



## Notice

October 12, 2017

# The Proposed Extension of the Re-siting of District 75 School P723X@Astor (75X723) to New Building X909 for the 2017-2018 School Year and Beyond

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## I. Description of the subject and purpose of the proposed item under consideration.

### A. Summary of Proposal

On June 5, 2017, the Chancellor of the New York City Department of Education (NYCDOE) issued an Emergency Declaration re-siting P723X@Astor Child Guidance, also referred to as P723X@Astor, to new building X909 at the start of the 2017-2018 school year. P723X@Astor is one site of existing District 75 school P723X (75X723). A re-siting means that part or all of a school will be located in a different building than the building in which the school has been located.

Consistent with state law, the Emergency Declaration 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 P723X@Astor to remain in X909 beyond the six-month period. The NYCDOE is therefore proposing to extend the re-siting of P723X@Astor to X909 through the 2017-2018 school year and beyond.

Until the end of the 2016-2017 school year, P723X@Astor was serving students in private building XAIB, located at 4330 Byron Avenue, Bronx, NY, 10466 in Community School District 11. X909 is approximately 4.8 miles away from the former location in XAIB. X909 is located at 516 East Tremont Avenue, Bronx, NY 10457 in Community School District 9. As mentioned above, and described below in greater detail, this re-siting was already effectuated via Emergency Declaration on June 5, 2017. If approved, this proposal would allow P723X@Astor students to remain in X909 through the 2017-2018 school year and beyond.

### B. Rationale for the Emergency Declaration

Inspections of P723X@Astor's former building, XAIB, were conducted by the NYCDOE's Office of Space Planning and the Division of School Facilities in the spring of 2017, which revealed serious facilities concerns, including heat issues and roof leaks, and it was determined that the school needed to be re-sited in order to preserve the health and safety of its students. Once arrangements were made to secure X909 for P723X@Astor, the Chancellor signed an Emergency Declaration on June 5, 2017 in order to re-site P723X@Astor students from XAIB to X909 for the start of the 2017-2018 school year.

The Emergency Declaration is available on the NYCDOE's website at:

[http://schools.nyc.gov/NR/ronlyres/F2C58BAE-61E4-444C-9C2B-6E007CADD228/214471/EmergencyDec\\_Signed.pdf](http://schools.nyc.gov/NR/ronlyres/F2C58BAE-61E4-444C-9C2B-6E007CADD228/214471/EmergencyDec_Signed.pdf)

For a typical proposal for a significant change in school utilization, section 2590-h(2-a)(c) of the Education Law requires the Chancellor to publish and file an Educational Impact Statement (EIS) at least six months in advance of the first day of school in the succeeding school year. Additionally, section 2590-g(8) of the Education Law requires that such a proposal be submitted for public review and PEP approval at least six months prior to the start of the school year.

However, compliance with these provisions of the Education Law would have prevented the NYCDOE from implementing any proposal to re-site P723X@Astor from its former location to X909 beginning in the 2017-2018 school year, which would be contrary to the public interest. Section 2590-g(9) of the Education Law permits the Chancellor to adopt a significant change in school utilization on an emergency basis, without PEP approval, if necessary to preserve the health, safety, or general welfare of students, as was the case for P723X@Astor.

Since the start of the 2017-2018 school year, P723X@Astor has been operating in X909, which provides new amenities and a more suitable learning environment for the school. In addition, X909 provides more space to P723X@Astor than their former building. X909 is a new building and was recently under construction, and P723X@Astor is the only organization in the building. This proposal intends to support P723X@Astor, and re-siting to X909 was the most practical way to address the need to provide P723X@Astor students with a safe learning environment while maintaining the important services students receive. The new building offers academic facilities designed for a District 75 school and is in significantly better condition than their previous building, XAIB. If this proposal is approved, P723X@Astor will continue to serve its students in X909 for the 2017-2018 school year and beyond.

There is currently an excess of elementary school District 75 seats in District 11, where the former P723X@Astor building was located, when comparing the number of seats available in the district to the number of residents requiring District 75 services. However, in District 9, where P723X@Astor has been re-sited, in 2016-2017 there were 222 elementary school District 75 seats for 576 elementary school residents who require District 75 services. This means that approximately 61% of District 9 elementary school residents had to leave the district in order to receive District 75 services. As of the 2017-2018 school year, the re-siting of P723X@Astor added 78 elementary school District 75 seats and now fewer District 9 elementary school residents have to leave the district in order to receive District 75 services. Therefore, the NYCDOE believes that this proposal is beneficial to the District 9 community to help meet this need.

## C. About District 75

District 75 provides citywide educational, vocational, and behavior support programs for students who are on the autism spectrum, have significant cognitive delays, are severely emotionally challenged, are sensory impaired and/or are multiply disabled. District 75 provides services to students in a variety of settings, including:

- Elementary schools;
- Middle schools;
- High schools;
- Students' homes;
- Hospitals; and
- Agencies.

These programs are located at 352 sites across:

- The Bronx;
- Brooklyn;

- Manhattan;
- Queens;
- Staten Island; and
- Syosset, New York.

Additional information about District 75 programs can be found on the NYCDOE website at: <http://schools.nyc.gov/Offices/District75/default.htm>.

Students are placed in District 75 programs based on their individual needs and recommended special education services, and are referred to District 75 during a period that extends into summer. Students may be served in a District 75 program throughout the course of their education.

#### D. About P723X@Astor

P723X@Astor is one site of an existing District 75 school that operates in 11 different buildings across the Bronx. This proposal is not anticipated to have an impact on the ten other sites

P723X@Astor currently serves students in grades K-5 who have a classification of emotional disturbance or other health impairment on their Individualized Education Program (IEP). Currently in the 2017-2018 school year, P723X@Astor serves 78 students across eight Special Class (SC) sections with seven 12:1:1 and one 8:1:1 classroom settings, which is the ratio of students to teacher to paraprofessional, in X909.

#### E. Impact on X909

X909 has the capacity to serve a total of 120 students as reported in the Program of Requirements from the New York City School Construction Authority. As mentioned above, P723X@Astor is the only school organization that occupies X909. The NYCDOE believes that re-siting P723X@Astor to X909 improved learning conditions for students, and this proposal seeks to continue providing that support for the 2017-2018 school year and beyond. The DOE believes the new building is a significant improvement from the school's former building and will continue to provide a more suitable learning environment for its students. There are no other proposed uses for X909.

P723X@Astor currently serves 78 students, which yields a building utilization rate of approximately 65%. Therefore, X909 has sufficient capacity to accommodate P723X@Astor. If this proposal is approved and P723X@Astor remains in X909, during the 2018-2019 school year the school is projected to serve 64-96 students, yielding a building utilization rate of 53-80%. The concept of target capacity and the related concept of utilization rate are explained in Appendix A of this EIS.

Further, X909 provides P723X@Astor with a sufficient space allocation pursuant to the NYCDOE Instructional Footprint (the Footprint), which guides space allocation and use in city schools. If this proposal is approved, P723X@Astor will continue serving students in X909 for the 2017-2018 school year and beyond.

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

The EIS is available in the main office of P723X@Astor as well as on the NYCDOE's website at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2017-2018/November282017SchoolProposals>.

## III. Submission of public comment.

Members of the public who wish to provide comments are encouraged to attend the Joint Public Hearing for this proposal and share their feedback in person. All comments must be submitted at least 24 hours in advance of the PEP meeting at which this proposal is subject to a vote in order to be mentioned in the Public Comment Analysis to be published and provided to the PEP the evening before the PEP votes.

Members of the public that do not provide comments at the hearing may also provide oral or written comments as follows:

- Written comments can be sent to [D09Proposals@schools.nyc.gov](mailto:D09Proposals@schools.nyc.gov).
- Oral comments can be left at 212-374-5159.

#### IV. The NYCDOE representative who can provide further information on this proposal.

Name: Jyoti Folch  
Office: Office of District Planning  
Address: 100 Gold Street, Suite 3200, New York, NY 10038  
Email: [D09Proposals@schools.nyc.gov](mailto:D09Proposals@schools.nyc.gov)  
Phone: 212-374-5159

#### V. Date, time and location of the Joint Public Hearing for this proposal.

Date: November 15, 2017  
Time: 6 p.m.  
Location: Building X909  
516 East Tremont Avenue  
Bronx, NY 10457

Speaker sign-up will begin 30 minutes before each hearing, at 5:30 PM, and will close 15 minutes after the start of the hearings.

Attendees with disabilities or with concerns about access to the hearing location should call 212-374-5159 or email [accessibility@schools.nyc.gov](mailto:accessibility@schools.nyc.gov). Requests for accommodations will be fielded up to 72 hours before the hearing.

#### VI. Date, time and location of the PEP meeting at which this proposal will be voted on.

Date: November 28, 2017  
Time: 6 p.m.  
Location: Long Island City High School  
14-30 Broadway  
Queens, NY 11106

Attendees with disabilities or with concerns about access to the PEP meeting location should call 212-374-5159 or email [accessibility@schools.nyc.gov](mailto:accessibility@schools.nyc.gov). Requests for accommodations will be fielded up to 72 hours before the hearing.