



**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 M620—THE TEMPORARY RE-SITING AND CO-LOCATION OF GRADES 9 -12 OF EXISTING SCHOOL EAST SIDE COMMUNITY SCHOOL (01M450), WITH EXISTING SCHOOLS NORMAN THOMAS HIGH SCHOOL (02M620), MURRAY HILL ACADEMY (02M432), MANHATTAN ACADEMY FOR ARTS AND LANGUAGE (02M427) AND UNITY CENTER FOR URBAN TECHNOLOGIES (02M500)

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 immediate temporary re-siting and co-location of grades 9 - 12 of existing school East Side Community School (01M450) (“ESCS” or, with reference to grades 9 – 12 only, “ESCHS”), with existing schools Norman Thomas High School (02M620) (“Norman Thomas”), Murray Hill Academy (02M432) (“Murray Hill”), Manhattan Academy for Arts and Language (02M427) (“MAAL”) and Unity Center for Urban Technologies (02M500) (“Unity”), in school building M620, also known as the Norman Thomas Campus 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 temporary re-siting and co-location, whichever comes first.

ESCS is an existing secondary school located in building M060 at 420 E. 12th Street in Manhattan, within the geographical confines of Community School District 1. According to the DOE’s most recent projections, the school serves 589 students in grades 6-12. Of those 589 students, 333 are in grades 9-12.

A recent inspection of building M060 revealed a structural defect in one of the outer walls of the building. Because of that defect, the city Department of Buildings (“DOB”) has directed that building M060 must remain unoccupied until the wall is dismantled and repairs are completed. Thus, ESCS must be temporarily re-sited in order to preserve the health and safety of its students.

Norman Thomas is an existing high school located on the Norman Thomas Campus at 111 E. 33rd Street in Manhattan, within the geographical confines of Community School District 2. On February 3, 2011, the Panel approved a proposal to phase out Norman Thomas. As a result, the school currently serves 549 students in grades 11 and 12 according to the DOE's most recent enrollment projections. Murray Hill is an existing high school which is in the process of phasing in to the Norman Thomas Campus. As a result, the school currently serves 300 students in grades 9 through 11 only. MAAL is an existing high school which is in the process of phasing in to the Norman Thomas campus. As a result, the school currently serves 267 students in grades 9 through 11 only. Unity is an existing high school that currently serves 224 students in grades 9 through 12 on the Norman Thomas Campus.

According to the DOE's most recent enrollment projections, the total enrollment for the four schools currently located on the Norman Thomas Campus is 1,340 students. The target capacity of the Norman Thomas Campus is 2,071 students, meaning that the campus has a projected utilization rate of 65% of target capacity in 2012-2013. With ESCHS's 333 students added to the projected total enrollment of the other four schools on the campus, the projected total enrollment of the campus will be 1,670 following the temporary re-siting of ESCS to the campus. This means that the campus would have a utilization rate of 81% of target capacity. Thus, there is adequate space to temporarily serve ESCHS's students in the Norman Thomas Campus during the 2012-13 school year until such time as repairs are completed at building M060.

Because there is adequate space on the Norman Thomas Campus, 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, Norman Thomas, Murray Hill, MAAL, or Unity. However, because ESCS currently operates as a secondary school, and this proposal will site only the high school grades of ESCS in the Norman Thomas Campus, ESCS programs which are held jointly with ESCS's middle- and high school students may be affected.

While this proposal will require some ESCHS students to travel further to school each day, the Norman Thomas Campus is the closest high school building with adequate space to accommodate all of ESCHS's students. Additionally, the Norman Thomas Campus is reachable by the number 6 subway line, which also serves ESCS's current location in building M060. Thus, re-siting ESCHS to the Norman Thomas Campus is the most practical way to address the need to provide ESCHS students with a safe learning environment.

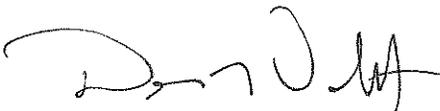
This temporary co-location is not expected to change the number of personnel positions assigned to any school or significantly alter the duties of current staff.

For any proposal for a 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. 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 ESCHS students into a DOB-approved space building for this 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 grades 9 -12 of East Side Community School to the Norman Thomas Campus, where they will be co-located with existing schools Norman Thomas High School, Murray Hill Academy, Manhattan Academy for Arts and Language and Unity Center for Urban Technologies.

Dated: New York, New York
October 2 2012



Dennis M. Walcott