

REVISED EDUCATIONAL IMPACT STATEMENT: The Proposed Temporary Grade Expansion of the Co-Location of Harlem Success Academy 1 with P.S. 149 Sojourner Truth (03M149) and P811M (P811@M149/M207), a District 75 School, in M149/M207 for 2011-2012

I. Summary of Proposal

On December 10, 2010, the New York City Department of Education (“DOE”) issued an Educational Impact Statement (“EIS”) and a Building Utilization Plan (“BUP”) describing a proposal to temporarily expand the grades served by Harlem Success Academy (84M351, “HSA1”) from K-5 to K-6 in 2011-2012 for one year. HSA1 is an existing public charter school located at 34 West 118th Street in District 3. It currently serves students in Kindergarten through fifth grade. HSA1 is co-located with P.S. 149 Sojourner Truth (03M149, “P.S. 149”) and P.S. 811 Mickey Mantle School (75M811, “P811M”)¹ a District 75 school serving students with autism, or who are mentally retarded or emotionally disturbed, in Tandem Buildings M149/M207. Co-location refers to situations where multiple schools are located within a single school facility, often sharing certain common rooms and outdoor recreation areas. In this case all three co-located schools share the cafeteria, auditorium, 2 gymnasiums, and outdoor space at the tandem buildings. Tandem buildings are two separate classroom buildings with separate entrances, which are joined by a central core containing shared gymnasiums, auditorium, and cafeteria. The proposal was approved by the Panel for Educational Policy (“PEP”) on February 1, 2011.

The DOE has now substantially revised this proposal.

This revised EIS includes the following modifications:

- Current enrollment figures have been updated to reflect the 2010 Audited Register;
- Projected enrollment for P.S. 149 has been updated to conform with final budget register projections for 2011-2012²;
- The potential impact of a recently filed lawsuit on a related proposal concerning the re-siting and co-location of certain of HSA 1’s grades prior to the 2012-2013 school year has been included;
- The State Education Department’s approval of HSA1’s charter renewal and grade expansion has been included;
- P811M’s other sites have been identified;
- Additional information concerning building capacity calculations has been included;
- Additional information about the middle school choice process has been included;
- Information about the HSA1 admissions and lottery priorities has been corrected; and
- Additional information about school funding has been included.

The DOE has revised the BUP, which is annexed to this revised EIS, as follows:

- Formatting and typographical errors have been corrected;
- Current and projected enrollment figures have been updated;

¹ P811M also serves students in M075 (located at 735 West End Avenue), M163 (located at 163 West 97th Street), M841 (located at 466 West End Avenue), all in Community School District 3, and M101 (located at 141 East 111th Street) in Community School District 4. This revised proposal will have no impact on the other locations of P811M.

² Budget register projections are the DOE’s official enrollment projections for the following academic year, and provide the basis for the financial budget of each school based on the number of students in total, and the number of students requiring Individual Education Plans (“IEP”) and English Language Learner (“ELL”) services. These projections were finalized in April 2011.

- The total number of rooms available to be allocated between the schools has been adjusted;
- Room allocations have been adjusted;
- The number of gymnasiums in M149/M207 has been corrected;
- The proposed shared space schedule has been adjusted; and
- The DOE has clarified the rationale for the amount of time that each co-located school is allocated in the proposed shared space schedule.

This is a revised proposal to expand the grades served by HSA1 in M149/M207 from K-5 to K-6 for the 2011-2012 school year. If this revised proposal is approved, existing fifth graders at HSA1 who meet promotional standards will have the opportunity to attend sixth grade at HSA 1 in the 2011-2012 school year. These sixth-grade students would temporarily be served in HSA1's current location.

In a separate EIS posted on December 10, 2010, the DOE proposed to resite grades 5-8 of HSA1 to building M088, located at 215 West 114th Street, also in District 3 beginning in the 2012-2013 school year. HSA1's grades 5-8 would be co-located with Wadleigh Secondary School (03M415, "Wadleigh") and Frederick Douglass Academy II (03M860, "FDA II") in building M088. This proposal was approved by the PEP on February 1, 2011.³

Thus, in the 2012-2013 school year, HSA1 would serve Kindergarten through fourth grade in M149/M207.

P.S. 149 is a zoned elementary school that serves 395 students in Kindergarten through eighth grade and also offers a Pre-Kindergarten program.

P811M is a District 75 program that serves students with disabilities in grades Kindergarten through eighth grade and also offers a Pre-Kindergarten program. P811M serves students in multiple locations. In 2010-2012, 94 P811M students were served at M149/M207.

The community-based organization ("CBO") Harlem Children's Zone ("HCZ") also has rooms allocated to it in M149/M207 where it operates a Pre-Kindergarten program.

HSA 1 is managed by Success Charter Network, a charter management organization. As part of its charter renewal application, HSA1 applied to the New York State Education Department ("SED") to expand the grades that it offers to include middle school grades six through eight. SED approved the charter renewal and grade expansion on December 2, 2010.

The DOE supports the grade expansion of HSA1 in order to enable HSA 1 students to continue their middle school education at that school, thereby adding high quality middle school seats in District 3. In 2009-10, 86.0% of HSA1 students scored at-or-above grade level on the State English Language Arts (ELA) test, and 94.2% of students scored at-or-above grade level on the State math test. HSA1's results are among the highest of any school in District 3. Only two selective schools—The Anderson School (03M334), which is a citywide Gifted and Talented school, and Special Music School (03M859), which admits students based on musical talent—exceeded HSA1's results in both ELA and math. Moreover, HSA1's results were higher than any District 3 zoned elementary or K-8 school.⁴

³ The PEP's approval of the re-siting and co-location of HSA 1's grades five through eight in building M088 has been challenged in a recently filed lawsuit. Although the DOE believes that it has complied with all applicable laws and regulations in connection with that proposal, if the court annuls the PEP's vote, the DOE would consider issuing another proposal during the 2011-2012 school year to re-site HSA 1's grades five through eight consistent with the court's decision.

⁴ Progress Report Data.

Tandem Buildings M149/M207 have a combined target capacity of 1,143 students⁵. 2010-2011 enrollment across all schools is 1,155⁶, yielding a utilization rate of 101%. These capacity and enrollment figures exclude both the space allocated to HCZ and the enrollment in the HCZ Pre-Kindergarten program.

HSA1 enrollment in 2010-2011 is 631 students.⁷ If this revised proposal is approved, HSA1 enrollment in 2011-2012 would grow by approximately 100-120 students, resulting in a total building utilization of 110-114%. Although a utilization rate in excess of 100% may suggest that a building will be over-utilized or over-crowded in a given year, as discussed in more detail in Section II below, this rate does not account for the fact that rooms may be programmed for more efficient or different uses than the standard assumptions in the utilization calculation, as described above. In addition, charter school enrollment plans are frequently based on larger class sizes than target capacity, contributing to building utilizations above 100% while not impacting the utilization of the space allocated to the traditional public school. That will be the case in M149/M208 in 2011-2012: HSA1 programs elementary class sizes above the DOE target capacity for grades K-3. Specifically, HSA1 targets 25-30 students per class in these grades, while the DOE targets class sizes of 20 students in grades K-3. HSA 1's class sizes result in utilization rates of 125-140% for its classrooms. P.S. 149 and P811M are not expected to be over the target capacity for their space allocation.

In 2012-2013 and beyond, after HSA1's fifth and sixth grades relocate to M088, HSA1's enrollment in M149/M207 would be approximately 648 students, who would be enrolled in Kindergarten through fourth grades. Total enrollment in the building would be 1,196-1,241 students, yielding a building utilization rate of 105-109%.

If, for any reason, the DOE were to propose that HSA 1's fifth and sixth grades remain in M149/M207 beyond the 2011-2012 school year, such a proposal would be the subject of a subsequent EIS and BUP.

II. Proposed or Potential Use of Building

The M149/M207 tandem buildings will continue to be occupied by P.S. 149, HSA1, P811M, and the Harlem Children's Zone Pre-Kindergarten program. There are no other proposed uses of these buildings.

In 2009-2010, M149/M207 had a combined target capacity of 1,143 students, with 1,057 students enrolled,⁸ yielding a building utilization rate of 92% of target capacity. In 2010-2011, with 1,155 students enrolled in M149/M207, the utilization rate was 101%.⁹ The proposed HSA1 grade expansion would add approximately 100-120 students to the facility for 2011-2012, yielding a utilization rate of 110-114% of target capacity. As mentioned above, in this case the over-utilization is driven by larger class sizes at HSA1 in comparison with target capacity in Kindergarten through third grades.

⁵ The official target capacity and utilization rates for the 2010-11 school year are not yet available. All references to building utilization rates in this document are based on data from the 2009-10 Enrollment Capacity Utilization Report (the "Blue Book").

⁶ 2010-2011 Audited Register Data.

⁷ 2010-2011 Audited Register Data.

⁸ 2009-2010 Audited Register.

⁹ 2010-2011 Audited Register.

The proposed grade spans and projected enrollment for the schools in the building are:¹⁰

| School Year | 2010-11 ¹¹ | 2011-12 ¹² | 2012-13 |
|----------------------|-----------------------|-----------------------|--------------------|
| P.S./I.S. 149 | | | |
| Grades | K-8, and offers PK | K-8, and offers PK | K-8, and offers PK |
| Projected Enrollment | 430 | 415-460 | 435-480 |
| HSA1 | | | |
| Grades | K-5 | K-6 | K-4 |
| Projected Enrollment | 631 | 742 | 648 |
| P811M | | | |
| Grades | K-8 and offers PK | K-8 and offers PK | K-8 and offers PK |
| Projected Enrollment | 94 | 103 | 113 |
| Total Enrollment | 1,155 | 1,260-1,305 | 1,196-1,241 |

As described in more detail in the Enrollment, Capacity, Utilization Report, which is available at http://source.nycsca.org/pdf/capitalplan/2009-10/BB_2009_2010.pdf, a building’s target utilization rate is calculated by dividing the aggregated enrollment of all the school organizations in the building by the aggregated “target capacities” of those organizations. Each school organization’s “target capacity” is calculated based upon the scheduled use of individual rooms as reported by principals during an annual facilities survey, the DOE’s goal classroom capacities (which are aspirational targets lower than the UFT contractual class sizes and differ depending on grade level), and the efficiency with which classrooms are programmed (i.e., the frequency with which classes are scheduled in a given classroom).

The most recent year for which target capacity has been calculated for buildings is 2009-2010. As described earlier in this EIS, the DOE’s projected utilization rates for the 2010-2011 school year and beyond are based on the 2009-2010 target capacity, which assumes that the components underlying that target capacity (scheduled use of classrooms, goal classroom capacity, etc.) remain constant. Thus, projected utilization rates for 2010-2011 and beyond provide only an approximation of a building’s usage because each of the factors underlying target capacity may be adjusted by principals from year to year to better accommodate students’ needs. For example, changing the use of a room from an administrative room to a homeroom at the high school level will increase a building’s overall target capacity because for high schools, administrative rooms are not assigned a capacity. Holding enrollment constant, this change would result in a lower utilization rate. Similarly, if a room previously used as a kindergarten classroom is subsequently used as fifth grade classroom, the building’s target capacity would increase because we expect that a fifth grade class will have more students than a kindergarten class. This is reflected in the fact that the DOE’s goal classroom capacity is higher for fifth grade classrooms than for kindergarten

¹⁰ Includes pre-kindergarten enrollment.

¹¹ 2010-2011 Audited Register

¹² Total projection is consistent with budget register projections for 2011-2012.

classrooms. In this example, as well, assuming enrollment is constant, the utilization rate would decrease. Changing the usage of a classroom from a middle school room to a Kindergarten room would have the opposite effect of reducing the capacity.

Although a utilization rate in excess of 100% may suggest that a building will be over-utilized or over-crowded in a given year, this rate does not account for the fact that rooms may be programmed for more efficient or different uses than the standard assumptions in the utilization calculation, as described above. In addition, charter school enrollment plans are frequently based on larger class sizes than target capacity, contributing to building utilizations above 100% while not impacting the utilization of the space allocated to the traditional public school. That will be the case in M149/M208 in 2011-2012: HSA1 programs elementary class sizes above the DOE target capacity for grades K-3, and these rooms will operate at up to 140% of target capacity.

As described in more detail in the revised BUP that accompanies this EIS, there will be sufficient instructional space in M149/M207 for all schools to receive their respective baseline (or adjusted baseline) Footprint allocations to meet the instructional needs of their students.

After HSA1's grades five and six moves to another site prior to the 2012-2013 school year, there will be approximately 1,196-1,241 students served in the schools in M149/M207, and the building would have a utilization rate of 105-109%.

III. Impact of the Proposal on Affected Students, Schools, and Community

A. Students

HSA1's grade expansion will create approximately 280-300 additional seats in grades 6-8 in District 3 by 2014-2015, when the school will serve grade 8. By creating additional middle school seats at HSA1, students would continue to have the opportunity to remain at HSA1 for middle school and would therefore reduce the number of students that would otherwise have applied to enroll at another District 3 middle school. The DOE supports the creation of an additional high quality middle school seats in District 3.

Impact on Students Currently Attending Schools in the M149/M207 Building

P.S. 149 is a zoned elementary school. P.S. 149 offers the following special programs: extended day, Saturday Academy, Chess in the Schools, drama and photography club, street squash, swimming, boys flag football, and girls basketball. Middle school electives include book club and sign language. P.S. 149's partnership with HCZ includes Cut Above and SMARTS. The DOE does not anticipate that the proposed temporary grade expansion would have any impact on the above listed programs and partnerships, or the Pre-Kindergarten program at either P.S. 149 or Harlem Children's Zone.

P811M is a District 75 school serving student in multiple locations. Students are admitted to P811M according to the classification of their Individual Educational Plans ("IEPs"). P811M serves students with autism, who are mentally retarded, or emotionally disturbed.

The DOE does not anticipate that this proposal would impact the academic or partnership programs of the co-located schools in the M149/M207 tandem building. Similarly, all school organizations in the building would continue to offer extracurricular programs based on student interests, available resources, and staff support for those programs. The proposed co-location will not impact those opportunities, but those programs may be configured differently as a result of this proposal. For example, some activities may need to share classroom space, or the scheduling of these activities may change as a result of greater demands on

the available space during or after school hours. Students will continue to have the opportunity to participate in a variety of extracurricular programs, though the specific programs offered at a given school are always subject to change. That is true for any City student as all schools modify extracurricular offerings annually based on student demand and available resources.

P.S. 149 currently offers general education, Self-Contained (“SC”) classes, Collaborative Team Teaching (“CTT”) classes. In addition, P.S. 149 currently has a D75 Inclusion Program, which means that some of the children enrolled in P811M have the opportunity to be served alongside their peers at P.S. 149. The DOE does not anticipate that this proposal will impact the ability of P.S. 149 to continue this program. All students with IEPs will continue to receive mandated services.

In accordance with DOE policy, ELL students are admitted to schools in the same manner as their peers who are not ELLs. Current and future ELL students at P.S. 149 would continue to receive mandated services.

All P811M students have an Individualized Educational Program (“IEP”) for SC, meaning they are served in classes of six to twelve students and require a special education certified teacher. P811M will continue to meet the needs of all of its students in all grades.

Impact on Community Based Organizations in the M149/M207 Building

As discussed above, the building currently offers space to Harlem Children’s Zone, which operates a Pre-K program. This revised proposal will not impact the CBO’s operations.

Impact for Future Middle School Students in District 3

The DOE strives to ensure that all students in New York City have access to educational options at every stage of their education. If the proposal to expand HSA1 is approved, HSA1 would add 280-300 high-quality middle school seats to District 3 by 2014-2015 and enable rising sixth grade students to continue in their current educational environment.

District 3 participates in the Middle School Choice process, whereby students rank their preferences from among unzoned, choice middle schools in the district. These options include:

- unzoned, choice middle schools with a screened application process (admission is based on criteria designated by the school);
- unzoned, choice middle schools with an unscreened or limited-unscreened application processes (Note: limited-unscreened schools admit students on the same basis as unscreened schools except that they give preference to students who have attended a school information session);

Non-District 75 students with IEPs will participate in the middle school admissions processes in the same manner as their non-disabled peers. The DOE will support middle schools by reviewing students’ IEPs to focus on addressing the needs of students with disabilities by providing individualized service models that ensure students have access to the general education curriculum to the greatest extent possible. The middle school to which a student is matched will develop a program to meet the student’s needs. This process would apply to students with IEPs transitioning to middle school in the same manner as it applies to all other students. Similarly, any students with IEPs will continue to receive appropriate services at the choice school to which they are matched.

In accordance with DOE policy, ELLs participate in the middle school admissions processes in the same manner as their peers who are not ELLs. Students who are ELLs are placed according to the same criteria as their English-speaking peers. Students requiring ELL services will continue to receive mandated services at the middle school to which they are matched.

HSA1 students may also participate in the middle school choice process in both District 3 and their home district if they do not reside in District 3. If this proposal is approved, current (and future) HSA1 fifth graders may remain in their school through eighth grade. This would reduce the number of students applying to DOE District 3 middle schools.

There are currently 15 district middle schools in District 3, plus one District 5 school, Columbia Secondary School (05M362), to which some District 3 students are eligible to apply based on the location of their residence. In addition, there are two public charter schools located in District 3 serving middle school grades, both of which provide a preference to District 3 residents. All District 3 middle schools are choice schools, and open to all District 3 residents as well as any student enrolled in fifth grade in a DOE or public charter school located in District 3.

District Middle Schools in District 3

| DBN | School Name |
|--------|--|
| 03M054 | J.H.S. 054 Booker T. Washington |
| 03M149 | P.S./I.S. 149 Sojourner Truth |
| 03M165 | P.S./I.S. 165 Robert E. Simon |
| 03M180 | P.S./I.S. 180 Hugo Newman |
| 03M243 | M.S. 243 Center School* |
| 03M245 | M.S. M245 The Computer School |
| 03M247 | M.S. M247 Dual Language Middle School |
| 03M250 | M.S. 250 West Side Collaborative Middle School |
| 03M256 | M.S. 256 Academic & Athletic Excellence |
| 03M258 | Community Action School - MS 258 |
| 03M333 | P.S./I.S. 333 Manhattan School for Children |
| 03M415 | Wadleigh Secondary School for the Performing & Visual Arts |
| 03M421 | West Prep Academy |
| 03M860 | Frederick Douglass Academy II Secondary School |
| 03M862 | Mott Hall II |

*School based admissions process

There are also two citywide admission schools located in District 3 with school based admissions processes that serve middle school grades:

| DBN | School Name |
|--------|----------------------|
| 03M334 | The Anderson School |
| 03M859 | Special Music School |

The grade expansion of HSA1 may have a mild impact on the enrollment at these other District 3 schools if students choose to remain at HSA1 instead of attending one of these other schools. However, because HSA1 would be serving sixth grade for the first time in 2011-2012, at present there is no way to reliably predict which District 3 middle schools would be impacted, or by how many seats.

Besides HSA1, the other public charter schools in District 3 which serve middle school grades are:

| School Name (DBN) | Address | Current Grades Served | Grades Served at Scale | Current Enrollment in 2010-2011 ¹³ | Admissions Criteria |
|--|---------------------|-----------------------|------------------------|---|---|
| Opportunity Charter School (84M279) | 240 WEST 113 STREET | 6-12 | 6-12 | 414 | Grades 6-12 lottery Priority to siblings, then D3 residents. Priority for students with IEPs for 50% of available seats |
| Future Leaders Institute Charter School (84M861) | 134 WEST 122 STREET | K-8 | K-8 | 371 | Grades K-6 lottery Priority to siblings, then D3 residents |

Detailed information about charter schools and the charter lottery application process is published annually and is available in print or on the DOE website here: <http://schools.nyc.gov/community/planning/charters/For+Parents>.

P.S. 149 is a district choice middle school and will continue its current practice of enrolling students in sixth through eighth grade through the District 3 middle school admissions process.¹⁴ The school will continue to exercise a screened academic selection method, with preference to continuing fifth grade students. Screened programs evaluate applicants based on their academic grades, standardized test scores, attendance and punctuality, in addition to other assessments.

Future rising sixth-grade students will continue to have access to a broad range of middle school options through the District 3 Middle School Choice process. Additional information regarding special programs and courses offered by District 3 middle schools are available in the online Middle School Directory (updated yearly): <http://schools.nyc.gov/ChoicesEnrollment/Middle/default.htm>.

Impact on Future Pre-kindergarten Students

P.S. 149 currently offers a pre-kindergarten program. Barring any changes in available funding or student enrollment, the pre-kindergarten program at P.S. 149 would continue to exist and should not be adversely affected by this proposal.¹⁵ The enrollment policy for pre-kindergarten admissions would also remain the same. Younger siblings of District 3 students already enrolled in P.S. 149 would get first preference for admission. Siblings from outside District 3 would receive second preference, followed by other District 3 residents.

¹³ 2010 Audited Register

¹⁴ Additional information regarding the District 3 middle school choice process can be found at <http://schools.nyc.gov/NR/rdonlyres/1E934121-4E47-4E08-9811-58022CA8CB0C/0/District4MSD.pdf>

¹⁵ The DOE’s Pre-kindergarten programs are maintained based on available funding and student enrollment.

B. Schools

The estimated enrollment for all three school organizations in M149/M207 over a three year period are shown in the tables below¹⁶.

P.S. 149's estimated enrollment, over a period of 3 years:

| | Grade K | Grade 1 | Grade 2 | Grade 3 | Grade 4 | Grade 5 | Grade 6 | Grade 7 | Grade 8 | Total Estimated Enrollment |
|-------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------------------------|
| 2010-2011 ¹⁷ | 59 | 61 | 42 | 43 | 38 | 41 | 39 | 32 | 40 | 395 |
| 2011-2012 ¹⁸ | 50-55 | 65-70 | 50-55 | 45-50 | 35-40 | 30-35 | 35-40 | 35-40 | 35-40 | 380-425 |
| 2012-2013 | 50-55 | 50-55 | 65-70 | 50-55 | 45-50 | 35-40 | 35-40 | 35-40 | 35-40 | 400-445 |

HSA1's estimated enrollment, over a period of 3 years:¹⁹

| | Grade K | Grade 1 | Grade 2 | Grade 3 | Grade 4 | Grade 5 | Grade 6 | Total Estimated Enrollment |
|-----------------------|---------|---------|---------|---------|---------|---------|---------|----------------------------|
| 2010-11 ²⁰ | 103 | 174 | 125 | 124 | 56 | 49 | NA | 631 |
| 2011-12 ²¹ | 116 | 144 | 141 | 131 | 108 | 52 | 50 | 742 |
| 2012-13 | 116 | 116 | 144 | 141 | 131 | NA | NA | 648 |

P811M's estimated enrollment, over a period of 3 years:

| | Grade K | Grade 1 | Grade 2 | Grade 3 | Grade 4 | Grade 5 | Grade 6 | Grade 7 | Grade 8 | Total Estimated Enrollment |
|-------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------------------------|
| 2010-2011 ²² | 11 | 13 | 18 | 26 | 8 | 0 | 2 | 1 | 2 | 81 |
| 2011-2012 ²³ | 11 | 11 | 13 | 18 | 26 | 8 | 0 | 2 | 1 | 90 |
| 2012-2013 | 11 | 11 | 11 | 13 | 18 | 26 | 8 | 0 | 2 | 100 |

¹⁶ Excludes Pre-Kindergarten enrollment

¹⁷ 2010-2011 Audited Register

¹⁸ Total projection is consistent with the budget register projections for 2011-2012.

¹⁹ Excludes pre-kindergarten.

²⁰ 2010-2011 Audited Register Data.

²¹ Total projection is consistent with the Office of Charter School enrollment projections for 2011-2012.

²² 2010-2011 Audited Register

²³ Total projection is consistent with the budget register projections for 2011-2012.

If this revised proposal is approved, there would be sufficient space to accommodate P.S. 149, HSA1, and P811M, pursuant to the Citywide Instructional Footprint (the “Footprint”). Please visit the DOE’s website to access the Footprint, which guides space allocation and use in City schools:
http://schools.nyc.gov/NR/rdonlyres/8CF30F41-DE25-4C30-92DE-731949919FC3/87633/NYCDOE_Instructional_Footprint_Final9210TNT.pdf.

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 kindergarten through five (and for all pre-kindergarten programs), the Footprint assumes that classes are self-contained. Therefore, the Footprint allocates one full-size classroom for each general education or CTT section and a full-size or half-size classroom to accommodate each SC special education section served by the school. In addition to these rooms, schools serving grades K-5 receive an allocation of cluster or specialty classrooms proportionate to the number of students enrolled. These spaces can be used at the principal’s discretion for purposes such as art and/or music instruction, among other things.

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 3.5 full size classrooms²⁴ for student support services, resource rooms and administrative space when serving their entire grade span. 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.

As described in more detail in the attached revised BUP that accompanies this EIS, there will be sufficient instructional space in M149/M207 for P.S. 149, HSA1, and P811M in M149/M207 for the period of this proposal and after HSA1 middle school grades relocate to M088. As in other situations where schools are co-located, the schools would need to share large common and specialty rooms in the building, namely the cafeteria, the 2 gymnasiums, and the library (HSA1 does not require use of the library). Specific decisions regarding the allocation of the shared spaces will be made by the Building Council, consisting of principals from all co-located schools, in conjunction with the DOE Office of Space Planning. A Shared Space Committee (which was formed in February, 2011) will also meet a minimum of 4 times a year and report back to the Building Council regarding the implementation of the BUP. Any unallocated space would be equitably distributed among the schools based on a number of factors, including but not limited to student enrollment. Additionally, as noted in this document, the Building Council will address requests to use any shared spaces after school hours.

²⁴ Due to the configuration of the various DOE buildings across New York City, schools may be given the equivalent of 3 full size classrooms for student support services and one half-size resource room which could be equal to 2 full-size and 3 half-size classrooms or 1 full size classroom and 5 half-size classrooms, etc.

As described in the attached revised BUP, the proposed Shared Space Plan illustrates how all of the shared spaces in the building may be equitably shared amongst all of the co-located schools in the building. Although the DOE has proposed how the shared spaces in the building may be utilized, the Building Council is free to deviate from the proposed Shared Space Plan to accommodate 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 of the final Shared Space Plan collaboratively. (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). The final shared space schedule will be finalized by the Building Council after the proposed co-location has been approved by the Panel for Education Policy.

In accordance with New York State Charter Schools Act of 1998 (as amended), the Chancellor or his/her designee must first authorize in writing any proposed capital improvement or facility upgrade in excess of five thousand dollars, regardless of the source of funding, made to accommodate the co-location of a charter school within a public school building. For any such improvements or upgrades that have been approved by the Chancellor, capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter school within the public school building. Presently, there are no planned capital improvements or facility upgrades for M149/M207.

C. Community

The DOE supports parent choice and strives to ensure that all families have access to high-quality schools that meet their children's needs. District 3 is in need of more high quality middle school options. This proposed grade expansion addresses this need, and will also allow current HSA1 students to continue in their current educational environment. Students are admitted to HSA1 by lottery, in Kindergarten, first, second and third grades. Admissions priority per HSA 1's charter is as follows:

- Returning students;
- Siblings of currently attending students;
- Applicants zoned to attend failing schools and/or applicants who are deemed English Languages Learners (ELLs) who reside in the Community School District (CSD) of location of the charter school;
- Applicants zoned to attend failing schools and/or applicants who are deemed English Languages Learners (ELLs) who do not reside in the Community School District (CSD) of location of the charter school;
- Other applicants who reside within the CSD of location of the charter school;
- Other applicants who reside outside of the CSD of location of the charter school.

HSA1 defines "failing schools" as any school that received a grade of "D" or "F" on the Performance grade of the most recent DOE annual progress report. For 2011-2012, 12 of the 17 zoned schools in District 3 meet this definition.

In 2009-10, 86.0 % of Harlem Success Academy 1 ("HSA 1") students scored at or above grade level on the State English language arts (ELA) tests, and 94.2% scored at or above grade level on the State math tests. These results made Harlem Success Academy 1 the top-performing public charter school in New York City, and the third-highest performing elementary or K-8 school in District 3. Other District 3 schools achieving comparable results are either highly selective programs (e.g., Anderson School, Special Music School), or predominantly serve students who are more advantaged than Success Academy 1 students (e.g., P.S. 199, where only 7% of students are eligible for free or reduced-price lunch compared with 74% of

students eligible for free or reduced-price lunch at HSA 1).²⁵ While the DOE acknowledges that there are notable differences between an elementary school and a middle school, the DOE is confident that HSA1 is well-positioned for the proposed grade expansion based on the school’s strong performance history.

This revised proposal is not expected to impact the ability of community members and organizations to obtain school building use permits at M207/M149.

IV. Enrollment, Admissions, and School Performance Information

P.S. 149

Admissions Data

| | |
|--------------------------------|--|
| Current Admissions | PK: Universal PK admissions K-5: Zoned 6-8: D3 Middle School Choice |
| Admissions in 2011-2012 | PK: Universal PK admissions K-5: Zoned 6-8: D3 Middle School Choice |

Enrollment Data²⁶

| | |
|---|---------|
| Current Grades Served | K-8 |
| 2010-2011 Enrollment ²⁷ | 395 |
| Grades Served 2011-2012 | K-8 |
| 2011-2012 Projected Enrollment | 380-425 |
| Grades Served 2012-2013 | K-8 |
| 2012-2013 Projected Enrollment | 400-445 |

Demographic Data²⁸

| | |
|--|-----|
| Percentage of Students Receiving CTT and SC Services ²⁹ | 11% |
| Percentage of Students with an IEP ³⁰ | 21% |
| Percentage English Language Learner Students ³¹ | 8% |
| Percentage of Students Eligible for Free or Reduced Lunch ³² | 81% |

²⁵ 2010-2011 Audited Register

²⁶ Excludes pre-kindergarten enrollment.

²⁷ 2010 Audited Register

²⁸ Data regarding the percentage of students with disabilities, ELL students, and students who qualified for free or reduced-price meals were taken from the audited October 31, 2009 register of students.

²⁹ Students receiving CTT and SC services as percentage of total students from the 2010-2011 Audited Register.

³⁰ Students with an Individual Education Plan as percentage of total students from the 2010-2011 Audited Register.

³¹ English Language Learner students as percentage of total students from the 2010-2011 Audited Register.

³² Percentage of students eligible for free or reduced lunch from the School Allocation Memorandum No. 9, FY11, June 30, 2011.

School Performance Data

| P.S. 149 | 2007-2008 | 2008-2009 | 2009-2010 ³³ |
|--|------------------|-----------|-------------------------|
| School Performance and Progress | | | |
| Overall Progress Report Grade | C | A | B |
| Quality Review Score | WD | P | |
| Performance Data³⁴ | | | |
| English Language Arts % Proficient (Levels 3 and 4) | 34% | 54% | 29% |
| Math % Proficient (Levels 3 and 4) | 53% | 73% | 34% |
| Other Key Performance Indicators³⁵ | | | |
| Attendance Rate | 89% | 89% | 91% |
| 2010-2011 State Accountability Status | In Good Standing | | |

HSA1

Admissions Data

| | |
|--|---------------------|
| Current Admissions | K-2: Lottery |
| Admissions after Grade Reconfiguration is Completed | K-3: Lottery |

Enrollment Data

| | |
|---|-----|
| Current Grades Served | K-5 |
| 2010-2011 Enrollment³⁶ | 631 |
| Grades Served after Grade Reconfiguration in 2011-2012 | K-6 |
| 2011-2012 Projected Enrollment | 742 |
| Grades Served 2012-2013 | K-4 |
| 2012-2013 Projected Enrollment | 648 |

Demographic Data³⁷

| | |
|---|-----|
| Percentage of Students Receiving CTT or SC Services³⁸ | 1% |
| Percentage of Students with an IEP³⁹ | 13% |

³³ In 2010, the New York State Education Department adjusted the “cut scores” on annual mathematics and English Language Arts exams, raising the score required for students to achieve Level 3 (grade-level proficiency) or higher on the exam. As a result, the percent of students performing at grade level fell significantly at schools statewide, including most New York City schools. While the percent of students achieving proficiency declined, on average, New York City's students’ raw scores on the tests remained largely unchanged relative to the prior year.

³⁴ Source: Progress Report

³⁵ Source: Progress Report

³⁶ 2010-2011 Audited Register.

³⁷ Data regarding the percentage of students with disabilities, ELL students, and students who qualified for free or reduced-price meals were taken from the audited October 31, 2009 register of students. Success Charter Network has provided the following information: Students with disabilities – 14%; English Language Learners – 10%; Eligible for free or reduced price lunch – 76%

³⁸ Students receiving CTT and SC services as percentage of total students from the 2010-2011 Audited Register.

| | |
|---|-----|
| Percentage of English Language Learner Students ⁴⁰ | 6% |
| Percentage of Students Eligible for Free or Reduced Lunch ⁴¹ | 74% |

School Performance Data

| Harlem Success Academy 1 | 2007-2008 | 2008-2009 | 2009-2010 ⁴² |
|--|-----------|------------------|-------------------------|
| School Performance and Progress | | | |
| Overall Progress Report Grade | | | A |
| Quality Review Score | | | |
| Performance Data⁴³ | | | |
| English Language Arts % Proficient (Levels 3 and 4) | | | 86% |
| Math % Proficient (Levels 3 and 4) | | | 94% |
| Other Key Performance Indicators⁴⁴ | | | |
| Attendance Rate | | | 96% |
| 2010-2011 State Accountability Status | | | |
| | | In Good Standing | |

P811M

Admissions Data

| | |
|--------------------------------|---|
| Current Admissions | Students are enrolled in District 75 schools and programs according to the classifications on their Individualized Education Plans. |
| Admissions in 2011-2012 | No change |

Enrollment Data⁴⁵

| | |
|--|-----|
| Current Grades Served | K-8 |
| 2010-2011 Enrollment at this location | 81 |
| Grades Served 2011-2012 | K-8 |

³⁹ Students in Individual Education Plan as percentage of total students from the 2010-2011 Audited Register.

⁴⁰ English Language Learner students as percentage of total students from the 2010-2011 Audited Register.

⁴¹ Percentage of students eligible for free or reduced lunch from the 2010-2011 Audited Register.

⁴² In 2010, the New York State Education Department adjusted the “cut scores” on annual mathematics and English Language Arts exams, raising the score required for students to achieve Level 3 (grade-level proficiency) or higher on the exam. As a result, the percent of students performing at grade level fell significantly at schools statewide, including most New York City schools. While the percent of students achieving proficiency declined, on average, New York City’s students’ raw scores on the tests remained largely unchanged relative to the prior year.

⁴³ Source: Progress Report

⁴⁴ Source: Progress Report

⁴⁵ Excludes pre-Kindergarten enrollment.

| | |
|--|-----|
| Projected 2011-2012 Enrollment at this location | 90 |
| Grades Served 2012-2013 | K-8 |
| 2012-2013 Projected Enrollment | 100 |

Demographic Data⁴⁶

| | |
|--|------|
| Percentage of Students Receiving CTT or SC Services ⁴⁷ | 100% |
| Percentage of Students with an IEP ⁴⁸ | 100% |
| Percentage of English Language Learner Students ⁴⁹ | 13% |
| Percentage of Students Eligible for Free or Reduced Lunch ⁵⁰ | 63% |

School Performance Data⁵¹

| P811M | 2007-2008 | 2008-2009 | 2009-2010 ⁵² |
|--|------------------|------------------|--------------------------------|
| School Performance and Progress | | | |
| Overall Progress Report Grade | | | F |
| Quality Review Score | | P | |
| Performance Data ⁵³ | | | |
| English Language Arts % Proficient (Levels 3 and 4) | | | 2% |
| English Language Arts % Proficient (Levels 3 and 4) – Alternate Assessment | | | 85% |
| Math % Proficient (Levels 3 and 4) | | | 3% |
| Math % Proficient (Levels 3 and 4) – Alternate Assessment | | | 84% |
| Other Key Performance Indicators ⁵⁴ | | | |
| Attendance Rate | | | 92% |
| 2010-2011 State Accountability Status | In Good Standing | | |

⁴⁷ Students receiving CTT and SC services as percentage of total students from the 2010-2011 Audited Register.

⁴⁸ Students in Individual Education Plan as percentage of total students from the 2010-2011 Audited Register.

⁴⁹ English Language Learner students as percentage of total students from the 2010-2011 Audited Register. The ELL student percentage includes P811M data for students across all locations, not just students located in the M207/M149 building.

⁵⁰ Percentage of students eligible for free or reduced lunch from the School Allocation Memorandum No. 9, FY11, June 30, 2011.

⁵¹ P811M performance data for students across all locations, not just students located in the M207/M149 building.

⁵² In 2010, the New York State Education Department adjusted the “cut scores” on annual mathematics and English Language Arts exams, raising the score required for students to achieve Level 3 (grade-level proficiency) or higher on the exam. As a result, the percent of students performing at grade level fell significantly at schools statewide, including most New York City schools. While the percent of students achieving proficiency declined, on average, New York City’s students’ raw scores on the tests remained largely unchanged relative to the prior year.

⁵³ Source: Progress Report

⁵⁴ Source: Progress Report

V. Initial Costs and Savings

There are no initial costs or savings for the implementation of this proposal.

In accordance with New York State Charter Schools Act of 1998 (as amended), the Chancellor or his/her designee must first authorize in writing any proposed capital improvement or facility upgrade in excess of five thousand dollars, regardless of the source of funding, made to accommodate the co-location of a charter school within a public school building. For any such improvements or upgrades that have been approved by the Chancellor, capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter school within the public school building.

Presently, there are no planned capital improvements or facility upgrades for M149/M207.

VI. Effect on Personnel Needs, Costs of Instruction, Administration, Transportation and Other Support Services

A. Personnel Needs

HSA1 will hire additional teachers during each year of the grade expansion as needed. The precise number of positions needed for the 2011-2012 school year will be determined by HSA1. Similarly, the number of new positions created to serve sixth-, seventh- and eighth-grade students will be determined based on annual enrollment as the school grows to serve those grades.

Administrative staff and non-pedagogical positions at HSA1 may also be added as the school expands. Those decisions will be made at the school based on need and budgetary considerations.

This revised proposal is not anticipated to impact the personnel needs at P.S. 149 or P811M.

B. Cost of Instruction

This revised proposal should not impact the operating budget or costs of instruction at P.S. 149 or P811M. The basic operating budget for those schools is determined by the same Fair Student Funding (“FSF”) formula used at all other New York City District public schools. Under FSF, schools receive City tax levy funding on a per pupil basis. Each student receives a per-pupil allocation based on the grade level of the student. FSF allocations are subject to annual variation, but for 2010-2011, the base per-pupil allocation for elementary schools was \$4059.71, for middle school students was \$4384.81, and for high school students was \$4181.11. In addition, FSF awards supplemental allocations on a per-pupil basis for students who have additional needs and therefore cost more to educate. For example, during the 2010-2011 school year, elementary schools received an additional \$1623.00 per pupil for each English Language Learner they enrolled, whereas middle and high schools received an additional \$2031.00 per pupil. At the elementary level, supplemental funds are awarded for each student who is an English Language Learner, who requires special education services, or who is eligible for free or reduced-price lunch. For middle and high schools, supplemental funds are awarded to each student who is an English Language Learner, who requires special education services, or who is performing below grade level upon enrollment. In the case of students who fall into more than one of these categories, schools are awarded supplemental funding to meet all of those needs.

FSF covers basic instructional expenses and FSF funds may, at the school’s discretion, be used to hire staff, purchase supplies and materials, or implement instructional programs. As the total number of students enrolled grows, the overall budget will increase accordingly, allowing the school to meet the instructional needs of its larger student population. Similarly, if the total number of students enrolled falls, the budget shrinks accordingly, as the school will need fewer supplies and potentially a smaller staff.

As with all other schools Citywide, P.S. 149 and P811M may receive additional “categorical” funding based on student characteristics and needs. For example, federal Title I funding is awarded to schools based on the proportion of low-income students they enroll. All three of these schools are currently eligible for Title I funding. Assuming that the schools continue to meet Title I criteria, the size of their respective Title I funding awards would grow or shrink as the school population grows or shrinks.

While schools do receive supplemental support for special education students through Fair Student Funding, that only represents part of the funding provided to support those students. Schools are budgeted to meet the needs of their special education students as defined by their Individualized Education Plans (“IEPs”). P.S. 149 and P811M will continue to receive funds to meet the needs of all special education students in accordance with their IEPs.

Please note that increased or reduced per capita funds allocated to the school as a result of changes in enrollment that may occur do not represent net/incremental system costs. All dollar amounts are based on FY10 allocations and are subject to annual variation based on adjustments to the DOE's overall operating budget.

The General Education Charter School per-pupil rate is determined by the New York State Education Department (“NYSED”), and is based on a formula used for all traditional public school districts. The formula divides the district's Approved Operating Expenditures (“AOE”) by Total Allowable Pupil Units (“TAPU”). Special Education funding is an allocation that Charter Schools may qualify for and receive for serving students that receive special education services for more than 20% of the week as mandated by an IEP.

C. Administration

HSA1 may hire school supervisory and/or administrative personnel as needed as a result of its grade expansion. This revised proposal is not anticipated to impact the supervisory and/or administrative personnel needs at P.S. 149 or P811M.

D. Transportation

Transportation will be provided according to Chancellor’s regulation A-801:
<http://schools.nyc.gov/NR/ronlyres/21A1B11A-886B-4F74-9546-E875EE82A14C/40303/A801.pdf>.
There will be no change to existing transportation practices at P.S. 149, HSA1 or P811M due to this proposal.

E. Other Support Services

Other support services will continue to be provided consistent with citywide policy.

VII. Building Information

| | |
|---|--|
| Building | M207 and M149 |
| Type of Building | Tandem Building |
| Year Built | M207: 1968 M149: 1968 |
| Overall BCAS rating | M207: 2.4 out of 5 M149: 2.4 out of 5 |
| 2009-2010 Target Building Utilization | M207: 77% M149: 112% |
| 2009-2010 Target Building Capacity | M207: 666 M149: 477 |
| FY 2010 Maintenance Costs⁵⁵ | Labor: \$48,626.28 Materials: \$36,917.62 Maintenance and repair contracts: \$117,936.45 Custodial operations costs—Materials: \$8,811.18 Custodial operations costs—Custodial Allocation: \$291,702.74 |
| FY 2009 Energy Costs | Electric: \$198,756.23 Gas: \$1,983.12 Oil: \$127,882.00 |
| Projects completed during the current or prior school year | No projects identified |
| Projects proposed in the capital plan | No projects identified |
| Accessibility of the building | 1 st floor only is functionally accessible |
| Building attributes | Auditorium, 2 gymnasiums, multi-purpose room, library, art room, science lab, and cafeteria. |

⁵⁵ Maintenance and energy costs for the tandem buildings are calculated collectively.