

**Resolution Regarding Approval of the Proposed Phase-out and Eventual Closure
of New Day Academy and Co-location of Dr. Izquierdo Health and Sciences
Charter School with Existing Schools in School Building X158**

WHEREAS, in accordance with Education Law 2590-h(2-a), the Chancellor has prepared an educational impact statement on the proposal to phase-out and eventually close New Day Academy, currently housed in school building X158, and to site Dr. Izquierdo Health and Sciences Charter School with the existing schools housed in school building X158, including New Day Academy, Bronx Latin, and Bronx Career and College Preparatory High School; and

WHEREAS, in accordance with Education Law 2590-h(2-a), the Chancellor has held a joint public hearing on the proposal with the District 12 Community Education Council, the Citywide Council on High Schools, and the impacted school leadership teams at which all interested parties had an opportunity to present comments or concerns on the proposal; and

WHEREAS, in accordance with Education Law § 2590-g(8), the Panel for Educational Policy undertook a public review process for review and comment on the proposed phase-out and eventual closure of New Day Academy and co-location of Dr. Izquierdo Health and Sciences Charter School with the existing schools housed in school building X158; and

WHEREAS, such review process included notice of the proposal via the Department of Education's internet website and circulation of the notice of 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 proposal to phase-out and eventually close New Day Academy and to site Dr. Izquierdo Health and Sciences Charter School with the existing schools currently housed in school building X158; 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 of Education representative from whom information concerning the proposal could be obtained; d) the date, time and place of the meeting of the Panel at which the Panel will vote on the proposal; and e) information on how to submit written or oral comments regarding the proposal; and

WHEREAS, such notice and public review process commenced on December 10, 2009, at least forty-five days in advance of the January 26, 2010 meeting of the Panel at which the proposed phase-out and eventual closure of New Day Academy and co-location of Dr. Izquierdo Health and Sciences Charter School with existing schools in school building X158 came before the Panel for a vote; and

WHEREAS, following the public review and comment period, the Panel made available to the public, including via the Department of Education's internet web site, an assessment of all public comments concerning the proposed phase-out and eventual closure and co-location; 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 proposal; a description of any changes to the proposal as a result of the public comments; and information regarding where the full text of any approved proposal to phase-out and eventually close New Day Academy and site Dr. Izquierdo Health and Sciences Charter School with existing schools in school building X158 may be obtained; and

WHEREAS, the Chancellor recommends that the Panel for Educational Policy approve the proposal to phase-out and eventually close New Day Academy and site Dr. Izquierdo Health and Sciences Charter School with existing schools in school building X158; and

WHEREAS, the phase-out and eventual closure of New Day Academy and co-location of Dr. Izquierdo Health and Sciences Charter School with existing schools in school building X158 is necessary to due to New Day Academy's failure to make significant progress for its students and to provide higher quality middle and high school options throughout the city; and

WHEREAS, it is the desire of the Panel for Educational Policy to phase-out and eventually close New Day Academy and site Dr. Izquierdo Health and Sciences Charter School with existing schools in school building X158 now therefore be it

RESOLVED, that in accordance with Education Law § 2590-g, the Panel for Educational Policy hereby approves the proposed phase-out and eventual closure of New Day Academy and co-location of Dr. Izquierdo Health and Sciences Charter School with existing schools in school building X158.