



**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 M001—THE TEMPORARY RE-SITING AND CO-LOCATION OF GRADES 6 -8 OF EXISTING SCHOOL EAST SIDE COMMUNITY SCHOOL (01M450), WITH EXISTING SCHOOL P.S. 1 ALFRED E. SMITH (02M001)

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 6 - 8 of existing school East Side Community School (01M450) (“ESCS” or, with reference to grades 6 – 8 only, “ESCMS”), with existing school P.S. 1 Alfred E. Smith (02M001) (“P.S. 1”) in school building M001 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, 256 are in grades 6-8.

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.

P.S. 1 is an existing elementary school serving students in grades K – 5 in building M001, located at 8 Henry Street in Manhattan, in Community School District 2. The school also has a pre-kindergarten program. According to the DOE’s most recent projections, the school serves a total of 511 students, including those students enrolled in the pre-kindergarten program.

The target capacity of building M001 is 659 students, meaning that the campus has a projected utilization rate of 78% of target capacity in 2012-2013. With ESCMS's 256 students added, the projected total enrollment of the building will be 767 following the temporary re-siting of ESCMS. This means that the campus would have a utilization rate of 116% of target capacity. However, despite this utilization rate, there is sufficient excess space in the building to give ESCMS its baseline allocation of space under the DOE's Citywide Instructional Footprint. Thus, there is adequate space to temporarily serve ESCMS's students in building M001 during the 2012-13 school year until such time as repairs are completed at building M060.

Because there is adequate space in building M001, 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. 1. However, because ESCS currently operates as a secondary school, and this proposal will site only the middle school grades of ESCS in building M001, ESCS programs which are held jointly with ESCS's middle- and high school students may be affected.

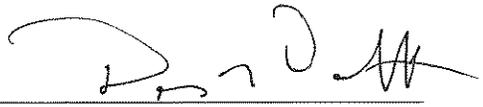
While this proposal will require some ESCMS students to travel further to school each day, additional travel is unavoidable given the facilities issues at building M060. Re-siting ESCMS to building M001 is the most practical way to address the need to provide ESCMS students with a safe learning environment.

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 ESCMS 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 6 – 8 of East Side Community School to building M001, where they will be co-located with existing school P.S. 1 Alfred E. Smith.

Dated: New York, New York
October 2, 2012



Dennis M. Walcott