



Community Board No. 3
MANHATTAN, NEW YORK CITY

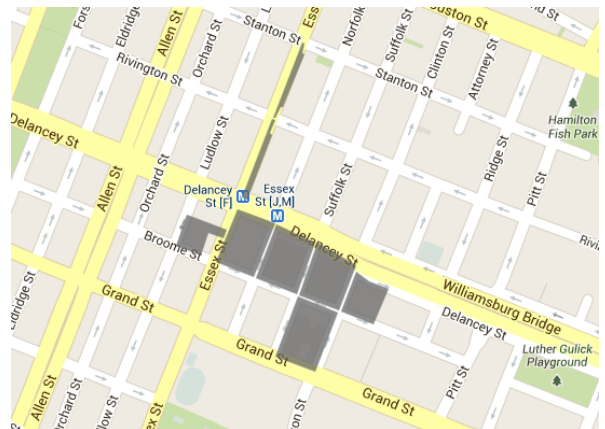
Essex Crossing School Position Paper



Drafted by

Manhattan Community Board 3

May 27, 2014



Acknowledgements

Thank you to the members of the Human Services, Health, Disability, & Seniors / Youth & Education Committee of Manhattan Community Board 3, the Office of Councilmember Margaret Chin for funding and support and the Offices of Speaker of the State Assembly Sheldon Silver, State Senator Daniel Squadron, Manhattan Borough President Gale Brewer and Councilmember Rosie Mendez.

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I. Executive Summary

Essex Crossing is a 1.65 million square-foot development on the Lower East Side of Manhattan within Manhattan Community District 3 (CD 3) that will include a mix of residential, retail, office, community, cultural, and open space uses (Appendix A, Figure 1). Essex Crossing is anchored by 1,000 units of residential housing, which will include 500 units of market-rate housing and 500 units of permanently affordable housing for low-, moderate-, and middle-income households, and for senior citizens. The development will also contain facilities for multi-generational learning, urban gardening, a technology incubator, and an arts space. In consultation with the New York City School Construction Authority (SCA), a parcel of City-owned land that can accommodate a footprint of 75,000 square feet has been reserved for a school (Site 5) at this development until 2023. Manhattan Community Board 3 (CB 3), which represents CD 3, strongly believes that given current housing projections, local enrollment trends, and existing overcrowding, a need exists on this site for a state-of-the-art pre-kindergarten to eighth grade school serving exclusively Community School District 1 (CSD 1) and Community School District (CSD 2), the two school districts in which Essex Crossing will be located, and that the New York City Department of Education¹ (DOE) should take advantage of this opportunity to address the need by funding a school in the 2014 Five-Year Capital Plan.

The SCA, in determining whether a school facility is needed at the Essex Crossing development, concluded in the City Environmental Quality Review (CEQR) analysis that the development would pose no significant impact to local schools. CB 3 strongly believes that reliance on this CEQR analysis is misguided, as it significantly understates CD 3 housing starts and miscalculates CD 3 enrollment. Additionally, the application of CEQR does not address the cumulative impacts of smaller development projects as is necessary to obtain the true impact of future development, as CEQR is applied only to developments over a certain size. However, even by the SCA's own flawed CEQR calculations, elementary schools around the project site will be overcrowded by the year 2022. The addition of the 1,000 new units in Essex Crossing will only exacerbate this growing problem. In addition, local principals have provided evidence of overcrowding and space and resource constraints that directly contradicts the school capacity analysis.

Demographic trends also show that CD 3 faces a neighborhood-specific increase in school-age children, a trend that is not accurately captured in the CEQR analysis. An increase in the percentage of in-district school enrollment of children residing in CSD 1 and CSD 2 is causing additional overcrowding. The magnitude of the overcrowding cannot be captured in City agency calculations that rely primarily on births, deaths, and migration patterns. And, although two new school buildings are planned for CSD 2, the increasing demand for school seats caused by population growth in other parts of CSD 2, such as south of Canal Street, will outpace new construction, resulting in unmet educational needs for both CSD 1 and CSD 2.

Finally, the CEQR and U.S. Census data do not capture the infrastructure inadequacies of CSD 1 schools that, without improvements, cannot meet student needs. Eighty-five percent of CSD 1 schools are now co-located with other schools (including several charter schools), which has not only made schools more crowded but also reduced student access to facilities such as cafeterias, gymnasiums, and auditoriums. Many CSD 1 school buildings are more than 100 years old and lack essential facilities such as science labs, libraries, art and music rooms, kitchens in which food can be cooked, and gymnasiums. These substandard facilities challenge the DOE's focus on and the community's preference for Science,

¹ The official name of this entity is the New York City Local Education Agency of New York State Education Department. We refer to it by its commonly known name of Department of Education.

Technology, Engineering, Arts, and Math (STEAM/STEM) curricula. Moreover, no new buildings have been constructed in CSD 1 since 1975 – over 15 years prior to the passage of the Americans with Disabilities Act – and most schools are inaccessible or only partially (first-floor) accessible, severely limiting the ability to meet federal mandates and New York City policy promoting inclusion for students with disabilities.

The current pressure on both CSD 1 and CSD 2 facilities has created an urgent need for a modern dual-district school at Essex Crossing, serving exclusively children residing in CSD 1 and CSD 2. The combined population of Essex Crossing and other new projects around the site will overwhelm the capacity of existing community schools well before 2022. Recent citywide initiatives around reduced class sizes, increased pre-kindergarten opportunities, charter schools, and after-school programming will also result in the need for more space. A new school at Essex Crossing will not only help alleviate overcrowding, but will also address projected enrollment growth, meet the needs of particular student populations (such as English Language Learners and special education students), ensure compliance with state-mandated arts and physical education requirements, and provide appropriate class sizes for all students.

CB 3 has gathered and analyzed data regarding the community, demographic trends, unmet educational needs, and opportunities for the project site, which has resulted in the following recommendations to SCA and the DOE:

- Immediately set aside funding in the Fiscal Year 2015-2019 Capital Plan for constructing a new fully accessible, state-of-the-art public school at Essex Crossing Site 5 to serve pre-kindergarten through eighth grade residents of CSD 1 and CSD 2 with state-of-the-art educational facilities.
- Conform the new school to local and national pedagogical efforts, and ensure the new school contains, among other things, science and technology labs, high-speed internet, libraries, art and music rooms, kitchens in which food can be cooked, and gymnasiums.
- Ensure new school would act as a community hub, engage community-based organizations (CBOs) for after-school programming, and work cohesively with other projects planned for Essex Crossing, including multi-generational learning, urban gardening, a technology incubator, and an arts space.

II. Introduction

On October 11, 2012, the New York City Council unanimously approved the Seward Park Mixed-Use Development Project (SPMUDP), a plan to completely develop the Seward Park Extension Urban Renewal Area (SPURA). The planned Essex Crossing development, a 1.65 million square-foot development on the Lower East Side of Manhattan that will consist of a mix of market rate housing and permanently affordable housing, retail, office, community, cultural, and open space uses (New York City Economic Development Corporation [EDC], 2014).

The approval culminated a four-year effort led by CB 3 to solidify community consensus on the SPMUDP plan after 45 years of discord. A transparent, inclusive, and methodical four-phase process led to a unanimous vote by CB 3 on May 22, 2012 approving the SPMUDP plan “with conditions,” one of which was to reserve space for a pre-kindergarten through 8th grade public school serving CSD 1 and CSD 2. Although the proposed site falls within CSD 2, CB 3’s conditional approval calls for the school to serve both districts because the project area abuts CSD 1 and is overwhelmingly surrounded by a CSD 1

population (EDC, 2012). Space for the school has been reserved on Site 5 until 2023.

The inclusion of a school was an important part of CB 3's testimony at both the New York City Department of City Planning (the DCP) and the New York City Council's Uniform Land Use Review Procedure hearings. CB 3 submitted a statement that outlined the need for a school to be built within the first phase of development—well before the completion of all 1,000 housing units—and the inclusion of the school was an important condition included in the City Council approval of this plan.

In April, 2013, CB 3's Human Services, Health, Disability, & Seniors / Youth & Education Committee (the HS Committee) drafted a work plan to develop quantitative and qualitative data that would demonstrate the time-urgent need for a school on the SPMUDP site. The results of the HS Committee's work are the basis of this paper, which proceeds in three parts. The following section describes the methodologies employed by CB 3 to collect and analyze data from a variety of sources. The paper then discusses key findings emerging from the data related to land use and residential development, demographic and enrollment trends, existing school spaces, and unmet educational needs. The paper concludes with design principles for a new school generated by the community engagement lab of Community Education Council 1 (CEC 1), which reviews zoning lines and education programs in CSD 1, and a discussion of CB 3's recommendations for a new school at Essex Crossing.

III. Methodology

CB 3 analyzed both quantitative and qualitative data, which can be found in the appendix accompanying this paper, and employed a number of methodologies in determining this paper's findings and developing recommendations, such as:

- Reviewing publicly available data from city, state, and federal agencies, including the DOE and SCA, the U.S. Census Bureau and the DCP to understand general population demographics, school enrollment patterns, school capacity changes, and school-age population changes;
- Working with a demographer to study potential population changes occurring within CD 3 over the next fifteen years and how this population has been using and may use schools located in CD 3 in the future. Overall population and land use changes occurring in the district were taken into account, including the impacts of proposals such as a possible New York City Housing Authority (NYCHA) infill development and the Chinatown Working Group's (CWG) rezoning plan.
- Obtaining feedback in a CB 3 HS Committee meeting with CBOs in order to understand facility programming needs that could be addressed by building a new school;
- Using data from an anonymous on-line survey of school principals of school within CD 3, conducted in collaboration with CEC 1 immediately prior to the 2013-2014 school year, to learn more about school space constraints and capacity to address students' needs;
- Studying the history of schools and education reform in CD 3 to ascertain how many seats and spaces have been lost or combined, or are now shared, including data on local charter school enrollment; and
- Receiving qualitative input and "on-the-ground insight" regarding the model for a new school from parents and teachers during CEC 1's Community Engagement Lab, conducted in January 2014.

While CB 3 recognizes the inherent difficulties associated with developing and analyzing quantitative and qualitative metrics relating to the need for the construction of a new school, it has worked with various community groups and experts over the past four years to gather and explore an extensive body of relevant data. As such, CB 3 is confident, based on the evidence, that a school is necessary in Essex Crossing.

IV. Analysis and Key Findings

As part of our review, CB 3 reviewed land use and residential development, local enrollment trends, and existing evidence of overcrowding in making a determination whether a need exists for a school on the Parcel 5 site.

Impact of Land Use and Residential Development

Central to the SCA's CEQR analysis is an assessment of land use and residential development, expected enrollment, and existing school capacity (Fritchman, 2014). The number of projected housing units is multiplied by the number of students anticipated per unit (0.12 in Manhattan) to determine an expected impact. CB 3 found that the CEQR understates the impact by relying on outdated and incomplete housing figures and a flawed enrollment analysis. Additionally, the enrollment "multiplier" is exceptionally low for all of Manhattan as compared to other boroughs, and is particularly ill-suited for CD 3, as discussed in this section.

SCA's FGEIS Demonstrates the Need for a New School

The SCA's own analysis, as put forth in the Final Generic Environmental Impact Statement (FGEIS), states that the proposed development will generate the need for additional school seats. Essex Crossing and other ongoing or pending land use decisions and residential developments around CD 3 will increase the need for additional school seats. The FGEIS states that the project will generate approximately 108 elementary school students and 36 intermediate school students in the study area by 2022, and therefore the project's impact on the surrounding areas school utilization rate does not exceed the threshold necessary for New York City to find a "significant adverse impact" necessitating a new school (see Appendix D, Figure 1). But, using these numbers and based on current DOE utilization rates, the FGEIS found that the elementary schools in all three sub-districts around the SPMUDP site, CSD 1 Sub-Districts 1 and 2, and CSD 2 Sub-District 1 (see Appendix D, Figure 2), will have elementary schools exceeding capacity by either 1,764 seats, without the project, or by 1,882 seats, with the project, by the year 2022 (see Appendix D, Figures 3 and 4). Moreover, Department of Building (DOB) data and other research show that increased residential development and population growth will create a greater demand for public school seats in the near future (see Appendix D, Figures 5 and 6).

SCA's Housing Projection Underestimates the Population Burden on CSD 1

The SCA has historically underestimated the number of new housing units in the community districts and projections for future growth. Based on DOB data for 2013, the SCA underestimated the number of new housing units that were added in CSD 1. DOB data for new residential building permits show that between 2009 and 2013, 1,908 new units were added in CD 3. As shown in Figure 5, this exceeded SCA estimates for CSD 1 by 365 units, or 23%. In its 2012-2016 Enrollment Projections, SCA estimates 863 new housing units will be constructed in CSD 1 over the next 5 years and only 1,238 over the next 10 years (see Appendix D, Figure 6). Yet, in 2013 alone the DOB reported that 211 additional dwelling units were constructed in CD 3 (see Appendix D, Figure 7), which is 22% higher than the rate projected by the SCA. Because of underestimations such as these, the SCA has wrongly determined that a school in Essex

Crossing is not necessary.

The SCA's enrollment projection reports are flawed chiefly because they do not take into account actual planned residential developments but rather rely on Census data from 1990-2000 (Fritchman, 2014). While CEQR procedures attempt to compensate by including SCA Capital Planning Division data on new residential development and new school projects in their analysis of future enrollment and school utilization, (NYC Mayor's Office of Environmental Coordination [MOEC], 2014), the SCA's housing projections are detrimentally out-of-date insofar as Essex Crossing is concerned. The projected new housing starts have not been updated for the Fiscal Year 2015 - 2019 Capital Plan.

SCA's Public School Pupil Ratio Doesn't Reflect Current CD 3 Trends

New York Lawyers for the Public Interest recently published a report showing that the CEQR analysis does not accurately reflect neighborhood-specific increases in school-age children (Fritchman, 2014).² The CEQR Technical Manual lists borough-wide Public School Pupil Ratios with a multiplier of 0.12 to be applied to Manhattan developments. This is exceptionally low when compared to the multipliers to be applied to other boroughs (.21, .28, .29, and .39) (MOEC, 2014). Whatever the prior justification for this disparity, current enrollment conditions don't support this exceptionally low multiplier per housing unit. Further, the multiplier, as a mere average, departs from prior attempts to tailor enrollment projections to income and demographic factors (MOEC, 2014). Most acutely for CD 3, and as stated in the NYLPI report, "this borough-wide average is failing those neighborhoods where growth of school-aged children is high" (Fritchman, 2014). Compounding, or perhaps accounting for these flaws, the ratio relies on outdated 2000 Census data; the same outdated data mistakenly relied upon to project housing starts.

Local School Enrollment Trends

School enrollment trends around Essex Crossing indicate that a new school will be necessary in the community in the immediate future. Enrollment in CSD 1 and CSD 2 schools has been rising, and this trend is projected to continue. Specifically, in the 2010-2011 school year, the percentage of resident children enrolled in a local school in CSD 1 was 84%, significantly higher than the city-wide percentage of 75% (Grier & Grier, 2013). Furthermore, overall enrollment rose in 13 of the city's 32 community school districts in 2011, including CSD 1 and CSD 2 (Grier & Grier, 2013).

Although the number of school-age children living in CSD 1 has declined (see Appendix H, Figures 5 and 6), there has been a *rise* in the number of students living in CSD 1 that attend CSD 1 schools, otherwise known as a rise in "uptake" (see Appendix H, Figure 2). In 2010, 84% of students age 5-13 living in CSD 1 were attending a CSD 1 school, up from 61% in 2000. The increase in uptake more than countered the impact of the decreased school-age population. Accordingly, some 287 more CSD 1 students attended CSD 1 schools in 2010 than in 2000, despite almost 3,000 fewer students in CSD 1 (CEC 1, et al., 2013).

Enrollment projections by the Grier Report show continued growth. According to the Grier Report (2013), student enrollment in CSD 1 will rise nearly 15% in the five years from 2011 to 2016 and almost 11% between 2011 and 2021 (p. 26). In the ten school years between School Years 2008 and 2019, enrollment in CSD 1 is expected to expand by over 1,600 students. Additionally, CSD 2 enrollment is projected to rise by over 11% from 2011 to 2016 (Grier & Grier, 2013).

² This paper, Fritchman, Lindsay (2014). New York Lawyers for the Public Interest: Request for Reform of CEQR Analysis of Public School Needs, will be published and is on file with the New York Lawyers for the Public Interest.

Although there are two new school buildings in Lower Manhattan, these buildings do not satisfy the demand for school seats outlined above. The FGEIS states that the three sub-districts overlapping with Essex Crossing, CSD 1 Sub-Districts 1 and 2 and CSD 2 Sub-District 2, will be overcrowded by 2022 (p. 4-8). According to the FGEIS, the first new school, PS/IS 397, also known as the Spruce Street School, an elementary and middle school in CSD 2 Sub-District 1, will provide additional capacity for the Lower Manhattan area of CSD 2 and address need in CSD 2's Sub-District 2. However, the added capacity does not figure in the FGEIS analysis for SPURA.

The second new school facility, PS 343, an elementary school scheduled to open in 2015 at Peck Slip to address need in both CSD 2 sub-districts 1 and 2 is included in the CEQR analysis. Beginning in 2012, PS 343 incubated kindergarten classes in a nearby location and will phase-in in one grade per year until reaching its full capacity of 712 seats in the new facility (FGEIS, 2012).

Community Board 1 and CEC 2 both believe that the Fiscal Year 2015-2019 DOE Capital Plan does not include sufficient capacity in Community District 1 south of Canal Street to meet a projected need of 1,000 additional elementary school seats. The plan offers just fewer than 500 seats north of Canal Street, while the fastest growing neighborhoods are south of Canal Street in the southern end of CSD 2 in the Financial District and Seaport areas.

Evidence of insufficient capacity in these neighborhoods is already apparent. PS/IS 397 has been exceeding the planned design capacity of the building by taking in more kindergarten classes—three sections rather than two sections—and jeopardizing the very existence of middle grades down the road. PS 343 is currently incubating two sections of a grade, increasing to five sections in 2015. Thus the additional capacity of the new building will be fully absorbed by the projected population growth in the Financial District. Indeed, the two schools will not meet the existing needs in CSD 2, let alone the demands generated by Essex Crossing. See Appendix C, for both the history of CSD 1 as an unzoned district and the population boom occurring throughout CSD 2, which contribute to unique population and land use changes and impact school enrollments and demand for seats.

Since 2010, the CD 3 population has started to increase (see Appendix H), and the number of new residential units has outpaced SCA estimates by 23% (see Appendix D, Figure 5). The addition of Essex Crossing and other new development projects in the future will compound these effects and will only increase the demand for additional classroom seats. Mayor de Blasio's policy changes regarding universal pre-kindergarten, middle-school afterschool programming, and charter schools will also impact the enrollments, capacity, and utilization of schools in CD 3 and throughout the city.

Existing School Space

As both qualitative and quantitative evidence demonstrates, CD 3 has inadequate facilities to accommodate growing class sizes, co-location of charter schools, English Language Learner programs and accessibility for individuals with disabilities.

Growing Class Sizes, Inadequate Facilities, and Over-Crowding

Census and SCA data, along with the results of principal surveys, demonstrate that CD 3's schools have inadequate facilities to accommodate growing class sizes. CSD 1 has seen a 26% increase in class sizes since 2002, with kindergarten to grade three increasing six years in a row. Grades 4-8 have increased by 11% since 2007 (Haimson, 2013). Policies such as enrollment caps did not always help schools achieve ideal class size. Eleven principals who responded to a recent on-line anonymous survey conducted by

CEC 1 reported they had no enrollment cap or had an enrollment cap that did not prevent overcrowding (see Appendix G for responses to questions of average, largest, and ideal class size).

Principals reported overcrowding, a lack of mandatory common-use spaces and an erosion of their classroom space that runs counter to DOE and SCA purported statistics in their surveys. Principals responding to the fundamental question of utilization (the DOE's measurement of whether a school can accommodate more students) stated that the official utilization rate for their own school was inaccurate and that their school was over-crowded. Six principals reported that space had been taken away from their school in recent years, mitigated in only three instances by a proportional decline in the schools' capacity rating. This reduced space has made it difficult to comply with educational requirements, as evidenced by the report from one principal who wrote in the survey that overcrowding and a lack of facilities has resulted "*in the inability to meet state and city mandates for physical education.*" This survey information runs counter to the DOE and SCA assertions that CSD 1 enrollment increased by only 74 students between 2010 and 2012.

The SCA further reports that 840 to 1,000 seats have been added to CSD 1's capacity by retrofitting existing space to create additional classrooms. However, several principals reported having one or more classrooms appropriated for other uses such as storage, spaces for parent meetings, community-based organizations, school-based support teams, after-school programs, college advisement and guidance services, Individualized Education Plan services, occupational/physical therapy and work rooms for teachers, which reduced classroom seats. Of the respondents, nine schools have lost four classrooms each to these uses, three schools had lost three classrooms each, and another eight schools had lost one or two classrooms each to one of these uses, for a total of over fifty-three classrooms or the equivalent of more than two school buildings. The information obtained in the survey undermines the DOE and SCA assertions that it is constructing classrooms by retrofitting spaces, while in fact classrooms are being lost because they are used for other services.

Sixty-eight percent of principals reported that their school does not have an auditorium or shares their auditorium with other schools or programs in the building. Of those schools with an auditorium, nearly half (48.3 percent) have auditoriums that are not large enough to accommodate all their students at one time. Nearly 60% of principals reported lacking access to a school library. To compensate, one principal reported having libraries in each classroom and another stated that parents volunteered as librarians. Several principals reported cafeteria spaces are located either in the basement, a lobby, a multi-purpose space, or on high floors (5th floor). Students at 19 schools (of 32 responders) had two periods or less of gym class per week, and students at 11 schools had only one period per week of gym class. Ten playgrounds are joint-operated parks and, of these, two are not maintained, which further compounds problems faced by several schools that lack adequate space to provide regular gym classes. While 83% of principals (30 responders) reported having a private office, many said there was a lack of dedicated office space for key staff. Separately, principals identified instances where speech and occupational therapists, social workers, guidance counselors, and other staff lacked a private space to meet with students. Principals reported overall that a wide variety of cluster/enrichment spaces such as auditoriums, gyms, libraries, computer/technology/science rooms, art/music/drama/dance rooms, social work/counseling spaces, parent room, faculty lounges, and storage space were often lost and or inappropriately converted into classrooms for primary academic instruction.

Co-location

The co-location of charter schools inside district school buildings has contributed significantly to overcrowding. Twenty of the 28 principals who answered the on-line survey cited lack of space due to co-

location as a barrier to achieving ideal class size. Currently 18 of 24, or 75% of elementary and middle schools in CSD 1 share a building with one or more schools. A majority of the principals reported that their schools share buildings with at least one other school or program. Seven principals reported the addition of schools or programs to their buildings in the last year. While this has expanded both the types and number of programs families can choose from, it has resulted in larger class sizes, more overcrowding, diminished after-school programming (often operated by CBOs), less health and dental care services, fewer rooms dedicated to arts, enrichment, intervention and support, less efficient use of space, the duplication of administrative and other functions, and resources diverted from instruction and put into scheduling and programming.

While many co-locations involve district schools only, several co-locations involve district schools and charter schools. Three charter elementary schools (Grades K-5) and one charter middle school (Grades 6-8) are co-located in CSD 1 school buildings. There is an additional charter middle school in private space in CSD 1. In School Year 2011-12, 747 students were enrolled in charter schools in CSD 1, up from 436 students in School Year 2008-09, a 71% increase in three years. In addition, CB 3 anticipates increased pressure on our district schools, including loss of seats to out-of-district students, based on recently passed state legislation requiring New York City to provide space for charter schools (Kaplan & Hernández, 2014).

English Language Learners

The district needs additional school space to serve its large English Language Learners population. Thirteen percent of students in CSD 1 are Limited English Proficient (CB 3, 2013). In 2011-2012, 17% of students (3,147) enrolled in the public schools within CD 3 were English Language Learners (ELLs), Spanish and Chinese speakers being the dominant populations. Of this group, 60.7% were enrolled in elementary school and 39.3% were enrolled in high school or middle school. In a CEC 1 survey of school principals, less than half (11 of 29) reported having dedicated ELL classrooms. The percentage of students classified as ELL in those schools without dedicated ELL classrooms ranged from 1% to 28%. Chinatown and the Lower East Side have long been destinations for many non-English-speaking immigrants, and we anticipate this trend to continue.

ELL's face significant challenges in school learning a new language while mastering course content and meeting state standards. A 2008 study commissioned by the New York Immigration Coalition found that ELLs can succeed and be ready for college and career need with programs that provide individual attention and opportunities to learn at their own pace. Smaller class sizes (15 students or less), extended learning time, extra tutoring, and access to computers and technology during school time are important features of such programs (Rice & Lopez, 2008). ELL's also often move to this country to live with family members they barely know and face significant emotional challenges adjusting to their new home (CB 3, 2013). This requires greater use of existing school buildings for supportive services as well as additional new space.

Special Education

The district also is in need of additional special education facilities. Sixteen percent of students in CSD 1 have some form of an IEP (Individualized Education Plan), indicating they require special services, therapies, or accommodations (such as in-school and after-school therapy services) (DOE, 2012). Some of these IEPs mandate classes of a specific size and configuration (e.g., small self-contained (SC) classes consisting of 12 children and a teacher certified in special education) and special education reforms now being phased-in guarantee students with disabilities full access to neighborhood schools regardless of IEP

status. However, schools very often cannot meet the requirements of each IEP. As a consequence, fewer students are placed in small self-contained classes, according to their need, and are instead placed in Integrated Co-Teaching (ICT, and, formerly, Collaborative Team Teaching, or CTT) classes. In these classes, a general education and a special education teacher lead classes with a mix of general education students and students with disabilities, at the maximum allowable number of students. Some students with disabilities are placed in general education classes, as even ICT classes are not available in all schools for all grades.

Citywide, according to data published on the DOE website, the number of elementary school children in SC classes declined from 5,022 in School Year 2011-12 to 3,603 in School Year 2013-14. The number of middle school children in those classes declined from 5,575 to 3,713 in the same period. High school students assigned to classes with 15 students and one teacher declined from 8,527 to 5,418, according to the DOE's Periodic Attendance Reporting Statistical Summaries. The Office of Portfolio Planning provided 2010-2011 and 2011-2012 available estimates for 25 CSD 1 schools (last and current year comparable projections have not yet been made available to CEC 1) that illustrate these same trends. For the 2010-11 school year, these schools were projected to have 83 I or CCT classes, with 603 CTT students, and 51 SC classes, with 429 students. For the 2011-12 school year, these schools were projected to have 94 CTT classes, with 886 CTT students, and 49 SC classes, with 499 SC students. Overall, the percentage of students in CSD 1 with an IEP continues to rise, yet space constraints, insufficient enrollment for that type of classroom, and a resulting lack of resources for special education prevent District schools from accommodating individual IEP requirements.

Charter schools continue to exacerbate the crisis by underserving students with special needs (attracting just 25 special education students in 2008, and losing 80% of them within three years, according to a report by the New York City Independent Budget Office, concentrating high needs students in the available public schools (NYC Independent Budget Office, 2014). Additionally, the Grier Report (2013), an enrollment trends study produced for the SCA, projects that special education student enrollment will increase steadily every year for the next 10 years, with the largest growth occurring in the later part of the period. Schools with high needs students require rooms for pull-out services, small group instruction and support, as well as counseling and therapies such as Occupational Therapy and Physical Therapy, which, as noted above, are already unavailable in many CSD 1 schools due to over-crowding and co-location.

Accessibility

The DOE's recently implemented inclusion initiative creates a critical need to build schools according to universal design principles in order for the district to have more accessible facilities. In the CEC 1 survey of school principals, 65.5% (19 of 29) of principals reported that their schools were not or were only partially ADA compliant (see Appendix G).

There has not been a school built in CSD 1 since 1975, a full 15 years before the Americans with Disabilities Act was passed. This legislation, along with new federal, state, and city mandates, impose stricter requirements for accessibility in all new construction. Not surprisingly, given the age of CSD 1's school buildings, an analysis of the District's schools revealed that CSD 1 is severely limited in its inventory of accessible schools, particularly at the middle school level, as a result of a lack of new school construction since the ADA was passed (see Appendix E). For example, only four general education (non-District 75) public schools with elementary grades are accessible; two of these schools are located in the same building and a third school is a dual-language program. Only one middle school is accessible and open to all students. The dual-language K-8 program offers few, if any, opportunities to enter at the middle school level (see Appendix C). A fully accessible school building would allow students with and without

disabilities to fully participate in classroom and after-school activities side-by-side, provide parents with disabilities the opportunity to fully immerse themselves in their child’s education, and expand employment options for school personnel with disabilities.

The Importance of Qualitative Data in Analyzing the Need for a School

The facts and data discussed above paint a different and more complete picture than that presented by the DOE’s Capital Plan and the SCA’s Enrollment, Capacity & Utilization Report (the “Bluebook”). As the quantitative and qualitative analysis of this paper shows, the needs of CD 3 cannot be captured by statistics alone. Qualitative data reflecting the day-to-day realities and experiences of our educators, students and parents and show:

- Co-locations and combined uses of space (e.g. “gymatoriums”) have left our schools without dedicated space for the arts, physical education, parent involvement, special needs students, ELLs and other critical activities and services;
- Space previously dedicated to such activities or services has been converted to classroom space in order to maintain “acceptable” classroom size while negatively impacting the ability of our children to receive the well-rounded educational experiences they need;
- CBOs are struggling to obtain and maintain physical access to school space for much-needed after school programming relied upon by low-income families in CD 3 (CB 3, 2013); and
- Contrary to findings in other official reports, including the “Blue Book,” there is not enough school space in CD 3 to meet the current needs of the district’s children and families.

V. Envisioning a Community-Designed School on Essex Crossing

On January 11, 2014, CEC 1 held an all-day Community Engagement Lab, which brought together a diverse group of participants from across the district to identify common understandings and the elements of a new school that would allow CSD 1 students to flourish academically, socially, emotionally, and physically. Participants attended learning sessions and generated over 100 ideas. These ideas were narrowed down to those that best represented the voice and vision of the group, and basic mandates emerged for a new school (see Appendix F):

- Configuration – Establish a pre-K-8th grade Spanish-English dual language school, with tracks for general education and dual language, allowing for educational continuity for pre-K-8th and for additional sections for middle school (6th grade) entry;
- Pedagogy – Create a school that is integrated with the community. Provide the community with a sense of ownership, have the gym, parent center, and health clinics act as community hubs, and engage CBOs for after-school programming and other support. Partner with local organizations, museums, and institutions to offer programs in school and via field trips;
- Leadership – Integrate the selection of the first instructional school leader early in the process of planning, designing, and building the new school. Select the school leader in a participatory and authentic process embodying community values. Have the school leader ensure that the building, instructional curriculum, teachers, and school community reflect community values;

- Curriculum – Create opportunities throughout the year, at all grades, for multidisciplinary, integrated instruction across curriculum areas to increase the appeal to students with different learning styles and needs. Develop forward-thinking skills, such as STEM/STEAM, incorporating robotics and multidisciplinary arts, which will help foster critical reasoning abilities and help create future leaders. To meet the holistic needs of all children, make developmentally appropriate play an integral part of the curriculum at all grade levels and make social-emotional learning an integral part of the formal curriculum (such as a morning meeting/advisory session). Provide students with a real opportunity to influence school policy, direction, curriculum, and classrooms;
- Teaching Staff – Support and cultivate master teachers. Provide teachers with an opportunity to develop professionally and have influence in budget allocations;
- Student Evaluation – Allow students to demonstrate their mastery of content through non-traditional evaluation (exhibits, portfolios, discussions, presentations, etc.) to build confidence and independence, value different learning styles, meaningfully integrate learning, and allow for a collaborative learning experience, which demonstrates deeper learning;
- Design – Design an architecturally sustainable school, with multipurpose spaces for learning and community use, which facilitates diversity and includes a gym, kitchen, art room, and library. Create a school garden, that will offer opportunities for programming, a connection to the school and curriculum, and a means of developing life and gardening skills, appreciating self-sufficiency and healthy eating, building community, and expanding artistic expression and environmental awareness; and
- Technology Needs – Provide equal access to technology resources for all students. Instruct children in age-appropriate production and critique of social and digital media.

Twenty-one participants responded to a post-event survey. Most indicated that they wanted to continue collaborating with CEC 1 on these issues. Many reiterated that they wanted a controlled choice enrollment, a dual-language Spanish-English K-8 program, and a leader to be identified early so that they can be part of the process. Most importantly, the community wants to be engaged in the process and valued the opportunity to learn more about the district and its history of commitment to diversity and to share their values and begin to envision a school.

VI. Recommendations

Based on the analysis above, CB 3 firstly recommends that the SCA and the DOE immediately set aside funding in the Fiscal Year 2015-2019 Capital Plan for constructing a new, fully accessible, state-of-the-art public school at Essex Crossing Site 5 to serve pre-kindergarten through eighth grade students residing in CSD 1 and CSD 2. Secondly, CB 3 recommends these entities conform the new school to local and national pedagogical efforts, and ensure the new school contains, among other things, science and technology labs, high-speed internet, libraries, art and music rooms, kitchens in which food can be cooked, and gymnasiums. Finally, CB 3 recommends that these entities ensure that the new school would act as a community hub, engage CBOs for after-school programming, and work cohesively with other projects planned for Essex Crossing, including multi-generational learning, urban gardening, a technology incubator, and an arts space.

VII. Conclusion

The compromise that enabled the construction of Essex Crossing represents a community achievement on a scale rarely seen in New York City. For the development to be fully integrated into the fabric of CD 3, it must contain the facilities necessary for sustaining our community. As our quantitative and qualitative analysis demonstrates, a school is necessary. The construction of a school now at the Essex Crossing development is a great opportunity for our community to provide state-of-the-art facilities for our children and to enable future generations to share fully in the success of our achievement.

Appendices

Appendix A

Map of Seward Park Urban Renewal Area

Figure 1: Map of Seward Park Urban Renewal Area



Source: Litvak, E. (2010, August 2). SPURA Compromise Still Elusive. *The Lo-Down*. Retrieved from <http://www.thelodownny.com/leslog/2010/08/compromise-or-more-conflict-cb3-leaders-tell-spura-panel-the-choice-is-theirs.html>.

Appendix B

Community Board 3 SPURA Guidelines

Presented below are recommended guidelines for consideration by Manhattan's Community Board 3 (CB 3). The CB 3 Land Use, Zoning, Public & Private Housing Committee prepared these guidelines. They are intended to guide the City of New York in its preparation of a plan and subsequent Requests for Proposals (RFP) to develop the Seward Park sites.

I. INTRODUCTION

A. Guiding Principles

- 1) The plan and subsequent RFP(s) for the Seward Park Sites must be in accordance with the principles laid out herein. Maximization of City revenue from the sale of the land should be a secondary consideration.
- 2) The City should select multiple developers, with additional consideration given to Lower East Side and/or other local non-profit developers. The cumulative effect of their proposals and subsequent actions must result in a development that adheres to these guidelines and underlying principles.
- 3) The City's conveyance of the land must include deed and other binding restrictions to assure that these principles are achieved.

B. Community Oversight

- 1) The City must communicate regularly with CB 3 and any CB 3 designated committee on all aspects of project development, from preparation of the RFP and the Uniform Land use Review Procedure (ULURP) process through tenant selection, inclusive of completion of all associated planning, programming and development.
- 2) There must be robust community participation in the planning and review process for the sites. This includes open information, widely distributed announcements and regularly scheduled public meetings distinct from public hearings.

II. LAND USE AND PROGRAM

A. Mixed-Use Development

- 1) The mixed-use, mixed-income character of the neighborhood must be reflected in the development plan for the sites.
- 2) Each phase of development must reflect the mixed-use, mixed-income guidelines indicated herein, except if federal regulations require senior housing to be separated from other uses and thus built as an independent phase or project element.

B. Commercial Development

- 1) Full opportunity should be provided for economic development and local employment and entrepreneurship. Fifty percent of all on-site employment opportunities must at all times be filled by CB 3 residents; employers must make diligent efforts to advertise job openings locally. All employment opportunities should offer wages that take into consideration the cost of living in New York City, rather than the statewide minimum wage.
- 2) Retail should be maximized in street-level building frontages along major streets (i.e., Delancey Street west of Clinton Street and Essex Street).
- 3) Local service and convenience retail uses should predominate in street-level building frontages along side streets (i.e., Broome Street, Grand Street, Ludlow Street, Norfolk Street and/or Suffolk Street).
- 4) Mid-box retail should be encouraged to locate predominantly on the second floors of buildings along major streets (i.e., Delancey Street and/or Essex Street). "Mid-box" retail is defined as stores equal to 10,000 to 30,000 square feet (sf).
- 5) With the exception of a possible supermarket, no single retail tenant should exceed 30,000 sf in size. In addition, no more than three new liquor licenses within 500 feet of each other should be issued to establishments on the side streets, and no licenses can be established within 200 feet of any school or religious institution.
- 6) There is a strong preference that the existing Essex Street Market remain on its current site. However, if the Market is to be relocated, it must remain public and be moved to a superior site on a major street to accommodate a larger market with more goods and services. The existing Essex Street Market must not be closed or demolished before the new, larger market is open. Every effort should be made to retain the then current tenants of the Essex Street Market during the change in location and facility. Such efforts should include providing special consideration as to rents (e.g., rent increases should be comparable to existing contracts), assisting tenants with moving and relocation costs (e.g., through the creation of a fund or by way of a requirement in the RFP), and assuring that the new market space is move-in ready before tenants are relocated.
- 7) Every phase of retail development must provide a diversity of goods, services and price points.
- 8) Non-retail, commercial development – including office, hotel and/or a movie theater – should be provided. A movie theater is a priority; this use could be a component of a multi-purpose performance space, including one in connection with civic uses (see #II.D). The final commercial uses and their floor areas will depend on market conditions at the time of development, as well as satisfactory proposals by development or operating entities.

C. Housing

- 1) The sites should be developed to optimize their aggregate residential potential. At least 800 and preferably more than 1,000 housing units must be provided. (This range should be refined following community engagement in connection with anticipated urban design analyses for the site.) However, the overall housing component should not comprise less than 60% of the total floor area of all sites, excluding floor area devoted to below-grade parking.
- 2) The mixed-income character of the neighborhood must be reflected in the development plan for the sites. Accordingly:

- a. Approximately 50% of all units should be available at market-rate values (i.e., for households with no income restrictions). ("Approximately" is defined as give or take 1 or 2 percent.)
- b. Approximately 10% of all units must be reserved for middle-income households.
- c. Approximately 10% of all units must be reserved for moderate-income households.
- d. Approximately 20% of all units must be reserved for low-income households.
- e. Approximately 10% of all units must be reserved for low-income seniors.
- f. Supportive housing for low-income individuals and/or families is permitted under any of the above allocations (see #II.C.2).

g. The household income definitions are as follows:

Percent of Area Income Range Median Income

Middle income 131 – 165 percent Moderate income 51 – 130 percent Low income < 50 percent

Maximum Income* \$130,000 \$100,000 \$ 40,000

* Income limits are 2010 approximations for a family of four based on the most recently available data and will change from year to year; they are shown here for illustrative purposes only.

h. Units should be affordable to a multitude of incomes within the above ranges (see #II.C.2.g), rather than to just the upper limits of each.

3) Every effort should be made to secure Federal, State and other outside funding to achieve the quantities of non-market-rate housing set forth above. The ability of respondent developers to maximize the number of non-market-rate units should be a major criterion of the RFP and in the selection of developers.

4) Developers must be encouraged to consider affordable homeownership and variant models (such as mutual housing).

5) In mixed-income buildings, the non-market-rate units should be integrated with the market-rate housing and be indistinguishable from the exterior in terms of material and design quality. Further, the non-market-rate component should have at least the same proportion of two- and three-bedroom apartments as the market-rate component; however, in all cases, at least 40% of all non-market-rate units should be two-bedrooms or larger. All non-market-rate units must comply with the NYC Department of Housing Preservation and Development (HPD) "Design Guidelines for New Construction," which includes standards for unit size and layout.

6) At least 50% of the non-market-rate housing units should be prioritized (in the following order) for residents who may be relocated as a result of planned development, Tenants at Title Vesting – the former site tenants – and qualifying residents of Community District 3. There should be a robust procedure for notifying Tenants at Title Vesting about their right to return, such as described in the Appendix (see below).

7) All non-market-rate units must remain affordable in perpetuity.

D. Civic Uses

1) The site development must include community, cultural and/or institutional ("civic") uses and amenities that benefit residents of all ages.

2) Full opportunity should be provided for civic uses and amenities. It is understood that such use(s) for each site will depend on project feasibility as well as a satisfactory proposal by a development or operating entity. Civic use is broadly defined to include a possible non- or limited-profit retail component and/or non-profit offices.

3) The civic use obligation may in large measure but not entirely be satisfied by any one such use.

4) Sufficient land and building capacity should be set aside for a public primary or secondary school. Ideally, students from both School Districts 1 and 2 should be allowed to attend the school, regardless of which district it is ultimately located in. (This will result in either new flexible district boundaries – as already exists at 14th Street – or a redistricting of the area to include the entire Seward Park development in District 1) The siting of the school should allow it to be oriented to a side street.

5) An assisted living/nursing home is a preferred community facility use.

6) Parks and open space must be a major feature of the final development program. A side street orientation is preferred for local neighborhood open space, such as a playground.

7) Every effort should be made to include a non- or limited-profit retail or other commercial component in the final program. This use may substitute for either local service and convenience retail (see #II.B.3). It is understood that this use will depend on project feasibility as well as a satisfactory proposal by a development or operating entity.

III. SITE LAYOUT AND DEVELOPMENT

A. Site-Specific Concerns

If necessary, as a development plan approaches and enters the ULURP process, site-specific concerns (e.g., regarding program mix, affordability, urban design or other aspects) that arise should continue to be addressed by members of the Community Board, its designated committee and the City.

B. Commercial Overlay

The sites along Delancey Street and Grand Street should be rezoned to include a commercial overlay.

C. Urban Design

1) The final building and site plans must be in keeping with current planning principles of contextual design: e.g., building orientation and access should support and enhance the pedestrian realm and weave together the fabric of the neighborhood. Their final designs should consider successful models that have

been employed in other cities around the nation and the world, especially as they pertain to mixed-income and mixed-use developments.

- 2) Existing streets, including those that have been de-mapped, should be preserved.
- 3) The development should exemplify good urban design and sound environmental principles. Environmental design solutions, such as passive and active energy and water use efficiencies, should be promoted. The development should comply with Enterprise Green Communities certification, which has been adopted by HPD as the standard for its new projects.

D. Parking

The development should include approximately the same amount of public parking as currently exists for cars (i.e., excluding commercial vehicles and trucks) that will be displaced as a result of development.

IV. APPENDIX

Model language/procedure for contacting former site tenants:

"Upon the initiation of the Environmental Impact Review, the City must mail a letter to all former site tenants and to all children of former site tenants apprising them of the planning process and assuring them that all former site tenants and all children of former site tenants will have first priority for all non-market units once housing is built on the site. Upon the award of the RFP(s), the City must mail a binding document to all former site tenants and all children of former site tenants informing them of their first priority for all non-market units on the site. In this same mailing, the City must also enclose a pre-application for this housing to guide the later tenant selection process."

Appendix C

Unique History of Community School District 1 and Enrollment Policy

Since 1989 District One has offered choice based enrollment rather than zones or catchments. Beginning in 1991 District One has offered an evolving Schools of Choice Admissions Policy based on the core values of:

1. **Equitable Access**
2. **Diversity**
3. **Schools as Learning Communities**
4. **Parental/Family Involvement**

Recognizing that there are several elementary schools within walking distance (1/4 mile) of almost all families in District One, the Community School Board did away with all school zoning within the District and created instead a “Schools of Choice” policy. This policy means that students’ families can choose to have their children attend any school in District One that best meets their child’s needs. For families who would prefer to send their children to a nearby school, District One offers at least one elementary school within a half-mile of every family in the district. However, students are not required to go to the school closest to home and every District One student has **Equitable Access** to every District One school.

For schools where more children apply than there are seats (oversubscribed schools) a lottery is held. Until 2007, this lottery allocated seats in the oversubscribed school equally between boys and girls and by race and ethnicity to reflect the demographics of the District (based on the U.S. Census). This policy assures **Diversity** and recognizes that children’s academic learning is enhanced, and their social and emotional development is strengthened, when they are able to learn in a diverse setting.

Also in the 1990’s, the Community School Board established all day Pre-Kindergarten programs in every District One school. District resources were committed to all day Pre-k programs because early education is a key to success and most families in the District had working parents. Educators and parents in the community viewed their **Schools as Learning Communities** investing in their children in the very early years and helping them from an early age understand the education values in such areas as cooperation, respect, conflict resolution and community that are unique to the education culture in each school.

Pre-K was made the point of admissions for District One Schools to strengthen our **Schools as Learning Communities**. In all schools, siblings were given priority in admissions. In this way whole families became part of our school communities and brought both continuity and experience to the parent body. **Parental/Family Involvement** is well recognized as another key to a successful school. For parents, the assurance that all their children would have the opportunity to attend encouraged them to invest time and energy into the school starting in Pre-K.

The District One Schools of Choice Admissions policy, that ensured fair and **Equitable Access** to all schools regardless of economic status, race, ethnicity, gender or academic achievement; that promoted **Diversity**, strengthened our **Schools as Learning Communities** and encouraged **Parental/Family Involvement** was misinterpreted and dismantled by the Department of Education as part of the Children

First reforms. In over-subscribed schools, rather than a lottery designed to assure **diversity**, a “race-neutral” lottery was instituted by the DOE’s Office of Student Enrollment. “Race-neutral” lotteries and policies have harmed diversity efforts in school communities across the US and have directly contributed to increased stratification by race, class and academic achievement in District One schools.

Appendix D

Land Use and Development Change Near Essex Crossing

Figure 1. Estimated Number of Students Introduced by the Project

**Estimated Number of Students Introduced in the Study Areas:
2022 Future With the Proposed Actions**

Study Area	Housing Units	Elementary Students	Intermediate Students
Sub-district 1 of CSD 1	74	9	3
Sub-district 2 of CSD 1	127	15	5
Sub-district 1 of CSD 2	699	84	28
Total	900	108	36
Sources: CEQR Technical Manual (January 2012 edition), Table 6-1a.			

Source: New York City Office of the Deputy Mayor for Economic Development. (2012, August 10). Chapter 4: Community Facilities and Services, Table 4-5. In *Seward Park Mixed Use Development Project Final Generic Impact Statement*. Retrieved from http://www.nyc.gov/html/oec/html/ceqr/11dme012M_dgeis.shtml

Figure 2. Map of Public Elementary and Intermediate Schools Serving the Study Area and Current Over-Utilization



Source: New York City Office of the Deputy Mayor for Economic Development. (2012, August 10). Chapter 4: Community Facilities and Services, Figure 4-1. In *Seward Park Mixed Use Development Project Final Generic Impact Statement*. Retrieved from http://www.nyc.gov/html/oec/html/ceqr/11dme012M_dgeis.shtml

Figure 3. Public Schools Serving the Project Sites, Enrollment and Capacity Data, (2010-2011 School Year)

**Public Schools Serving the Project Sites,
Enrollment and Capacity Data, 2010-2011 School Year**

Map No.	Name	Address	Enrollment	Capacity	Available Seats	Utilization
Elementary Schools						
Sub-district 1 of CSD 1						
1	PS 110 Florence Nightingale School	285 Delancey St	435	484	49	90%
2	PS 134 Henrietta Szold School	293 E Broadway	371	413	42	90%
3	PS 137 John L. Bernstein School	327 Cherry St	232	247	15	94%
4	PS 184 Shuang Wen School (PS Component)	293 E Broadway	520	659	139	79%
Sub-district 1 of CSD 1 Total			1,558	1,803	245	86%
Sub-district 2 of CSD 1						
5	PS 20 Anna Silver School	166 Essex St	625	823	198	76%
6	PS 140 Nathan Straus School (PS Component)	123 Ridge St	209	330	121	63%
7	PS 142 Amalia Castro School	100 Attorney St	430	508	78	85%
8	New Explorations Science, Tech And Math School (PS Component)	111 Columbia St	631	635	4	99%
Sub-district 2 of CSD 1 Total			1,895	2,296	401	83%
Sub-district 1 of CSD 2						
9	PS 42 Benjamin Altman School	71 Hester St	810	709	-101	114%
10	PS 124 Yung Wing School	40 Division St	926	887	-39	104%
11	PS 130 Hernando DeSoto School	143 Baxter St	1,022	946	-76	108%
12	PS 1 Alfred E. Smith School	8 Henry St	544	720	176	76%
13	PS 126 Jacob August Riis School (PS Component)	80 Catherine St	432	539	107	80%
14	PS 2 Meyer London School	122 Henry St	832	911	79	91%
Sub-district 1 of CSD 2 Total			4,566	4,712	146	97%
Intermediate Schools						
Sub-district 1 of CSD 1						
15	IS 332 University Neighborhood Middle School	220 Henry St	116	323	207	36%
16	IS 345 Collaborative Academy Of Science, Technology And Language Arts Education	220 Henry St	262	417	155	63%
17	JHS 292 Henry Street School For International Studies (IS Component)*	220 Henry St	120	189	69	63%
18	PS 184 Shuang Wen School (IS Component)	293 E Broadway	165	209	44	79%
Sub-district 1 of CSD 1 Total			663	1,138	475	58%
Sub-district 2 of CSD 1						
19	New Explorations Science, Tech And Math School (IS Component)*	111 Columbia St	395	398	3	99%
20	PS 140 Nathan Straus School (IS Component)	123 Ridge St	188	296	108	64%
21	IS 378	145 Stanton St	266	353	87	75%
Sub-district 2 of CSD 1 Total			849	1,047	198	81%
Sub-district 1 of CSD 2						
22	IS 131	100 Hester St	703	703	0	100%
23	PS 126 Jacob August Riis School (IS Component)	80 Catherine St	353	441	88	80%
Sub-district 1 of CSD 2 Total			1,056	1,144	88	92%
Notes:	See Figure 4-1					
Sources:	DOE Utilization Profiles: Enrollment/Capacity/Utilization, 2010-2011.					

Source: New York City Office of the Deputy Mayor for Economic Development. (2012, August 10). Chapter 4: Community Facilities and Services, Table 4-2. In *Seward Park Mixed Use Development Project Final Generic Impact Statement*. Retrieved from http://www.nyc.gov/html/oec/html/ceqr/11dme012M_dgeis.shtml

Figure 4. Estimated Public Elementary and Intermediate School Enrollment, Capacity and Utilization without the Project

**Estimated Public Elementary and Intermediate School Enrollment, Capacity, and Utilization:
2022 No Action Condition**

Study Area	Projected Enrollment in 2022	Students Introduced by Residential Development in No Action	Total No Action Enrollment	Capacity	Available Seats	Utilization
Elementary Schools						
Sub-district 1 of CSD 1	2,245 ¹	0	2,245	1,803	-442	125%
Sub-district 2 of CSD 1	2,510 ¹	51	2,561	2,296	-265	112%
Sub-district 1 of CSD 2	5,746 ¹	203	5,949	4,882 ²	-1,067	122%
Intermediate Schools						
Sub-district 1 of CSD 1	811 ¹	11	822	1,138	316	72%
Sub-district 2 of CSD 1	945 ¹	13	958	1,047	89	91%
Sub-district 1 of CSD 2	1,251 ¹	69	1,320	1,144 ²	-176	115%
Notes:						
¹ Elementary and intermediate school enrollment in each sub-district study area in 2022 was calculated per 2012 <i>CEQR Technical Manual</i> methodology.						
² P.S. 343 (the Peck Slip School) is assumed to add 170 elementary seats to Sub-district 1 of CSD 2.						
Sources: DOE <i>Enrollment Projections 2009-2018 by the Grier Partnership</i> ; DOE, <i>Utilization Profiles: Enrollment/Capacity/Utilization, 2010-2011</i> , DOE 2010-2014 <i>Five-Year Capital Plan, Proposed Amendment</i> , February 2012; School Construction Authority.						

Source: New York City Office of the Deputy Mayor for Economic Development. (2012, August 10). Chapter 4: Community Facilities and Services, Table 4-4. In *Seward Park Mixed Use Development Project Final Generic Impact Statement*. Retrieved from http://www.nyc.gov/html/oec/html/ceqr/11dme012M_dgeis.shtml

Figure 5. Number of Residential Units Added to Community District 3 by Year, 2006 - 2013

Number of Residential Units Added by Year (All Jobs)								TOTAL	SCA CSD1 Estimates
2006	2007	2008	2009	2010	2011	2012	2013	2009-2013	2009-2013
2,064	1,558	475	158	125	134	617	874	1,908	1,543

Sources: NYC Department of Buildings; NYC School Construction Authority Housing Starts 2009-2018 Enrollment Projections, Retrieved from <http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Pages/default.aspx>

Figure 6. School Construction Authority Projected Housing Starts for Community School Districts 1 and 2

NYC School Construction Authority Projected New Housing Starts				
	Projected New Housing Starts			
	Community School District 1		Community School District 2	
Enrollment Projection	Five Year	Ten Year	Five Year	Ten Year
2003-2012	2,065	2,605	18,534	18,534
2008-2017	2,165	2,415	40,792	51,249
2009-2018	1,543	1,880	32,676	41,851
2012-2021	863	1,238	23,215	30,249

Source: NYC School Construction Authority. *Projected New Housing Start as Used in the 2010 – 2014 Capital Plan* [Data file]. Retrieved from <http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Pages/default.aspx>

Figure 7. Department of Buildings Permits and Open Jobs in 2013, Community District 3

Community District 3			
DOB 2013 Permits Report	Total Number	CSD 1	CSD 2
Total Permits Issued	4,346		
Total Residential Permits	2,626		
Total Residential New Buildings (NB) Permitted	27	18	9
Total Permitted NB Units	211	195	16
DOB 2013 Open Jobs	Total Number	CSD 1	CSD 2
Total Open NB Jobs	12	9	3
Total Open Major Alterations (A1) Jobs	55	37	18
Total New Units in Open Jobs	663	581	82
Total New Units in 2013	874	776	98

* Includes total open-jobs on the DOB “Building on My Block” website as of December 31, 2013.
 Sources: NYC Department of Buildings 2013 Monthly Statistical Reports, retrieved from http://www.nyc.gov/html/dob/html/codes_and_reference_materials/statistics.shtml; “Open “New Building” Jobs in Community Board: Manhattan – 03,” Retrieved from http://a810-bisweb.nyc.gov/bisweb/my_community.jsp

Appendix E

ADA Accessibility

A. Methodology to Accessibility Analysis

Three sources of publicly-available information were used to gather information: DOE's Office of Student Enrollment's District 1 Elementary School Directory: 2014-2015 and Directory of NYC Middle Schools: 2013-2014; DOE's Office of Space Planning's spreadsheet of all functionally accessible schools; and DOE's web-based Building and School Facilities Report contained in each profile in the School Portals. The designations in these reports were supplemented by qualitative information obtained through consultation with the District CEC.

Chart Sources and Terminology

DOE's Office of Space Planning's Spreadsheet of All Functionally Accessible Schools

The DOE identifies two types of building designations:

Fully Accessible Buildings are constructed after 1992 and conform to Americans with Disabilities Act (ADA) standards in effect at the time of design. Mobility impaired students may access all relevant programs and services.

Partially Accessible Buildings

- Partially accessible buildings do not meet all ADA code requirements but are usable by individuals with mobility impairments.
- At least one entrance is at grade and suitable for use by persons with mobility impairments.
- Some or all programs, services and activities within the building are readily accessible to and usable by individuals with mobility impairments.
- At least one restroom is accessible.
- In some cases, school activities may be re-located to accommodate access (DOE, 2014).

According to DOE, a portion of its functionally accessible schools are in fully accessible buildings. Another portion of its functionally accessible schools are in partially accessible buildings (DOE, 2014)

DOE Elementary and Middle School Directories

Each school's directory page indicates one of the following three Site Accessibility designations:

Functionally Accessible: A student who uses a wheelchair can, without difficulty, enter the building and access relevant programs and services.

Partially Accessible: The school is functionally accessible beyond the first floor, but not for all relevant spaces and services in the school.

Not Accessible: The school does not fall into either of the above-noted accessibility descriptions.[6]

The Elementary School directory refers the reader to the Office of Space Planning's Spreadsheet for additional information. For more information about Site Accessibility, including a complete list of functionally accessible schools, please refer to the List of Accessible Schools, available online: www.nyc.gov/schools/Offices/OSP/KeyDocuments/Accessibility.htm

The Middle School directory contains the following statement: Federal law requires that all programs, when reviewed in their entirety, are accessible. The word "program" in this policy statement means a program, activity or service. This policy statement is a general summary of applicable law and does not create any additional legal rights or obligation. For specific detail, see Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

The Middle School directory refers the reader to a different link than the elementary school directory for

additional information: “For more information about Site Accessibility in New York City public schools, look up the List of Accessible Schools at www.nyc.gov/schools/Academics/SpecialEducation/TellMeMore/ImportantDocuments” This link, however, ultimately leads back to the Office of Space Planning’s spreadsheet of functionally accessible schools.

DOE’s School Portals: Building and School Facilities Report

There are no definitions provided for the following terms used in the Building and School Facilities Report on each school’s profile:

1st Floor Only Accessible; Functionally Accessible; Not Accessible; Not Available.

In addition, each school report states that “[f]or additional information [regarding accessibility status] please contact the custodian or the school.”

B. Findings

There are significant gaps and discrepancies in the data available regarding accessibility at CSD 1 schools, exacerbated by the use of confusing and contradictory use terminology. For example, PS 15 is listed as “partially accessible,” “not accessible,” and “1st Floor Accessible Only” in three different DOE documents. Alternatively, PS 188 is not listed as accessible in any document, yet the CEC reports that an elevator has been installed. Given these data problems, there is reason for concern about the degree to which even schools designated as accessible should be considered to be fully compliant.

DOE’s Elementary School Directory-2014-2015 identifies 17 non-District 75 schools with elementary school grades located in District 1 and three charter schools (DOE, 2013). Of these, the DOE’s list of all functionally accessible schools describes 6 public schools and two charters as “partially accessible.” The Elementary School directory, however, rates only two of the public schools as functionally accessible and provides no information about the three charters. Lastly, the web-based DOE Schools Portal describes two schools as having accessibility on the first floor only, four schools as functionally accessible, and lists two of the charters as “not accessible” and provides no information on the third.

DOE’s Middle School Directory for 2013-2014 lists 11 non-District 75 schools with middle school grades located in the district and two charter schools. Of these, the DOE’s Office of Space Planning considers five public schools to be “partially accessible.” In contrast, the Middle School Directory describes only two schools as “functionally accessible.” There is no information provided in the Directory about the accessibility of the charter schools. Moreover, the web-based DOE Schools Portal describes two schools as having accessibility on the first floor only, two schools as functionally accessible, and lists one charter as “not accessible” and provides no information on one public school and one charter.

Table: District 1 Elementary and Middle School Accessibility for Individuals with Disabilities

	DOE Office of Space Planning Designation of Functionally Accessible Schools[1]	DOE Office of School Enrollment Directory Designation[2]	DOE School Portals Accessibility Status[3]	Comments
Elementary School Grades				

PS 15 Roberto Clemente	Partially Accessible	Not Accessible	1st Floor Only Accessible	It is our understanding that there is a ramp to the school's main entrance and into the first floor- auditorium, cafeteria and parent room. No wheelchair access to office, classrooms, library, gym, etc.
PS 20 Anna Silver	Partially Accessible	Not Accessible	1st Floor Only Accessible	It is our understanding that there is access to the main office, gym, auditorium, cafeteria, and Parent Coordinator's office on first floor. There is no wheelchair access to upper classroom floors.
PS 134 Henrietta Szold	Partially Accessible	Not Accessible	Functionally accessible	PS 134 and PS 137 share a building. It is our understanding that the building has an elevator. No additional access information was publicly available.
PS 137 John L. Bernstein	Partially Accessible	Not Accessible	Functionally accessible	PS 137 and PS 134 share a building. It is our understanding that the building has an elevator. No additional access information was publicly available.
PS 184 Shuang Wen	Partially Accessible	Functionally Accessible	Functionally Accessible	It is our understanding that the building has an elevator,

				accessible entrance and bathrooms.
PS 142 Amalia Castro	Partially Accessible	Functionally Accessible	Functionally Accessible	It is our understanding that the building has an elevator.
Manhattan Charter I	Partially Accessible	No information provided	Not Accessible	Co-located in PS 142.
Manhattan Charter II	Partially Accessible	No information provided	Not Available	Co-located in J.H.S. 56. It is our understanding that only the 1 st Floor of this building is accessible. Manhattan Charter II is located on an upper floor.
Girls Preparatory Charter School of New York	No information provided	No information provided	Not Accessible	Co-located in PS 188. It is our understanding that an elevator installation has occurred.
Middle School Grades				
MS 378 School for Global Leaders	Partially Accessible	Functionally Accessible	Functionally Accessible	It is our understanding that the building has an elevator.
MS 292 Henry Street School for International Studies	Partially Accessible	Not Accessible	1 st Floor Only Accessible	Gym, cafeteria and auditorium are all on first floor. No access to classrooms, which are located on an upper floor.
MS 332 University Neighborhood Middle School	Partially Accessible	Not Accessible	1 st Floor Only Accessible	Co-located in JHS 56. Located on 2 nd Floor.
MS 345 Collaborative Academy of Science, Technology and Language Arts	Partially Accessible	Not Accessible	No information provided/Based on listings for other schools in the same building, 1 st Floor Only	Co-located in JHS 56. It is our understanding that CASTLE's classes are mostly on the first floor.

Education			Accessible	
PS 184 Shuang Wen	Partially Accessible	Functionally Accessible	Functionally Accessible	It is our understanding that the building has an elevator, accessible entrance and bathrooms.
Girls Preparatory Charter School of New York	No information provided	No information provided	Not Accessible	Co-located in Eastside Community High School
Innovate Manhattan Charter School	No information provided	No information provided	Not Available	It is our understanding that this school is leasing space in the upper floors of a commercial building.

Appendix F

Report by CEC 1 Regarding the Community Engagement Lab Findings

CEC 1 commissioned NYCpublic.org (a parent/educator-led, public school-focused, participatory-design group) to create a full day event. All of NYCpublic’s labs follow the same basic structure, “learning sessions,” that insure that all participants have a grounding in the topics they will be exploring later in their brainstorming sessions, a series of tightly planned protocols that build connections between participants and move them through a process that arrives at a specific “product,” a forum to share their product with decision makers. This is the journey that participants took on January 11th at the Lower East Side Girls Club:

I. The introductory sessions focused on District 1 and our specific strengths and the opportunities a new school might provide us, as well as on school design (specifically enrollment policies) that create diverse student bodies and the strengths of a variety of school structures, dual language, pre-k – 5, pre-k-8, etc. (see the program for specific speakers)

II. To get ready to start thinking of specific school program designs, participants spent time in discussion with actual educators. In one group the focus was on collaboration between teachers across grades. The other group focused on non-academic school programs that help build a connection with parents, and address students’ social and emotional needs.

III. Participants spent the bulk of the day engaged in a charrette, a structured brainstorming protocol with roots in architecture, that invites full participation and collaboration between diverse stakeholders. Our charrette’s main activity involved filling in large matrices that were placed on the walls around the room. Along the top were “Elements of School Design,” the side column read “**What might we want for our students? That they...**” Let’s say you were a participant, you would look at and think about how “Teaching & Learning (planning, classroom management, style or approaches)” can be designed to make sure that students “Have opportunities to build independence.” At this particular intersection on the wall, a participant put “Student voices in curriculum and how classroom runs.”

IV. Once the charts on the wall were filled with participants’ ideas, participants voted on those ideas that spoke most to the group.

V. In small groups, participants turned these ideas into statements. The group also recorded the reasons they were making this specific design suggestion.

VI. In the final session, participants presented their statements and reasons to members of CEC 1, CB 3 executive officers, as well as [the Manhattan] Borough President.

[...]

The participants:

Participants included local and central representatives from the DoE (District Family Advocate, Community District Superintendent, Office of New Schools, UFT District Representative, teachers and administrators), in addition to parents, community members from progressive and traditional schools, from

the nearby public housing developments and Mitchel Lama buildings as well as some of the market rate co-ops in the community.

Appendix G

CEC 1 and CB 3 Principals Survey

A. Analytics responses from school principal survey regarding accessibility/ADAA

- 31 principals reported a wide range of percentages of students classified as students with disabilities: most reporting 20% or less, some more than 20%, and five having 9% or less.
- 15 of these schools did not have a classroom dedicated to students with disabilities, 12 had from 2-4 dedicated classrooms, and four had a single dedicated classroom.
- With regard to integrated co-teaching (ICT) classrooms, eight principals reported having no classroom dedicated to ICT, while other principals reported having from 2-18 ICT dedicated classrooms.

Responses to questions of average, largest, and ideal class sizes are below, as averaged or noted with the number of similar responses.

	P-K	K-3	4-5	6-8	9-12
Average (Avg.):	--	25	26	27	25
Largest (# same response):	18 (75%)	31+ (3)	31+ (5)	31+ (5)	31+
Ideal (Avg.):	18	22	28	26	23

B. Select Responses to Principals' Survey

48 principals responded anonymously to some or all questions to a CEC 1 the survey about space utilization. The responses highlight conditions of overcrowding and insufficient resources. They refute the idea that our schools are underutilized. Years of experience are reflected in the survey responses. Most principals (28 of 47, or 61%) have served as principal of their current school for 5 or more years.

The following are quotes from principals illustrating their needs:

- “I don't think we could effectively educate our students if we came anywhere near our target rate.”
- “We are listed as underutilized every year but cannot fit all our classes into our available rooms. We are at capacity.
- “1/2 classroom size is too small for full classroom instruction”
- “[The Blue Book] lists us as [underutilized] but these are old elementary school classrooms, which are packed at 25 students.”
- “With the narrow hallways and lack of gym, auditorium, and library, the school cannot properly function at "full capacity"”
- “Our school has [less than target] occupancy, [but] CBO partner, Headstart, and School Safety utilize space. Said space occupancy is not noted in the statistics provided by the NYC DOE”
- “This formula does not take into account the mandated services that require additional space to meet NYS and federal mandates (IEP services, ESL services, etc.)”
- “We are over-enrolled. As a Title I school, we should not have more than 30 students per

class [and yet our average class size is 32].”

- “We are slightly more crowded because we have a lower student-classroom ratio (due to special education and the fact that our high populations are clustered in the lower grades.)”
- “[The Blue Book] did not consider we use two or three classes for dance studio, library, and art room. It also did not consider the side by side model where we use two class rooms for each class for the Dual Language Programming purpose.”
- “We have converted two classrooms into one large dance studio, two classroom converted to a music studio, two classrooms converted into an art room, three classrooms into one library, and one classroom into a locker.”
- “It does not take into account that as an arts school with specialized rooms, we are not able to fill every room every period (i.e. we only have dance 5 periods a day, yet that room can't be used for anything else).”

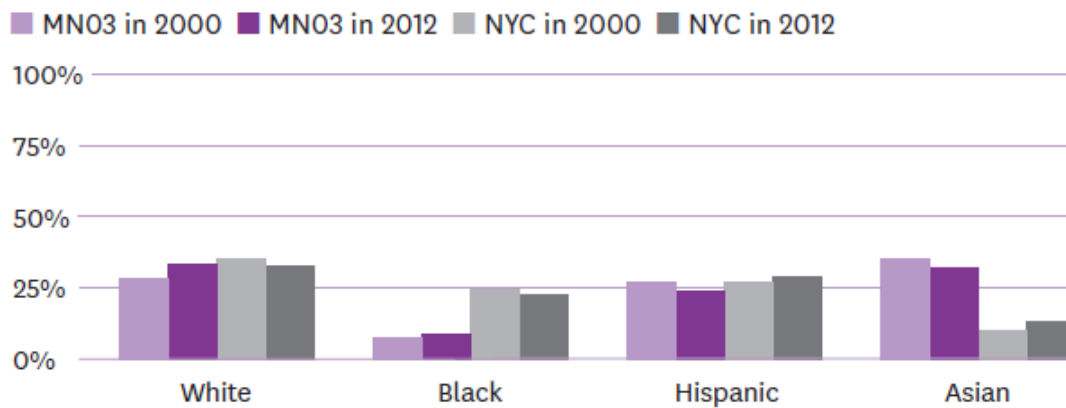
Appendix H

CD 3 Demographic Change

CD 3's current story has been one of increasing gentrification with a younger, transient population moving in (Smith and DeFellippis, 1999). The district's socio-economic character (housing costs, race, education and income) has changed since 2000, as it has throughout the city (NYU Furman Center, 2014).

- According to the 2010 Census, since 2000, a greater proportion of whites now live in CD 3 (+4.2%), and the number of Blacks (-0.2%), Asians (-1.4%), Hispanics (-3.9%) has decreased (Ferguson, 2014).

Figure 1. Racial and Ethnic Composition of Community District 3, 2000 - 2012



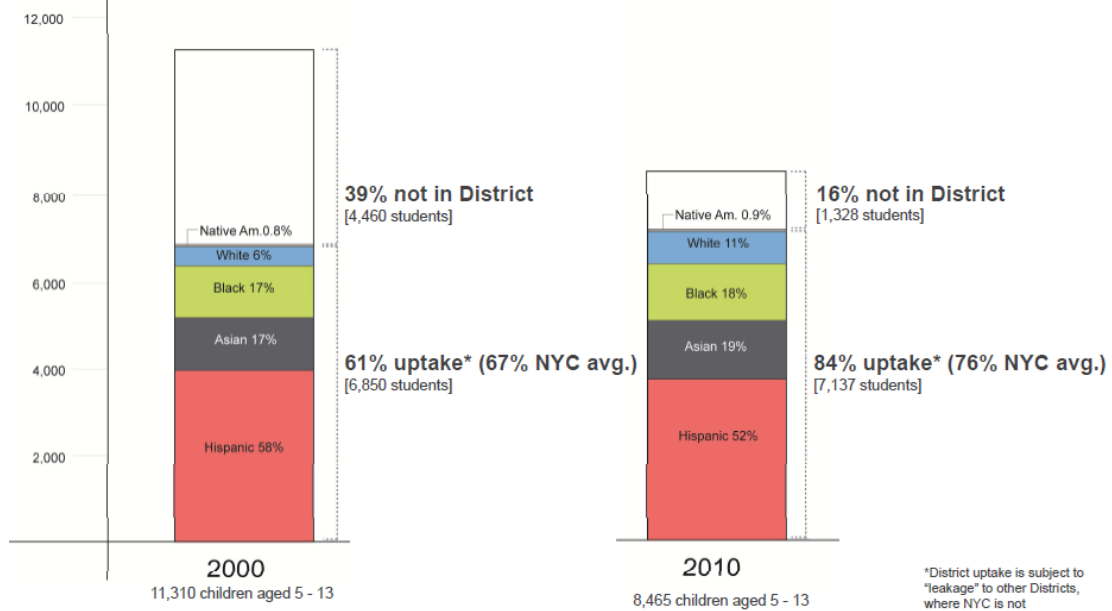
Source: NYU Furman Center. (2014). MN03 Lower East Side/Chinatown. In *The State of the City's Housing and Neighborhoods 2013* (Part 3). Retrieved from http://furmancenter.org/files/sotc/SOC2013_HighRes.pdf

- The rate of public school enrollment in CSD 1 has increased. In 2010 it was higher than the citywide rate, which was just over 3 out of 4, but in CSD 1 that rate was significantly higher at 84% in 2010 (see Figure 2).

Figure 2. District 1 Capacity and Uptake from 2000 - 2010

DISTRICT 1 CAPACITY AND UPTAKE

Since 2000, there has been a decrease in 5 – 13 aged children in District 1, which is similar to the overall NYC trend, but there has been a rise in students attending District 1 schools.



- Source: “Community School District 1: A Study of Assignment Policy Effects.” Fall 2013. WXY, Youth Studies Inc., and George M. Janes Associates. P. 42
- Educational attainment has increased since 2000; the proportion of people without high school diplomas fell (-12.5%), the number of high school graduates rose (+2.7%). The proportion of people with some college or an associate degree decreased (-0.2%), and the proportion with a Bachelor's degree or higher increased (10.1%) (Ferguson, 2014).
- Median monthly rent rose from \$900 in 2006 to \$1,073 in 2012 (2013 inflation adjusted) Median sales price per unit (5+ family building) has risen from \$240,333 in 2006 to \$252,688 in 2012 - a 5% increase in six years (2013 inflation adjusted) (NYU Furman Center, 2014).
- The median household income increased, from \$38,235 in 2005 to \$45,069 in 2010 (2013 inflation adjusted dollars) (NYU Furman Center, 2006; NYU Furman Center, 2012).
- According to the 2010 US Census, CD 3's total population decreased by 7% from the 2000 U.S. Census, but this trend has started to reverse (see Figure 3).

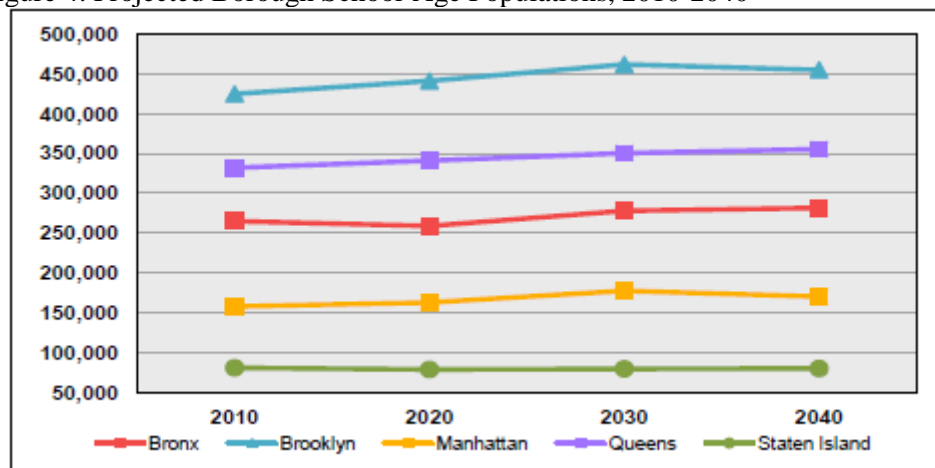
Figure 3. Total Population Change in Community District 3

Community District 3 Total Population					Change 2000 - 2010	
Total Population					Numeric Change	Percentage Change
1970	1980	1990	2000	2010		
181,845	154,848	161,617	164,407	163,277	-1,130	-0.7

Source: Population Division - New York City Department of City Planning, Table PL -P1 CD (July 2011). Retrieved from <http://www.nyc.gov/html/dcp/html/census/popdiv.shtml>

- The 2010-2012 American Community Survey 3-Year Estimates found that the total population in the community district had increased to an estimated 164,326 persons. According to the annual Furman Center report, the district has jumped from the 18th in 2010 to the 12th highest total population in the city in 2013.
- The NYC Department of City Planning predicts that between 2010 and 2040 Manhattan’s overall population will grow by 6.7% and its school age population will grow by 7.8% (see Figure 4).

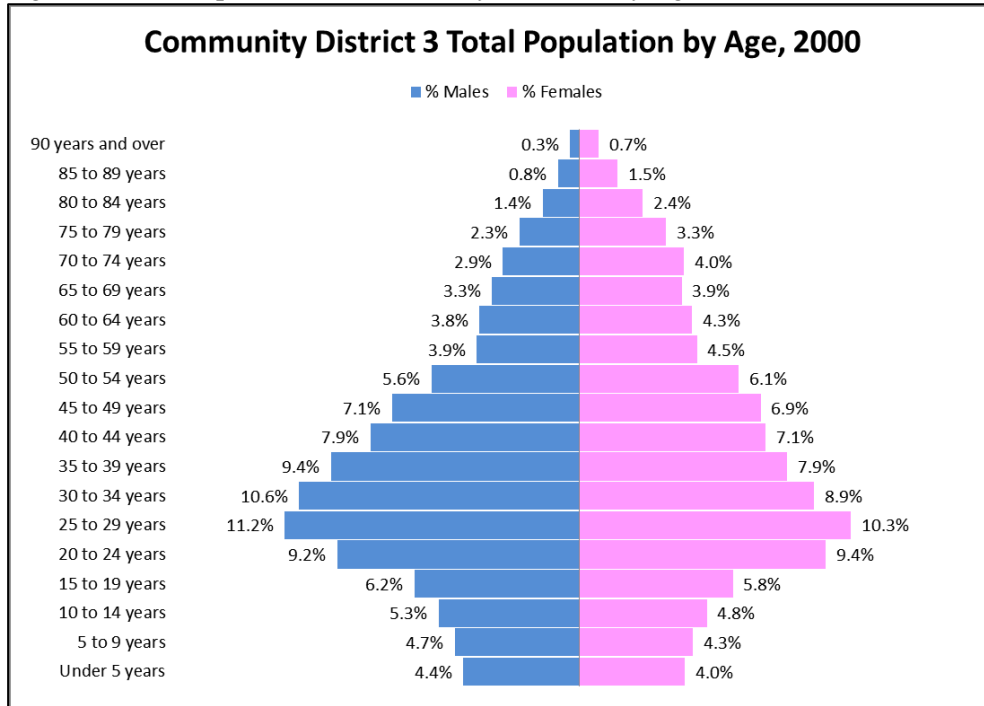
Figure 4. Projected Borough School-Age Populations, 2010-2040



Source: Department of City Planning - Population Division (2013). New York City Population Projections by Age/Sex and Borough, 2010-2040. Retrieved from http://www.nyc.gov/html/dcp/html/census/projecting_future.shtml

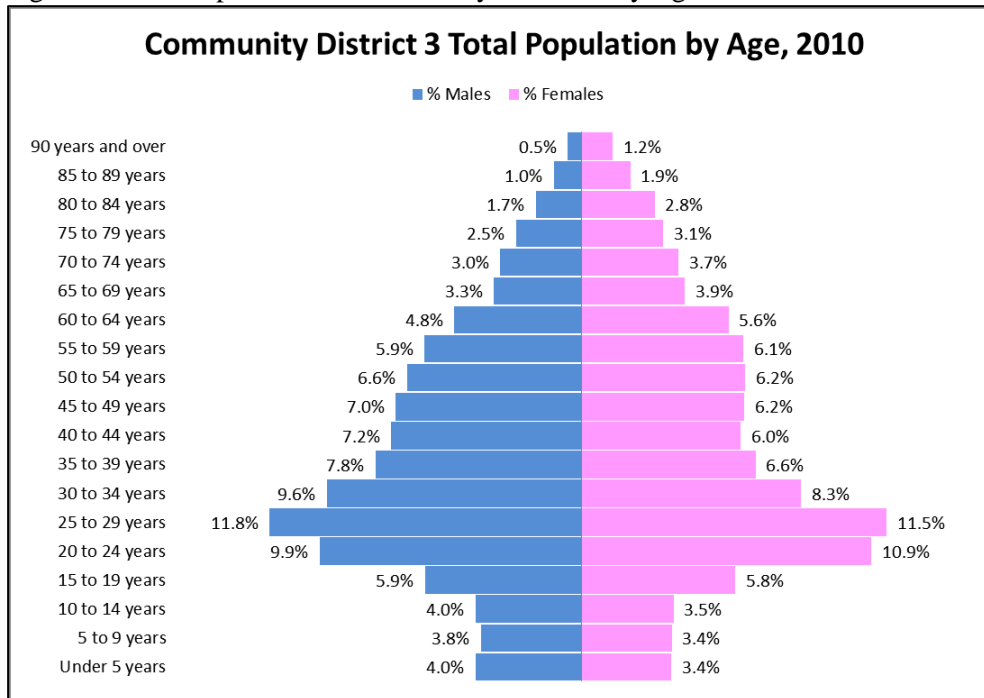
- Women born after 1980, commonly referred to as “Millennial,” will enter their peak reproductive years and will contribute to an estimated increase of 64,000 school-age children (5%) between 2010 and 2030 (DCP, 2013). Many have moved into CD 3 since the 2000 U.S. Census, (see Figures 5 and 6 below). An analysis that looked at the age and sex of CD 3 residents revealed that there was a greater proportion of 20-29 year olds in 2010 than in 2000, with a greater proportion of females 20-29 years of age (Ferguson, 2014).

Figure 5. Total Population of Community District 3 by Age in 2000



Source: Ferguson, 2014.

Figure 6. Total Population of Community District 3 by Age in 2010



Source: Ferguson, 2014.

Appendix I

Glossary of Terms

CB 3	Manhattan Community Board 3
CD 3	Manhattan Community District 3
CEC	Community Education Council
CSD	Community School District
DCP	NYC Department of City Planning
DOE	NYC Department of Education (also known as Local Education Agency of the New York State Department of Education)
EDC	NYC Economic Development Corporation
ELL	English Language Learner
FGEIS	Final Generic Environmental Impact Statement
HSC	Manhattan Community Board 3 Human Services, Health, Disability, & Seniors / Youth & Education Committee
NYCHA	New York City Housing Authority
SCA	NYC School Construction Authority
SPMUDP	Seward Park Mixed-Use Development Project
SPURA	Seward Park Urban Renewal Area
ULURP	Uniform Land Use Review Procedure
Uptake	Percentage of children living in a district who enroll in that district's schools

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