



**Department of
Education**

Dennis M. Walcott, Chancellor

DECLARATION PURSUANT TO EDUCATION LAW SECTIONS 2590-g(9) and 2590-h(2-a)(f) CONCERNING THE PROPOSAL FOR SIGNIFICANT CHANGE IN UTILIZATION OF SCHOOL BUILDING M050—THE TEMPORARY RE-SITING AND CO-LOCATION OF TWO GRADES OF DREAM CHARTER SCHOOL (84M382) WITH EXISTING SCHOOLS P.S.50 (04M050) VITO MARCANTONIO AND NEW YORK CENTER FOR AUTISM CHARTER SCHOOL (84M337)

I, Dennis M. Walcott, 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 re-siting and co-location of the kindergarten and first grades of DREAM Charter School (84M382) (“DREAM”) with existing schools P.S. 50 Vito Marcantonio (04M050) and New York Center for Autism Charter School (84M382) (“NYCA”) in school building M050 for the 2013-2014 school year is necessary to preserve the health, safety, and general welfare of students. Additionally, compliance with the requirements of subdivisions (7) and (8) of section 2590-g of the Education Law, which require issuance of a formal proposal and a public review process and approval by the Panel for Educational Policy (the “Panel”) before a proposed 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 re-siting and co-location, whichever comes first.

DREAM is an existing public charter school serving students in grades kindergarten through five. The school is in the process of phasing in to serve students in both elementary and middle school grades, and will serve students in grades kindergarten through six during the 2013-2014 school year. DREAM is currently co-located with P.S. 38 (04M038) in building M121, located at 232 East 103 Street, New York, NY. Beginning in the 2013-2014 school year, there will not be sufficient space in M121 to accommodate both P.S. 38 and DREAM as it continues to phase in.

Because of the lack of space in building M121, DREAM entered into negotiations to lease private space which it would use to serve its kindergarten and first grade students during the 2013-2014 school year. The Department of Education (“DOE”) was not a party to the negotiations, which continued throughout much of the school year. DREAM initially believed that the negotiations would be successful. However, in May 2013 DREAM informed the DOE that negotiations had broken down, and the school was in need of space to house its kindergarten and first grade students, as it was too late in the year to successfully obtain alternate private space. Because DREAM is in the process of constructing private space intended to house all of its students beginning in the 2014-2015 school year, the school needs the additional space for the 2013-2014 school year only.

Building M050 is located less than one-half mile from building M121. M050 currently houses P.S. 50, an existing district school serving students in grades kindergarten through eight, and NYCA, an existing public charter school serving students in grades kindergarten through twelve. M050 has a target capacity to serve 845 students, but is projected to serve only 445 - 485 students in the 2013-14 school year, yielding a projected utilization rate of 50%-60%. Thus, there is sufficient excess space in the building to accommodate two grades of DREAM for one school year, while still providing P.S. 50 and NYCA with rooms in excess of their baseline allocations as calculated using the DOE's Citywide Instructional Footprint.

Because there is adequate space in M050, this proposal is not expected to have an impact on the general or special educational programs, community partnerships, after-school activities, or general operations of P.S. 50 or NYCA.

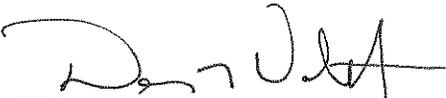
While this proposal will require some DREAM students to travel further to school each day, M050 is the closest school building with adequate space to accommodate the DREAM students. Thus, re-siting two grades of DREAM students to M050 is the most practical way to provide those students with a safe learning environment.

This temporary co-location is not expected to change the number of personnel positions assigned to any school or significantly alter the duties of current staff.

For any proposal for a 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 succeeding school year. However, at this point in the year, compliance with these provisions of the Education Law would prevent the Department from implementing any proposal to re-site DREAM students into DOE space for the 2013-2014 school year, which would be contrary to the public interest. Section 2590-g of the Education Law permits the Chancellor to adopt a significant change in school utilization if necessary to preserve the health, safety or general welfare of students.

Accordingly, I have determined that in order to preserve the health, safety, and general welfare of students, it is necessary to re-site the kindergarten and first grades of DREAM Charter School to building M050, where they will be co-located with existing schools P.S. 50 Vito Marcantonio and New York Center for Autism Charter School.

Dated: New York, New York
June 27, 2013


Dennis M. Walcott