

DECLARATION PURSUANT TO EDUCATION LAW SECTION 2590-g(9) and 2590-h(2-a)(f) CONCERNING THE CO-LOCATION OF A NEW SITE OF AN EXISTING DISTRICT 75 SCHOOL, P010@026X, WITH P.S. 396 (10X396) AND M.S. 390 (10X390) IN SCHOOL BUILDING X026 BEGINNING IN THE 2013-2014 SCHOOL YEAR

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 implementation of the proposal to co-locate<sup>1</sup> a new site of an existing District 75<sup>2</sup> school, P010@026X, with P.S. 396 (10X396, “P.S. 396”), a zoned elementary school, M.S. 390 (10X390, “M.S. 390”), a choice middle school in building X026, located at 1930 Andrews Avenue, Bronx, New York 10453, in Community School District 10 (“District 10”) is necessary to preserve the general welfare of students. Additionally, compliance with the requirements of subdivisions (7) and (8) of section 2590-g of the Education Law, which require a public review process and approval by the Panel for Educational Policy (the “Panel”) before a proposed school closing or significant change in school utilization can take effect (except where the Panel or the Chancellor determines that immediate adoption of an item otherwise requiring Panel approval is necessary for the preservation of student health, safety or general welfare), 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 proposal, whichever comes first.

75X010 is an existing District 75 school in the Bronx currently serving students who are classified with autism, intellectual disability or emotional disability, in kindergarten through eighth grades, and also offering a pre-kindergarten program.<sup>3</sup> Students are placed in District 75 programs based on their individual needs and recommended special education services. The need for additional seats for 75X010 could not have been known earlier because the educational evaluation process for students with disabilities occurs throughout the spring and into the summer. As a result, the DOE did not learn until late July 2013 that there was a significant, unanticipated increase in requests for 6:1:1 (students: teacher: paraprofessional) classes in the Bronx, which exceeded the number of existing available seats.

Therefore, it is necessary to open a new 75X010 site in building X026, P010@026X, to serve five additional class sections of students who cannot be accommodated at the existing District 75 sites serving students with similar needs. These five new sections will each serve six

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<sup>1</sup> A “co-location” means that two or more school organizations are located in the same building and may share common spaces such auditoriums, gymnasiums, libraries and cafeterias.

<sup>2</sup> District 75 provides citywide educational, vocational, and behavior support programs for students who are on the autism spectrum, have significant cognitive delays, are severely emotionally challenged, sensory impaired and/or multiply disabled. District 75 provides services to students in a variety of settings, including elementary, middle and high schools, students’ homes, hospitals, and agencies. These programs are located at more than 310 sites in the Bronx, Brooklyn, Manhattan, Queens, Staten Island and Syosset, New York. Please visit the DOE’s website for additional information about District 75 programs at <http://schools.nyc.gov/Offices/District75/default.htm>.

<sup>3</sup> Currently, 75X010 serves students at the following nine sites: (1) P010@I162X, 600 St. Ann’s Avenue, Bronx, New York; (2) P010@P101X, 2750 Lafayette Avenue, Bronx, New York; (3) P010@P152X, 1007 Evergreen Avenue, Bronx, New York; (4) P010X@P304X, 2750 Lafayette Avenue, Bronx, New York; (5) P010X@P240, 1501 Jerome Avenue, Bronx, New York; (6) P010@015X, 2195 Andrews Avenue, Bronx, New York; (7) P010X@Christopher Columbus, 925 Astor Avenue, Bronx, New York; (8) P010X@P300X, 2050 Prospect Avenue, New York; (9) P010X@P8177X-CMHC (Annex), 1680 Hoe Avenue, Bronx, New York.

students per class (6:1:1) in grade levels one through five. A total of 30 additional students will be served in X026.

P.S. 396 is a zoned elementary school serving students in the grades kindergarten through five, and offering a pre-kindergarten program. M.S. 390 is a choice middle school serving students in grades six through eight. M.S. 390 offers a zoned program and a limited unscreened program. X026 also houses an Adult and Continuing Education program, which operates in one classroom during school hours, in addition to offering services after school hours.

Building X026 contains sufficient space to serve P.S. 396, M.S. 390 and P010@026X. X026 has a target capacity to serve 1,083 students. As described in more detail in the chart below, in the 2013-2014 school year, X026 is projected to serve approximately 774 students from P.S. 396, M.S. 390 and P010@026X, yielding a target utilization rate of 71%.

**2013-2014 school year**

School Name	DBN	Grades Served	Projected Enrollment <sup>1</sup>
MS 390	10X390	6-8	376
PS 396	10X396	K-5	368
P010@026X	75X010	1-5	30
Total Enrollment:			774
Target Capacity:			1,083
Building Utilization Rate: <sup>2</sup>			71%

<sup>1</sup> P.S. 396's enrollment includes Pre-Kindergarten. Pre-Kindergarten (PK) is a program that can be offered both half-day or full-day; the projection figures represent the full day equivalency.

<sup>2</sup> All references to building utilization rates in this document are based on target capacity data from the 2011-2012 Blue Book and enrollment data from the charter headcount as of June 28, 2013 or the 2013-2014 Budget Register Projections. This methodology is consistent with the manner in which the DOE conducts planning and calculates space allocations and funding for all schools. In determining the space allocation for co-located schools, the Office of Space Planning will conduct a detailed site survey and space analysis of the building to assess the amount of space available in the building.

Furthermore, there is sufficient space to serve these schools pursuant to the Citywide Instructional Footprint (the "Footprint"). The Footprint sets forth the baseline number of rooms that should be allocated to a school based on the grade levels served by the school and number of classes per grade. For existing schools, the Footprint is applied to the current number of classes and class size a school has programmed and is confirmed by a walk-through of the building by the Borough Director of Space Planning and a representative from the school. After P.S. 396 and M.S. 390 have received their respective baseline allocations of space, and excluding the classroom utilized by the Adult and Continuing Education program during school hours, 9 full size rooms one quarter size room will remain in excess. This is a sufficient number of rooms to accommodate P010@026X's space needs. Please visit the New York City Department of

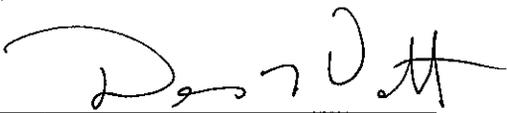
Education Web site to access the Instructional Footprint, which guides space allocation and use in City schools: [http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2012\\_FINAL.pdf](http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2012_FINAL.pdf).

Several factors make the proposed co-location of P010@026X in X026 the only practical way to serve these students:

1. No other District 75 schools or sites in the Bronx that meet the students' needs have space in their facilities to serve these students.
2. The co-location of P010@026X is not anticipated to impact P.S. 396 or M.S. 390's provision of instruction, including the provision of mandated services for English Language Learners and students with disabilities.
3. There is excess space in X026.
4. P.S. 396, M.S. 390 and P010@X026 all serve students of similar ages.

For the reasons set forth above, I find that the co-location on an emergency basis of a new site of an existing District 75 school, P010@026X, with P.S. 396 and M.S. 390 in school building X026 beginning in the 2013-2014 school year is necessary to preserve the general welfare of the students. This co-location shall remain in effect for six months pursuant to this declaration. It shall continue thereafter if approved by the Panel.

Dated: New York, New York  
August 15, 2013



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Dennis M. Walcott