

SECOND AMENDED EDUCATIONAL IMPACT STATEMENT: The Proposed Expansion of the Co-location of Harlem Success Academy 5 Charter School (84M482) with P.S. 123 Mahalia Jackson (05M123) in Building M123

I. Summary of Proposal

Harlem Success Academy 5 Charter School (84M482, “HSA 5”) is an existing public charter school located at 301 West 140th Street, New York, NY, 10030, in Community School District 5 (“District 5”), in Building M123 (“M123”). It currently serves students in Kindergarten through first grade. HSA 5 is co-located with P.S. 123 Mahalia Jackson (05M123, “P.S. 123”), a zoned school which serves students in Kindergarten through eighth grade and offers a Pre-Kindergarten program. 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.

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 Educational Impact Statement (“EIS”) describing that proposal, initially published on December 16, 2010 and re-published on January 28, 2011, 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. On March 2, 2011, the DOE proposed to expand the co-location of HSA 5 so that it will serve grades K-2 in M123 and accommodate a 12:1:1 self-contained special education class (“SC”), which would serve second grade students enrolled at HSA 5 and at Harlem Success Academy 2 (84M384, “HSA 2”), an existing public charter school located at 144-176 East 128th Street in Community School District 5. To permit this, HSA 2 and HSA 5 will seek permission from their authorizer, the State University of New York Charter Schools Institute (“SUNY CSI”) to merge and become a multi-site charter school pursuant to state law. If permission for the merger cannot be obtained, then HSA 5 and HSA 2 will seek permission to jointly run the SC. Regardless of whether the merger is approved, the DOE would propose to co-locate grades K-2 of the current HSA 5 in M123. On March 4, 2011, the EIS was amended to clarify the characterization of special education services at HSA 5 and the statistics of special needs populations served; however, these changes did not modify the proposal itself.

The DOE has now published a second amended EIS and amended Building Utilization Plan (“BUP”). This second amended EIS corrects typographical and formatting errors, includes the rationale behind HSA 5’s grade expansion and addition of a self-contained special education class, updates the link to the Citywide Instructional Footprint, clarifies that P.S. 123 and HSA 5 will continue to provide all mandated services to their respective students with disabilities and English Language Learner students, discusses the construction of a science lab, scheduled for completion in November 2011, which will impact the use of library space below the lab, and clarifies that Harlem Success Academy 5 is managed by Success Charter Network, but does not modify or revise the proposal itself. The amended BUP, which is annexed hereto, includes additional information related to the shared space schedule, current construction projects in M123, and corrects the enrollment projection for P.S. 123 for 2011-2012.

In the 2010-11 school year, P.S. 123 completed its previously approved grade expansion and now serves Kindergarten through eighth grade students. It also offers a Pre-Kindergarten program.

In order for HSA 5 to add one additional grade and serve a self-contained special education class in M123, the school would require three full-size classrooms above its current room allocation plus one half-size classroom. Based on current enrollment and the space planning that was completed in order to allow HSA 5

to open in M123 in August 2010, the Office of Space Planning has determined that P.S. 123 would continue to have four full-size classrooms above the baseline room allocation set forth by the Citywide Instructional Footprint (“Footprint”)¹ even after reallocating three full-size classrooms and one half-size classroom to HSA 5. This space allocation is further detailed in the attached amended BUP.

If this proposal is approved, HSA 5 would enroll approximately 60-70 additional students, and the total enrollment for the school would be 249, including any students from HSA 2 served in the M123 building. P.S. 123’s enrollment in grades Kindergarten through eight would be approximately 670-680 students. P.S. 123 also has a Pre-Kindergarten program which enrolls 54 students. The combined total enrollment in the building would be approximately 973-983 students. In 2009-10, M123’s target capacity was 1,044². Thus, M123 has the capacity for HSA 5 to expand and for P.S. 123 to continue to serve Kindergarten through eighth grade students and offer a Pre-Kindergarten program with total building utilization of approximately 93-94% of target capacity.

Extending the co-location and allowing HSA 5 to expand by one grade would maintain District 5 elementary students’ access to a high quality option. HSA 5 is managed by Success Charter Network (“SCN”), which manages seven other charter schools in New York, including Harlem Success Academy 1 (84M351, “HSA 1”). In 2009-2010, HSA 1 students scored above all zoned elementary and K-8 school in District 5. HSA 1 was the only SCN school that served testing grade levels in 2009-2010.

Extending the co-location and allowing HSA 5 to expand by one grade would maintain District 5 elementary students’ access to a high quality option. Permitting HSA 5 and HSA 2 to offer a self-contained class at M123 will further the goal of serving the needs of all students in the community. While HSA 5 must enroll students through a lottery, as mandated by New York State charter law, its lottery provides a preference for District 5 students. Details of HSA 5’s lottery preference are included in Section III.C of this EIS.

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 permanently siting some of HSA 5’s grades in M123 and placing other grades in a different location.

Any proposal to further extend the co-location of HSA 5 with P.S. 123 in the M123 building, or make it a permanent site for all or some of HSA 5’s grades, would be the subject of a separate EIS and must be approved by the PEP prior to implementation.

II. Proposed or Potential Use of Building

M123 has the capacity to serve 1,044 students. The 2010-2011 combined enrollment of HSA 5 and P.S. 123 is 918³, yielding a building utilization rate of 88%⁴ of target capacity. If this proposal were approved

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-731949919FC3/87633/NYCDOE_Instructional_Footprint_Final9210TNT.pdf.

² 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 target capacity data from the 2009-10 Enrollment Capacity Utilization Report (the “Blue Book”). This report accounts for students who are considered “Long Term Absences.” The building enrollment figures quoted do not include students who are Long Term Absences.

³ Unaudited register November 1, 2010

and HSA 5 expands by one additional grade, M123's projected enrollment for both schools will be 973-983 students in 2011-2012, resulting in a utilization rate of 93-94%. There are no proposed additional uses for the building.

	P.S. 123	HSA 5	Total	Building Utilization
2010-2011	731	188	919	88%
2011-2012	724-734	249	973-983	93-94%

A science lab is being created within space allocated to P.S. 123 to meet the needs of the middle school science curriculum. This project is scheduled for completion in November, 2011. The construction of the science lab has impacted the use of the library which is located directly below the lab.

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

A. Students

HSA 5 and P.S. 123 are currently co-located in building M123. If this proposal were approved, current first-grade students at HSA 5 could remain in this location for second grade. Additional students would enroll in Kindergarten, first, and second grade.

P.S. 123 currently serves 677 general education students and students requiring special education services in Kindergarten through eighth grade. P.S. 123 has 26 general education and collaborative team teaching ("CTT") classes and 5 Self-Contained special education classes ("SC"). P.S. 123 would continue to provide all mandated services to students with disabilities in all grades.

P.S. 123 also enrolls 54 students in Pre-Kindergarten. The DOE does not anticipate that the proposed co-location would impact the Pre-Kindergarten program offered at P.S. 123.

Additionally, P.S. 123 serves English Language Learners (ELLs): approximately 17% of P.S. 123 students receive English as a Second Language (ESL) services. P.S. 123 would continue to provide all mandated services to ELL students in all grades.

Likewise, all students at HSA 5 would continue to receive mandated services in their school. As discussed above, HSA 5 is proposing to add a self-contained special education class. This class would serve currently enrolled students in first grade who will be promoted to second grade at HSA 5 or HSA 2 whose needs would be better met in a self-contained special education class than in a general education program.⁵ According to Success Charter Network, 12% of HSA 5 students have IEPs for various special education services. If this proposal were approved, HSA 5 would continue to meet the needs of its ELL students and any students with disabilities in all grades.

Graham-Windham, a community-based organization located in M123, would continue to provide services to students at P.S. 123. Graham-Windham offers after-school and Saturday programming for students, GED, ESL and computer programming for parents, mental health services, ACS support services for at-risk families, and a College Readiness Preparatory Program.

⁴ 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 target capacity data from the 2009-10 Enrollment Capacity Utilization Report (the "Blue Book").

⁵ SCN is seeking appropriate authorization to serve students from HSA 2 in the HSA 5 location.

Other programs and partnerships offered at P.S. 123 include early morning and after-school extended day programs, Big Brother/Big Sister mentoring, Ogilvy One student internship program, Grow Media student internship program, West Harlem housing program for families, Carmel Hill's accelerated reading program, Columbia-Presbyterian mental health clinic, YMCA extended day program, Community Works Art Program, Children's Art Carnival Program, Sports and Arts Extended Day Program, Learning Leaders Volunteer Program, YMCA Music Program, and Music In the Brain keyboard program for grades K-2.

Extracurricular activities at P.S. 123 include: Newspaper Club, Peacemaker's Club, Nutrition Club, Scholar's Society, Dance Clubs, Choir, Robotics Club, Sewing Club, Fitness Programs for Students & Parents.

The DOE does not anticipate that this proposal would impact the partnerships of P.S. 123. 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 would not impact those opportunities. Students would 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.

B. Schools

Based on the space planning that was completed for the siting of HSA 5 in M123 in the 2010-2011 school year, and a review of current enrollment data, the DOE has determined that there is sufficient space for HSA 5 to expand by one grade in the 2011-2012 school year and to add a self-contained special education class.

If this proposal is approved, there will be sufficient space to accommodate three grades of HSA 5 and P.S. 123 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 classrooms for student support services, resource rooms and administrative space when serving their entire grade span⁶. 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 amended BUP, there will be sufficient instructional space in M123 for three grades of HSA 5, including its self-contained class, and P.S. 123. 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 two gymnasiums, and 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 will also meet a minimum of 4 times a year and report back to the Building Council regarding implementation of the BUP. Any unallocated space would be equitably distributed among the schools based on a number of factors, including student enrollment and location of the excess space in the building.

In accordance with New York State Charter Schools Act of 1998 (as amended), the Chancellor or his or 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.

The schools would share the cafeteria, auditorium, gymnasium, and outdoor play-yard. A proposed shared space plan is included in the attached amended BUP.

C. Community

Although overall enrollment at P.S. 123 has increased due to the addition of seventh and eighth grades, the enrollment for Kindergarten through sixth grade has declined approximately 9% from 2006-2007 to 2009-2010. This means that there are enough elementary school seats at P.S. 123 to serve the needs of the community, and there is still sufficient space to allow HSA 5 to add one grade and a self-contained special education class in the M123 building

Community residents may enroll in their zoned public school, apply to other DOE elementary schools, or apply to public charter schools in District 5 or Citywide. All students residing in the P.S. 123 zone will continue to be able to enroll at P.S. 123.

HSA 5 enrolls students through a lottery, as mandated by New York State charter law. HSA 5's lottery prioritizes applicants in the following order:

- Siblings of currently attending students;
- Applicants zoned to attend failing schools and/or applicants who are deemed English Language Learners (ELLs) who reside in the Community School District (CSD) of the location of the charter school;

⁶ 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.

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

This proposal will not impact P.S. 123’s ability to offer middle school grades or its Pre-Kindergarten program. In addition, the Graham-Windham organization, which provides counseling and social services to students in P.S. 123, will remain in the building and is anticipated to continue providing services at the same level. HSA 5 students do not participate in these services.

This proposal is not expected to impact the ability of community members and organizations to obtain school building use permits at M123

IV. Enrollment, Admissions and School Performance Information

P.S. 123

Admissions Data

Current Admissions	<p>Pre-Kindergarten: Standard Universal Pre-K Admissions</p> <p>Grades K-5: Zoned</p> <p>Grades 6-8: District 5 Middle School Choice, with priority to continuing 5th graders</p>
Admissions in 2011-2012	<p>Pre-Kindergarten: Standard Universal Pre-K Admissions</p> <p>Grades K-5: Zoned</p> <p>Grades 6-8: District 5 Middle School Choice, with priority to continuing 5th graders</p>

Enrollment Data

Current Grades Served	K-8
Current Enrollment (as of 11-01-2010):	677 ⁷
Projected 2011-2012 Enrollment	670-680

⁷ Excludes Pre-Kindergarten enrollment of 54 students.

Demographic Data

Percentage Students Receiving CTT or SC services ⁸ with Disabilities ⁹	10%
Percentage Students with Individual Education Plan ¹⁰	15%
Percentage English Language Learner Students ¹¹	17%
Percentage of Students Eligible for Free/ or Reduced Lunch ¹²	86.6%

School Performance Data

P.S. 123 Mahalia Jackson	2007-2008	2008-2009	2009-2010 ¹³
School Performance and Progress			
Overall Progress Report Grade	B	A	C
Performance Grade	C	B	D
Progress Grade	A	A	D
Environment Grade	B	B	B
Quality Review Score	WD		
Performance Data¹⁴			
English Language Arts % Proficient (Levels 3 and 4)	48%	60%	25%
Math % Proficient (Levels 3 and 4)	67%	76%	28%
Other Key Performance Indicators¹⁵			
Attendance Rate	90%	90%	90%
2010-2011 State Accountability Status			
In Good Standing			

⁸ Students Receiving CTT and SC services as percentage of total students from the 2009-2010 Audited Register.
⁹ Students with disabilities as percentage of Total students. Students with disabilities count does not include Special Education Teacher Support Services (“SETSS”) or students receiving speech or language services.
¹⁰ Students with Individual Education Plan as percentage of total students from the 2009-2010 Audited Register.
¹¹ English Language Learner students as percentage of total students from the 2009-2010 Audited Register.
¹² Percentage of Students Eligible for Free or Reduced Lunch from School Allocation Memorandum No. 9, FY11, June 30, 2010
¹³ 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’ scale scores on the tests remained largely unchanged relative to the prior year.
¹⁴ Source: Progress Report
¹⁵ Source: Progress Report

HSA 5

Admissions Data

Current Admissions	K-1: Lottery
Admissions after Grade Expansion	K-2: Lottery

Enrollment Data

Current Grades Served	K-1
Current Enrollment (as of 11-01-2010):	188
Grades Served in 2011-2012	K-2
Projected 2011-2012 Enrollment:	249

Demographic Data¹⁶

Percentage Students Receiving CTT or SC services	N/A
Percentage Students with Individual Education Plan	12%
Percentage English Language Learner Students	11%
Percentage of Students Eligible for Free or Reduced Lunch¹⁷	83%

School Performance Data

HSA 5 currently enrolls only Kindergarten and first grades, for which there are no test scores.

V. Initial Costs and Savings

There are no initial costs or savings associated with this proposal.

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

A. Personnel Needs

HSA 5 would need to hire additional teachers as the total number of students enrolled in the school increases. The precise number of positions needed for the 2011-2012 school year would be determined by the charter school management.

¹⁶ 2010-2011 Demographic data per Success Charter Network

¹⁷ Percentage of Students Eligible for Free or Reduced Lunch from School Allocation Memorandum No. 9, FY11, June 30, 2010

Administrative staff and non-pedagogical positions at HSA 5 may also be added over the course of the school's phase-in. Those decisions would be made at the school based on need and budgetary considerations.

There would be no impact on personnel needs for P.S. 123.

B. Cost of Instruction

This proposal should not impact the operating budget or costs of instruction at P.S. 123. The basic operating budget for 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 schools 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. 123 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. P.S. 123 is currently eligible for Title I funding. Assuming that the school continues to meet Title I criteria, the size of its respective Title I funding award 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. 123 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.

This proposal also should not impact the budget or operating costs for Harlem Success 5. 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

There would be no impact on P.S. 123 school supervisors and/or administrators as a result of this proposal.

HSA 5 is expected to hire school supervisors and/or administrator personnel as needed.

D. Transportation

There would be no change to existing transportation practices at P.S. 123 or HSA 5 due to this proposal.

Transportation would be provided according to Chancellor’s Regulation A-801:
<http://schools.nyc.gov/NR/ronlyres/21A1B11A-886B-4F74-9546-E875EE82A14C/40303/A801.pdf>.

E. Other Support Services

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

VII. Building Information

M123

Type of Building	Elementary School
Year Built	1958
Overall BCAS rating	2.58 out of 5
Target Utilization	82%
Target Capacity	1,044
FY 2009 Maintenance Costs	Labor: \$52,273.88 Materials: \$40,661.63 Maintenance and repair contracts: \$76,419.02 Custodial operations costs—Materials: \$8,251.74 Custodial operations costs—Custodial Allocation: \$274,447.04
FY 2009 Energy Costs	Electric: \$127,516.92 Gas: \$1,784.12 Oil: \$59,246.00
Projects completed during the current or prior school year	A science lab is scheduled for construction in 2010-2011
Projects proposed in the capital plan	None
Accessibility of the building	Not accessible
Building attributes	Auditorium, cafeteria, a computer room, gymnasium ,and a library