT representatives confirmed that October 22, 2012 was a feasible joint public hearing date. On September 20, 2012, the DOE then published the EIS and notice of the joint public hearing and proposal on its website, made available hard copies of the EIS in the main offices of the impacted schools, and mailed hard copies to CEC 10, the impacted community boards, and the SLTs of the impacted schools, among others. Furthermore, a letter to parents notifying them of the proposal and the joint public hearing was backpacked home with students by Friday, September 28, 2012.

Additionally, engagement with the schools began well before the DOE posted the EIS; during Spring 2012, representatives of the DOE had conversations with the district community superintendent, network leaders, and SLT of all three school organizations co-located in building X015 to discuss the proposed grade truncation. At the meetings with the SLTs of each school organization, the DOE encouraged the SLTs to share the information presented at the meeting with their larger communities, and to provide any additional feedback, questions, or concerns to

the DOE through the email address D10proposals@schools.nyc.gov or the phone line, 212-374-5159.

Comment 21 inquires as to why P.S. 291 and P.S. 15 have different numbers of sections in kindergarten.

Elementary schools across New York City serve varying numbers of sections per grade, whether they are co-located with other schools or not. These enrollment decisions may be based on demand for a school, available space, instructional programming decisions, and a wide variety of other factors.

Comments 22, 23 and 25 concern the elementary and middle school zoning for P.S. 291 and I.S. 206, as well as articulation options for students after their completion of P.S. 291.

Elementary students living in the P.S. 291 zone share an elementary school (grades K-5) zone with I.S. 206. Thus, P.S. 291 students are currently zoned to P.S. 291 for kindergarten through fourth grade, and to I.S. 206 for fifth grade. As a result of this proposal, students zoned to P.S. 291 will now be able to remain at the school through fifth grade. P.S. 291 students will retain their current middle school options, which include all District 9 and District 10 middle schools through the middle school choice process. This includes I.S. 206 as well as the students' current zoned middle schools. Students may choose to attend I.S. 206, as many students currently do, or may choose from among the other available middle school options.

The original EIS posted on September 20, 2012 incorrectly stated that students zoned for P.S. 291 are zoned to I.S. 206 for middle school. As clarified in the amended EIS and described above, P.S. 291 students are not zoned to I.S. 206 for middle school, only grade five.

Comment 24 expresses concern that P.S. 15 will be proposed for phase out.

This proposal concerns only the grade expansion of P.S. 291 and does not concern a proposed phase out of any school organization. In a concerted effort to ensure that all students have access to high-quality school programs, the Department of Education annually reviews the performance of all schools citywide. This process identifies schools that are having the most trouble serving their students. P.S. 15, which earned a B on its most recent Progress Report, has not been identified as a struggling school through this process and as such, is not being considered for phase-out.

Changes Made to the Proposal

No changes have been made to the proposal. However, as discussed above, on November 6, 2012, the DOE posted an amended EIS in response to Comment 25 which, as described above, corrected typographical errors, as well as:

- Clarified that P.S. 291 will give preference to P.S. 291's fourth grade students entering fifth grade, not I.S. 206 fourth grade students (as I.S. 206 does not offer fourth grade).
- Clarified that there are a few other schools in the district that serve irregular grade spans such as K-2 and K-6.
- Clarified that students zoned to P.S. 291 are also zoned to I.S. 206 for fifth grade, but not middle school grades.

- Included updated building utilization information as per the release of the 2011-2012 Enrollment Capacity Utilization Report (the “Blue Book”).
- Corrected a typographical error regarding the baseline room allocation for P.S. 15 pursuant to the Instructional Footprint.
- Included updated information regarding the implementation of the enrollment strategy for incoming kindergarten students in the 2012-2013 and subsequent years.
- Included information about proposed amendments to Chancellor’s Regulation A-101 which were issued subsequent to the posting of the original EIS.