

Public Comment Analysis

Date: November 25, 2013

Topic: The Proposed Extension of the Co-Location P.S. X010 (75X010) with P.S. 396 (10X396) and M.S. 390 (10X390) in Building X026, Beginning in 2013-2014

Date of Panel Vote: November 26, 2013

Summary of Proposal

On August 15, 2013, the Chancellor of the New York City Department of Education (“DOE”) issued an Emergency Declaration to implement the proposal to co-locate a new site of an existing District 75 school, P.S. X010 (75X010, “P010X@026X”), in building X026 (“X026”), located at 1930 Andrews Avenue, Bronx, New York 10453, in Community School District 10 (“District 10”) at the start of the 2013-2014 school year. X026 also houses P.S. 396 (10X396, “P.S. 396”), a zoned elementary school that serves kindergarten through fifth grade students and offers a full day pre-kindergarten program and an Autism Spectrum Disorders Nest (“ASD Nest”) program; and M.S. 390 (10X390, “M.S. 390”), a choice middle school that serves sixth through eighth grade students. P010X@026X currently serves students classified as autistic or learning disabled in kindergarten through fifth grades. Consistent with state law, the co-location will remain in effect for six months, or until approved by the Panel for Educational Policy (“PEP”) to continue for a longer period. Thus, PEP approval is needed for P010X@026X to remain in the building beyond February 2014.

On October 11, 2013, the DOE issued an Educational Impact Statement (“EIS”) describing a proposal to extend the duration of the co-location of P010X@026X. Under this proposal, P010X@026X will continue to serve students in kindergarten through fifth grades on a permanent basis at X026.

As discussed in the Emergency Declaration, in summer 2013, there was a significant, unanticipated increase in need for District 75 seats in the Bronx for the 2013-2014 school year. It was necessary to create a new P.S. X010 site to serve five additional sections of incoming District 75 students who could not be accommodated at the existing P.S. X010 sites or in other existing District 75 programs serving students with similar needs in the Bronx. Building X026 was the most sensible location for the new P.S. X010 site because there was excess space in the building, and P.S. 396, M.S. 390, and P010X@026X serve students of similar ages.

If this proposal is approved, P010X@026X will be indefinitely sited in X026, where it will continue to serve students in kindergarten through fifth grades.

X026 also houses an Adult and Continuing Education program, which operates in one classroom during school hours, in addition to offering services after school hours. This proposal is not expected to impact the continued siting of that program in X026.

X026 also houses two community-based organizations (“CBOs”), Morris Heights Health Center and Sports and Arts in School Foundation. This proposal is not expected to impact the continued siting of those programs in X026.

According to the 2012-2013 Enrollment, Capacity, Utilization Report, X026 has a target capacity to serve 1,096 students. (The concept of “target capacity” is explained in the Educational Impact Statement). In the 2013-2014 school year, the building serves approximately 774 students, including P010X@026X’s students, for a building utilization rate of approximately 71%. This means that the building is “under-utilized.” There is sufficient space to accommodate P010X@026X, P.S. 396, and M.S. 390 with additional space for each school in excess of their respective baseline allocations.

If this proposal is approved, P010X@026X will be permanently sited in X026, and it will serve students in

kindergarten through fifth grade.

The details of this proposal have been released in an EIS which can be accessed here:
<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2013-2014/Nov26SchoolProposals>.

Copies of the EIS are also available in the main offices of P.S. 396, M.S. 390, and P010X@026X.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at the X026 building on November 13, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 76 members of the public attended the hearing, and 19 people spoke. Present at the meeting were P.S. 396 School Leadership Team (“SLT”) representatives Principal Nicole Tine, Rebecca Odessey, Yesenia Paredes-Diaz, Amy Hochstein, and Amanda Lurie; M.S. 390 SLT representative Principal Robert Mercedes; P.S. X010 SLT representatives Principal Barbara Hanson and P010X@026X Assistant Principal Nalda Nichols; Community Education Council (“CEC”) 10 President Marvin Shelton; District 10 Community Superintendent Melodie Mashel; New York City Councilman Fernando Cabrera’s representative Greg Faulkner; and Adrien Siegfried, Timothy Castanza, and Annabelle Eliashiv from the DOE’s Office of Portfolio Management.

The following questions, comments, and remarks were made at the joint public hearing on November 13, 2013:

1. Marvin Shelton, CEC 10 President, stated that:
 - a. He understands there is a need for District 75 seats in District 10 and that these students are part of the District 10 community.
 - b. He believes this co-location will be disruptive to the other schools in the building.
 - c. P.S. 396 and M.S. 390 both capped enrollment at certain grades.
 - d. He believes the Panel for Educational Policy should pass the proposal for now, but the DOE should actively pursue using unoccupied space in the community as an alternative site because the building will be overcrowded.
2. Principal Nicole Tine of P.S. 396, asserted that:
 - a. Both P.S. 396 and M.S. 390’s enrollments have grown over the past few years.
 - b. This year, P.S. 396 had to cap enrollment in kindergarten.
 - c. She has concerns about P.S. 396’s ability to serve more students from its zone without adequate space.
3. Principal Robert Mercedes of M.S. 390, commented that:
 - a. He urges the Panel to reconsider this proposal due to M.S. 390’s growth in enrollment.
 - b. He believes the proposal has created an overcrowded environment that will prevent M.S. 390 from meeting testing conditions, such as spreading students out during testing.
 - c. M.S. 390 recently received an “A” on the Progress Report, which was a result of hard work and effort, and he is concerned that space constraints will negatively impact students at M.S. 390.
 - d. He proposes to use excess space in X026 to provide his students with dance programs and a science lab.
4. Principal Barbara Hanson of P.S. X010, stated the following:
 - a. P.S. X010 is a program housed across nine locations in the Bronx and services students with special needs.
 - b. She explained that the majority of students are from the area and they are entitled to a seat in a program close to their homes.
 - c. Over 150 students with special needs were not placed in a District 75 program this year due to space constraints.

- d. The DOE found space to house five classes in this building beginning in the fall of 2013. The students in these classes deserve an education.
5. Greg Faulkner, a representative from Councilman Cabrera's office, stated that:
 - a. The Office of Portfolio Management should use long-term projections to ensure there is adequate capacity for District 75 students in the Bronx and to avoid jeopardizing schools that are doing well.
 - b. Councilman Cabrera is urging the Panel to reconsider changing the structure of M.S. 390.
 - c. Councilman Cabrera is interested in hearing from parents of the community.
 - d. The community needs a high school option in the area.
 - e. This proposal will create long-term problems in the building.
 - f. He asked whether or not these students are from the community.
 - g. Councilman Cabrera is willing to commit capital resources to develop programs in the building.
 - h. This administration has a history of disrupting schools that are doing well, but he wants to see M.S.390 succeed.
6. One commenter opposed the proposal on the grounds that students with special needs should be in their own space and should not be mixed with general education students.
7. Multiple commenters oppose the proposal on the grounds that it will cause M.S. 390 to program classes with 40 students per section, which will negatively impact students' education.
8. One commenter stated that:
 - a. It is not safe to have a pre-kindergarten program in this building.
 - b. The DOE should not add another school to the building because the P.S. 396 and M.S. 390 students in the building are not accustomed to the P010X@026X students.
9. Multiple commenters opposed the proposal on the grounds that children with special needs require additional attention.
10. One commenter contended that:
 - a. If P010X@026X was not in the building, P.S. 396 could have opened another section. Because P.S. 396 could not open another class, she is required to take her grandchildren to different schools.
 - b. The co-location of P010X@026X is taking space away from the children of the community to serve children from other communities.
 - c. P.S. 396 and M.S. 390 should offer additional activities to motivate students to come to school.
11. Multiple commenters opposed this proposal on the grounds that there is not enough space in the building to accommodate another school.
12. Several commenters opposed this proposal on the grounds that the co-location of P010X@026X creates overcrowding in the building which leads to unsafe conditions.
13. Multiple commenters opposed this proposal on the grounds that it would negatively impact current students and force P.S. 396 and M.S. 390 to give up their programs and activities, such as a science lab and art program.
14. Multiple commenters opposed this proposal on the grounds that it would prevent M.S. 390 from serving 9th grade students.
15. Multiple commenters opposed this proposal on the grounds that elementary school aged students should not be in the same building as middle school students.
16. One commenter proposed that the DOE should use this space for a high school because there is not a high school in the community.

17. One commenter opposed the proposal on the grounds that it would take space away from M.S. 390, and thus, prevent students from the community from attending middle school at M.S. 390.
18. One commenter offered the following comments and questions:
 - a. Two minutes per commenters requiring Spanish translation is not enough time.
 - b. Even though students with special needs require additional attention, we need to accommodate both our special needs students and general education students.
 - c. There should be more meetings to inform the public of changes in school utilization and increase parent involvement.
 - d. More funding should be allocated to public schools.
 - e. The commenter also asked why X026 was chosen for the proposal.
19. Multiple commenters opposed this proposal on the grounds that it would prevent students from having physical education in the gymnasium.
20. One commenter opposed the proposal because the young students with special needs are served on the top floor of the building, rather than on the first or second floor.

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

The DOE also received four written comments via e-mail and mail, and twenty-six oral comments via phone.

21. One commenter expressed opposition to the proposal on the grounds that:
 - a. There was not enough notice given to the parents of P.S. 396.
 - b. Due to growth in enrollment, the students at P.S. 396 need more space.
 - c. P010X@026X should be sited somewhere else, such as a school that is closing or an empty Catholic school building in the area.
22. Multiple commenters expressed opposition to the proposal on the grounds that the DOE should not take space away from the students who are already there.
23. One commenter expressed opposition to the proposal on the grounds that:
 - a. P.S. 396 is already overcrowded and this proposal will further exacerbate the situation.
 - b. Students who live nearby will not be able to attend P.S. 396 because there will not be enough space for them.
24. One commenter opposed the proposal on the grounds that current students will have less access to the gym, science lab, and art program.
25. Multiple commenters expressed general opposition to the proposal.
26. Multiple commenters were opposed to the proposal on the grounds that there is not enough space in the building.
27. One commenter opposed the proposal on the grounds that she does not want a pre-kindergarten program to be introduced into the building that will take away space from the middle school.
28. One commenter opposed the proposal for the following reasons:
 - a. The proposal will limit P.S. 396's access to shared facilities, such as the gymnasium, auditorium, and cafeteria.
 - b. P.S. 396 was not able to open another classroom to accommodate zoned students due to P010X@026X's presence in the building.
 - c. Enrollment at P.S. 396 is projected to grow, so it will need more space.

- d. There is not enough space to provide pull out services for students.
- e. The increased traffic due to P010X@026X students' arrival via bus has created safety concerns.
- f. P010X@026X does not have a separate entrance and their location in the building is not clearly indicated, which results in P.S. 396 staff re-directing parents to the appropriate location.

29. One commenter opposed the proposal on the basis that the buses that drop off P010X@026X's students cause traffic congestion and unsafe conditions.

30. The DOE received a petition with approximately 260 signatures opposing the proposal on the grounds that:
- a. It will negatively impact M.S. 390's students.
 - b. It will reduce M.S. 390's students' access to shared resources.
 - c. There was a lack of parent involvement.

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

Comments 1(a), 4(b), 4(d), and 18(b) are in support of the proposal and thus do not require a response.

Comments 1(b), 5(e), 5(h), 8(b), 13, 19, 24, 28(a, d, f), and 30(a, b) express concern that extending the co-location of P010X@026X will have negative impacts on P.S. 396 and M.S. 396 by disrupting their students and requiring them to give up programs or access to shared spaces.

Co-location is the everyday experience of more than half the schools in New York City. Co-locations allow us to use our limited facilities efficiently while simultaneously creating additional educational options for New York City families. This is necessary because we have scarce resources and a demand for more options.

The proposal to extend the co-location of P010X@026X is not expected to impact current enrollment, admissions or instructional programming at P.S. 396 or M.S. 390—this includes, but is not limited to M.S. 390's access to the science lab and arts program. With respect to concerns about P.S. 396 and M.S. 390 students' access to the gymnasium, cafeteria and auditorium, it should be noted that P010X@026X is not currently utilizing the shared spaces in X026. However, to the extent that P010X@026X desires to do so in the future, the Building Council, which is comprised of the principals of co-located schools, shall collaboratively determine an equitable allocation of time in the shared spaces for each of the schools. The Building Council is responsible for resolving all issues related to the smooth daily operation of all schools in the building and the safety of the students they serve. Building Councils should be able to resolve issues within the campus by collaboratively working to make decisions in the best interest of all students. If conflicts emerge and progress is impaired, the Building Council will follow the dispute resolution procedures outlined in the Campus Policy Memo available at the following link: <http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo>.<http://schools.nyc.gov/community/campusgov/KeyDocuments/CampusMemo.htm>.

Furthermore, P.S. 396 and M.S. 390 have been operating successfully in a co-located building since both schools opened in the fall of 1999. The DOE believes that the school leaders can continue to work together to create a positive environment for their students.

Comments 1(c), 2(a), 2(c), 3(a), 5(a), 10(a), 17, 21(b), 23(b), and 28(b, c) pertain to enrollment trends at P.S. 396 and MS. 390, and the proposal's impact on the ability of those schools to accommodate zoned students.

The DOE does not believe that the proposed co-location will impact P.S. 396's or M.S. 390's enrollment or its ability to serve zoned students. While those schools' unaudited registers (as of October 31, 2013) are slightly above the 2013-2014 budget register projections in the EIS, the space in excess of the schools' Footprint allocations can be allocated to accommodate additional sections which may be needed due to growth in enrollment.

Additionally, while P.S. 396 did request to cap enrollment in kindergarten this year, the application was retracted as P.S. 396 was able to open another section of kindergarten to accommodate students from its zone. No other applications were received to cap enrollment at P.S. 396 or M.S. 390.

Comments 1(d), 18(c), and 21(c) inquire as to how X026 was selected for this proposal, and suggest that the DOE should site the new P.S. X010 sections in other locations.

Proposals about where new schools are sited are made by the DOE's Division of Portfolio Planning ("Portfolio") in conjunction with the Office of Space Planning. The DOE proposes co-locations to ensure that we are using our existing capital in the most efficient manner possible so that students and families in every community have access to high-performing educational options. As discussed in the Revised Under-utilized Space Memorandum (as of November 20, 2012), on a yearly basis, Portfolio conducts a transparent process to publish a list of under-utilized buildings by applying consistent criteria to all school buildings across the city. Buildings like X026 that have, or are projected to have, 300 or more seats available in the next one to two years according to the Blue Book may be eligible for a co-location, among other potential changes in school utilization. A copy of the Revised Under-utilized Space Memorandum describing in detail the process for identifying under-utilized schools is available at: http://schools.nyc.gov/NR/ronlyres/6D8EA76A-82FA-4740-9ED1-66BCABEE8BFB/134525/UnderutilizedSpaceMemorandum112012_vFINALforprint.pdf.

As described in the EIS, building X026 is under-utilized and can be used more efficiently to serve additional students. Therefore, the DOE has proposed to co-locate a new District 75 program in X026 rather than leasing new space.

Comments 3(b), 3(d), 5(b), 11, 12, 18(e), 22, 23, and 26 contend that the proposal will result in overcrowding and unsafe conditions at X026.

As mentioned in the EIS, in the 2013-2014 school year, the building has a utilization rate of approximately 71%. This means that the building is "under-utilized" and that there is sufficient space to accommodate P010X@026X, P.S. 396, and M.S. 390. Additionally, there remains additional space for each school in excess of their respective baseline Footprint allocations, described below.

Given the finite number of buildings available in New York City, the DOE attempts to use all of its school buildings as efficiently as possible. There are currently hundreds of schools in buildings across the City that are co-located; some of these co-locations are multiple DOE schools while others are DOE and public charter schools sharing space. In all cases, allocation of classroom, resource, and administrative space is guided by the Citywide Instructional Footprint (the "Footprint") which is applied to all schools in the building.

The Footprint is used to allocate space to all schools based on the number of class sections they program and the grade levels of the school. The number of class sections at each school is determined by the Principal based on enrollment, budget, and student needs; there is a standard guideline of target class size (i.e., number of students in a class section) for each grade level. At the middle school and high school levels, the Footprint assumes every classroom is programmed during every period of the school day except one lunch period. The full text of the Instructional Footprint is available at http://schools.nyc.gov/NR/ronlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf.

This proposal is not expected to impact the current programming at P.S. 396, M.S. 390, or P010X@026X. As described in the EIS, all three schools will receive their respective baseline footprint allocation. In addition, there will be several full-size spaces in excess of the schools' collective baseline allocations. The Building Council will work with the Office of Space Planning to ensure an equitable allocation of the excess space in the building. In determining an equitable allocation, the Office of Space Planning may consider factors such as the relative enrollments of the co-located schools, the instructional and programmatic needs of the co-located schools, and the physical location of the excess space within the building. In addition, the Office of Space Planning would work with

the schools in building X026 to ensure a smooth transition, if necessary, of any rooms currently being used above schools' footprint allocations.

With respect to safety concerns, 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; these updates could also be made at any other time when 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.

In reference to the concern regarding M.S. 390's compliance with testing regulations that require students to sit a seat apart during testing, there remain several full-size spaces and 1.5 full-size equivalent administrative spaces in excess of the schools' Footprints. M.S. 390 can work with the Building Council to use that excess space during testing periods to satisfy testing condition requirements.

Comments 28(e) and 29 concern the proposal's impact on traffic conditions at X026.

To the extent there are concerns about increased traffic resulting from P010X@026X's buses, the DOE will discuss this issue with the Building Council and Office of Pupil Transportation, and, if appropriate, modify the arrival and dismissal times to minimize congestion.

Comments 3(d) and 5(g) propose that the excess space in the building be used to offer additional programming for P.S. 396 and M.S. 390.

The DOE recognizes and supports M.S. 390's desire to create additional programs for its students. The DOE does not believe that this proposal will impact the ability of M.S. 390 or P.S. 396 to continue providing educational opportunities for current and future students. Moreover, this proposal will provide new opportunities for the District 75 program to serve some of our neediest students in the New York Public School system.

Comments 4(a), 4(c), and 4(d) are explanatory in nature and do not require a response.

Comments 4(b), 5(f), and 10(b) concern whether P010X@026X serves students from the community.

Every student at P010X@026X is from the Bronx, and approximately one third of these students reside in District 10. The DOE projects that over time, P010X@026X will serve a greater proportion of District 10 students due to the high demand for, and limited availability of, District 75 seats in District 10. The DOE is committed to ensuring students recommended for placements in a District 75 school in the Bronx have the opportunity to meet their educational requirements. Students will continue to be placed in District 75 schools based on individual student needs and recommended special education services. The following variables are taken into account when considering the best placement: whether the student needs a barrier free site, whether the student requires nursing services, the student's home district, and whether the student has siblings in the articulating school. For additional information about District 75 programs, please visit the DOE's Web site at: <http://schools.nyc.gov/Offices/District75/default.htm>.

Comment 5(a) suggests using long-term projections to plan for District 75 needs.

The Office of Portfolio Management works in conjunction with District 75, the School Construction Authority, and the Office of Space Planning to identify District 75's needs and develop appropriate programs throughout the City. However, due to the recent unanticipated increase in need for District 75 seats in the Bronx for the 2013-2014 school year and the process by which students are referred for placement in a District 75 school, it was necessary to create another District 75 site in District 10.

Additionally, over the past year, the DOE has worked to create additional District 75 seats in the Bronx to address the growing need for District 75 capacity in the Bronx.

Comments 5(c), 18(a), 18(c), 21(a), and 30(c) pertain to the notice and public comment process related to this proposal.

Consistent with applicable laws and regulations, the EIS was published on the DOE's website on October 11, 2013, and hard copies were made available in the main offices of P.S. 396 and M.S. 390. Hard copies of the EIS were also sent to the impacted CEC, the impacted community boards, the SLTs of the impacted schools, the Citywide Council on English Language Learners ("CCELL"), the Citywide Council on Special Education ("CCSE"), the Citywide Council on District 75 ("CCD75"), the District 10 Community Superintendent, and the District 75 Superintendent. Parents were notified of the proposal and the joint public hearing via English and Spanish parent letters and joint public hearing notices that were backpacked home with students. The DOE solicited feedback from community members at the hearing, as well as through voicemail and email. The fact that more than 70 people attended the joint public hearing demonstrates that the community was well aware of the proposal and had a robust opportunity to provide public comment. In addition, the DOE provided Spanish interpreters at the hearing to facilitate participation by all families. 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 publicly available on the DOE Web site.

With respect to the amount of time allocated to public commenters who require translation, it should be noted that these commenters were provided with four minutes each to ensure adequate time for translation.

Comments 5(d) and 16 propose that X026 should house a high school.

As mentioned above, there was an urgent, unanticipated need to increase District 75 capacity in the Bronx. To meet this demand, the DOE opened a site of P.S. X010 in the X026 building through an Emergency Declaration on August 15, 2013. Furthermore, before P010X@026X opened in the X026 building, there were only eleven full-size rooms of excess space in the building. This space would not have been sufficient to meet the instructional needs of a high school per the Citywide Instructional Footprint.

Comments 6 and 9 suggest that students with special needs should be educated separately from general education students.

The mission of District 75 is to provide appropriate standards-based educational programs, with related service supports, to approximately 23,000 students with severe challenges, commensurate with their abilities. District 75 seeks to accomplish its mission and to support Children First while developing and expanding options, within the least restrictive environments, for the participation of students with severe disabilities in school and community settings. In supporting this mission, over 90 percent of District 75 schools in New York City are co-located with district schools in dozens of buildings Citywide.

Additionally, both P.S. 396 and M.S. 390 already educate students with special needs. As outlined in the proposal, P.S. 396 and M.S. 390 currently serve general education students and students requiring special education services, including students enrolled in Integrated Co-Teaching ("ICT") classes and Self-Contained ("SC") special education classes, as well as students receiving Special Education Teacher Support Services ("SETSS").

P.S. 396 and M.S. 390 will continue to provide ICT, SC, and SETSS classes as necessary and students with disabilities will continue to receive mandated services in accordance with their Individualized Education Programs ("IEPs"). Services are tailored to meet the individual needs of the students with disabilities attending P.S. 396 and M.S. 390, and, as such, may vary from year to year.

In addition, P.S. 396 offers an ASD Nest program, which uses a reduced class size ICT program model for higher functioning children with ASD. Sited within supportive neighborhood schools, the ASD Nest program is designed to help children learn how to function well academically, behaviorally, and socially in school and in their community.

Comment 7 suggests that this proposal will lead to an increase in class size at M.S. 390 and P.S. 396.

The DOE does not anticipate that this proposal will require either M.S. 390 or P.S. 396 to program larger class sizes as a result of space constraints. Class size is a reflection of student enrollment trends and principals' programming decisions. Please refer to the response to comments 3(b), 3(d), 5(b), 11, 12, 18(e), 22, 23, and 26 for additional information.

Comments 8(a), 10(c), and 27 are not related to this proposal and thus do not require a response.

Comment 14 pertains to of the proposals' impact on M.S. 390 ability to expand to serve 9th grade.

The process for reconfiguring the grade levels served by a school is managed by the Office of New Schools. Reconfigurations include either the expansion or truncation of grade levels served at a school and may be initiated by the Office of Portfolio Management or via an application submitted by the school. All grade reconfiguration decisions are based on the following factors: school quality, physical space, demographic need, impact on enrollment, and community input.

If it is determined that a school will expand, location for the expansion may be either in the school's current building or at another building. As of the date of this analysis, M.S. 390 has not applied for a grade expansion with the DOE. However, this proposal does not preclude M.S. 390 from submitting a grade expansion application in the future.

Comment 15 suggests that X026 should only serve elementary or middle school students.

As a preliminary matter, it should be noted that both P.S. 396 and P010X@026X serve elementary age students. Therefore, this proposal does not entail the introduction of new grade levels to the building. In any case, due to space limitations, it is not unusual for varying grade levels to be co-located in a building together. There are successful examples of mixed grade co-located school buildings or campuses in New York City.

These examples include:

- The Julia Richman Educational Complex, which houses four small high schools, a K-8 school, and a District 75 program;
- Building M092 currently houses three schools: St. Hope Leadership Academy Charter School, a charter middle school serving students in grades fifth through eighth, P.S. 92, a district elementary school which serves students in grades K-5, and Democracy Prep Charter School, a charter middle school serving students in sixth through eighth grade.
- Building K324 currently houses three schools: M.S. 267, an existing middle school serving students in grades sixth through eighth, La Cima Charter school, a charter elementary school serving students in grades K-5, and Bedford Stuyvesant Collegiate, an existing charter secondary school, which is currently in the process of growing to serve students in grades 5-12. Members of the building council worked together to secure financing from KaBOOM to resurface the schoolyard and playground for all of the children at K324.

Furthermore, P.S. 396 and M.S. 390 have been co-located since the fall of 1999 when both schools opened. The DOE believes that the school leaders can continue to work together with P010X@026X to create a positive environment for their students.

Comment 18(d) pertains to school funding.

In New York City, we fund schools through a per pupil allocation. That is, funding "follows" the students and is weighted based on students' grade level and need (incoming proficiency level and special education/ELL/Title I status). If a school's population declines from 2,500 to 2,100 students, the school's budget decreases proportionally—just as a school with an increase in students receives more money. Even if the Department of

Education had a budget surplus, a school with declining student enrollment would still receive less per pupil funding each year enrollment falls.

Comment 20 concerns the location of the schools within the building.

As explained above, the DOE uses the Footprint as a guide to allocate space to all schools based on the number of class sections they program and the grade levels of the school. Co-located schools work with the Office of Space Planning to ensure each school has a contiguous space in the building to provide quality education to its students. Any issues with the schools' respective placements in the building should be addressed with the Building Council and Office of Space Planning.

Comment 25 expresses general opposition to the proposal.

Although the DOE recognizes that some in the community may have strong feelings against this proposal, the DOE believes that, if this proposal is approved, the school communities in X026 will be able to create productive and collaborative partnerships. The DOE strongly believes in the importance of offering high quality options to the 1.1 million students in New York City, including those recommended for placement in District 75.

Changes Made to the Proposal

No changes have been made to this proposal.