



**Department of
Education**

Dennis M. Walcott, Chancellor

DECLARATION PURSUANT TO EDUCATION LAW SECTIONS 2590g(9) AND 2590-h(2-a)(f)
CONCERNING THE RE-SITING AND CO-LOCATION OF A PORTION OF ONE GRADE LEVEL OF
AN EXISTING SCHOOL, 24Q019 MARINO JEANTET (“P.S. 19”), WITH NEW SCHOOL 24Q211
 (“P.S. 211”) IN BUILDING Q269 BEGINNING IN THE 2013-2014 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 re-site and co-locate a portion of one grade level of an existing school, 24Q019 Marino Jeantet (“P.S. 19”), with new school 24Q211 (“P.S. 211”) in building Q269 (“Q269”) beginning in the 2013-2014 school year is immediately necessary to preserve the general welfare of students. 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. A “re-siting” means students will attend classes in a different building than in previous years.

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 (“PEP”) before a significant change in school utilization can take effect, would be contrary to the public interest. This re-siting and co-location of a portion of one grade level of P.S. 19 with P.S. 211 will remain in effect for six months, and shall continue thereafter if approved by the PEP.

P.S. 19 is an existing zoned elementary school that currently serves grades kindergarten through five in main building Q019 (“Q019”), Mini- building Q819 (“Q819”), and Transportable Classroom Unit Q914 (“Q914”)¹ located at 98-02 Roosevelt Avenue, Queens, NY 11368, within the geographical confines of Community School District 24 (“District 24”). The target capacity of Q019 is 1,633 students.² P.S. 19 is projected to serve 1,858 students for the 2013-2014 school year, which does not include the kindergarten students currently waitlisted for P.S. 19.³

P.S. 19 is unable to accommodate all of its zoned kindergarten students in Q019 in the 2013-2014 school year. As a result of this overcrowding in P.S. 19 and other zoned schools in the Corona/Elmhurst area, there are currently 528 waitlisted kindergarten students in District 24.⁴ The re-siting and co-location of a portion of one grade level of P.S. 19 with P.S. 211 is necessary to provide a sufficient number of kindergarten seats in District 24, and is thus necessary to preserve the general welfare of District 24 students.

An annex of P.S. 19 will open in September 2013 in building Q269, located at 86-37 53rd Avenue Elmhurst, NY 11373 in District 24. A portion of P.S. 19’s kindergarten will be re-sited to building Q269 beginning in the 2013-2014 school year, where it will be co-located with P.S. 211, a new unzoned elementary school. During the 2013-2014 school year, P.S. 211 is projected to serve approximately 125 - 175 kindergarten students and P.S. 19 is projected to serve approximately 125 - 175 kindergarten students in building Q269.

For the 2013-2014 school year, P.S. 211 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. P.S. 211 will continue

¹ All references to Q019 include buildings Q019, Q819, and Q914.

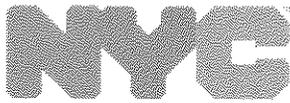
² 2011-2012 Enrollment, Capacity, Utilization Report (the “Blue Book”).

³ 2013-2014 Budget Register Projections.

⁴ As reported by Office of Student Enrollment on June 4, 2013.

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to enroll students in this manner and will expand to include first grade during the 2014-2015 school year in building Q269.

For the 2013-2014 school year, in building Q269 P.S. 19 will serve a portion of the kindergarten students who are zoned to P.S. 19 as well as waitlisted kindergarten students zoned to neighboring schools who will be given alternate offers to P.S. 19.

P.S. 19 serves general education students and students requiring special education services. Additionally, P.S. 19 serves a large number of English Language Learner (“ELL”) students; approximately 63% of P.S. 19 students receive transitional bilingual, dual language or English as a Second Language (“ESL”) services. Students with disabilities will continue to receive mandated services in accordance with their Individualized Education Programs (“IEPs”), regardless of where they are sited. All current and future ELL students attending P.S. 19, across both sites, will receive ESL services in accordance with DOE policy.

Q019 and Q269 are located approximately 1.7 miles from each other in the Corona/Elmhurst section of Queens. Students are not expected to travel back and forth between buildings during the school day as a result of the proposal. The P.S. 19 kindergarten students at issue will be served exclusively in Q269 during the regular school day. Transportation would continue to be provided according to Chancellor’s Regulation A-801.⁵

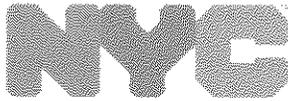
This re-siting and co-location may change the number of personnel positions assigned to P.S. 19 as enrollment increases. This re-siting and co-location will not significantly alter the duties of current staff. A staff member already assigned to the P.S. 19 organization would be assigned to supervise the school’s staff and students served at Q269. The necessary P.S. 19 kindergarten teachers would maintain their current assignments but report to Q269 for regular teaching duties rather than Q019.

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 122%.⁶ This number is significantly higher in the Corona/Elmhurst area where the average utilization rate for K-5 schools is 134%, with a range of 117-161%. As a result of this overcrowding, there are currently 528 waitlisted kindergarten students in District 24. Over the past several months, the DOE explored various ways to accommodate all of the waitlisted children, including attempting to identify sufficient space in classrooms within the district as well as within neighboring districts and searching for suitable school-ready private space to lease.

When it became evident that there was no suitable school-ready private space to lease and that it would not be possible to identify enough seats to accommodate all of the 528 waitlisted children in the spaces currently utilized by existing district schools, the DOE determined that it was necessary to more efficiently

⁵ <http://schools.nyc.gov/NR/rdonlyres/21A1B11A-886B-4F74-9546-E875EE82A14C/40303/A801.pdf>.

⁶ 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 October 1, 2012 or the 2012-2013 Audited Register (as of October 26, 2012), which does not include Long Term Absences (“LTAs”), students who have been absent continuously for 30 days or more as of October 26, 2012. 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.



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utilize available space in an existing District 24 public school building. The DOE determined that building Q269 would be underutilized during the 2013-2014 school year, and as a result P.S. 19 will open an annex in Q269 to alleviate overcrowding for the upcoming 2013-2014 academic year by increasing P.S. 19's capacity to accommodate P.S. 19's kindergarten students who are zoned to P.S. 19 as well as kindergarten students from neighboring schools who will be given alternate offers to P.S. 19. In 2013-2014, there is sufficient space in Q269 to accommodate a portion of P.S. 19's kindergarten students who are zoned to P.S. 19 and kindergarten students from neighboring schools who will be given alternate offers to P.S. 19, as P.S. 211 is opening with kindergarten only in 2013-2014. The Q269 building was most recently occupied by 24Q330 ("P.S. 330"), which is being re-sited to new building Q287 for the 2013-2014 school year. Due to the lack of sufficient seats to accommodate all of the waitlisted children zoned to P.S. 19 and other District 24 schools for the 2013-2014 school year, the re-siting and co-location of a portion of P.S. 19's kindergarten with P.S. 211 in building Q269 is necessary to preserve the general welfare of District 24 students.

The DOE was not able to post a proposal to accommodate all of the waitlisted kindergarten students at least six months in advance of the first day of the 2013-2014 school year because prior to the completion of the initial kindergarten pre-registration period that began in April 2013, it was not possible to predict the exact kindergarten enrollment in District 24 for the 2013-2014 school year. As a result, the DOE did not know how many kindergarten students needed to be accommodated in 2013-2014 school year until after the initial pre-registration was complete. This re-siting and co-location became necessary when it became evident that there was no suitable school-ready private space to lease, and that it would not be possible to identify enough seats to accommodate all of the 528 waitlisted children in the spaces currently utilized by existing district schools.

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 buildings in the Corona/Elmhurst area are included in the School Construction Authority's ("SCA") 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 Q269 to accommodate the annex of P.S. 19 and P.S. 211 during the 2013-2014 school year, as it has 19 full-size rooms and 1 half-size room, a multi-purpose room, and administrative offices. P.S. 211 will utilize approximately 6-8 full-size rooms and 1 administrative space in 2013-2014 in building Q269. The annex of P.S. 19 will serve approximately 5-7 sections of students, and will use 5-7 full-size rooms and 1 administrative space in 2013-2014 in building Q269.

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 re-site and co-locate a portion of P.S. 19's kindergarten with P.S. 211 in building Q269 prior to September 2013, which would be contrary to the public interest. Without the re-siting and co-location of a portion of P.S. 19's kindergarten with P.S. 211 in building Q269, it would not be possible to accommodate all of the 528 waitlisted children for the 2013-2014 school year.

For the reasons set forth above, I find that the re-siting and co-location of a portion of one grade level of P.S. 19 with new school P.S. 211 beginning in the 2013-2014 school year on an emergency basis is



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necessary to preserve the general welfare of the students. This re-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: 6/17/13
New York, New York

A handwritten signature in black ink, appearing to read 'Dennis M. Walcott', written over a horizontal line.

Dennis M. Walcott