

BUILDING UTILIZATION PLAN

As discussed in greater detail in the attached Educational Impact Statement (“EIS”), Harlem Success Academy 5 Charter School (“HSA 5”) is currently sited at 301 West 140th Street, New York, NY, 10030, in Community School District 5 in Building M123, where it is co-located with P.S. 123 Mahalia Jackson (05M123, “P.S. 123”). HSA 5 is an existing public charter school that currently serves students in Kindergarten through first grade. On April 20, 2010, the Panel for Educational Policy (“PEP”) approved the co-location of two grade levels of HSA 5 with P.S. 123 in M123. In the EIS describing that proposal, the Department of Education (“DOE”) stated that it would assess the available space in M123 to determine whether there is sufficient space for HSA 5 to continue to add additional grades in M123. After conducting such an assessment, the DOE has determined that there is sufficient space for HSA 5 to add an additional grade level in M123. The DOE now proposes to expand the co-location of HSA 5 so that it will serve grades K-2 in M123. If this proposal is approved, HSA 5 would begin enrolling second graders in the 2011-2012 school year at M123. Pursuant to the New York State Charter Schools Act of 1998 (as amended May 2010), the following plan outlines the proposed allocation of classrooms and administrative space between HSA 5 and P.S. 123. It also includes a proposal for the collaborative usage of shared resources and spaces between HSA 5 and P.S. 123, including but not limited to, cafeterias, libraries, gymnasiums, and recreational areas, that assures equitable access to such facilities. Information about the impact on building safety and security, proposed strategies for communication and collaborative decision-making between the co-located schools, and a description of the shared space committee is also included. Please refer to the EIS, to which this plan is attached, for further information about the proposed co-location.

METHODOLOGY

We have applied the New York City Department of Education’s (“DOE”) Citywide Instructional Footprint (“Footprint”)¹ to all schools and/or programs outlined in this plan to allocate rooms in an unbiased manner, and have divided the remaining space equitably based on the proportion of the total students in the building enrolled by each school and/or program, the instructional and programmatic needs of the co-located schools, and the physical location of the excess space within the building.

JUSTIFICATION OF FEASIBILITY AND EQUITABILITY OF CLASSROOM AND ADMINISTRATIVE SPACE ALLOCATION

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 the school’s principal. For elementary schools serving grades K-5 (and for all pre-K programs), the Footprint assumes that classes are self-contained. Therefore, the Footprint allocates one full-size classroom for each general education or Collaborative Team Teaching section and a full-size or half-size classroom to accommodate each self-contained special education section served by the school. In addition to these capacity-generating instructional rooms, schools serving grades K-5 receive an allocation of cluster or specialty classrooms proportionate to the number of students

¹ The Footprint is a tool to be used by all stakeholders in the analysis and assessment of space usage in DOE buildings. Its purpose is to ensure that the space allocation plan for all schools is fair and equitable. In co-location agreements, the parameters outlined in the Footprint should serve as a guideline for making decisions about the allocation of space, while empowering building occupants to make decisions that best meet the needs of all students in the building. The DOE Footprint can be found at: http://schools.nyc.gov/NR/rdonlyres/8CF30F41-DE25-4C30-92DE-731949919FC3/65901/NYCDOE_Instructional_Footprint_revisedMay2009_noco.pdf

enrolled. These spaces can be used at the principal’s discretion for purposes such as art and/or music instruction, among other things.

At the elementary level, cluster classrooms are allocated as follows:

Enrollment	# of Cluster Rooms
1,251 and up	5
750-1,250	4
251-750	3
151-250	2
0-150	1

For grades 6-12 the Footprint assumes that students move from class to class and that classrooms should be programmed at maximum efficiency. The Footprint allocates one full-size classroom for each general education or Collaborative Team Teaching section and a full-size or half-size classroom to accommodate each Self-Contained special education section served by the school. The Footprint does not require that every teacher have his or her own designated classroom. Principals are asked to program their schools efficiently so that classrooms can be used for multiple purposes throughout the course of the school day.

All schools receive a baseline of the approximate equivalent of 2 full size classrooms² for administrative services, student support services and resource rooms. Additional resource rooms and administrative rooms are allocated based on grade level and enrollment scale of each school. Any space remaining beyond the baseline shall be allocated equitably among the co-located schools. In determining an equitable allocation, the DOE may consider factors such as the relative enrollments of the co-located schools, the instructional and programmatic needs of the co-located schools, and the physical location of the excess space within the building.

While the Footprint sets forth a baseline space allocation, school leaders are empowered to make decisions about how to utilize the space allocated to the school. Each principal, therefore, must make decisions about how and where students will be served within the space allocated to the school. However, the DOE will provide support to the schools to ensure that the schools use the space efficiently in order to maximize capacity to support student needs and maintain appropriate delivery of special education and related services to students. Where appropriate, school leaders will have an opportunity to draw upon the expertise and guidance of the Office of Special Education, which is dedicated to promoting positive educational outcomes for students with disabilities.

Allocation of Classrooms and Administrative Space

According to review of the current space allocation at the M123 building and subsequent conversations with the principals of both P.S. 123 and HSA 5, Richard Bocchicchio, Director of Space Planning, has determined that building M123 has a total of 55 full-size spaces³, no science labs, 6 half-size spaces⁴ and 1 designated administrative office (equivalent to 2 full-size classrooms). The M123 building also contains a gymnasium, auditorium, lunchroom, and library (which is currently under

² Due to the configuration of the various DOE buildings across New York City, schools may be given the equivalent of 2 full size classrooms for student support services resource rooms, which could be equal to 1 full size classroom and 2 half size classrooms or 0 full size classrooms and 4 half size classrooms, etc.

³ Full-size classrooms have an area of 500 square feet or more.

⁴ Half-size classrooms have an area of less than 500 square feet.

construction). In addition to P.S. 123 and HSA 5, there is a community-based organization (“CBO”), Graha-Windham, in the M123 building. Graham-Windham currently runs a Beacon program out of the M123 building and is using one full-size classroom. The Beacon program supports 80 community centers that are located in public schools across the city. The centers operate in the afternoons and evenings, on weekends, during school holidays and vacation periods, and during the summer. The Beacon program provides a range of activities for young people including tutoring, college prep, photography, basketball and martial arts. Services for adults and families include General Education Diploma (“GED”) training, English for Speakers of Other Languages (“ESOL”) programs, parenting skills workshops, and tenant education and advocacy.

Graham-Windham also provides counseling for students and their families to improve students’ academic performance. There will be no impact on the CBO as a result of the proposed expansion of the co-location.

There is also a nurse’s office in the M123 building that currently occupies one full-size space. There will be no impact on the nurse’s office as a result of the proposed expansion of the co-location.

2010-2011

In 2009-2010, P.S. 123 began a grade expansion to become a K-8 school by adding a seventh grade. In 2010-2011, P.S. 123 added an eighth grade and completed their grade expansion. In the 2010-2011 school year, P.S. 123 served 677 students in grades K-8, plus 54 students in a Pre-Kindergarten program⁵. These students were organized into 31 sections⁶ (including 3 Pre-Kindergarten classes and 5 self-contained classes for students with disabilities). Based on the Instructional Footprint, P.S. 123 should have been allocated a baseline of 29 full-size classrooms, 7 half-size classrooms, and the equivalent of 4 full-size administrative spaces. However, the M123 building only has 6 half-size classrooms. Therefore, P.S. 123’s baseline allocation was adjusted to 30 full-size rooms, 6 half-size rooms and the equivalent of 4 full-size administrative spaces. But, in 2010-2011, P.S. 123’s actual room allocation is 39 full-size classrooms, 6 half-size classrooms, and 4 full-size administrative spaces. Thus, P.S. 123’s space allocation is above its baseline footprint by 9 full-size classrooms.

In the 2010-2011 school year, HSA 5 enrolled a total of 188 students in 8 sections, across grades K-1 (including students with disabilities). Based on the Instructional Footprint, HSA 5 should have received 9 full-size classrooms, 1 half-size classroom, and 1.5 administrative spaces. HSA 5 currently operates out of 10 full-size classrooms and 2 administrative spaces to accommodate its baseline space allocation. HSA 5’s baseline allocation for full-size classrooms was adjusted to include an additional full-size classroom due to the lack of half-size classrooms in building M123. Therefore, the DOE considers HSA 5 to be operating at its baseline footprint allocation.

⁵ Unaudited register November 1, 2010

⁶ For elementary, middle and K-8 schools, the class count is the total number of classes or sections in which the school is programming its students. For non-charter elementary, middle and K-8 schools, the class count information is pulled from ATS and includes all Pre-Kindergarten, Collaborative Team Teaching, Self-Contained, and general education classes. For high schools the class count is the total number of classes or sections in which the school is programming its students. For non-charter high schools, the class count information is pulled from HSST and includes Collaborative Team Teaching, Self-Contained, and general education classes. For charter schools the class count information is pulled from the school’s charter application.

The 2010-2011 room allocation is summarized below⁷:

	2010-2011 CLASS COUNT	FULL SIZE ROOM BASELINE ALLOCATION PER FOOTPRINT	HALF SIZE ROOM BASELINE ALLOCATION PER FOOTPRINT	ADMIN ROOM BASELINE ALLOCATION PER FOOTPRINT	ADDITIONAL FULL SIZE ROOMS	ADDITIONAL HALF SIZE ROOMS	ADDITIONAL ADMIN OFFICES
P.S. 123	31	29	7	4.0	9	0	0
HSA 5	8	9	1	1.5	0	0	0

2011-2012

The DOE expects the enrollment at P.S. 123 in 2011-2012 to remain stable, given the relative stability of its incoming enrollment over the previous three years. Based on current enrollment, the DOE expects P.S. 123 to maintain a total of approximately 670-680 students, plus 54 students in Pre-Kindergarten. These students would be organized into 31 classes (including 3 Pre-Kindergarten classes and 5 Self-Contained classes for students with disabilities). Again, based on the Instructional Footprint, P.S. 123 should be allocated a baseline of 29 full-size spaces, 7 half-size spaces and the equivalent of 4 full-size administrative spaces. As discussed above, the P.S. 123 baseline footprint would be adjusted to 30 full-size rooms and 6 half-size rooms due to the lack of sufficient half-size spaces in the building. In 2011-2012, P.S. 123 will be allocated 36 full-size classrooms, 6 half-size classrooms, and the equivalent of 4 full-size administrative spaces. Therefore, P.S. 123 will continue to have full-size classrooms that are in excess of the Baseline Footprint allocation, and will be over its Baseline Footprint allocation by 6 full-size classrooms. This change in allocation will not impact P.S. 123's ability to offer middle school grades, continue its Pre-Kindergarten program, or meet the needs of students with disabilities or students receiving English Language Learner services.

According to its charter, HSA 5 will serve a total of 249 students in grades K-2, in 10 classes (including students with disabilities) in the 2011-2012 school year. According to the Footprint, HSA 5 should be allocated a baseline of 12 full-size classrooms, 1 half-size classroom, and the equivalent of 2 full-size administrative spaces. Since there are not enough half-size classrooms in the building, HSA 5's baseline allocation would be adjusted and will only consist of full-size classrooms. Moreover, the half-size classrooms that do exist in the building are located in P.S. 123's space, not where HSA 5 is located. Thus, HSA 5 will receive 13 full-size classrooms and 2 full-size administrative spaces. HSA 5's full-size classroom allocation was increased by 1 due to the lack of half-size classrooms. Therefore, HSA 5 would be operating at its baseline footprint allocation in 2011-2012.

⁷ When there are insufficient half-size rooms or rooms designed for administrative use in the building to satisfy a school's Footprint allocation, the DOE may allocate additional full sizes room to compensate a school. Similarly, full-size rooms may be allocated where there are insufficient half-size rooms for use as resource rooms or Self-Contained special education classes. Therefore, the full-size or half-size rooms allocated in the chart may not align to the building totals above. The DOE is including the full-size science labs and demo rooms in the total number of full-size rooms being allocated. This applies to every room allocation chart unless otherwise noted.

In order to minimize re-programming of classrooms after both P.S. 123 and HSA 5's baseline space allocations have been provided, P.S. 123 will continue to operate with 6 full-size classrooms above its footprint. The 2011-2012 room allocation plan is summarized in the chart below:

	PROJECTED 2011-2012 CLASS COUNT	FULL SIZE ROOM BASELINE ALLOCATION PER FOOTPRINT	HALF SIZE ROOM BASELINE ALLOCATION PER FOOTPRINT	ADMIN ROOM BASELINE ALLOCATION PER FOOTPRINT	ADDITIONAL FULL SIZE ROOMS	ADDITIONAL HALF SIZE ROOMS	ADDITIONAL ADMIN OFFICES
P.S. 123	31	29	7	4.0	6	0	0
HSA 5	10	12	1	2.0	0	0	0

2012-2013

HSA 5 is chartered to serve grades K-5. The DOE recognizes there is not sufficient space in M123 for HSA 5 to grow to full scale based on its chartered enrollment plan. The DOE will consider all long-term options to accommodate the anticipated growth of HSA 5, including re-siting HSA 5, requesting that HSA 5 revise its enrollment plan, and/or leaving some of HSA 5's grades in M123 and placing other grades in a different location.

If the DOE seeks to further extend the co-location of HSA 5 with P.S. 123 or make the M123 building a permanent site for all or some of HSA 5's grades, it would have to post a separate EIS detailing that proposal, seek approval from the PEP and comply with other relevant components of the Chancellor's Regulation A-190.

Shared Space Plan

A proposed shared space plan is below. The following plan is based on the current estimated duration of time each of the co-located schools has in each of the shared spaces in building M123. The final shared space schedule will be collaboratively drafted by the Building Council after the proposed co-location has been approved by the Panel for Education Policy.

JUSTIFICATION OF FEASIBILITY AND EQUITABILITY OF PROPOSED SHARED SPACE PLAN

This proposed plan illustrates how the current population size of each co-located school is used to determine a proportional allotment of time in each shared space. Building Councils are free to deviate from the proportional allotment of time to accommodate the specific programmatic needs of all special populations or groups within each school as is feasible and equitable, provided that the Building Council comes to an agreement on the final Shared Space Plan collaboratively. If such accommodation results in an alteration to the proportional distribution of space, the Building Council will need to explain the basis for such alteration. (NOTE: The Building Council will revisit the shared space plan and its schedules on an annual basis to account for any changes in enrollment or programmatic needs. If conflicts emerge and progress is impaired, the Building Council shall follow the dispute resolution procedures outlined in the Campus Policy Memo available at: <http://schools.nyc.gov/community/campusgov>).

P.S. 123 currently enrolls a total of 731 students. According to its charter, in 2010-2011 HSA 5 will serve a total of 249 students; currently HSA 5 serves a total of 188 students.

The chart below reflects the current schedule for all shared spaces in the M123 building and will be updated by the Building Council for the 2011-12 school year:

Space	Monday	Tuesday	Wednesday	Thursday	Friday
Cafeteria (capacity of space 426)	<p><u>BREAKFAST:</u> HSA 5 – 7:15 AM - 7:45 AM PS 123 – 7:50 AM - 8:30 AM As previously arranged, breakfast for AIS⁸ Students will begin at 7:30 AM</p> <p><u>LUNCH:</u> PS 123 – 10:14-11:04 11:08-11:58 12:02-12:52 HSA 5 – 1:00 PM – 2:00 PM</p>	<p><u>BREAKFAST:</u> HSA 5 – 7:15 AM - 7:45 AM PS 123 – 7:50 AM - 8:30 AM As previously arranged, breakfast for AIS Students will begin at 7:30 AM</p> <p><u>LUNCH:</u> PS 123 – 10:14-11:04 11:08-11:58 12:02-12:52 HSA 5 – 1:00 PM – 2:00 PM</p>	<p><u>BREAKFAST:</u> HSA 5 – 7:15 AM - 7:45 AM PS 123 – 7:50 AM - 8:30 AM As previously arranged, breakfast for AIS Students will begin at 7:30 AM</p> <p><u>LUNCH:</u> PS 123 – 10:14-11:04 11:08-11:58 12:02-12:52 HSA 5 – 1:00 PM – 2:00 PM</p>	<p><u>BREAKFAST:</u> HSA 5 – 7:15 AM - 7:45 AM PS 123 – 7:50 AM - 8:30 AM As previously arranged, breakfast for AIS Students will begin at 7:30 AM</p> <p><u>LUNCH:</u> PS 123 – 10:14-11:04 11:08-11:58 12:02-12:52 HSA 5 – 1:00 PM – 2:00 PM</p>	<p><u>BREAKFAST:</u> HSA 5 – 7:15 AM - 7:45 AM PS 123 – 7:50 AM - 8:30 AM As previously arranged, breakfast for AIS Students will begin at 7:30 AM</p> <p><u>LUNCH:</u> PS 123 – 10:14-11:04 11:08-11:58 12:02-12:52 HSA 5 – 1:00 PM – 2:00 PM</p>
Library	Library currently unavailable due to construction.	Library currently unavailable due to construction.	Library currently unavailable due to construction.	Library currently unavailable due to construction.	Library currently unavailable due to construction.
Gymnasium (include all gyms, dance and fitness rooms)	<p>HSA 5 – 10:30-11:15 AM and 1:10-2:10 PM HSA 5 - after PS123 dismissal at 3:30 PM (3:00 on Fridays), as coordinated with PS123's after school program P.S. 123 – all other times during school day* P.S. 123's – Sports After School Program – 4:30 - 6:00 PM</p>	<p>HSA 5 – 10:30-11:15 AM and 1:10-2:10 PM HSA 5 - after PS123 dismissal at 3:30 PM (3:00 on Fridays), as coordinated with PS123's after school program P.S. 123 – all other times during school day P.S. 123's – Sports After School Program – 4:30 - 6:00 PM</p>	<p>HSA 5 – 10:30-11:15 AM and 1:10-2:10 PM HSA 5 - after PS123 dismissal at 3:30 PM (3:00 on Fridays), as coordinated with PS123's after school program P.S. 123 – all other times during school day P.S. 123's – Sports After School Program – 4:30 - 6:00 PM</p>	<p>HSA 5 – 10:30-11:15 AM and 1:10-2:10 PM HSA 5 - after PS123 dismissal at 3:30 PM (3:00 on Fridays), as coordinated with PS123's after school program P.S. 123 – all other times during school day P.S. 123's – Sports After School Program – 4:30 - 6:00 PM</p>	<p>HSA 5 – 10:30-11:15 AM and 1:10-2:10 PM HSA 5 - after PS123 dismissal at 3:30 PM (3:00 on Fridays), as coordinated with PS123's after school program P.S. 123 – all other times during school day P.S. 123's – Sports After School Program – 4:30 - 6:00 PM</p>

⁸ Academic Intervention Services

Auditorium	P.S. 123 – 9:00 a.m. - 9:50 a.m. *Other auditorium use will be scheduled via email and discussed at Building Council meetings, held each month on the first Tuesday of the month at 10:00 AM	P.S. 123 – 9:00 a.m. - 9:50 a.m. *Other auditorium use will be scheduled via email and discussed at Building Council meetings, held each month on the first Tuesday of the month at 10:00 AM	P.S. 123 – 9:00 a.m. - 9:50 a.m. *Other auditorium use will be scheduled via email and discussed at Building Council meetings, held each month on the first Tuesday of the month at 10:00 AM	P.S. 123 – 9:00 a.m. - 9:50 a.m. *Other auditorium use will be scheduled via email and discussed at Building Council meetings, held each month on the first Tuesday of the month at 10:00 AM	P.S. 123 – 9:00 a.m. - 9:50 a.m. *Other auditorium use will be scheduled via email and discussed at Building Council meetings, held each month on the first Tuesday of the month at 10:00 AM
Playground (elementary/middle schools)	HSA 5 – 9:30-10:15 AM; 1:10-2:10 PM P.S. 123 – 10:15 – 12:52	HSA 5 – 9:30-10:15 AM; 1:10-2:10 PM P.S. 123 – 10:15 – 12:52	HSA 5 – 9:30-10:15 AM; 1:10-2:10 PM P.S. 123 – 10:15 – 12:52	HSA 5 – 9:30-10:15 AM; 1:10-2:10 PM P.S. 123 – 10:15 – 12:52	HSA 5 – 9:30-10:15 AM; 1:10-2:10 PM P.S. 123 – 10:15 – 12:52
Other_____	N/A	N/A	N/A	N/A	N/A

*NOTE: Based on the existing 2010-11 Campus Audit Template submitted by the M123 campus building council. The M123 building does not contain any other shared spaces resources that might require scheduling to accommodate both schools. Schools are empowered to make any alternative arrangements to the above proposal.

Building Safety and Security

Pursuant to Chancellor’s Regulation A-414, every school/campus must have a School Safety Committee. The committee plays an essential role in the establishment of safety procedures, the communication of expectations and responsibilities of students and staff, and the design of prevention and intervention strategies and programs specific to the needs of the school. The committee is comprised of various members of the school community, including Principal(s); designee of all other programs operating within the building; U.F.T. Chapter Leader; Custodial Engineer/designee; and In-house School Safety Agent Level III. The committee is responsible for addressing safety matters on an ongoing basis and making appropriate recommendations to the principal(s) when it identifies the need for additional security measures, intervention, training, etc.

The committee is also responsible for developing a comprehensive School Safety Plan which defines the normal operations of the site and what procedures are in place in the event of an emergency. The plan must be consistent with the Citywide prescribed safety plan shell. Each program operating within a school must enter program specific information in the School Safety Plan. Safety plans are updated annually by the School Safety Committee in order to meet changing security needs, changes in organization and building conditions and other factors. In addition, the committee recommends changes in the safety plan at any other time when it is necessary to address security concerns.

Consistent with the process described above, the school leader/designee of HSA 5 will be part of the M123 School Safety Committee. As a member of the School Safety Committee, the leader/designee of HSA 5 will participate in the development of the building’s Safety Plan and ensure that any security-related issues or needs which may arise with respect to the co-location of HSA 5 will be addressed on an ongoing basis. Moreover, the Safety Plan for the M123 school building will be

modified as appropriate to meet any changing security needs associated with the co-location. HSA 5 will enter information in the school's overall Safety Plan to ensure the safe operation of the school building.

Each school building must also establish a Building Response Team (BRT) that will consist of trained staff members from each of the campus' schools, and which is activated when emergencies or large building-wide events occur. The members of this team must be identified and listed in the School Safety Plan.

The completed Safety Plan for the M123 school building will be submitted to the Borough Safety Directors of the Office of School and Youth Development for approval. If changes or modifications are necessary, the School Safety Committee will be advised. Once the School's Safety Plan is approved, it will be submitted to the NYPD for final approval and certification by the NYPD.

Proposed Communications Strategy

As per the Campus Policy Memo 2010⁹, co-located schools on campuses must actively participate in a Building Council (BC), which is a campus structure for administrative decision-making for issues impacting all schools in the building. Only principals and charter leaders serve on the BC. The BC shall meet at least once a month to discuss and resolve issues related to the smooth daily operation of all schools in the building and the safety of the students they serve. The BC principals and charter school leaders, where applicable, communicate their decisions campus-wide to staff, students and parents, especially for issues of safety, shared space, campus schedules, split staff agreements and extended facility use.

A Shared Space Committee (SSC) shall be established at campuses where charters are co-located in a public school building with one or more non-charter schools or District 75 programs by the principals of the schools and as set forth in Chancellor's Regulation A-190. With respect to charter co-locations approved after May 28, 2010, the effective date of the Amended Charter School Act, the SSC is to review the implementation of the Building Utilization Plan (BUP) once it has been approved by the PEP. With respect to charter schools that were approved to be located or co-located in a public school building prior to the effective date of the Amended Charter School Act, the SSC shall review implementation of the current building space plans in place at those buildings. The SSC will meet at least four times per year.

The SSC will be comprised of the principal, a teacher and a parent of each co-located school. With respect to a non-charter school's teacher and parent members, such SSC members shall be selected by the corresponding constituent member of the SLT of the school. Charter school leaders will work with their constituencies to select the parent and teacher representing that school. SSC agendas and minutes shall be shared with the BC. SSC members may be asked to communicate with their constituencies about the BUP and its campus implementation.

Proposed Collaborative Decision Making Strategy

BC members are equal partners in shaping the educational environment; they share responsibility and accountability for building administration, communication and culture. They must respect each other's unique culture and simultaneously make and communicate shared decisions that are good for all students and schools on the campus. They make decisions by consensus and they work to ensure collaboration on all campus implementation issues. To the extent that the BC cannot reach a resolution on an issue, they shall avail themselves of the dispute resolution procedures set forth in the Campus Policy Memo 2010.

⁹ Current version available at <http://schools.nyc.gov/community/campusgov>