

Public Comment Analysis¹

Date: April 16, 2013
Topic: The Proposed Opening and Co-location of a New Site of an Existing District 75 program (75K771) in Building K066 with Existing School P.S. 66 (18K066) Beginning in the 2013-2014 School Year
Date of Panel Vote: April 17, 2013

Summary of Proposal

The New York City Department of Education (“DOE”) is proposing to open and co-locate a new site of an existing District 75 program (“D75”) program (75K771, “P771K”), in building K066 (“K066”) located at 845 East 96 Street, Brooklyn, NY 11236 in Community School District 18 (“District 18”). The new site in K066 for existing D75 program 75K771 will be referred to as P771K@K066 throughout this document. If the proposal is approved, P771K@K066 will be co-located in building K066 with P.S. 66 (18K066, “P.S. 66”), an existing non-zoned district school that serves students in kindergarten through eighth grade and offers one section of full-day pre-kindergarten.

Based on projected need, D75 is seeking to increase its capacity to serve students with autism and intellectual and emotional disabilities within Brooklyn. P771K@K066 plans to serve a range of students across kindergarten through eighth grade, who have been classified as autistic or as intellectually or emotionally disabled on their Individualized Education Programs (“IEPs”). P771K@K066 is projected to serve six sections of elementary and middle school students in self-contained settings. Students will be placed in class sections based on their needs (not necessarily according to traditional grade levels) and recommended special education services, and may be served in this program throughout the course of their elementary and middle school education.

According to the 2011-2012 Enrollment Capacity Utilization Report (“Blue Book”), K066 has the target capacity to serve a total of 888 students. In 2012-2013, P.S. 66 is serving 750 students in kindergarten through eighth grade and 18 pre-kindergarten students, yielding a building utilization rate of 86%. If this proposal is approved, in 2013-2014, once P771K@K066 has opened, it is projected that there will be 768-878 students served in K066, yielding a building utilization rate of 86%-99%.

P771K@K066 will provide a new educational option for students requiring D75 special education services in a self-contained setting. The DOE is proposing to open this new program in the K066 building to help meet increased demand for D75 self-contained programming in District 18. Building K066 is a functionally accessible building, and as such, the DOE believes it is an appropriate site for the D75 student population.

Copies of the Educational Impact Statement (“EIS”) describing the proposal are available in the main office of P.S. 66 and the DOE’s Web site at:
<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/April2013Proposals.htm>.

¹ On April 8, 2013 and April 9, 2013, the Brooklyn phone line was not able to receive messages. The e-mail address was operational during the 48-hour period and the DOE has not received any feedback that the public attempted to submit comments via the phone line during that time.

Summary of Comments Received at the Joint Public Hearing

A joint public hearing regarding this proposal was held at the K066 building on April 8, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal.

Approximately 60 members of the public attended the hearing, and 17 people spoke. Present at the meeting were P.S. 66 Principal Lucille Jackson; P.S. 66 School Dean Harold Hills; P.S. 66 School Leadership Team (“SLT”) representative Arlene Jobe (who is also the P.S. 66 Parent Association President (“PA President”)); P.S. 66 Parent Coordinator Anthony Baker; District 18 Community Superintendent Beverly Wilkins; Community Education Council (“CEC”) 18 President James Dandridge; CEC 18 member Rhonda Joseph; District 75 Director of Placement Stacey Minondo; New York State Assembly Member N. Nick Perry; and a representative from New York City State Senator John Sampson’s office, Brandon Bloomfield. Additionally, Stephen Demers and Lily Haskins from the DOE’s Division of Portfolio Planning were present.

The following comments and remarks were made at the Joint Public Hearing on April 8, 2013 on the proposal:

1. James Dandridge, CEC 18 President, stated the following:
 - a. Building K244 would be a better option for P771K.
 - b. The DOE is not listening to the feedback provided by the parents of the community regarding the best way to serve children.
 - c. CEC 18 is opposed to this proposal.
 - d. P.S. 66 has a waiting list, and students are being turned away because of space limitations in the building.
2. One commenter stated that building K066 was not designed for two schools.
3. Multiple commenters stated that other buildings in District 18 would be more appropriate for P771K.
4. Multiple commenters stated that the proposal will increase class sizes at P.S. 66.
5. Multiple commenters stated their opposition to co-locations and sharing space with another school.
6. One commenter stated the DOE did not sufficiently engage with the P.S. 66 school community about this proposal.
7. Multiple commenters asked how P.S. 66 students will be supported if the proposal is approved.
8. Multiple commenters suggested that the proposal will have a negative impact on P.S. 66’s art and music programs because designated art and music classrooms will be allocated to P771K.
9. Multiple commenters suggested that the proposal will have a negative impact on P.S. 66’s culture.
10. Multiple commenters stated the proposal will result in overcrowding.
11. One commenter suggested the proposal would increase current traffic congestions and parking issues.
12. One commenter inquired if the proposed co-location is permanent or temporary.
13. Multiple commenters shared discontent with the DOE’s engagement process and expressed their desire to see more community engagement.
14. One commenter stated the proposal will negatively impact P.S. 66’s 2013-2014 planning.
15. Multiple commenters inquired about the impact of the proposal on P.S. 66 students and staff.
16. One commenter stated that restrooms will need additional maintenance from the custodial staff.

17. Multiple commenters suggested safety and security of P.S. 66 students would be at risk if the proposal is approved.
18. Multiple commenters inquired about day-to-day supervision of P771K students.
19. One commenter suggested building K066 is not underutilized.
20. Multiple commenters suggested that P.S. 66 has an extensive waiting list and this proposal will prevent the school from expanding.
21. Assembly Member N. Nick Perry stated the following:
 - a. The Panel for Educational Policy members are puppets.
 - b. Opposition to this co-location proposal is not clear cut. We must be sensitive to the District 75 community.
 - c. Students are being turned away from P.S. 66, because of the lack of space in the building.
 - d. The DOE does not understand the needs of this community and does not consider input from parents.
22. A representative from New York City State Senator John Sampson's office, Brandon Bloomfield, stated the following:
 - a. There is a long list of students waiting to get into P.S. 66.
 - b. This proposal seems like it's already been rubber stamped.

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

The DOE received 0 written comments and 0 messages via voicemail concerning this proposal.

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

Comments 1 (a), 2 and 3 contend that building K066 is not appropriate for a new P771K site.

Earlier this year the D75 office personnel approached the Portfolio team for the purpose of identifying a site to serve students with autism within District 18. Portfolio conducted a district-wide review of buildings in order to evaluate ways to increase capacity. There are currently no existing D75 sites in District 18.

After a review of existing space in buildings across District 18, the DOE identified building K066 as an appropriate site for this new D75 program. The proposed opening and co-location of P771K@K066 is intended to provide students in District 18 with a D75 program option closer to their homes. Currently, 192 K-5 District 18 residents attend D75 sites outside of District 18.

According to the 2011-2012 Enrollment Capacity Utilization Report, K066 has the target capacity to serve a total of 888 students. In 2012-2013, P.S. 66 is serving 750 students in kindergarten through eighth grade and 18 pre-kindergarten students, yielding a building utilization rate of 86%. DOE believes that the use of excess capacity at K066 in order to provide seats for D75 within District 18 is an appropriate and efficient use of space at K066. Further, K066 is a functionally accessible building, and as such, the DOE believes it is an appropriate site for the student population served by D75.

The Citywide Instructional Footprint ("the Footprint") sets forth the baseline number of rooms that should be allocated to a school based on the grade levels served by the school and number of classes per grade. For existing schools, the Footprint is applied to the current number of sections per grade, assuming class size would remain constant. A representative from the Office of Space Planning then confirms both the

baseline and current space allocation totals during a walk-through of the building, where he/she is accompanied by a school representative.

For elementary schools serving kindergarten through fifth grade (and for all pre-kindergarten programs), 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 kindergarten through fifth grade 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.

For grades six through twelve, the Footprint assumes that students move from class to class and that classrooms should be programmed at maximum efficiency. The Footprint does not require that every teacher have his or her own designated classroom. Principals are asked to program their schools efficiently so that classrooms can be used for multiple purposes throughout the course of the school day. The Footprint allocates the number of baseline classrooms for student support services, resource rooms, and administrative space based on the grades a school serves and its enrollment at scale.

Space is allocated to District 75 programs according to the DOE's District 75 Instructional Footprint ("D75 Footprint"). D75 programs are also provided access to shared spaces such as the gymnasium, the library, the auditorium, and the cafeteria, and spaces such as occupational/physical therapy rooms, the nurse's office, etc. or provided with space for comparable purposes. Excess space allocation in buildings with co-located schools is traditionally based upon the physical location of the available space in relation to the location of each school within the building and relative enrollment of the schools. In buildings where District 75 programs are co-located with other organizations, excess space will be equitably distributed to all organizations based on a percentage of the student enrollment, except that the excess allocations to District 75 programs are based on the number of sections of students, rather than the number of students.

Per the Footprint, P.S. 66 should currently be allocated a baseline of 33 full-size rooms, 3 half-size rooms, and the equivalent of 5.0 FSE rooms for administrative use, totaling 39.5 FSE rooms. P.S. 66 is currently using 50.5 FSE rooms, which is 11.0 FSE rooms above its total baseline footprint. Per the Footprint, in 2013-2014, P771K@K066's space allocation will be 4 full-size rooms and 4 half-size rooms for instructional space, and the equivalent of 1.5 FSE for administrative use, for a total of 7.5 FSE rooms.

After each school has received its baseline footprint allocation, there will be the equivalent of 3.5 FSE of excess space. The Office of Space Planning will work with the Building Council to ensure an equitable allocation of the excess space. 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.

Comments 1 (b), 6 13, 21 (d), and 22 (b) suggest the proposal timeline is insufficient and community feedback was not gathered or considered.

The DOE is committed to engaging with the community for all proposals to implement a significant change in school utilization, as detailed in Chancellor's Regulation A-190. Chancellor's Regulation A-190 sets out the public review and comment process that the DOE undertakes with respect to all such

proposals by the Chancellor (e.g., grade reconfigurations, re-sitings, co-location of schools, or phase-outs), including this proposal to open and co-locate a new D75 site.

The DOE has made a concerted effort to gather and share information and feedback with the P.S. 66 school community. The DOE's public review process is governed by Chancellor's Regulation A-190. Prior to the proposal posting, the DOE met with P.S. 66 Principal Lucille Jackson and attended a public CEC meeting to discuss this proposal and gather feedback. The Office of Portfolio Management also arranged two meetings with Principal Jackson and District 75 Leadership. The EIS was made available to the staff, faculty and parents at P.S. 66 and P771K and was also posted on the DOE's Web site.

Also included in this process is a joint public hearing in which public comment is collected, analyzed, and then provided to the Panel for Educational Policy before the Panel votes on a proposal. The DOE also solicits community feedback via phone, email, and the DOE web site until 24 hours prior to the PEP vote. The Panel for Educational Policy is an independent body that takes this public comment into consideration when making decisions.

While the DOE supports the proposal to open and co-locate a new D75 site at K066, the DOE notes that no decision has been made on this proposal. Any proposed change to school utilization must be approved by the PEP.

Comments 1 (c) and 21 (b) state general opposition to the proposal.

Although the DOE recognizes that some people in the community may oppose this proposal, the DOE believes that, if this proposal is approved, the school communities at P.S. 66 and P771K@K066 will be able to create productive and collaborative partnerships. The central goal of the current DOE administration is to create a system of great schools, and we believe every child in New York City deserves the best possible education. The DOE believes that this proposal will not impact the ability of P.S. 66 to continue providing educational opportunities for current and future students and will provide new opportunities for the D75 program to service some of our neediest students in District 18.

Comments 1 (d) 20, 21 (c), and 22 (a) relates to the ability of P.S. 66 to expand enrollment and references a waiting list for admissions into the school.

The DOE does not believe that the proposed co-location will impact P.S. 66's current enrollment. The enrollment projections in the EIS are based on current enrollment at P.S. 66 at the entry point grade level, and assume that the same number of students will age up and that there will be stable incoming enrollment at the entry point grade.

P.S. 66 currently admits kindergarten and sixth-grade students through a school-based application. This proposal will not impact the admissions processes at P.S. 66.

P.S. 66 Principal Jackson, like all principals in DOE schools, has discretion over the use and programming of space allocation and resources. Similarly she can select the number of class sections that will best serve the needs of P.S. 66 based on enrollment, budget, and student needs. The DOE does provide a standard guideline of target class size (i.e., number of students in a class section) for each grade level that can be used as a resource in Principal Jackson's and any principal's decision making process.

Comments 4 and 10 refers to class size at P.S. 66.

As stated above, the DOE does not anticipate that this proposal will impact enrollment at P.S. 66. Class size is primarily a function of student enrollment, and is affected by how principals allocate their resources. As stated previously, the Footprint is the guide used to allocate space to all schools based on the number of class sections the school programs and the grade levels served by the school. The number of class sections at each school is determined by the Principal based on enrollment, budget, and student needs and there is a target class size based on the number of students in a class section for each grade level. As described in the EIS, if this proposal is approved, P.S. 66 and P771K@K066 will receive their baseline footprint allocation based on the estimated enrollments of each school. After each school has received its baseline footprint allocation, there will be excess space in the building that will be distributed equitably.

Comment 5 concerns co-locations and shared space.

Roughly half of our schools share space in a building. 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. In all cases, allocation of classroom, resource, and administrative space is guided by the Footprint, which is applied to all schools in the building.

As stated in the EIS, if the proposal is approved, the schools will need to share large common and specialty rooms in the building. A shared space schedule will be developed and finalized by the Building Council, in conjunction with the Office of Space Planning. Principals of the co-located schools sit on the Building Council and are free to deviate from the proposed plan and create a shared space schedule as long as it is agreed upon by both parties.

If the Building Council is 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>.

Comments 7 and 15 concern the impact of the proposal on P.S. 66 students and staff, and the availability of support for P.S. 66 students.

P.S. 66 will continue to serve kindergarten through eight grade students if this proposal is approved. Special education students and English Language Learners who are enrolled at P.S. 66 will continue to receive appropriate services. The proposal is not expected to impact P.S. 66's current extracurricular programs, but it may change the way those programs are configured.

All schools receive support and assistance from their superintendent and Children First Network team, a group of educators who work directly with schools. This team helps schools identify best practices, target strategies for specific students in need of extra help, and prioritize competing demands on resources and time. Each school community chooses the network whose support best meets its needs, and each network works to improve student achievement in all of its schools. The DOE expects that the same level of support will continue if the proposal is approved.

The proposed co-location is not expected to change the number of personnel positions assigned to P.S. 66, nor is it expected to significantly alter the duties of current staff in K066.

Comment 8 concerns the impact of the proposal on P.S. 66's art and music programming.

The Footprint guides the allocation of a standard number of full-size, half-size, and quarter-size rooms, in addition to designed administrative space, to all school organizations in New York City schools. The DOE applies this standard to all organizations in school buildings in proposals that involve the co-location of multiple schools in a single school building.

As per the Footprint, P.S. 66 is entitled to an allocation of six cluster rooms. These classrooms can be used at the principal's discretion for purposes such as art, music, or science instruction, among other things.

If this proposal is approved, the Office of Space Planning will decide actual room placement in consultation with the Building Council.

Comment 9 suggests that adding an additional organization will have a negative impact on P.S. 66's culture.

It is not anticipated that the co-location of P771K@K066 would have any negative effect on the partnerships, programming or current school culture that exists at P.S. 66 as the commenter implies. The leadership at both P.S. 66 and P771K@K066 are encouraged to find collaborative opportunities for the development of a strong campus culture focused on common goals and shared priorities. Paramount to any successful collaboration is the development of patience, understanding, and respect for all parties involved and the DOE is confident that the Principals of P.S. 66 and P771K@K066 will be able to create a collaborative and mutually respectful environment for all students, staff, and faculty members in building K066.

Comment 11 expresses concerns that the proposal will increase traffic congestion in the area.

If the proposal is approved, Principal Jackson and the P771K@K066 leader would guide campus decisions, including school start and end times and identifying the most appropriate plan for drop-off and pick-up

The DOE believes that the best decisions are made closest to people who hold responsibility for implementing those decisions. Since the DOE principals hold the locus of control they are typically motivated to reach consensus in the decision-making process. The DOE will help settle cases where conflicts are not resolved and progress is impaired.

Comment 12 inquires about the proposed co-location being permanent or temporary.

The proposal is for a permanent siting of a new site for P771K at building K066.

Comment 15 asserts there will be a negative impact on staff as a result of the proposal.

As stated in the EIS, the proposed co-location of P771K at K066 is not expected to change the number of personnel positions assigned to P.S. 66, nor is it expected to significantly alter the duties of current staff in K066. No change in school supervisory or administrative positions at P.S. 66 is expected as a result of this proposal.

Comments 16 and 17 suggest that the proposal will result in an increase in student safety and facility cleanliness 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 the 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 Principals when it identifies the need for additional security measures. Additionally, the Borough Safety Director will assist the campus principals with any safety concerns, internally and externally, and will provide additional support when needed.

The Building Council will also handle administrative issues including matters of facility cleaning and maintenance.

Comment 18 inquires about day-to-day supervision at P771K@K066.

PK771 currently serves students at seven sites in Brooklyn and all sites are overseen by a Principal. If this proposal is approved, the new site will be supervised by the existing Principal. Day-to-day supervision for individual sites is led by an Assistant Principal and Unit Coordinator.

Comment 19 asserts that K066 does not have underutilized space.

According to the 2011-2012 Enrollment Capacity Utilization Report ("Blue Book"), K066 has the target capacity to serve a total of 888 students. In 2012-2013, P.S. 66 is serving 750 students in kindergarten through eighth grade and 18 pre-kindergarten students, yielding a building utilization rate of 86%. If this proposal is approved, in 2013-2014, once P771K@K066 has opened, it is projected that there will be 768-878 students served in K066, yielding a building utilization rate of 86%-99%.

As described in the EIS, P.S. 66 is currently operating above its Footprint. If the proposal is approved, P.S. 66 will receive its full Footprint allocation of space, and there will be excess space in the building to be equitably allocated between P.S. 66 and P771K@K066.

Comment 21 (a) is not directly related to the proposal and thus do not require a response.

Changes Made to the Proposal

No changes have been made to the proposal.