



**Department of  
Education**

**Joel I. Klein**  
*Chancellor*

DECLARATION PURSUANT TO EDUCATION LAW SECTION 2590-g(9) and 2590-h(2-a)(f) CONCERNING THE PROPOSAL FOR SIGNIFICANT CHANGE IN UTILIZATION OF SCHOOL BUILDING Q260—THE TEMPORARY RE-SITING AND CO-LOCATION OF A PORTION OF ONE GRADE LEVEL OF AN EXISTING SCHOOL, PS 16Q (24Q016), WITH AN EXISTING SCHOOL, PIONEER ACADEMY (24Q307), FOR THE 2010-2011 SCHOOL YEAR

I, Joel I. Klein, Chancellor of the New York City Department of Education, pursuant to sections 2590-g(9) and 2590-h(2-a)(f) of the New York State Education Law, do hereby determine that the immediate implementation of the proposal to re-site and co-locate a portion of one grade level of PS 16Q (24Q016) (“PS 16Q”), with existing school, Pioneer Academy (24Q307) (“Pioneer Academy”), in school building Q260 (“Q260”) for one year is necessary to preserve the general welfare of students. Additionally, compliance with the requirements of subdivisions (7) and (8) of section 2590-g of the Education Law, which require a public review process and approval by the Panel for Educational Policy (the “Panel”) before a proposed school closing or significant change in school utilization can take effect, would be contrary to the public interest. This emergency declaration shall remain in effect for six months or until the Panel votes to approve the proposal, whichever comes first.

PS 16Q is an existing zoned elementary school in Community School District 24 (“District 24”) serving students in grades K-5 in school building Q721, which is currently projected to house almost 500 students over its maximum capacity in the 2010-2011 school year. Due to the severe overcrowding in the Corona, Queens neighborhood of District 24, the re-siting and co-location of a portion of one grade level of PS 16Q with Pioneer Academy in Q260, an underutilized building, for the 2010-2011 school year is necessary to preserve the general welfare of PS 16Q students.

PS 16Q serves general education students, students enrolled in a gifted and talented program and students requiring special education services. Additionally, PS 16Q serves a large number of English Language Learner students; approximately 47% of PS 16Q students receive transitional bilingual, dual language or English as a Second Language services.

The October 31, 2009 audited register for PS 16Q reflects an enrollment of 1,483 students, and the school is projected to serve 1,575 students in the 2010-2011 school year. The

target capacity of Q721, located at 41-15 104 Street in Queens, is 1,097 students, and the building had a target utilization rate of 135% in 2009-2010.<sup>1</sup> With this coming school year's projected enrollment, the Q721 building will be at 144% target utilization.

Beginning in September 2010, and for the duration of the 2010-2011 school year, approximately 150 students enrolled in grade 5 (comprising five fifth grade classes) at PS 16Q will be served in the Q260 building located at 40-20 100th Street, also in Corona, Queens.<sup>2</sup> These students will be co-located with Pioneer Academy, which currently serves students in grades K-2, and which is in the process of phasing in one grade per year until it reaches its full grade span of K-5 in 2012-2013.

There will be more than adequate space for approximately 150 of PS 16Q's grade 5 students to co-locate with Pioneer Academy in Q260 during the 2010-2011 school year. Q260 has a target capacity of 945 students, and its target utilization rate was 48% in the 2009-2010 school year. Pioneer Academy is projected to serve 544 students in grades K-3 during the 2010-2011 school year. With the 2010-2011 projected enrollment of Pioneer Academy only, Q260 would be at 58% target utilization. With the addition of approximately 150 grade five PS 16Q students, Q260 would have a total enrollment of 694 students and a target utilization rate of 73% in 2010-2011. Thus, the co-location of five 5th grade classes from PS 16Q in Q260 would not reduce Pioneer Academy's ability to operate at full planned organizational capacity. In particular, the building has 31 full size general instructional rooms in addition to an auditorium, cafeteria, library, gymnasium, 3 science classrooms, 1 art classroom and a music classroom. Pioneer Academy currently uses 20 full size rooms and expects to use 25-26 rooms in the 2010-2011 school year. PS 16Q is expected to use 6 full size rooms at Q260 to serve grade 5 students in 5 sections. The principals of PS 16Q and Pioneer Academy are working together to develop a schedule for the equitable usage of shared spaces.

PS 16Q and Pioneer Academy are located approximately 0.3 miles/3 blocks apart from each other in District 24 in the Corona section of Queens. Students are not expected to travel back and forth between buildings during the school day as a result of this proposal. The PS 16Q grade 5 students at issue will be served exclusively in Q260 during the regular school day. No changes in student transportation are likely to result from the temporary co-location as none of the students at issue receive yellow bus service to/from school.

This temporary co-location is not expected to change the number of personnel positions assigned to either school or significantly alter the duties of current staff. An assistant principal already assigned to the PS 16Q organization would be assigned to supervise the school's staff and students served at Q260. The necessary PS 16Q fifth grade teachers would maintain current assignments but report to Q260 for regular teaching duties rather than Q721. PS 16Q cluster teachers would be assigned to Q260 on a rotating basis, such

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<sup>1</sup> The official target capacity and utilization rates for the 2009-2010 school year are not yet available. All references herein to building utilization rates in 2009-2010 and projected utilization rates in 2010-2011 are estimated, and based on target capacity data from the 2008-2009 Enrollment Capacity Utilization Report (the "Blue Book).

<sup>2</sup> Construction of Q260 was completed in 2008. The building is functionally accessible.

that these teachers would not have to travel back and forth from Q260 and Q721 during the course of the day.

Serving PS 16Q fifth graders in Q260 will allow PS 16Q to adhere to the contracted limits for kindergarten class size. During the 2009-2010 school year, high kindergarten enrollment at PS 16Q resulted in an average kindergarten class size of 26 students, and the school was subject to grievance action. The repurposing of classrooms that would otherwise have been used for approximately 150 fifth grade students will allow PS 16Q to reopen a science lab to support instruction utilizing the school's inquiry-based science program, and to use another room to support more comprehensive visual arts instruction. Repurposed Q721 rooms are also expected to provide dedicated space for occupational therapy and physical therapy services for students with physical handicaps. Moreover, the temporary co-location could present opportunities for Pioneer Academy and PS 16Q to share resources and implement special programming for both schools. The principals of both PS 16Q and Pioneer Academy are in agreement that a one year co-location of Pioneer Academy and five sections of fifth grade students from PS 16Q is necessary to preserve the general welfare of PS 16Q students and will have no negative impact on the students enrolled at either school.

Additional elementary school capacity is needed urgently in District 24, particularly in the part of the district that includes Corona. In 2008-2009, the average target utilization of elementary school buildings in District 24 was 114%. Four new elementary school buildings in the Corona area are currently included in the School Construction Authority's ("SCA") Capital Plan, but no additional district elementary level seats will open in these new facilities for several years. The New York City Department of Education (the "Department") has taken several measures in an effort to address overcrowding in District 24 and continues to do so. In the Elmhurst and Corona areas of District 24, the Department opened one new elementary school, PS 330 (Q330) ("PS 330"), this school year, completed construction of school building Q260 in 2008, and created additions to school buildings Q102 (completed in 2009) and Q013 (completed in 2010) to expand their respective capacities.

In April 2010, the Department announced the opening of PS 330, located in Elmhurst, Queens, which was intended to meet the high demand for Kindergarten seats in Corona. In May 2010, the Department issued alternate Kindergarten placement offers for PS 330 to Corona students who had been waitlisted at their zoned school. In June 2010, several months after the statutory deadline for publishing an educational impact statement describing a proposal for a significant change in school utilization and submitting such proposal for public review and Panel approval, it became apparent that PS 330 would not have sufficient seats to accommodate all the students waitlisted for Kindergarten at PS 16Q. Over the summer, the Department began to explore various ways to accommodate PS 16Q's enrollment, including attempting to identify underutilized public school buildings in the area, searching for suitable school-ready private space to lease and examining the possibility of temporarily re-siting certain of PS 16Q's students at Pioneer Academy. The SCA was not able to identify any underutilized public school buildings in the area or any appropriate private space which would be ready to accommodate students

by September 2010. After the proposed re-siting of some of PS 16Q's students to Pioneer Academy was discussed with the principals of those schools, and after its logistical practicability was confirmed, the proposal was agreed upon by the principals.

Several factors make the proposed re-siting the only geographically practical way to relieve overcrowding at PS 16Q for this school year. First, because the Corona section of Queens, where District 24 is located, is a very densely populated area, there is a lack of available land on which to construct sufficient new school facilities. Second, intervention strategies such as zoning changes and grade reconfigurations are not effective solutions because the school zones surrounding Corona are also overcrowded. Therefore, Corona elementary students would have to travel significant distances from their homes to attend an underutilized school building. Third, simply expanding Pioneer Academy's kindergarten enrollment is not an option because the Q260 building cannot accommodate significant enrollment growth long-term. Fourth, reducing the grades served by Pioneer Academy so that Q260 could accommodate larger kindergarten classes is not a viable option either because there are not sufficient seats in nearby elementary schools to absorb the students who would have otherwise been served in Pioneer Academy's truncated grades. Therefore, the temporary re-siting of approximately five sections of PS 16Q's fifth graders to Pioneer Academy is necessary to preserve the general welfare of PS 16Q's students.

This temporary co-location will allow the Department to continue to work with the principals and the Community Education Council to investigate ways to help PS 16Q manage overcrowding in the years prior to new construction being available. The Department will continue to explore options to meet the capacity needs in Corona and PS 16Q. For example, the Department will consider the possibility of serving some students currently zoned for PS 16Q elsewhere.

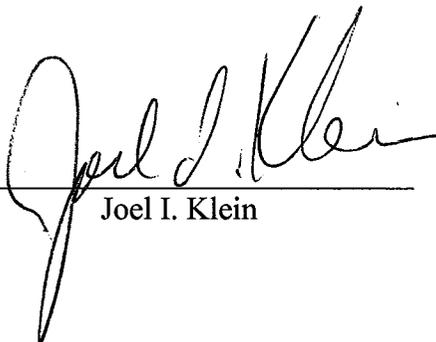
For any proposal for a school closing or significant change in school utilization, section 2590-h(2-a)(c) of the Education Law requires the Chancellor to publish and file an educational impact statement at least six months in advance of the first day of school in the succeeding school year. Additionally, section 2590-g(8) of the Education Law requires that such a proposal be submitted for public review and Panel approval at least six months prior to the start of the school year.

At this point in the year, compliance with these provisions of the Education Law would prevent the Department from implementing any proposal to co-locate students of PS 16Q and Pioneer Academy in Q260 prior to September 2011, which would be contrary to the public interest. Without the re-siting of approximately 150 of PS 16Q's fifth grade students to Q260, Q721 Kindergarten classes will continue to be overcrowded in the 2010-2011 school year, which may result in class sizes in excess of the contractual class size limits and limit PS 16Q's ability to provide science and arts instruction.

Given the demand for elementary school capacity in District 24, generally, and the conditions at PS 16Q specifically, I have determined it is necessary to implement the temporary co-location of a portion of PS 16Q's grade 5 students with Pioneer Academy in

Q260 for the 2010-2011 school year on an emergency basis and for this significant change in utilization to remain in effect for six months or until approval by the Panel, whichever comes first.

Dated: New York, New York  
September 2, 2010



Joel I. Klein