



**Amended Public Notice**  
October 6, 2010

**Joel I. Klein**  
*Chancellor*

## **REGULATION OF THE CHANCELLOR**

Number: A-190

Title: SIGNIFICANT CHANGES IN SCHOOL UTILIZATION AND PROCEDURES FOR THE MANAGEMENT OF SCHOOL BUILDINGS HOUSING MORE THAN ONE SCHOOL

### **I. Description of the subject and purpose of the proposed item under consideration.**

Chancellor's Regulation A-190, Significant Changes In School Utilization And Procedures For The Management of School Buildings Housing More Than One School, updates and supersedes current regulation A-190 dated November 13, 2009. It sets forth the procedures to be followed for school closings or significant changes in school utilization.

On August 23, 2010, the New York City Department of Education (DOE) published proposed amendments to the regulation to clarify and expand procedures for providing notice and opportunity for input and comment regarding significant changes in school utilization, and to include procedures to be followed in connection with the location or co-location of one or more charter schools in an existing public school building. Other changes in the regulation include: the terms "affected community school district," "affected community education council ("CEC")", and "significant change in school utilization" have been clarified; a definition of "capital improvement or facility upgrade" has been added; guides for use in creating Educational Impact Statements (EIS) have been added; EIS filing requirements have been clarified and provide that the EIS must be posted online and filed in hard copy with the PEP, affected CECs, community boards, superintendents, SLTs, and certain other bodies, as applicable, with hard copies available at affected schools; templates have been added for Building Usage Plans and Shared Space Plans required for all buildings where a charter school is co-located with a DOE school; CCHS, CCSE and D75 Councils shall now be invited to participate in joint hearings and to suggest agenda items for the joint public hearings; the role of Building Councils has been set forth including a dispute resolution procedure; "Shared Space Committee" has been defined to consist of the Building Council plus parent and teacher representative from each school for buildings in which a charter school is co-located with a DOE school; any capital improvements or facilities upgrades made to accommodate charter schools in DOE buildings in excess of \$5,000 must now be matched by improvements or upgrades of an equal amount for all DOE schools in the same building; a process by which charter schools must apply for Chancellor's permission to perform capital improvements or facilities upgrades to charter school space in DOE buildings has been established; and the statutory right to appeal charter school co-locations and Building Usage Plans to the Commissioner of Education has been added.

On September 3, 2010, the DOE published a re-formatted version of the proposed amendments to Chancellor's Regulation A-190, which included modified headers and pagination and corrected typographical errors, but did not include any substantive changes to the proposed regulation.

On September 22, 2010, the DOE published a revised draft of the proposed amendments to A-190 in response to public comments received. The revised draft included substantial and non-substantial revisions to the definitions of “affected students” and “significant change in school utilization”; revisions to the EIS filing procedures; revisions to the procedures for scheduling joint public hearings and the development of the agendas for such hearings; clarification of the procedures required in the event the Chancellor substantially revises an EIS; revisions to the composition of building councils and shared space committees; revisions to the procedures relating to the approval process for capital improvement and facility upgrades; revision of the term “D75 program” to “D75 school organization”; and clarification of the individuals who are to receive notice of proposals, and/or invitations to participate in joint public hearings.

The DOE has now made one further modification by deleting sub-part II(A)(2)(a)(iii)(a) from the regulation, which sub-section concerned revisions to BUPs. The remainder of the regulation remains unchanged.

**II. Information regarding where the full text of the proposed item may be obtained.**

The full text of the proposed item can be found on the main page of the PEP website:

[http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/A190Reg\\_Oct2010](http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/A190Reg_Oct2010)

An analysis of all oral and written comments submitted to the DOE relating to the proposed amendments to A-190 will be published on the DOE’s website prior to the meeting of the Panel of Educational Policy at which this proposed revised regulation will be considered.

**III. The name, office, address, email and telephone number of the city district representative, knowledgeable on the item under consideration, from whom information may be obtained concerning the item and to whom written or oral comments regarding the item under consideration can be submitted.**

Name: Gentian Falstrom  
Office: Division of Portfolio Planning  
Address: 52 Chambers Street  
Email: RegulationA-190@schools.nyc.gov  
Phone: (212) 374-2471

**IV. Date, time and place of the PEP meeting at which the Board will vote on the proposed item under consideration.**

October 7, 2010  
6:00 p.m.  
New World High School  
921 E. 228<sup>th</sup> Street  
Bronx, NY