



**Dennis M. Walcott**  
*Chancellor*

## **Amended Public Comment Analysis<sup>1</sup>**

Date: April 17, 2013

Topic: The Proposed Opening and Co-Location of a New Site of an Existing District 75 Program (75X168) with P.S. 160 Walt Disney School (11X160) and The Equality Charter School (84X488) in Building X160 Beginning in 2013-2014

Date of Panel Vote: April 17, 2013

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### **Summary of Proposal**

On March 1, 2013, the New York City Department of Education (“DOE”) posted an Educational Impact Statement (“EIS”) proposing to open and co-locate a new site of P168X (75X168, “P168X”), an existing District 75 program (“D75”), in building X160 (“X160”), to be called “P168X@X160.” Building X160 is located at 4140 Hutchinson River Parkway East, Bronx, NY 10475 in Community School District 11 (“District 11”). If this proposal is approved, P168X@X160 will be co-located with P.S. 160 Walt Disney (11X160, “P.S. 160”), an existing elementary school serving students in kindergarten through fifth grades, and The Equality Charter School (84X488, “Equality”), an existing public charter school serving students in sixth through eighth grades. 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.

Based on projected need, the D75 office is seeking to increase its capacity to serve students with autism and intellectual disabilities within the Bronx. If this proposal is approved, the DOE will open a new site for an existing D75 program in the 2013-2014 school year to help meet growing demand. P168X@X160 plans to serve a range of students across grades kindergarten through eight who are been classified as autistic or learning disabled on their Individualized Education Programs (“IEPs”). P168X@X160 is projected to serve nine sections of elementary and middle school students in self-contained settings. Students will be placed in class sections based on their needs 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”), X160 has a target capacity of 889 students. (The concept of “target capacity” is explained in the EIS). During the 2012-2013 school year the building is serving 614 students, yielding a building utilization rate of 69%. This means that the building is “under-utilized” and has space that could be used more efficiently to accommodate additional

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<sup>1</sup> An initial public comment analysis for this proposal was posted on April 16, 2013 at the close of the public comment period. An amended public comment analysis was posted on April 17, 2013 to reflect a resolution opposing the proposal adopted by The District 11 Community Education Council (“CEC”), received by the DOE on the morning of April 17, 2013. As a courtesy to the CEC, the DOE has responded to the comments contained in the resolution.

students. In 2013-2014, when P168X@X160 opens, it is projected that there will be 604-727 students served in X160, yielding a building utilization rate of 68%-82%.

The EIS and Building Utilization Plan (“BUP”) for this proposal can be accessed here:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2012-2013/April2013Proposals.htm>.

Copies of the EIS and BUP are also available in the main offices of P.S. 160 and Equality and P168X.

### **Summary of Comments Received at the Joint Public Hearing**

A joint public hearing regarding this proposal was held at the X160 building on April 3, 2013. At that hearing, interested parties had an opportunity to provide input on the proposal. Approximately 63 members of the public attended the hearing, and 11 people spoke. Present at the meeting were P.S. 160 Principal Lori Baker; P.S. 160 School Leadership Team (“SLT”) representatives Elizabeth Penn (who is also the P.S. 160 Parent Association President), Jodi Stern, Patricia Currier, Frances Dellacava, Kisha Jacobs, Lynda Nelson, and Chinyere Okafor; Equality Principal Caitlin Franco; Equality SLT representatives Favrol Philemy and Errol Olton; P168X Principal Maureen Fullerton; District 11 Community Superintendent Elizabeth A. White; Community Education Council (“CEC”) 11 President Petra Poleon; CEC 11 member Pamela Johnson; Citywide Council for D75 (“CCD75”) President Joseph Williams and member Gloria Corsino; Community Liaison for Assemblyman Michael Benedetto’s Office, Michael Johnson; DOE Division of Family and Community Engagement Representative Jose Vazquez; DOE Office of Public Affairs Representative Stephanie Crane; and Jean-Pierre Jacquet from the DOE’s Division of Portfolio Planning.

### **The following questions, comments, and remarks were made at the Joint Public Hearing and are related to the proposal**

- 1) Members of the P.S. 160 SLT, including Principal Baker, Jodi Stern, Patricia Currier and Elizabeth Penn, made a presentation that:
  - a) Provided background information about the Co-op City neighborhood and suggested that Co-op City schools should only serve the students from Co-op City. The presentation explained that Co-op City is split into five sections, has 15,372 residential units, and has one high school, two middle schools, and three elementary schools. If it were a standalone city, the area would rank as the 10<sup>th</sup> largest city in New York state. P.S. 160 was founded as a kindergarten through fourth grade school. Equality was sited in the building in 2010.
  - b) Stated that P.S. 160 already serves learning disabled and autistic students.
  - c) Expressed concerns that the proposal would increase current traffic congestion issues.
  - d) Shared the following concerns regarding the proposal’s impact on P.S. 160’s ability to accommodate student demand:
    - i) P.S. 160 already has to turn away area students to avoid having class sizes of thirty-one or thirty-two students because funding constraints have led the school administration to operate only two sections for each grade level.
    - ii) A DOE study of community needs would demonstrate that there is a need for pre-kindergarten.
    - iii) P.S. 160 wouldn’t be able to accept students from St. Mary and other Catholic schools that will be closed by the Archdiocese.
  - e) Contended that the proposed siting would relegate P.S. 160 to one-third of the educational spaces in the building.
  - f) Asserted that adding a third organization would further divide the building into competing organizations and necessarily preclude the existence of a united school vision.

- g) Expressed the following concerns about the space allocation and Shared Space Plan included in the BUP:
  - i) P.S. 160's special education students would be unable to eat breakfast because they arrive at 8:20am, which is the end of P.S. 160's allotted breakfast time in the cafeteria.
  - ii) The added burden of administering an increased number of lunches and concerns about the length of time between a student's breakfast and lunch (with some commenters complaining that breakfast and lunch periods will be too close together, and others complaining they will be too far apart).
  - iii) The increase in congestion and safety concerns in the hallways and shared spaces might lead to a loss of Positive Behavior Intervention and Support ("PBIS") funding or decrease the school's 2011-2012 Progress Report School Safety grade of 92%.
  - iv) The loss of occupational therapy rooms or equipment.
  - v) Elementary students sharing a bathroom with middle school children.
- 2) Elizabeth Penn, a member of P.S. 160 SLT and Parent Association President, stated:
  - a) In her experience as a mother of general education students and as the grandmother of a child with traumatic brain injuries, she feels this proposal would be detrimental both to the current students in building X160 and the new proposed D75 students.
  - b) She urged the DOE to prioritize all students by forgoing the proposed co-location and instead building new space capacity for D75 students, citing the example of the recent addition completed by Cablevision, a private company.
- 3) Pamela Johnson, CEC 11 member, stated the following:
  - a) She expressed the concern that the proposed co-location would increase the carbon footprint.
  - b) She stated that the proposal did not adequately explain the need for additional D75 seats within the community.
  - c) She noted P168X's 2011-2012 Progress Report grades and questioned whether a new site of P168X would be a high quality option.
- 4) Gloria Corsino, a CCD75 member, stated the following:
  - a) She shared that as a parent of a D75 student and a resident of Co-op City, she sees a lack of D75 services in the neighborhood.
  - b) She expressed her desire, and that of other D75 parents, to have nearby D75 educational opportunities for their children.
  - c) She noted that the proposed D75 program would be excited to partner with P.S. 160 and Equality to implement safety protocols to protect all students in the building.
- 5) Michael Johnson, a Community Liaison representing Assemblyman Michael Benedetto, stated that he lived in and knew the Section Five neighborhood of Co-op City well. He urged the Panel for Educational Policy ("PEP") to carefully consider the concerns shared in the P.S. 160 SLT presentation.
- 6) Several commenters shared their longstanding ties to the Co-op City Section Five area and the positive benefits of P.S. 160 to the community.
- 7) Several commenters expressed the belief that the schools in Co-op City are meant to serve the densely populated community of Co-op City.
- 8) Several commenters stated that the new proposed D75 program was not needed because P.S. 160 already serves students with disabilities, and P.S. 160 should be allowed to expand.
- 9) One commenter asked what the projected grade levels would be of the students attending the proposed D75 site.
- 10) Several commenters felt the proposal would be detrimental to P.S. 160 and questioned the ability of the DOE to properly understand the interests of the school community or the daily working constraints of the school organizations in building X160.
- 11) Several commenters questioned the protocol used by the DOE to select building X160 as the location for the proposed new site of an existing D75 program.

- a) One commenter wondered why the D75 program will not be sited in a building where a school is phasing out.
  - b) Some commenters wanted to know how frequently the DOE visited the X160 school building.
- 12) Several commenters expressed concern that the proposal would create overcrowding in building X160 and thereby:
- a) Overtax shared spaces including the cafeteria, gym and auditorium.
  - b) Increase instances of safety issues and bullying among students of the different school organizations.
  - c) Create waste that would cause rodent issues.
- 13) Several comments questioned the allocations and details in the BUP:
- a) One commenter questioned why the D75 program needed so much more space than P.S. 160, when the D75 program would enroll a comparatively fewer number of students.
  - b) Several people disapproved of the Shared Space Plan, including the length, timing and number of proposed lunch periods.
- 14) Several commenters shared traffic concerns:
- a) Several commenters worried that the proposed siting would increase traffic congestion at the school.
  - b) One commenter stated that the lack of a crossing guard created an unsafe environment that would only be exacerbated by adding an additional school organization to the building.
  - c) One commenter worried that fumes from traffic would enter the school building.
- 15) Several commenters stated that P.S. 160 should be allowed to create a pre-kindergarten program and feared the proposed siting would prevent P.S. 160 from adding pre-kindergarten programming.

**The following questions, comments, and remarks were made at the Joint Public Hearing and are not directly related to the proposal**

- 16) One commenter feared that there would not be space to educate more students in X160 because of the construction occurring in the surrounding neighborhood.
- 17) One commenter stated that it is unfair to have classes of thirty or more students given the current DOE administration's focus on measuring student progress through standardized testing.

**Summary of Issues Raised in Written and/or Oral Comments Submitted to the DOE and are related to the proposal**

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

- 18) Principal Baker of P.S. 160 submitted the power point slides, which served as the P.S. 160 presentation at the joint public hearing; the comments reflected in those slides are described above in detail.
- 19) Elizabeth Penn, a member of P.S. 160 SLT and Parent Association President, emailed the following comments:
  - a) She stated her disagreement with the proposal to site a D75 site at X160.
  - b) She asserted the proposed site would serve severely emotionally disturbed and Autistic children.
  - c) She stated that P.S. 160 has decreased its number of kindergarten sections from four to two sections per grade. P.S. 160 currently has a first grade section with 31 students. She shared that one of her grandchildren had Cerebral Palsy and wondered whether he would be able to attend school at P.S. 160 or would he be turned away because P.S. 160 has been turning away children from P.S. 160's zone.
  - d) She claimed that the SLT has frequently written statements that P.S. 160 is in need of a pre-kindergarten program and more kindergarten teachers.
  - e) She stated that this co-location should not occur because not enough has been done to support P.S. 160.

- 20) After the public comment period closed, the District 11 CEC submitted a document entitled “Resolution #6: Opposition to 75X168 proposed Co-location into building X160 beginning in 2013-2014.” The Resolution made the following points, to which the DOE will respond as a courtesy:
- a) Stated that CEC 11 did not oppose D75 programs but opposed the proposed siting of a new D75 site of existing D75 program P168X at X160.
  - b) Indicated that P.S. 160 had already lost access to instructional space due to the co-location with Equality.
  - c) Shared that P.S. 160 was identified as a “Focus” school and Focus schools are deemed among the lowest performing schools in the state and expressed its belief that adding an additional school organization in building X160 and reducing P.S. 160’s current room allocation would impact the education of its students.
  - d) Cited the 2011-2012 Progress Report to claim that P168X is a low performing school program.

**The following questions, comments, and remarks were raised in Written and/or Oral Comments were submitted to the DOE and are not directly related to the proposal**

- 21) Elizabeth Penn, a member of P.S. 160 SLT and Parent Association President, emailed the following comments:
- a) She felt that P.S. 160’s current enrollment numbers constitute an unacceptable educational environment that is unconstitutional and immoral. As support she cited information from Leonie Haimson’s website, Classizematters.org, and previous rulings by Justice Leland DeGrasse, an Associate Justice of the New York Appellate Division of the Supreme Court. These sources indicated that children in kindergarten through third grades, who are educated in sections of twenty or less students are more likely to graduate college, own their own homes, and have a 401k.
  - b) She claimed that if the pressures placed on our system’s teachers and students is not acknowledged, more students will require prescription medication and specialized classroom settings of 8:1:1 (eight students to one teacher and one paraprofessional) or 10:1:1 (ten students to one teacher and one paraprofessional). She also claimed that studies have shown that prisons are built based on the number of students served in these particular types of class settings.

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

Comments 1(a), 2(a), 7, 10, 18, 19(a) and 20(a) oppose the proposal, either suggesting that Co-op City schools should be used to serve only Co-op City students or that the proposal will be detrimental to students, questioning the DOE’s ability to understand the educational needs of the students in the community.

Although the DOE recognizes that some people in the community may have strong feelings against this proposal, the DOE believes that, if this proposal is approved, the school communities at P.S. 160, Equality and P168X@160 will be able to create productive and collaborative partnerships. In specific response to the suggestions that Co-op City schools should only serve Co-op City students, P.S. 160 is and will remain a zoned elementary school. If this proposal is approved, P.S. 160 will continue to give priority to students who reside in its zone in accordance with Chancellor’s Regulation A-101. As explained in the response to comments 1(d)(i)-1(d)(iii), 8, 15, 18 and 19(c), P.S. 160 will have excess space and is able to accommodate an increase in enrollment among zoned students.

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. 160 or Equality to continue providing educational opportunities for current and future students and will provide new opportunities for the D75 program to serve some of our neediest students in the New York Public School system.

In specific response to comments 1(a) and 18, Equality was sited in the X160 building in July 2009, not 2010, as suggested.

Comments 1(b), 3(b), 8 and 18 imply that the new D75 site is not needed in building X160 or within the community. Some commenters point out that P.S. 160 already serves special needs students and one commenter argues that the EIS did not adequately describe the community need.

Though P.S. 160 currently serves students with IEPs, District 75 provides Citywide specialized supports to students who have D75 classifications. These students require higher levels of support and individualized care than can be provided in a self-contained or integrated setting in a community district school. 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 Web site for additional information about D75 programs at <http://schools.nyc.gov/Offices/District75/default.htm>. The services that will be provided by P168X@X160 are distinct from the special education opportunities offered at P.S. 160.

In specific reference to comment 3(b), the D75 office has seen an increase in demand for D75 seats in District 11 and throughout the Bronx. Currently, roughly 51% of District 11 students with D75 classifications are served outside of District 11, which underscores the need for additional D75 options within District 11. The DOE has proposed to open this new D75 site in the X160 building to meet increased demand for D75 self-contained programming in District 11.

Comments 1(c), 3(a), 14(a-c) and 18 express concern that the proposal will increase traffic congestion in the area, citing safety and environmental worries.

The DOE has already taken several steps to minimize any potential traffic congestion issues in the area. First, the BUP lays out staggered start and end times for the three organizations. The regular school day for P.S. 160 will run approximately from 8:20a.m. to 2:40p.m. The regular school day for Equality will run approximately from 9:00a.m. to 4:00p.m. The regular school day for P168X@X160 is expected to run approximately from 9:00a.m. to 3:20p.m. As such, the DOE does not expect that there will be a material increase in the number of buses arriving at the school at any given time as a result of this proposal. As a further step, the Office of Pupil Transportation (“OPT”) observed traffic patterns both during the morning drop-off period and the afternoon pick-up period in order to identify additional means for minimizing bus traffic around the school. If this proposal is approved, OPT will work with the school organizations to identify the most appropriate plan for drop-off and pick-up.

In specific response to comment 3(a) final student busing routes will be determined based on the home addresses of students at the three school organizations. The residence of students attending the proposed new D75 program might align with the residence of current students of the X160 building and therefore this proposal may not necessarily increase the overall carbon footprint of buses serving the X160 building.

In specific response to comment 14(b), school crossing guards are allocated by local police precincts. School administrators can contact their local precincts to request a crossing guard.

In response to comment 14(c) the DOE is not aware of any instances of fumes entering the X160 building. By regulation, school buses are not allowed to idle in front of a school for more than three minutes, unless they are

completing mechanical work, maintaining an appropriate temperature for passenger comfort or in an emergency evacuation that requires a wheelchair lift.

Comments 1(d)(i)-1(d)(iii), 8, 15, 18 and 19(c-d) share concerns that the proposed co-location would impeded P.S. 160's ability to serve its current students, or prevent P.S. 160 from enrolling more students, with some commenters asking about pre-kindergarten specifically.

To begin, the DOE does not believe that the proposed co-location will impact P.S. 160's enrollment. The enrollment projections in the EIS are based on current enrollment at P.S. 160 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. This proposal will not impact the number of students enrolling at P.S. 160 each year.

Next, because Equality is a charter school sited in building X160, the proposal to site a new D75 site in building X160 includes a BUP. The BUP details the number of class sections each school is expected to program each year and allocates the number of classrooms accordingly. These allocations are guided by the Citywide Instructional Footprint (the "Footprint"), which is applied to all schools in the building. The BUP demonstrates that there is sufficient space in the building to accommodate the proposed co-location. As shown in the BUP, after each school organization has received its adjusted baseline Footprint allocation, there will continue to be excess space in the building. P.S. 160 will receive excess space in the amount of 7 full-size classrooms, 1 half-size room, 16 quarter-size rooms and the full-size equivalent of 0.5 designed administrative spaces.

If student demand increases, P.S. 160's excess space allocation is sufficient to allow the school to accommodate additional students, as well as a pre-kindergarten program.

In specific response to comments 1(d)(ii), 15 and 19(d), P.S. 160 did not apply for a pre-kindergarten program this year. The Office of Early Childhood Education ("OECE") announced the process by which schools could apply for new or additional pre-kindergarten programs in mid-November, OECE provided informational webinars prior to the release of the application and OECE stated that the application was due on December 5, 2012. P.S. 160 did not participate in the application process, and therefore, was not allocated a pre-kindergarten program for 2013. Should additional opportunities arise to allocate new pre-kindergarten programs for 2013 or future years, OECE will consider P.S. 160's application should they choose to submit. This proposal will not impact P.S. 160's ability to apply for or house a pre-kindergarten program. As described above, the BUP allocates sufficient excess space to P.S. 160 to accommodate pre-kindergarten.

In specific response to comments 1(d)(i) and 19(c), P.S. 160 was not required to cap its enrollment for any grade in 2012-2013, nor did the school submit a request to cap enrollment at any grade level. Schools may submit a request to cap enrollment if all classes on a grade level reach the maximum class size as set forth in the United Federation of Teachers contract and the school does not have sufficient space to program an additional class section. P.S. 160 would not have met these requirements for a cap, given the available excess space allocated to the school. Further, decisions on how to program classes are left to the discretion of the principal. Principals make these determinations based on enrollment, budget, student needs, and other considerations. This proposal will not impact the P.S. 160 administration's ability to make these decisions.

Comments 1(e), 13(a) 18 and 20(b-c) question the fairness and methodology used to allocate space in the BUP.

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. As referenced in the response to comments 1(d)(i)-1(d)(iii) and 15 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 of the school.

For elementary schools like P.S. 160, the Footprint assumes that classes are self-contained, meaning that each class remains in their homeroom throughout the day except for when it is scheduled for a cluster activity (for example, art), lunch, recess, etc. Further, this assumes that at those times the homeroom classroom remains empty. Therefore, the Footprint allocates one full-size classroom for each general education (“GE”) or Integrated Co-Teaching (“ICT”) section and one full-size or half-size classroom to accommodate each self-contained (“SC”) special education section served by the school. In addition, elementary schools, including P.S. 160, receive an allocation of cluster or specialty classrooms proportionate to the number of students enrolled. These classrooms can be used at the principal’s discretion for purposes such as art and/or music instruction, among other things.

For schools serving grades six through twelve, including middle schools like Equality, the Footprint assumes that students move from class to class and that classrooms should be programmed at maximum efficiency. The Footprint allocates one full-size classroom for each GE or ICT section and a full-size or half-size classroom to accommodate each SC section served by the school. 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.

As previously noted, D75 students require high levels of support, which can include smaller class sizes and the support of a teacher and paraprofessional. The proposed D75 program is expected to serve students in both 6:1:1 settings (six students with one teacher and one paraprofessional) and 12:1:1 settings (twelve students with one teacher and one paraprofessional). Typically, SC classes and resource rooms are accommodated in half-size classrooms. Due to their odd shape and their location, some of the half-size spaces in the X160 building are not suitable for instruction, and as such the proposed new D75 program has been allocated 11 additional full-size spaces in lieu of 11 half-size spaces. The full text of the Instructional Footprint is available at [http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011\\_FINAL.pdf](http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf).

In specific response to comment 1(e), P.S. 160 has been allocated over 50% of both the available full-size rooms and the total available full-size equivalency of instructional space in building X160 over the course of the proposal.

In specific response to comment 20(c) the DOE does not believe the proposed co-location will impact P.S. 160’s ability to serve students or to improve, and as highlighted in the response to comments 1(d)(i)-1(d)(iii), 8, 15, 18 and 19(c-d), if this proposal passes P.S. 160 will still have excess space above its allotted footprint.

Comments 1(f) and 18 suggest that adding an additional organization will fracture building morale.

As previously mentioned, building X160 already houses co-located schools. Further, the proposed D75 program will serve students in grades that are already being served in building. P.S. 160 also partners with Educational Vision Services (“EVS”), a unit within D75 that provides services and classes for blind and visually impaired students throughout the city. EVS has been providing services to P.S. 160 students for approximately 25 years. All school organizations in the building will continue to offer extra-curricular programs based on student interests, available resources, and staff support for those programs. Multiple schools may collaborate to offer joint extra-curricular programs across the campus as appropriate. The DOE does not anticipate any significant negative impact to building morale as a result of the new D75 program in X160. The DOE believes P.S. 160, Equality and P168X@X160 will have numerous opportunities to collaborate as to ways to improve the educational experiences of students.

Comments 1(g)(i-v), 12(a-c), 13(b) and 18 raise concerns about space and fear that the proposal will cause overcrowding in building X160 which will lead to unacceptable shared space agreements, an increase in student safety concerns, the loss of special education rooms/equipment, and added waste.

Building X160 has a target capacity of 889 students. Currently the building is serving 614 students, yielding a building utilization rate of 69%. This means that the building is currently “under-utilized” and could be used more efficiently to accommodate additional students. If this proposal is approved, in 2013-2014, the building is projected to serve 604-727 students, yielding a building utilization rate of 68%-82%. Accordingly, the building will continue to have significant excess space even if this proposal is approved.

In specific reference to comments 1(g)(i-ii) and 12(a) which take issue with the shared space schedule, the BUP provides a proposed shared space schedule for the co-located schools that treats the co-located schools equitably and comparably in the use of shared spaces. This proposed shared space schedule is not binding. Building X160’s Building Council is comprised of the principals and charter school leaders from each school organization in the building. The Building Council is free to deviate from the proposed shared space plan to accommodate specific programmatic needs of all special populations or groups within each school as is feasible and equitable, provided that the Building Council comes to an agreement of the final shared space plan collaboratively.

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>. It is also important to note that as set forth in Chancellor’s Regulation A-190, building X160 has a Shared Space Committee because a charter school is co-located in the building. The Shared Space Committee is comprised of the principal, a teacher and a parent of each co-located school and provides a second outlet to discuss shared space concerns.

In specific response to comments 1(g)(iii) and 12(b-c) which raise school 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. Building X160 is a co-located campus and already has a Building Council. If this proposal is approved the School Safety Plan will continue to be 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. The Building Council will also handle administrative issues including matters of facility cleaning and maintenance.

In specific reference to comment 1(g)(iv), if this proposal is approved, final space allocations will be made by the Office of Space Planning (“OSP”). The Director of Space Planning for the Bronx has already visited building X160 and will work with all organizations in X160 to ensure that each school receives the allocation outlined in the BUP, including rooms that the school would use to meet special education needs.

In specific response to comment 1(g)(v), due to space limitations, it is not unusual for varying grade levels to be co-located in a building together. Building X160 already houses organizations serving different grade levels—P.S. 160 serves elementary grades, while Equality serves middle school grades. Therefore, grades kindergarten through eight are already sited in building X160 and this co-location is not anticipated to introduce any new grade levels into the building. In many buildings where schools are co-located, each school is assigned bathrooms on the floors or hallways of their classrooms and specific stairways for students to use. If the

assignment of specific bathrooms is not working or is inadequate, the Building Council can discuss an alternative arrangement.

Comment 2(b) urges the DOE to construct new buildings to alleviate space concerns.

The DOE partners with the School Construction Authority (“SCA”) to provide new construction and renovation projects across all of New York City’s public schools. Part of SCA’s work includes evaluating and projecting future needs for new capacity and identifying suitable construction sites where necessary, particularly given the space constraints of New York City. However, as described above, building X160 is under-utilized and could be used more efficiently to serve additional students. Therefore, the DOE has proposed to co-locate a new D75 program in X160 and meet demand without requiring new construction.

Comments 3(c) and 20(d) express concern about P168X’s 2011-2012 Progress Report and whether the proposed new D75 site will be a high quality option for special education students.

The DOE believes that the new proposed site will provide high quality educational opportunities for its students. If this proposal is approved, the D75 office has selected to add a new site to the multi-sited program P168X.<sup>2</sup> P168 received an overall C grade on its Progress Report. On the Student Progress, Student Performance and School Environment subcategories of the Progress Report, P168X received an F, C, and A respectively. The range of the D75 classification of the students served by P168X varies across the school’s sites. Classifications include students who are on the autism spectrum, have significant cognitive delays, or are severely emotionally challenged, sensory impaired and/or multiply disabled. It is important to note that the Progress Report subcategories of Student Progress and Student Performance do not capture the progress of all D75 students served in P168X. The Progress Report performance metrics only capture academic data for D75 students who took traditional English Language Arts (“ELA”) and Math state-run standardized tests. If approved, the new site at building X160 will serve students classified as autistic and learning disabled, and these students’ progress will be measure by alternative assessments in place of traditional standardized tests.

Comments 4(a-c) are in support of the proposal and do not require a response.

Comment 5 urged the DOE to carefully consider the feedback and opinions given the school administration and community members.

The DOE appreciates all feedback from the community regarding a proposal. When the EIS and BUP were issued, they were made available to the staff, faculty and parents at P.S. 160, Equality and P168X on the DOE’s website and in each school’s respective main office. In addition, the DOE dedicates a proposal-specific website, email, and voicemail to collect feedback on this proposal.

The DOE has made a concerted effort to gather feedback and share information with the school organizations in building X160 and the surrounding community. In addition to the April 3, 2013 joint public hearing, DOE officials met with the principals of P.S. 160 and Equality to discuss the proposal on Wednesday, February 27, 2013. Subsequently, DOE officials met with the SLT members of both schools on Monday, March 4, 2013 to further discuss the posted proposal. The DOE also attended an open community meeting on Wednesday, March 13, 2013 to again discuss this proposal.<sup>3</sup>

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<sup>2</sup> PX168 currently serves students at six sites: (1) Building X183 located at 339 Morris Avenue, Bronx, NY 10451 (the primary site); (2) Building X020 located at 3050 Webster Avenue, Bronx, NY 10467; (3) Building X842 located at 3990 Hillman Avenue, Bronx, NY 10463; (4) Building X194 located at 2365 Waterbury Avenue, Bronx, NY 10462; (5) Building X973 at 1716 Southern Boulevard, Bronx, NY 10460; and (6) Building X440 located at 100 West Mosholu Parkway South, Bronx, NY 10468. This proposal is not anticipated to have an impact at 75X168’s other sites.

<sup>3</sup> The comments and questions collected at these meetings were duplicative of the comments received at the joint public hearing and which were submitted to the DOE in writing; therefore, the feedback received through this engagement are fully addressed throughout this document.

All public comment submitted in writing, via phone, or at the join public hearing has been included in this document, which is provided to the PEP and made publicly available on the DOE website.

Furthermore, there will be an additional opportunity for public comment at the meeting at which the PEP votes on this proposal, which will be held on April 17, 2013, at the Prospect Heights Campus located on 883 Classon Ave Brooklyn, NY 11225.

Comment 6 praises the role of P.S. 160 in the community.

The DOE commends P.S. 160's staff and its students for their hard work and progress. The DOE does not believe that this proposal will impact the ability of P.S. 160 and Equality to provide high quality educational options for its current and future students.

Comment 9 inquires about the projected grade levels of the students who would attend the proposed new D75 program at X160.

The DOE projects that P168X@X160 will serve nine sections of students in kindergarten through eighth grades in self-contained settings. Students will be placed in class sections based on their needs and recommended special education services, and may be served in this program throughout the course of their elementary and middle school education.

Comments 11(a-b) question the protocol used to select X160 as the site for the proposed D75 program and the frequency of visits to X160.

As previously stated, building space is scarce in many New York City neighborhoods. Limited space availability coupled with the growing enrollment needs of our 1.1 million students require that we use existing public school buildings in the most efficient manner possible. We must also work to ensure that students and families in every community have high-quality educational options.

Yearly, the DOE's Division of Portfolio Planning ("Portfolio") conducts a transparent process to publish a list of under-utilized buildings by applying consistent criteria to all school buildings across the city. Concurrent with the publication of the under-utilized list, Portfolio requests feedback from both the school and community on building utilization information and potential changes. As of November 20, 2012 the DOE determined that 362 schools buildings are "under-utilized" based upon the Blue Book. This list includes 169 schools buildings that are under-utilized by at least 300 seats and 193 school buildings that are under-utilized by at least 150 seats but no more than 299 seats, which is the list that included building X160.

Earlier this year the D75 office personnel approached the Portfolio team for the purpose of increasing D75's capacity to serve students with autism and intellectual disabilities within the Bronx. Portfolio conducted a borough-wide review of buildings in the Bronx, including buildings with and without current D75 sites in order to evaluate ways to increase capacity.

The DOE identified building X160 as an appropriate site for this new D75 program. Building X160 is a fully accessible building and, as such, the DOE believes it is a good site for a student population that may require a barrier-free site for educational programming. Further, X160 is located in District 11, and, as described above, District 11 in particular has a need for additional District 75 programming. After identifying building X160 as a possible site, Portfolio engaged various community stakeholders and, as previously noted, members of Portfolio, OSP and OTP conducted multiple visits to the X160 building. Although not all community members

agree with the DOE's decision to propose this co-location, the DOE believes that the X160 building can successfully accommodate P168X@X160.

In specific response to comment 11(a), all approved phase-out proposals in the Bronx for the 2013-2013 year were accompanied by replacement plans for use of that space.

Comment 19(b) claims that the proposed site would serve severely emotionally disturbed and autistic children.

As previously stated, if approved, the new site of P168X at building X160 will serve students classified as autistic and learning disabled, and these students' progress will be measured by alternative assessments in place of traditional standardized tests.

Comment 19(e) states that the proposed siting should not occur until the DOE provides P.S. 160 with more supports and resources.

It is important to clarify that the proposal to place a new site of an existing D75 program in building X160 is not a performance-based intervention. This proposal seeks to accommodate an increased demand for D75 seats in District 11 and the Bronx. As previously mentioned in the response to comments 11(a-b), building X160 was selected because the building is under-utilized.

In any event, the DOE provides numerous supports to P.S. 160. If this proposal is passed, P.S. 160 will continue to have access to all the normal school support services and Fair Student Funding dollars to which it currently qualifies. Fair Student Funding ("FSF") dollars—approximately \$5.0 billion across all DOE schools in the 2012-2013 school year—are based on projected registers and are used by all district schools to cover basic instructional needs. They are allocated to each school based on the number and need-level of students enrolled at that school. All money allocated through FSF can be used at the principals' discretion, such as for hiring staff, purchasing supplies and materials, or implementing instructional programs. In addition to the FSF student-need based dollars a school receives, all schools receive a fixed lump sum of \$225,000 in FSF foundation and \$50,000 in Children First Network support to cover administrative costs.

### **Changes Made to the Proposal**

No changes have been made to the proposal.