Department of Education
Dennis M. Walcott, Chancellor

DECLARATION PURSUANT TO EDUCATION LAW SECTIONS 2590g-(9) AND 2590-h(2-1)(f) CONCERNING THE SITING OF NEW SCHOOL ("24Q110") AND CO-LOCATION OF 24Q110 WITH 24Q199 ("P.S. 199") BEGINNING IN THE 2012-2013 SCHOOL YEAR

I, Dennis M. Walcott, Chancellor of the New York City Department of Education ("DOE"), 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 site a new school 24Q110 ("24Q110") and co-locate it with 24Q199 ("P.S. 199") in the newly leased portion of the St. Raphael's building ("Q841") beginning in the 2012-2013 school year is immediately 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 "PEP") before a significant change in school utilization can take effect, would be contrary to the public interest. This siting of 24Q110 and co-location with P.S. 199 will remain in effect for six months, and shall continue thereafter if approved by the PEP.

24Q110 is a new unzoned elementary school that will open in September 2012 in a leased building (Q841) located at 48-29 37th Street, Long Island City, NY 11101, where it will be co-located with P.S. 199 in Community School District 24 ("District 24"). P.S. 199 currently uses four full-size rooms and 1 administrative space[1] in building Q841 as an annex to serve 1 section of kindergarten and 3 sections of first grade. P.S. 199 is currently unable to accommodate all of its zoned students in main building Q199. A "co-location" means that two or more school organizations are located in the same building and may share common spaces like auditoriums, gymnasiums, and cafeterias.

For the 2012-2013 school year, 24Q110 will enroll general education and special education kindergarten students who are overflowed from their zoned schools due to severe overcrowding. These students will be eligible to receive transportation in accordance with Chancellor's Regulation A-801. 24Q110 will continue to enroll students in this manner and will expand to include first grade during the 2013-2014 school year in building Q841. The DOE intends to eventually re-site 24Q110 to a long term location within District 24 to provide the school with a facility where it can grow to serve students in kindergarten through fifth grades.

Due to overcrowding in District 24, many zoned schools have found it necessary to divert incoming kindergarten students and offer them an alternative placement at other schools within the district. District 24 elementary schools are over capacity, with an average utilization rate for K-5 schools of 116%.[2] This number is significantly higher in the Corona/Elmhurst area where the average utilization rate for K-5 schools is 129%, with a range of 113-140%. As a result of this overcrowding, there are currently 383 waitlisted kindergarten students in District 24.[3] Over the past several months, the DOE explored various ways to accommodate all of the waitlisted children, including attempting to identify underutilized public school buildings in the area, searching for suitable school-ready private space to lease, and determining if there were any sufficient available classrooms in existing district schools.

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[1] 2010-11 Room Survey.
[2] 2011-2012 Blue Book.
[3] As reported by Office of Student Enrollment on June 11, 2012.

When it became evident that it would not be possible to identify enough seats to accommodate all of the 383 waitlisted children in existing district schools and public school buildings, the DOE determined that it was necessary to find a suitable school-ready private space to lease in order to open a new school to alleviate overcrowding in District 24 and serve as an overflow site for the district for the upcoming 2012-2013 academic year. The School Construction Authority ("SCA") was recently able to locate newly available school-ready private space in District 24 in the Q841 building to site a new school to accommodate a large number of waitlisted students. The Q841 building will be used to incubate 24Q110 until the school can be re-sited to a long term location where it will grow to scale as a K-5. The Q841 building was most recently occupied by The St. Raphael School, which shared the Q841 building with an annex of P.S. 199 during the 2011-2012 school year. The St. Raphael School will cease operations at the end of the 2011-2012 school year, and as a result, the DOE will be able to lease this additional private space formerly occupied by The St. Raphael School, and site 24Q110 in the newly leased space. Due to the lack of sufficient seats to accommodate all of the waitlisted children in District 24 for the 2012-2013 school year, the siting and co-location of 24Q110 with P.S. 199 in building Q841 is necessary to preserve the general welfare of District 24 students.

The DOE has also taken several additional measures to address the overcrowding in District 24, and continues to do so by making every effort to identify additional capacity. Three new elementary school buildings in the Corona/Elmhurst area are included in the SCA's Capital Plan, and will open within the next several years to meet the increasing demand for elementary school seats.

There is adequate capacity in building Q841 to accommodate the annex of P.S. 199 and 24Q110, as it has 17 full-size rooms and 2 half-size rooms, a multi-purpose room, and administrative offices. The annex of P.S. 199 will continue to serve 4 sections of students, and will use 4 full-size rooms and 1 administrative space in 2012-2013 in building Q841. 24Q110 will occupy the rooms formerly occupied by The St. Raphael School.

For any proposal for a 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.

At this point in the year, compliance with these provisions of the Education Law would prevent the DOE from implementing any proposal to site and co-locate 24Q110 with P.S. 199 in building Q841 prior to September 2012, which would be contrary to the public interest. Without the siting of 24Q110 in building Q841, it would not be possible to accommodate all of the 383 waitlisted children for the 2012-2013 school year.

For the reasons set forth above, I find that the siting of new school 24Q110 and co-location with P.S. 199 in building Q841 on an emergency basis is necessary to preserve the general welfare of the students. This

siting and co-location shall remain in effect for six months pursuant to this declaration. It shall continue thereafter if approved by the PEP.

Dated: 6/15/12
New York, New York

Dennis M. Walcott