



Advocates for Children of New York

Protecting every child's right to learn

Public Comments submitted to the City Council Working Group on School Planning, Siting, and Overcrowding

June 15, 2017

Advocates for Children of New York (AFC) appreciates the opportunity to submit comments regarding school planning, siting, and overcrowding. For more than 45 years, AFC has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds.

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AFC is concerned about overcrowding and appropriate school planning for all children across the City. We appreciate the City Council's attention to these areas. Given the concerns we hear from families, we are focusing these comments on the needs of students with disabilities.

School Accessibility

As the City Council considers the capacity of the school system and creates a plan to provide an appropriate school seat for every student, it is vital that you ensure there are accessible school options across the City for students, teachers, school staff members, and family members with mobility, hearing, and vision needs. New York City has a severe shortage of schools that are accessible to students, parents, and school employees with physical disabilities. Last year, the U.S. Department of Justice (DOJ) found that only 17% of the City's elementary schools are fully accessible and that six of the City's 32 community school districts have no fully accessible elementary schools. While the DOJ looked only at elementary schools, DOE data show that seven school districts have no fully accessible middle schools and nine school districts have no fully accessible high schools.

Even in districts that appear to have more options, a closer examination is needed. For example, in District 2, which appears to have more fully accessible high schools than other districts, the only fully accessible high schools are Stuyvesant, the School of Art and Design, Clinton, and Beacon, all highly screened or specialized schools, and District 75 schools for students with more significant special education needs. There are no fully accessible schools for students who will not be admitted to a screened school and do not require a District 75 school.

Given the shortage of fully accessible schools, the DOE relies on "partially accessible" schools that may offer students with certain accessibility needs access to parts of the building. However, in schools the DOE considers partially accessible, we have heard from families that they encountered buildings with no elevators or



broken elevators, bathrooms too small to accommodate students' wheelchairs, and inaccessible nurses' offices, science labs, art rooms, and auditoriums.

As a result, students with physical disabilities often have to travel long distances to attend an out-of-district school, limiting their ability to attend schools with their neighbors and to attend schools with programs that are a good fit for them. Furthermore, when families match with schools that could be made accessible through relatively minor renovations or accommodations, these renovations often do not happen due to the lack of funding allocated for this purpose.

We are pleased that the DOE has taken some positive steps to help families access the information they need to identify and consider accessible school options in the school admissions processes. For example, the DOE has conducted a comprehensive accessibility survey of Manhattan and Staten Island high schools and will make this information available to families. The DOE plans to conduct accessibility surveys of all school buildings over time. This information will certainly help families navigate the admissions processes and identify schools that may work for their children, eliminating the need for individual families to travel from school tour to school tour only to find that the school buildings cannot accommodate their children.

However, providing information to families is only helpful if there are accessible school options for their children. Planning for the siting of new school buildings must take into account the needs of students, school staff, and families who require accessible schools in their communities. We urge the City Council to consider the lack of accessible school options in certain school districts as you move forward with your work.

In addition, while all new school buildings are required to be fully accessible, the City must make renovations to existing school buildings to increase the number of fully accessible schools given the scope of this problem. To make more schools accessible, additional funding is needed. The FY 2015-2019 Capital Plan allocated \$100 million for improving school accessibility over five years. That translates to major improvements in only about 17 school buildings over the course of five years. Furthermore, the City has already spent this funding. Thus, under the current plan, the City will not be pursuing any additional major renovation projects to make more schools accessible. In response to a settlement in a lawsuit regarding disaster planning, the February 2017 amendments added another \$28 million to ensure that a number of current DOE buildings can serve as accessible emergency shelters. However, to make these buildings accessible shelter sites, only the first floor, and not even necessarily all rooms on the first floor, would need to be accessible. Including



the shelter site funding, funding for accessibility projects represents *less than one percent* of the total funding in the Capital Plan.

We appreciate that the City Council included the need for an additional \$100 million per year for school accessibility projects in your response to the FY 18 Preliminary Budget. However, we are disappointed that the adopted budget does not include any additional funding. As the City moves forward with the next budget cycle and the next Capital Plan, we urge you to ensure that there is a significant new investment in school accessibility. In addition to allocating funding for major renovation projects to make additional schools accessible, we urge the City to allocate at least \$25 million to a fund dedicated to facilitating families' requests for reasonable accommodations to school buildings based on individual students' needs. When a student with mobility, hearing, or vision needs is admitted to a school that is not accessible, but renovations would enable attendance, funding needs to be available to accommodate the project. We want to ensure that funding is set aside for this purpose.

Space for Classes and Services for Students with Disabilities

As the City Council considers the siting, planning, and overcrowding of schools, it is important that the Council also consider the need for space for services and classes for students with disabilities. All schools are expected to serve students with disabilities and must provide them with the services they need at school. This means that, in every school, students with disabilities receive related services, such as speech therapy, occupational therapy, physical therapy, and counseling. In addition, many students with disabilities receive pull-out Special Education Teacher Support Services (SETSS) to provide them with small group support from a special education teacher. AFC has heard from families about their children receiving their mandated services in hallways or other crowded spaces, raising concerns about privacy and concerns about students' ability to focus in such distracting environments. Students with disabilities who require related services outside of their classrooms should always have a safe, secure, and comfortable place to go for their services. Such space must be taken into account when determining a school's capacity.

In addition, all schools are expected to open the classes that students with disabilities need, including small special (self-contained) classes. While a school may not need a special class one year, it may need to open one the following year depending on the needs of its students. Thus, a school that has a general education class and an Integrated Co-Teaching class one year on the kindergarten level may need to have a general education class, an Integrated Co-Teaching class, and a special class the following year, requiring an additional classroom. We have heard about schools telling parents that they cannot open the type of class that their students need because they do not have a classroom available. Schools must have enough space to



accommodate the changing needs of their student populations and to add special classes as needed.

Finally, we hope that the City Council will consider the needs of students with disabilities recommended for District 75 specialized schools. We hear complaints from families of students who need specialized schools about the DOE placing them in District 75 schools very far away from their homes, leading to long bus rides for students who may have significant medical or emotional needs. In considering the capacity of schools, the City Council should consider the importance of having sufficient space in local schools for District 75 programs.

Thank you for considering our comments. If you have any questions or would like any additional information, please do not hesitate to contact Randi Levine, Policy Director, at 212-822-9532 or rlevine@afcnyc.org, or Maggie Moroff, Special Education Policy Coordinator at 212-822-9523 or mmoroff@afcnyc.org.