

**Resolution Regarding Approval of the Second Revised Proposed Co-location of a New Public Charter School, Explore Excel Charter School (84K379) with Existing School P.S. 114 Ryder Elementary (18K114) in Building K114**

WHEREAS, in accordance with Education Law § 2590-h(2-a), the Chancellor prepared an educational impact statement (“EIS”) and building utilization plan (“BUP”), initially published and filed on January 14, 2011, on the proposed co-location of Explore Excel Charter School (84K379) (“Explore”) and P.S. 521 (18K521) (“P.S. 521”) with P.S. 114 Ryder Elementary (18K114) (“P.S. 114”) in school building K114 (“K114”) for the 2011-2012 school year (the “Original Proposal”); and

WHEREAS, in accordance with Education Law § 2590-g(8), the Panel for Educational Policy (the “Panel”) undertook a public review process for review and comment on the Original Proposal; and

WHEREAS, such review process included notice of the Original Proposal via the New York City Department of Education’s (the “Department”) internet website and circulation of the notice of the proposal to all community superintendents, community district education councils, community boards, and school based management teams; and

WHEREAS, such notice further included: a) a description of the purpose and substance of the Original Proposal; b) information regarding where the full text of the Original Proposal could be obtained; c) the name, office, address, email and telephone number of the Department representative from whom information concerning the Original Proposal could be obtained; d) the date, time, and place of any hearing on the Original Proposal; e) the date, time and place of the meeting of the Panel at which the Panel will vote on the Original Proposal; and f) information on how to submit written or oral comments regarding the Original Proposal; and

WHEREAS, such notice and public review process commenced on January 14, 2011, at least forty-five days in advance of the March 1, 2011 meeting of the Panel at which the Original Proposal was initially scheduled to come before the Panel for a vote; and

WHEREAS, on February 14, 2011 the Department published an amended educational impact statement which corrected typographical errors, included information about the community-based organization in K114 and clarified further information in regards to P.S. 114, but which did not modify or revise the proposal itself; and

WHEREAS, in accordance with Education Law § 2590-h(2-a)(d-1), the Chancellor has held a joint public hearing on the Original Proposal with the District 18 Community Education Council and the impacted school leadership team at which all interested parties had an opportunity to present comments or concerns on the Original Proposal; and

WHEREAS, in accordance with Education Law § 2590-h(2-a), after receiving public input, the Chancellor revised the Original Proposal and prepared and published a revised EIS and revised BUP on March 4, 2011, such that the EIS has been modified as follows: references to the phase-out of P.S. 114 were removed because P.S. 114 was no longer proposed for phase-out; references to the phase-in of a new DOE school (P.S. 521) were removed because P.S. 521 is no longer

proposed to be sited at K114; grade levels served and enrollment projections for K114 were updated; enrollment projections for P.S. 114 showed a decline in total enrollment because, in the future, the school will limit its out-of-zone enrollment; personnel needs and administrative positions at P.S. 114 will change as a result of a decrease in enrollment over time at P.S. 114; the pre-kindergarten program at P.S. 114 will continue to be offered; lottery preferences for Explore were updated; the revised EIS reflected the 2010 audited register, instead of the unaudited register; and the BUP has been revised in the following manner: the number of rooms allocated to each school and the use of shared spaces was updated; and

WHEREAS, in accordance with Education Law § 2590-g(8), the Panel for Educational Policy undertook a public review process for review and comment on the Revised Proposal; and

WHEREAS, such review process included notice of the Revised Proposal via the Department's internet website and circulation of the notice of the Revised Proposal to all community superintendents, community district education councils, community boards, and school based management teams; and

WHEREAS, such notice further included: a) a description of the purpose and substance of the Revised Proposal; (b) identification of all substantial and non-substantial revisions to the Original Proposal; (c) a summary of all public comments received on the Original Proposal following the initial public notice; (d) information regarding where the full text of the Revised Proposal could be obtained; (e) the name, office, address, email, and telephone number of the Department of Education representative from whom information concerning the Revised Proposal could be obtained; (f) date, time, and place of any hearing on the Revised Proposal; (g) the date, time and place of the meeting of the Panel at which the Panel will vote on the Revised Proposal; and (h) information on how to submit written or oral comments regarding the Revised Proposal; and

WHEREAS, such notice and public review process commenced on March 4, 2011 at least fifteen days in advance of the March 23, 2011 meeting of the Panel at which the Revised Proposal came before the Panel for a vote; and

WHEREAS, in accordance with Education Law § 2590-h(2-a), the Chancellor held a joint public hearing on the Revised Proposal with the District 18 Community Education Council and the school leadership team at which all interested parties had an opportunity to present comments or concerns on the Revised Proposal; and

WHEREAS, on March 21, 2011, the Department published an amended revised educational impact statement, which further clarified information related to Explore's priority preferences and corrected typographical errors, and an amended building utilization plan which corrected typographical errors in the shared space schedule related to the use of the gymnasium and the outdoor play area, but which did not modify or revise the proposal itself; and

WHEREAS, following the public review and comment period, the Panel made available to the public, including via the Department's internet web site, an assessment of all public comments concerning the Revised Proposal; and

WHEREAS, the assessment of public comments included a summary and analysis of the issues raised and any significant suggested alternatives; a statement of the reasons why any significant alternatives were not incorporated into the Revised Proposal; a description of any changes to the Revised Proposal as a result of the public comments; and information regarding where the full text of any approved Revised Proposal may be obtained; and

WHEREAS, the Panel approved the Revised Proposal on March 23, 2011; and

WHEREAS, in accordance with Education Law § 2590-h(2-a), after receiving public input, the Chancellor further revised the Revised Proposal and prepared and published a second revised EIS and second revised BUP (“Second Revised Proposal”) on May 23, 2011, such that the revised EIS has been modified: to include Explore’s District Borough Number and to clarify the shared spaces in K114 and the revised BUP has been modified in the following manner: the proposed shared space schedule has been adjusted and the rationale for the amount of time that each co-located school is allocated in the shared spaces has been clarified; and

WHEREAS, in accordance with Education Law § 2590-g(8), the Panel for Educational Policy undertook a public review process for review and comment on the Second Revised Proposal; and

WHEREAS, such review process included notice of the Second Revised Proposal via the Department’s internet website and circulation of the notice of the Second Revised Proposal to all community superintendents, community district education councils, community boards, and school based management teams; and

WHEREAS, such notice further included: a) a description of the purpose and substance of the Second Revised Proposal; (b) identification of all substantial and non-substantial revisions to the Original and Revised Proposal; (c) a summary of all public comments received on the Original and Revised Proposal following the initial public notice; (d) information regarding where the full text of the Second Revised Proposal could be obtained; (e) the name, office, address, email, and telephone number of the Department of Education representative from whom information concerning the Second Revised Proposal could be obtained; (f) date, time, and place of any hearing on the Second Revised Proposal; (g) the date, time and place of the meeting of the Panel at which the Panel will vote on the Second Revised Proposal; and (h) information on how to submit written or oral comments regarding the Second Revised Proposal; and

WHEREAS, such notice and public review process commenced on May 23, 2011, at least fifteen days in advance of the June 27, 2011 meeting of the Panel at which the Second Revised Proposal came before the Panel for a vote; and

WHEREAS, in accordance with Education Law § 2590-h(2-a), the Chancellor held a joint public hearing on the Second Revised Proposal with the District 18 Community Education Council and the school leadership team at which all interested parties had an opportunity to present comments or concerns on the Second Revised Proposal; and

WHEREAS, following the public review and comment period, the Panel made available to the public, including via the Department's internet web site, an assessment of all public comments concerning the Second Revised Proposal; and

WHEREAS, the assessment of public comments included a summary and analysis of the issues raised and any significant suggested alternatives; a statement of the reasons why any significant alternatives were not incorporated into the Second Revised Proposal; a description of any changes to the Second Revised Proposal as a result of the public comments; and information regarding where the full text of any approved Second Revised Proposal may be obtained; and

WHEREAS, the Chancellor recommends that the Panel for Educational Policy approve the Second Revised Proposal; and

WHEREAS, it is the desire of the Panel for Educational Policy to approve the Second Revised Proposal; now therefore be it

RESOLVED, that in accordance with Education Law § 2590-g, the Panel for Educational Policy hereby approves the second revised proposed co-location of a new public charter school, Explore Excel Charter School (84K379), with existing school P.S. 114 Ryder Elementary (18K114) in building K114.