



**Department of
Education**

Dennis M. Walcott, Chancellor

DECLARATION PURSUANT TO EDUCATION LAW SECTIONS 2590-g(9) and 2590-h(2-a)(f) CONCERNING THE PROPOSAL FOR SIGNIFICANT CHANGE IN UTILIZATION OF SCHOOL BUILDING M158—THE TEMPORARY RE-SITING AND CO-LOCATION OF GRADES 5 - 7 OF EXISTING CHARTER SCHOOL GIRLS PREPARATORY CHARTER SCHOOL (84M330) WITH EXISTING DISTRICT SCHOOL P.S. 158 BAYARD TAYLOR (02M158)

I, Dennis M. Walcott, Chancellor of the New York City Department of Education, 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 temporary re-siting and co-location of grades 5 - 7 of Girls Preparatory Charter School (84M330) (“Girls Prep” or, in reference to grades 5 - 7 only, “Girls Prep M.S.”), with existing school P.S. 158 Bayard Taylor (02M158) (“P.S. 158”) in school building M158, is necessary to preserve the health, safety, and general welfare of students. Additionally, compliance with the requirements of subdivisions (7) and (8) of section 2590-g and subdivision (3) of section 2851 of the Education Law, which require issuance of a formal proposal and building usage plan and a public review process and approval by the Panel for Educational Policy (the “Panel”) before a proposed significant change in school utilization can take effect, would be contrary to the public interest. This emergency declaration shall remain in effect for six months or until the Panel votes to approve the temporary re-siting and co-location, whichever comes first.

Girls Prep is a public charter school serving students in grades K – 7. The school’s charter is authorized by the Charter Schools Institute of the State University of New York (“SUNY”). The school serves students in grades K - 4 in building M188, located at 442 E. Houston Street in Manhattan, and students in grades 5 - 7 in building M060, located at 420 E. 12th Street in Manhattan, in Community School District 1.

According to the DOE’s most recent projections, Girls Prep M.S. serves 171 students in building M060. A recent inspection of building M060 revealed a structural defect in one of the outer walls of the building. Because of that defect, the city Department of Buildings (“DOB”) has directed that building M060 must remain unoccupied until the wall is dismantled and repairs are completed. Thus, Girls Prep M.S. must be temporarily re-sited in order to preserve the health and safety of its students.

P.S. 158 is an existing district elementary school serving students in grades K through 6 (as well as students in a pre-kindergarten program) in building M158 at 1458 York Avenue in Manhattan, in Community School District 2. According to the DOE’s most recent enrollment projections, P.S. 158 serves 807 students (including pre-kindergarten students).

The target capacity of building M158 is 957 students, meaning that the campus has a projected utilization rate of 84% of target capacity in 2012-2013. The unused space in the building is largely concentrated on one floor, which was occupied by another district school until end of the 2011-12 school year.

With Girls Prep M.S.'s students added, the projected total enrollment of the schools in the building would be 978. This means that the building would have a utilization rate of 102% of target capacity. While this is slightly larger than the target capacity of the building, the DOE believes that the contiguous nature of the empty space in M158 means that both Girls Prep and P.S. 158 will be able to operate efficiently in the building. In addition, the building council will work collaboratively to create a schedule for use of the shared spaces in the building. Thus, there is adequate space to serve Girls Prep M.S.'s students in building M158 during the 2012-13 school year until such time as repairs are completed at building M060. As a result, this proposal is not expected to have an impact on the general or special educational programs, community partnerships, after-school activities, or general operations of P.S. 158 or Girls Prep M.S.

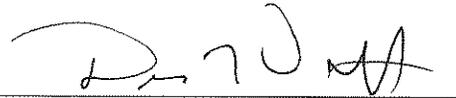
This proposal will require some Girls Prep M.S. students to travel further to school each day. Nevertheless, the availability of contiguous excess space in the M158 building means re-siting Girls Prep M.S. to building M158 is the most practical way to address the need to provide Girls Prep M.S. students with a safe learning environment.

This temporary co-location is not expected to change the number of personnel positions assigned to any school or significantly alter the duties of current staff.

For any proposal for a school closing or 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, and section 2853(3) of the Education Law further requires the creation and approval of a building usage plan before a charter school is co-located with a district school. However, at this point in the year, compliance with these provisions of the Education Law would prevent the Department from implementing any proposal to re-site Girls Prep M.S. students into a DOB-approved space building for this school year, which would be contrary to the public interest and detrimental to the health and safety of Girls Prep M.S. students. Section 2590-g of the Education Law permits the Chancellor to adopt a significant change in school utilization if necessary to preserve the health, safety or general welfare of students.

Accordingly, I have determined that in order to preserve the health, safety, and general welfare of students, it is necessary to re-site grades 5 – 7 of Girls Preparatory Charter School to building M158, where they will be co-located with existing school P.S. 158.

Dated: New York, New York
September 27, 2012

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

Dennis M. Walcott