



**Department of  
Education**

**Dennis M. Walcott**  
*Chancellor*

DECLARATION PURSUANT TO EDUCATION LAW SECTIONS 2590-g(9) AND  
2590-h(2-a)(f) CONCERNING THE CO-LOCATION OF A NEW DISTRICT 75 SCHOOL  
SITE IN SCHOOL BUILDING X040

I, Dennis M. Walcott, Chancellor of the New York City Department of Education, pursuant to sections 2590-g(9) and 2590-h(2-a)(f) of the New York State Education Law, do hereby determine that the immediate implementation of the proposal to co-locate a new District 75<sup>1</sup> school site with P.S. 179 (07X179, "P.S. 179") and Young Leaders Elementary School (07X369, "Young Leaders") in building X040 ("X040"), located at 468 East 140<sup>th</sup> Street, Bronx, NY 10454, in Community School District 7 ("District 7"), for the 2011-2012 school year is immediately necessary to preserve the general welfare of students. Additionally, compliance with the requirements of subdivisions (7) and (8) of section 2590-g of the Education Law, which require a public review process and approval by the Panel for Educational Policy (the "Panel") before a proposed school closing or significant change in school utilization can take effect, would be contrary to the public interest. This emergency co-location shall remain in effect for six months. The co-location shall continue thereafter if approved by the Panel.

P017X (75X017, "P017X") is an existing District 75 school currently serving students in kindergarten through ninth grade at four different sites in the Bronx.<sup>2</sup> Students are placed in District 75 programs based on their individual needs and recommended special education services. Students are referred to District 75 during a period that extends into the summer. For the 2011-2012 school year, there was a significant, unanticipated increase in requests for District 75 seats in the Bronx, making necessary the creation of a new P017X site in building X040 to serve two additional class sections of incoming kindergarten students, who cannot be accommodated at the four existing P017X sites or other existing District 75 programs serving students with similar needs. Each of the two new sections includes six students, which means

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<sup>1</sup> 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, sensory impaired and/or multiply disabled. District 75 provides services to students in a variety of settings, including elementary, middle and high schools, students' homes, hospitals, and agencies. These programs are located at more than 310 sites in the Bronx, Brooklyn, Manhattan, Queens, Staten Island, and Syosset, New York. Please visit the DOE website for additional information about District 75 programs at <http://schools.nyc.gov/Offices/District75/default.htm>.

<sup>2</sup> P017X currently serves students in four different sites: (1) P017X@P043X, which serves elementary-aged students at 165 Brown Place, Bronx, NY 10454; (2) P017X@P161X, which serves elementary-aged students at 628 Tinton Avenue, Bronx, NY 10455; (3) P017X@P296X, a District 75 inclusion program that serves middle school-aged students at 778 Forest Avenue, Bronx, NY 10456; and (4) P017X@P298X, which serves middle school-aged students at 778 Forest Avenue, Bronx, NY 10456.

that 12 new students in total would be added to building X040. The need for these additional classes could not have been known earlier.

Space to serve additional kindergarten class sections is available in building X040, where they would be co-located with P.S. 179 and Young Leaders. A “co-location” means that two or more school organizations are located in the same building and may share common spaces such as auditoriums, gymnasiums, libraries, and cafeterias. Both P.S. 179 and Young Leaders are zoned elementary schools that serve students in pre-kindergarten through fifth grade.

In the 2010-2011 school year, P017X occupied space in building X040, where it served 37 students in grades K-5 who were classified as autistic under an Individualized Education Plan (“IEP”).<sup>3</sup> This previous P017X site located in building X040 was re-sited and consolidated with another P017X site in building X043 (“X043”), located at 165 Brown Place, Bronx, NY 10454 in District 7, for the 2011-2012 school year.<sup>4</sup> A “re-siting” means a school is located in a different building than the one where it was previously located. Now, due to the unanticipated increase in requests for District 75 seats in the Bronx, it is necessary to use some of the space made available by that re-siting to create a new P017X site in building X040. The new P017X site in building X040 will serve two self-contained sections of kindergarten students classified as autistic under an IEP in a 6:1:1 classroom setting (ratio of students: teacher: paraprofessional).

In 2010-2011, the grade spans and enrollments of the schools and District 75 program in building X040 were as follows:

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<sup>3</sup> Based on the ATS download from June 28, 2011.

<sup>4</sup> The P017X site, X017@X040, previously located in building X040 was re-sited in building X043, where it was consolidated with P017X@P043X or X017@X043, another P017X site. The re-siting of X017@X040 and its consolidation with X017@X043 was approved by the Panel on April 28, 2011. For more details about that proposal, please visit the DOE website at <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2010-2011/Apr282011Proposals.htm>.

School Name	DBN	Grades Served	Enrollment
P.S. 179	07X179	PK-5	394 <sup>5</sup>
Young Leaders	07X369	PK-5	296 <sup>6</sup>
P017X	75X017	K-5	37 <sup>7</sup>
Total Enrollment:			727
Building Capacity:			723
Building Utilization: <sup>8,9</sup>			101% <sup>10</sup>

In 2011-2012, the grade spans and enrollments of the schools, with the new District 75 program, in building X040 will be as follows:

School Name	DBN	Grades Served	Projected Enrollment <sup>11</sup>
P.S. 179	07X179	PK-5	383
Young Leaders	07X369	PK-5	308
P017X	75X017	K	12
Total Enrollment:			703
Building Capacity:			723
Building Utilization:			97%

<sup>5</sup> Based on the 2010-2011 Audited Register.

<sup>6</sup> Based on the 2010-2011 Audited Register.

<sup>7</sup> Based on the ATS download from June 28, 2011.

<sup>8</sup> The utilization rate reported here may differ from that in the 2009-2010 Enrollment Capacity Utilization Report (the "Blue Book") because the Blue Book enrollment includes Long Term Absences ("LTAs"), students who have been absent continuously for 30 days or more as of October 31, 2010. The building capacity figures quoted here are consistent with the Blue Book. However, the building enrollment figures referenced throughout this Emergency Declaration and used in the calculation of utilization rates only include the number of students who are actually projected to attend the school and do not include LTAs. This methodology is consistent with the manner in which the DOE conducts planning and calculates space allocations and funding for all schools. In determining the space allocation for co-located schools, the Office of Space Planning will conduct a detailed site survey and space analysis of the building to assess the amount of space available in the building.

<sup>9</sup> The official target capacity and utilization rates for the 2011-2012 school year and beyond are not yet available. All references to building utilization rates in this document are based on target capacity data from the 2009-2010 Blue Book. As discussed in the following footnote, utilization rates referenced herein only include the projected number of students who may actually attend the school and do not include Long Term Absences ("LTAs").

<sup>10</sup> Please note that building capacity and utilization figures are not always a precise indicator of whether a school is under or over-utilized. Where appropriate, the Office of Space Planning will conduct a detailed walk-through of the building in order to assess the amount of available space in the building.

<sup>11</sup> Based on the 2011-2012 Budget Register Projection.

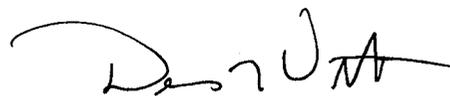
Building X040 clearly has adequate capacity to accommodate the new P017X site of 12 students for 2011-2012 because it housed a substantially greater number of District 75 students (37) last year, who have now been re-sited elsewhere.

Several factors make the proposed co-location of P017X in building X040 the only practical way to serve these students for this school year:

1. No other District 75 schools or sites in the Bronx that meet these students' needs, including the four existing P017X sites, have space in their existing facilities to add these two sections.
2. P017X can be introduced into building X040 without eliminating any of the required programming at P.S. 179 or Young Leaders, including mandated services for special education students and English Language Learners ("ELLs").
3. Building X040 is a particularly suitable location because it housed District 75 students just last year, and in greater numbers than this site requires, as just 12 students are being added.

For the reasons set forth above, I find that the co-location on an emergency basis of the new P017X site of District 75 students with P.S. 179 and Young Leaders for the 2011-2012 school year is necessary to preserve the general welfare of the students. This co-location shall remain in effect for six months pursuant to this declaration. It shall continue thereafter if approved by the Panel.

Dated: New York, New York  
September 7, 2011



Dennis M. Walcott