

**Resolution Regarding Approval of the Proposed Expansion of the Co-location of Harlem Success Academy 5 Charter School (84M482) with P.S. 123 Mahalia Jackson (05M123) in Building M123**

WHEREAS, in accordance with Education Law § 2590-h(2-a), the Chancellor prepared an educational impact statement, published and filed on March 2, 2011, on the proposed expansion of the co-location of Harlem Success Academy 5 Charter School (84M482) (“HSA 5”) with P.S. 123 Mahalia Jackson (05M123) (“P.S. 123”) in building M123; and

WHEREAS, in accordance with Education Law § 2590-g(8), the Panel for Educational Policy (the “Panel”) undertook a public review process for review and comment on the proposed expansion of the co-location of HSA 5 with P.S. 123 in M123; and

WHEREAS, such review process included notice of the proposal via the New York City Department of Education’s (the “Department”) internet website and circulation of the notice of the proposal to all community superintendents, community district education councils, community boards, and school based management teams; and

WHEREAS, such notice further included: a) a description of the purpose and substance of the proposed expansion of the co-location; b) information regarding where the full text of the proposal could be obtained; c) the name, office, address, email and telephone number of the Department representative from whom information concerning the proposal could be obtained; d) the date, time, and place of any hearing on the proposal; e) the date, time and place of the meeting of the Panel at which the Panel will vote on the proposal; and f) information on how to submit written or oral comments regarding the proposal; and

WHEREAS, such notice and public review process commenced on March 2, 2011, at least forty-five days in advance of the April 28, 2011 meeting of the Panel at which the proposed expansion of the co-location of HSA 5 with P.S. 123 in M123 came before the Panel for a vote; and

WHEREAS, on March 4, 2011, the Department issued an amended educational impact statement which clarified the characterization of special education services at HSA 5 and the statistics of special needs populations served, but which did not revise or modify the proposal itself; and

WHEREAS, on April 12, 2011, the Department issued a second amended educational impact statement, which corrected typographical and formatting errors, included the rationale behind HSA 5’s grade expansion and addition of a self-contained special education class, updated the link to the Citywide Instructional Footprint, clarified that P.S. 123 and HSA 5 will continue to provide all mandated services to their respective students with disabilities and English Language Learner students, discussed the construction of a science lab (scheduled for completion in November 2011) which will impact the use of library space below the lab, and clarified that HSA 5 is managed by Success Charter Network, but which did not modify or revise the proposal itself; and

WHEREAS, on April 12, 2011, the Department also issued an amended Building Utilization Plan, which included additional information related to the shared space schedule, current

construction projects in M123, and corrected the enrollment projection for P.S. 123 for 2011-2012, but which did not revise or modify the proposal itself; and

WHEREAS, in accordance with Education Law § 2590-h(2-a)(d-1), the Chancellor has held a joint public hearing on the proposal with the District 5 Community Education Council and the impacted school leadership team at which all interested parties had an opportunity to present comments or concerns on the proposal; and

WHEREAS, following the public review and comment period, the Panel made available to the public, including via the Department's internet web site, an assessment of all public comments concerning the proposed expansion of the co-location of HSA 5 with P.S. 123 in M123 received prior to twenty-four hours before the Panel meeting at which the proposal was subject to a vote; and

WHEREAS, the assessment of public comments included a summary and analysis of the issues raised and any significant suggested alternatives; a statement of the reasons why any significant alternatives were not incorporated into the proposed expansion of the co-location; a description of any changes to the proposed expansion of the co-location as a result of the public comments; and information regarding where the full text of any approved proposed expansion of the co-location may be obtained; and

WHEREAS, the Chancellor recommends that the Panel for Educational Policy approve the proposed expansion of the co-location of HSA 5 with P.S. 123 in M123; and

WHEREAS, it is the desire of the Panel for Educational Policy to approve the proposed expansion of the co-location of HSA 5 with P.S. 123 in M123; now therefore be it

RESOLVED, that in accordance with Education Law § 2590-g, the Panel for Educational Policy hereby approves the proposed expansion of the co-location of Harlem Success Academy 5 Charter School (84M482) with P.S. 123 Mahalia Jackson (05M123) in building M123.