



## Regulation of the Chancellor

**Number:** A-190

**Subject:** SIGNIFICANT CHANGES IN SCHOOL UTILIZATION AND PROCEDURES FOR THE MANAGEMENT OF SCHOOL BUILDINGS HOUSING MORE THAN ONE SCHOOL

**Category:** STUDENTS

**Issued:** August 1, 2019

### SUMMARY OF CHANGES

This regulation supersedes Chancellor's Regulation A-190 dated October 7, 2010.

Changes:

- Clarifies definition of "significant change in school utilization" (§ I.G).
- Establishes a process for the impacted Community Education Council to pass a resolution on whether to recommend or not recommend to the Panel for Educational Policy the proposed school closing or significant change in school utilization following a joint public hearing on the proposal (§ II.B.5).
- Specifies that the Panel for Educational Policy will respond to a resolution passed by the impacted Community Education Council pursuant to § II.B.5 of this regulation if the Panel for Educational Policy approves a proposal that the Community Education Council passed a resolution to not recommend (§ II.C.5).
- Updates the name and contact information of the contact office designated to receive inquiries regarding this regulation (§ V).
- Technical, non-substantive amendments were made to streamline language and update terms.



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### ABSTRACT

This regulation sets forth the public review and comment process for proposals by the Chancellor to close a school or make a significant change in school utilization, and the process for approval by the New York City Board of Education (hereinafter referred to as the Panel for Educational Policy (PEP)) of such proposals. This regulation further sets forth the additional procedures and requirements in connection with the location or co-location of one or more charter schools in an existing public school building.

#### **I. DEFINITIONS**

- A.** For proposals concerning elementary, intermediate, and middle school grades, “affected community school district” shall refer to the community school district in which the school that is the subject of the proposal is located. For proposals concerning high school grades, the term shall mean the community school district within the geographical boundaries of which the school that is the subject of the proposal is located.
- B.** The terms “affected school” and “impacted school” refer only to the individual instructional organization identified for direct action in the proposal and any school subject to a new co-location as a result of the proposed action. In the case of a proposal to expand the grade configuration of a school, the term shall also mean any schools co-located with the school being expanded.
- C.** The terms “affected students” and “affected parents” refer to those students and parents of those students enrolled in any impacted school’s sites at the time a proposal for a school closure or significant change in school utilization is made.
- D.** The term “impacted Community Education Council” or “impacted CEC or Council” shall refer to the Community Education Council (CEC) representing the affected community school district.
- E.** “Impacted community boards” shall include, for proposals concerning elementary, intermediate, and middle schools, those community boards whose boundaries fall within the geographic confines of the community school district in which the affected school is

located. For proposals concerning high schools, the term shall include those community boards that are located within the community school district within the geographical boundaries of which the affected school is located.

- F. Consistent with the definitions in Chancellor’s Regulation A-660, a “parent” is defined as the student’s parent or guardian, or any person in a parental or custodial relationship to the student. The definition of parent includes: birth or adoptive parent, step-parent, legally appointed guardian, foster parent, and “person in parental relation” to a child currently attending a school.
- G. A “significant change in school utilization” shall include the phase-out, grade reconfiguration, re-siting, or co-location of schools or District 75 school organizations in currently utilized school facilities. A “significant change in school utilization” shall not include changes to school-based programs, changes to zoning lines, or the placement/siting of programs such as gifted and talented programs, in facilities currently utilized by schools or other programs, nor shall the term include the co-location of new schools opening in new construction or other facilities not currently utilized by the DOE.
- H. A “capital improvement or facility upgrade” shall mean an addition or alteration to an existing building, which is permanent and is intended to increase a building’s value, beauty, or utility, or to adapt the building for a new purpose. Such addition or alteration becomes part of the existing building, or is intended to be permanently affixed to the existing building so that removal would cause material damage to the building or article itself. In addition to the foregoing, the following is a non-exhaustive list of additions or alterations that shall constitute facility upgrades: painting; the replacement of floor covering(s); the installation of electrical or computer network wiring; and the addition of window unit air conditioners. The Chancellor retains final authority to determine whether a given proposed project qualifies as a facility upgrade.

**II. PROCEDURES FOR PUBLIC REVIEW AND COMMENT ON THE CHANCELLOR’S PROPOSALS FOR SCHOOL CLOSINGS AND SIGNIFICANT CHANGES IN SCHOOL UTILIZATION**

**A. Educational Impact Statement**

- 1. When the Chancellor proposes to close a school or make any significant change in school utilization (i.e., the phase-out, grade reconfiguration, re-siting, or co-location of schools) he or she shall prepare an educational impact statement (“EIS”). Suggested guides for such EIS are appended to this regulation as Attachment No. 1. Because each proposal is unique, EISs will include information as appropriate in light of the particular circumstances surrounding a given proposal. Such EIS shall include, where applicable:
  - a. The current and projected student enrollment of the affected school;
  - b. The prospective need for such school building;
  - c. The ramifications of such school closing or significant change in utilization upon the community;

- d. Initial costs and savings resulting from the school closing or significant change in utilization;
  - e. The potential disposability of any closed school;
  - f. The impact of the proposal on affected students;
  - g. An outline of any proposed or potential use of the school building for other educational programs or administrative services;
  - h. The effect of the school closing or significant change in utilization on personnel needs, the costs of instruction, administration, transportation, and other support services;
  - i. The type, age, and physical condition of the school building, maintenance, and energy costs, recent or planned improvements to such school building, and such building's special features;
  - j. The ability of other schools in the affected community district to accommodate students following the school closure or significant change in utilization; and
  - k. Information regarding the school's academic performance, including whether such school has been identified as Persistently Lowest Achieving, a School Under Registration Review, and/or under Differentiated Accountability Status (In Need of Improvement, Corrective Action, or Restructuring).
2. EISs Concerning the Location and/or Co-Location of a Charter School in an Existing Public School Building.
- a. For any proposal to locate or co-locate a charter school in an existing public school building, an EIS must also include the following:
    - i. The rationale as to why such public school building has been identified for the location or co-location of the charter school; and
    - ii. A building usage plan, which shall include, but need not be limited to, the following information (a suggested guide for a building usage plan is appended to this regulation as Attachment No. 2):
      - a) The actual allocation and sharing of classroom and administrative space between the charter and non-charter school(s). The allocation shall specify the number and type of rooms to be assigned to each school in the building pursuant to the DOE's Instructional Footprint (the "Footprint"). The plan shall also specify the number and type of rooms not allocated pursuant to the Footprint. Any space not allocated pursuant to the Footprint shall be allocated in the plan 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;
      - b) A proposal for the collaborative usage of shared resources and spaces between the charter school and the non-charter schools, including but not

- limited to cafeterias, libraries, gymnasiums and recreational spaces, including playgrounds, which assures equitable access to such facilities in a similar manner and at reasonable times to non-charter school students as provided to charter school students;
- c) Justification of the feasibility of the proposed allocations and schedules set forth in clauses (a) and (b) of this subparagraph and how such proposed allocations and shared usage would result in an equitable and comparable use of such public school building;
  - d) Building safety and security;
  - e) Communication strategies to be used by the co-located schools; and
  - f) Collaborative decision-making strategies to be used by the co-located schools including the establishment of a shared space committee pursuant to § III.B.1 of this regulation.
- iii. A revision of the building usage plan shall require PEP approval consistent with the requirements pursuant to subdivision seven of § 2590-g of the New York Education law.
3. At least six months in advance of the first day of the school year in which the closure or significant change in utilization is to take effect, the Chancellor shall publish the EIS on the DOE's official internet website and make available a hard copy of the EIS in the main office(s) of the impacted school(s). The Chancellor shall also file a hard copy of the EIS with the PEP, the impacted Community Education Council ("CEC"), the impacted community boards, the community superintendent, the School Leadership Team(s) ("SLT") of the impacted school(s), the Citywide Council on English Language Learners ("CCELL"), and the Citywide Council on Special Education ("CCSE"). For proposals concerning high schools, the Chancellor shall also file a hard copy of the EIS with the Citywide Council on High Schools ("CCHS"), and for proposals concerning affected students who are enrolled in a District 75 ("D75") school organization, the Chancellor shall also file a copy of the EIS with the D75 Council. For proposals concerning high schools, the Chancellor shall also e-mail a copy of the EIS to all community boards and CECs in the borough in which the high school is located. Proper filing shall consist of delivery or mailing by First Class Mail a hard copy of the EIS to the Chairperson of the PEP, the administrative assistant(s) of the impacted CEC(s), the president or representative of the impacted community board(s), the impacted community superintendent(s), the principal(s) of the impacted school(s) in their capacity as a member of the SLT, the presidents or representatives of the CCELL and the CCSE, and, as appropriate, the presidents or representatives of the CCHS and the D75 Council.
4. The community superintendent of the community school district shall provide notice of such proposal and any subsequent revised proposal to all impacted

parents, directly or via the affected school’s administration. Such notice shall include information as to where a copy of the EIS or revised EIS, if applicable, may be obtained and the date and location of any joint public hearing on the proposal or revised proposal (see § II.B). In the case of a proposal concerning a high school, such notice to impacted parents shall be jointly provided by the community superintendent of the affected community school district and the High School Superintendent for the high school that is the subject of the proposal. In the case of a proposal concerning affected students enrolled in a D75 school organization, such notice to impacted parents shall be provided by the superintendent of D75.

B. Joint Public Hearing

1. For all proposals to close a school, the Chancellor or a Deputy Chancellor shall hold a joint public hearing with the impacted CEC and the SLT at the school that is the subject of the proposal. For all proposals to make a significant change in school utilization, the Chancellor or the Chancellor’s designee shall hold a joint public hearing with the impacted CEC and SLT at the school that is the subject of the proposal. The CCELL and CCSE shall be invited to participate in the joint public hearing. In the case of proposals concerning high schools, the CCHS shall also be invited to participate in the joint public hearing. In the case of proposals concerning affected students who are enrolled in a D75 school organization, the D75 Council shall also be invited to participate in the joint public hearing.
2. Scheduling the Joint Public Hearing
  - a. Such joint public hearing shall be held no sooner than thirty (30) days, but no later than forty-five (45) days after the filing of the EIS.
  - b. Prior to the filing of the EIS, a person or office designated by the Chancellor shall propose potential dates and times for the joint public hearing to the president or a representative of the impacted CEC and the principal of the impacted school in his capacity as the member of the SLT, and the presidents or representatives of the CCELL and the CCSE, and, in the case of a proposal concerning a high school or affected students enrolled in a D75 school organization, to the representative of the CCHS and D75 Council, as applicable. Each of these groups may indicate their availability on these dates and propose alternative dates. If no agreement on the date of the hearing can be reached prior to the filing of the EIS, the Chancellor or Chancellor’s designee shall select a date on which the hearing may be conducted in a manner consistent with applicable statutory requirements.
3. Agenda for the Joint Public Hearing
  - a. Prior to the joint public hearing, a person or office designated by the Chancellor shall forward a proposed joint agenda for the joint public hearing

to a president or representative of the impacted CEC, the principal(s) of the impacted schools(s) in his or her capacity as a member of the SLT, and the presidents or representatives of the CCELL and CCSE, and the president or representative of the CCHS and D75 Council, as applicable. The CEC, SLT, CCELL, CCSE and the CCHS and/or D75 Council, as applicable, shall be given an opportunity to comment on the proposed joint agenda and to propose changes to such agenda.

- b. Such agenda shall include a brief presentation of the proposal by the Chancellor or the Chancellor's designee in the case of a proposed significant change in school utilization, or the Chancellor or a Deputy Chancellor in the case of a proposed school closing. Such agenda shall on request include a brief presentation by the impacted CEC, the SLT of the impacted schools(s), and the CCELL, CCSE, CCHS and/or D75 Council, as applicable. If agreement cannot be reached on the content of the agenda, the impacted CEC, the SLT of the impacted school(s) and the CCELL, CCSE, CCHS and/or D75 Council, as applicable, may utilize their allocation of time as they see fit, after the brief presentation of the proposal by the Chancellor, Chancellor's designee, or Deputy Chancellor as set forth above. Any presentation by the Chancellor, Chancellor's designee or Deputy Chancellor, the CEC, the SLT, or the CCELL, CCSE, CCHS, or D75 Council, as applicable, shall be limited to a reasonable amount of time and shall not impinge on the public's opportunity to provide comment.
4. The Chancellor shall post notice of the joint public hearing on the DOE's official internet website and provide notice to all affected parents and students. In addition, the Chancellor shall notify the community boards and the elected state and local officials who represent the affected community district. All interested parties shall be given an opportunity to comment on the proposal.
5. Following such joint public hearing, the impacted CEC may pass a resolution on whether to recommend or not recommend to the PEP the proposed school closing or significant change in school utilization, and shall transmit it to the PEP for its consideration at least seven (7) days in advance of any PEP vote on such item as set forth in Section II.C of this regulation, provided that the receipt of such resolution from the CEC shall not be a precondition for the PEP to act on the matter.
6. After receiving public input, the Chancellor may exercise his or her authority to substantially revise the proposed school closing or change in utilization, provided the revised proposal does not impact any school other than those schools identified in the initial EIS. In the event the Chancellor decides to revise the proposal significantly, he or she shall prepare a revised EIS in the form set forth in § II.A.1 of this regulation. The revised EIS shall be published on DOE's official

internet website and a copy shall be filed with the impacted CEC, the impacted community boards, the community superintendent, the SLT of the impacted school, and the CCHS and/or CCSE and D75 Council, as applicable, in the manner set forth in § II.A.3. No sooner than fifteen days following the filing of such revised EIS, the Chancellor or Deputy Chancellor, or in the case of a significant change in school utilization the Chancellor or the Chancellor's designee, shall hold a joint public hearing pursuant to § 2590-h(2-a)(d-1) of the New York Education Law.

C. Approval by the PEP

1. The Chancellor shall submit all proposals for school closings or significant changes in school utilization to the PEP for approval.
2. Before the PEP can approve any proposal for a school closing or significant change in school utilization, the public shall be given an opportunity to submit comments on the proposal. At least forty-five (45) days in advance of the PEP's vote on such proposal, the PEP shall publish a notice of the proposal on the DOE's official internet website and specifically circulate the notice to all community superintendents, CECs, community boards, and SLTs. Such notice shall include:
  - a. A description of the subject, purpose, and substance of the proposal;
  - b. Information as to where the full text of the EIS may be obtained;
  - c. The name, office, address, e-mail address, and telephone number of a city district representative knowledgeable on the item under consideration from whom any information may be obtained concerning such proposal;
  - d. The date, time, and place of any hearing on the proposal;
  - e. The date, time, and place of the PEP meeting at which the PEP will vote on the proposal; and
  - f. Information as to how to submit oral or written comments regarding the proposal.
3. If the Chancellor's proposal for a school closing or significant change in school utilization is substantially revised at any time following public notice of the proposal by the PEP, the PEP shall issue a revised public notice at least fifteen (15) days in advance of any PEP vote on the proposal. The revised public notice shall include:
  - a. A description of the subject, purpose, and substance of the revised proposal;
  - b. Identification of all substantial revisions to the proposal;
  - c. A summary of all public comments received on the proposal following the initial public notice;
  - d. Information as to where the full text of the revised EIS may be obtained;
  - e. The name, office, address, e-mail address, and telephone number of a city district representative knowledgeable on the item under consideration from whom any information may be obtained concerning such proposal;



- f. The date, time, and place of any hearing on the revised proposal;
  - g. The date, time, and place of the PEP meeting at which the PEP will vote on the revised proposal; and
  - h. Information as to how to submit oral or written comments regarding the revised proposal.
4. After the period for public comment has ended and before the PEP votes on the proposal, the PEP shall publish on the DOE's official internet website an assessment of all public comments concerning the proposal received prior to twenty-four (24) hours before the PEP meeting at which the proposal is subject to a vote. Such assessment shall include:
    - a. A summary and analysis of the issues raised and significant alternatives suggested;
    - b. A statement of the reasons why any significant alternatives were not incorporated into the proposal;
    - c. A description of any changes made to the proposal as a result of public comments received; and
    - d. Information as to where the full text of the EIS or revised EIS may be obtained.
  5. If the PEP approves a proposal that the impacted CEC passed a resolution to not recommend pursuant to § II.B.5 of this regulation, the PEP shall provide such CEC an explanation for its determination.
  6. Proposals governed by this regulation that are approved by the PEP shall not take effect until all applicable provisions of this regulation have been satisfied and the school year in which the PEP granted approval has ended.

### **III. PROCEDURES FOR THE MANAGEMENT OF PUBLIC SCHOOL BUILDINGS HOUSING MORE THAN ONE SCHOOL OR PROGRAM**

#### **A. Building Councils**

1. A building council shall be established at each public school building in which two or more schools are co-located, or in which one or more schools is co-located with a D75 school organization. The building council shall be comprised of the principal of each non-charter co-located school or D75 school organization (or the assistant principal of the D75 school organization), and a representative designated by each co-located charter school. They shall meet at least once a month to discuss and resolve issues related to the smooth daily operation of all schools and programs in the building and the safety of the students they serve. In the event that a building council cannot reach resolution on an issue, the dispute resolution procedures set forth in the Campus Policy Memo and Procedures, available at <https://www.schools.nyc.gov/about-us/school-planning/campus-governance> shall be applicable.
2. The building council will create and maintain agendas and minutes of their meetings, as well as certain other records related to the management of the school building, in

- the manner set forth in the Campus Policy Memo and Procedures, available at <https://www.schools.nyc.gov/about-us/school-planning/campus-governance> .
- B. Charter Schools Co-Located with One or More Non-Charter Schools or Certain D75 School Organizations
1. Shared Space Committees
    - a. A shared space committee shall be established in each public school building in which one or more charter schools are co-located with one or more non-charter public schools or a D75 school organization. The shared space committee shall be comprised of the principal (or an assistant principal of the D75 school organization), a teacher, and a parent from each co-located school or D75 school organization. With respect to a non-charter school’s teacher and parent members, such shared space committee members shall be selected by the corresponding constituent member of the SLT at that school.
    - a. Such committee shall meet at least four times per school year. With respect to charter schools whose location or co-location in a public school building was approved by the PEP after May 28, 2010, the shared space committee shall review implementation of the building usage plan approved by the PEP. With respect to charter schools that were approved to be located or co-located in a public school building prior to May 28, 2010, the shared space committee shall review implementation of the current building space plan in place at those buildings.
  2. Capital Improvements and Facility Upgrades
    - a. The Chancellor or the Chancellor’s 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. The Chancellor or the Chancellor’s designee may condition such authorization on the receipt from the requesting entity of funding up to the amount necessary to fund the capital improvements or facility upgrades that must be made to each non-charter school within the public school building to meet the requirement of paragraph d of subdivision 3 of § 2853 of the Education Law. The costs of both labor and supplies shall be included in the calculation of the cost of a proposed capital improvement or facility upgrade. All work undertaken and supplies purchased as part of a single project shall be considered in the calculation of the cost of a proposed capital improvement or facility upgrade. 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. For any capital improvements or facility upgrades in excess of five thousand dollars

that have been approved by the Chancellor, regardless of the source of funding, made in a charter school that is already co-located within a public school building, matching capital improvements or facility upgrades shall be made in an amount equal to the expenditure of the charter school for each non-charter public school within the public school building within three months of such improvements or upgrades.

b. Approval Process

- i. All proposed capital improvements and facility upgrades must be submitted in writing to the building's building council and shared space committee before submission to the Division of School Planning and Development/Space Management and the Division of School Facilities. The written proposal must be submitted to the Division of School Planning and Development/Space Management and the Division of School Facilities, or other designated office, at least 15 school days prior to the proposed date of the project's commencement. A charter school's funding for a proposed capital improvement or facility upgrade must be secured at the time of submission.
- ii. The Division of School Planning and Development/Space Management, or its designee, shall review the charter school's application for approval of its proposed capital improvement or facility upgrade and make recommendations regarding approval to the Chancellor or the Chancellor's designee.
- iii. The Chancellor or the Chancellor's designee shall notify the charter school's operator and the co-located non-charter schools of the decision to grant or deny approval of the proposed capital improvement or facility upgrade.
- iv. Any changes to the original proposed scope of the charter school's capital improvement or facility upgrade must be approved by the Chancellor or the Chancellor's designee in advance of implementing the change in the scope of work.
- v. Any charter school which proceeds with a capital improvement or facility upgrade that has not been approved by the Chancellor or the Chancellor's designee shall be responsible for funding improvements or upgrades to be made in an amount equal to the expenditure of the charter school for each non-charter public school within the public school building within three months of the charter school's improvements or upgrades. The Chancellor may also choose to exercise any other remedy available by law.

c. Appeals

Once a proposal to locate or co-locate a charter school within a public school building and its accompanying building usage plan have been approved by the

PEP, the approval of the proposal and/or implementation of and compliance with the approved building usage plan may be appealed to the Commissioner of Education pursuant to § 2853(3)(a-5) of the New York Education Law.

**IV. PROCEDURES FOR EMERGENCY SCHOOL CLOSINGS AND SIGNIFICANT CHANGES IN SCHOOL UTILIZATION**

- A. The Chancellor may temporarily close a school or adopt a significant change in a school's utilization on an emergency basis if he or she determines such action is immediately necessary to preserve student health, safety, or general welfare.
- B. The Chancellor shall provide a written statement setting forth the reasons for the emergency action and shall publish such statement on the DOE's official internet website.
- C. An emergency closing or change in utilization shall only remain in effect for up to six months, during which time the Chancellor shall comply with the requirements set forth in this regulation to extend the closing or significant change in school utilization beyond the six-month period.

**V. INQUIRIES**

Inquiries pertaining to this regulation should be addressed to:

Division of School Planning and Development  
NYC Department of Education  
52 Chambers Street – Room 420  
New York, NY 10007  
Telephone: 212-374-3986



## **The Phase-Out and Eventual Closure of School Name (DBN)**

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### **I. Summary of Proposal**

- Identifying information:
  - o School name, code and grades served
  - o Community School District, building code and address
  - o Currently co-located schools (if applicable)
- Description of the action to be taken as a result of the proposal:
  - o Provide information about the implementation of the proposal including the grade(s) that will phase out each year and the year the school will be closed
- Rationale for the proposed action:
  - o Description of accountability criteria that informed the phase-out proposal
  - o Explanation of Persistently Lowest Achieving designation (if applicable)
  - o Where possible, summarize significant steps taken by DOE to improve school performance before decision to seek phase-out was reached
  - o Provide school performance information that led to proposal and involvement of community prior to recommendation

### **II. Proposed or Potential Use of Building**

- Information about the building:
  - o Capacity
  - o Current utilization
- Description of the proposed use of the building
  - o If the proposed use of the building includes the siting of an additional school, refer to the EIS for that proposed co-location

### **III. Impact of the Proposal on the Impacted Students, Schools and Community**

#### ***a. Students***

- The impact on the students currently enrolled in the phase out school:
  - o Describe any impact to Special Education (SE) and English Language Learner (ELL) students and the plan to support them going forward (if applicable)
  - o Explain enrollment options available to current students enrolled in the school including if students have an opportunity to transfer out of the school
  - o Describe any change in the High School Admissions programs, CTE Pathways, Middle School Choice programs, and SE & ELL programs available to current students that are proposed as part of the proposal (if applicable)

- If applicable, describe any other significant programmatic changes at the school that are proposed as part of the proposal
- The impact on the students that would have enrolled in the phase-out school:
  - Explain the next steps for students who included the phase-out school on their High School Application
  - If the school is zoned, explain the impact on families residing in the zone
  - Describe the alternative options for students. List schools (at relevant grade levels) located in the community in which the phasing out school is located, and provide the following for each of these schools:
    - Name
    - DBN
    - Address
    - Enrollment data
    - Building capacity/utilization
    - Demand data (where applicable)
    - Eligibility criteria of programs offered
    - SE and ELL data
    - Available High School Admissions Programs, CTE Pathways or Middle School Choice programs where applicable
    - Site accessibility
    - Accountability information
  - Impact on available programs:
    - List High School Admissions programs, CTE Pathways and Middle School Choice programs (where applicable) available at the proposed phase-out
    - List schools (at relevant grade levels) that offer similar High School Admissions programs, CTE pathways and Middle School Choice programs, where applicable
  - If the building is fully accessible, explain how students requiring a fully accessible building will be accommodated

***b. Schools***

- The impact of the proposal on the schools in the building:
  - Number of seats being eliminated in the building as a result of the phase-out
  - Projected utilization of the building
  - Number of projected new seats in the building
  - Description of any proposed new schools in the building (reference the separate EIS which will be created). Include the following information:
    - Name
    - DBN
    - Address
    - Projected entering enrollment
    - Selection criteria (if applicable)

- Types of High School Admissions programs, CTE Pathways or Middle School Choice programs (if applicable)
- For each school in the building, describe how the allocation of instructional space will change as a result of the proposal. Also, describe if there will be a direct increase or decrease in enrollment of other schools in the building as a result of the proposal
- List planned capital improvements or facilities upgrades, if applicable

*c. Community*

- In the aggregate, describe the impact of the proposal on the community:
  - Impact on available seats and surrounding schools:
    - Enrollment trend
    - Capacity need
    - Estimated number of seats being eliminated in community as a result of phase-outs and truncations.
    - Estimated number of projected new seats being created in the community as a result of new schools, grade expansions, and ongoing phasing in of schools
    - List of proposed new schools (at relevant grade levels) in the community (whichever is applicable) and provide the following information:
      - Name
      - DBN
      - Address
      - Projected entering enrollment
      - Selection criteria (if applicable)
      - Types of High School Admissions programs, CTE Pathways and Middle School Choice programs (if applicable)
  - Describe the alternative options for students. List schools (at relevant grade levels) located in the community in which the phasing out school is located, and provide the following for each of these schools:
    - Name
    - DBN
    - Address
    - Enrollment data
    - Building capacity/utilization
    - Demand data (where applicable)
    - Eligibility criteria of programs offered
    - SE and ELL data
    - Available High School Admissions programs, CTE Pathways and Middle School Choice programs, where applicable
    - Site accessibility
    - Accountability information
  - Impact on availability of programs:

- List applicable High School Admissions programs, CTE Pathways and Middle School Choice programs available at the proposed phase-out
- List schools that have offer similar High School Admissions programs, CTE Pathways and Middle School Choice programs
- History and Community Use
  - State when school opened
  - Describe the likely effect, if any, of proposed phase-out on the ability of community members to obtain school building use permits at the phase-out location pursuant to section 414 of the Education Law

#### **IV. Enrollment, Admissions and School Performance Information**

- For each impacted school, provide the following:
  - Enrollment data
    - Current enrollment and grades served
    - Projected enrollment of new schools (if applicable)
    - Admissions and eligibility criteria
    - Demographic information
    - For the school proposed for closure, list the grades served and projected enrollment for each year from the start of the phase-out to closure
  - Performance data:
    - Progress Report grade
    - Graduation rate and/or ELA/Math scores
    - State Accountability Status
    - Average attendance and link to attendance report

#### **V. Initial Costs and Savings**

- Provide information on the funding formula for schools
- Provide information on the cost of the move (if applicable)

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

##### ***a. Personnel Needs***

- Describe impact on the administrative staff, non-pedagogical, and pedagogical positions that will be created or eliminated as a result of the proposal
- Reference net impact on positions in the district and/or system

##### ***b. Costs of Instruction***

- State the per capita funding amount and any additional funding the school will receive



***c. Administration***

- Describe impact on staffing of schools and expected increases or decreases of staff as a result of the proposal. If decreases are expected, explain what will happen to staff

***d. Transportation***

- Describe impact of the proposal – or lack thereof – on transportation provided to students (if applicable)

***e. Other Support Services***

**VII. Building Information**

- Type of building: primary, secondary
- Year built
- Overall BCAS rating
- Target utilization & target capacity
- FY 2009 Maintenance Costs:
  - o Labor:
  - o Materials:
  - o Maintenance and repair contracts:
  - o Service contracts:
  - o Custodial operations costs (materials, custodial allocation):
- FY 2009 Energy Costs:
  - o Electric
  - o Gas
  - o Oil
- Projects completed during current or prior school year:
- Projects proposed in capital plan:
- Note if fully accessible:
- List of building attributes: gymnasium, auditorium, science labs, cafeteria, library



## The Co-location of New School Name (DBN) with Existing School Name(s) (DBN)

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### I. Summary of Proposal

- Identifying information:
  - o New school name, code, charter or non-charter status and grades served
  - o Projected enrollment of new school for first year of implementation and at scale
  - o If a charter school, identify the authorizer
  - o Existing school name(s), DBN, and grades served
  - o Community School District, building code and address
- Description of the action to be taken as a result of the proposal:
  - o Provide information about the implementation of the proposal including the grade(s) and the number of students added each year as the new school phases-in
- Description of the new school
- Rationale for the proposed action
  - o Explain the need for the co-location, and how the proposal addresses that need

### II. Proposed or Potential Use of Building

- Information about the building:
  - o Capacity
  - o Current utilization
- Description of the proposed use of the building

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

#### *a. Students*

- The impact on the students currently enrolled in the building:
  - o Describe any impact to Special Education (SE) and English Language Learner (ELL) students and the plan to support them going forward (if applicable)
  - o Describe any change in the High School Admissions programs, CTE Pathways, Middle School Choice programs and SE & ELL programs available to current students that are proposed as part of the proposal (if applicable)
  - o If applicable, describe any other significant programmatic changes at the school

***b. Schools***

- The impact of the proposal on the schools in the building:
  - For each school in the building, describe how the allocation of instructional space will change as a result of the proposal. Also, describe if there will be a direct increase or decrease in enrollment of other schools in the building as a result of the proposal
  - Include a description of the proposed space allocation for the existing school(s) and new school each year for the duration of the proposed co-location or until the new school is at scale. If the new school is a charter school, include reference to the proposed Building Utilization Plan.
  - Indicate accessibility of specialty classrooms (i.e. computer labs, science labs) for each respective school
  - Describe the impact on shared spaces such as the gymnasium, cafeteria, library, and playground. Include an example of how such space can be shared between or among the proposed co-located schools
  - Describe the impact on the building's safety and security plan.
  - List planned capital improvements or facilities upgrades, if applicable

***c. Community***

- In the aggregate, describe the impact of the proposal on the community:
  - Impact on available seats and surrounding schools:
    - Enrollment trend
    - Capacity need
    - Number of projected new seats being created in the community as a result of new schools, grade expansions, and ongoing phasing in of schools
  - Impact on availability of programs:
    - List applicable High School Admissions programs, CTE Pathways and Middle School Choice programs available at the proposed new school
  - Describe the likely effect, if any, of proposed co-location on the ability of community members to obtain school building use permits at the location pursuant to section 414 of the Education Law

**IV. Enrollment, Admissions and School Performance Information**

- For each impacted school, provide the following:
  - Enrollment data
    - Current enrollment and grades served
    - Projected enrollment of new schools (if applicable)
    - Admissions and eligibility criteria
    - Demographic information

- For the school proposed for closure, list the grades served and projected enrollment for each year from the start of the phase-out to closure
- Performance data:
  - Progress Report grade
  - Graduation rate and/or ELA/Math scores
  - State Accountability Status
  - Average attendance and link to attendance report

## **V. Initial Costs and Savings**

- Provide information on the funding formula for schools
- Provide information on the cost of the move (if applicable)

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

### ***a. Personnel Needs***

- Describe impact on the administrative staff, non-pedagogical, and pedagogical positions that will be created or eliminated as a result of the proposal
- Reference net impact on positions in the district and/or system

### ***b. Costs of Instruction***

- State the per capita funding amount and any additional funding the school will receive

### ***c. Administration***

- Describe impact on staffing of schools and expected increases or decreases of staff as a result of the proposal. If decreases are expected, explain what will happen to staff

### ***d. Transportation***

- Describe impact of the proposal – or lack thereof – on transportation provided to students (if applicable)

### ***e. Facilities Upgrades (if charter school)***

- Per the New York State Charter Schools Act of 1998 (as amended May 2010), any capital improvement or facility upgrade (in excess of \$5,000) made to a co-located charter school requires matching capital improvements or facility upgrades to each non-charter public school in the building. For more information on how proposed upgrades are evaluated please refer to Chancellor's Regulation A-190

### ***f. Other Support Services***

## VII. Building Information

- Type of building: primary, secondary
- Year built
- Overall BCAS rating
- Target utilization & target capacity
- FY 2009 Maintenance Costs:
  - o Labor:
  - o Materials:
  - o Maintenance and repair contracts:
  - o Service contracts:
  - o Custodial operations costs (materials, custodial allocation):
- FY 2009 Energy Costs:
  - o Electric
  - o Gas
  - o Oil
- Projects completed during current or prior school year:
- Projects proposed in capital plan:
- Note if fully accessible:
- List of building attributes: gymnasium, auditorium, science labs, cafeteria, library



## The Re-Siting of School Name (DBN) from Building Name (Code) to Building Name (Code)

### **I. Summary of Proposal**

- Identifying information:
  - o Re-locating school name, code, charter or District
  - o Projected enrollment for first year of implementation (if school is phasing-in) and at scale, grades currently served (if phasing-in) and grades to be served at scale
  - o If a charter school, identify the authorizer
  - o Current Community School District, building code and address
  - o Proposed new Community School District, building code and address
  - o Existing co-located school name(s), code, and grades served
- Description of the action to be taken as a result of the proposal:
  - o Provide information about the implementation of the proposal including the grade(s) and the number of students served in the re-locating school. If school is still phasing-in, include the grade(s) and number of students added each year as the school phases-in.
- Rationale for the proposed action:
  - o Explain the need for re-siting and how the proposal addresses that need

### **II. Proposed or Potential Use of Building**

- Information about the building:
  - o Capacity
  - o Current utilization
- Description of the proposed use of the building

### **III. Impact of the Proposal on the Impacted Students, Schools and Community**

#### ***a. Students***

- The impact on the students currently enrolled in the existing and re-locating school:
  - o Describe any impact to Special Education (SE) and English Language Learner (ELL) students and the plan to support them going forward (if applicable)
  - o Describe any change in the High School Admissions programs, CTE Pathways, Middle School Choice programs and SE & ELL programs available to current students that are proposed as part of the proposal (if applicable)
  - o If applicable, describe any other significant programmatic changes at the school

- Indicate the distance from the school's current location to the proposed new location
- Provide information about the accessibility of the new location by public transportation and any changes to current students' transportation options (yellow bussing or public transit)
- Provide information about where the majority of the current students enrolled are coming from
- Provide information about the impact on future student populations who would have enrolled at the old site

***b. Schools***

- The impact of the proposal on the schools in the building:
  - For each school in the building, describe how the allocation of instructional space will change as a result of the proposal. Also, describe if there will be a direct increase or decrease in enrollment of other schools in the building as a result of the proposal
  - Include a description of the proposed space allocation for the existing school(s) and re-locating school. If re-locating school is still phasing-in include a description of the proposed space allocation for each year until that school is at full growth. If a charter school is re-locating, include reference to the proposed Building Utilization Plan
  - Indicate accessibility of specialty classrooms (i.e. computer labs, science labs) for each respective school
  - Describe the impact on shared spaces such as the gymnasium, cafeteria, library, and playground, where applicable. Include an example of how such space might be shared between or among the proposed co-located schools
  - Describe the impact on the building's safety and security plan
  - List planned capital improvements or facilities upgrades, if applicable
  - Indicate what will happen with the available space at the school's current location

***c. Community***

- In the aggregate, describe the impact of the proposal on the community:
  - Impact on available seats and surrounding schools:
    - Enrollment trend
    - Capacity need
    - Number of projected new seats being created in the community as a result of new schools, grade expansions, and ongoing phasing in of schools
  - Impact on availability of programs:
    - List applicable High School Admissions programs, CTE Pathways and Middle School Choice programs available at the proposed re-siting

- Describe the likely effect, if any, of proposed re-siting on the ability of community members to obtain school building use permits at the location pursuant to section 414 of the Education Law

#### **IV. Enrollment, Admissions and School Performance Information**

- For each impacted school, provide the following:
  - Enrollment data
    - Current enrollment and grades served
    - Projected enrollment of new schools (if applicable)
    - Admissions and eligibility criteria
    - Demographic information
    - For the school proposed for closure, list the grades served and projected enrollment for each year from the start of the phase-out to closure
  - Performance data:
    - Progress Report grade
    - Graduation rate and/or ELA/Math scores
    - State Accountability Status
    - Average attendance and link to attendance report

#### **V. Initial Costs and Savings**

- Provide information on the funding formula for schools
- Provide information on the cost of the move (if applicable)

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

##### ***a. Personnel Needs***

- Describe impact on the administrative staff, non-pedagogical, and pedagogical positions that will be created or eliminated as a result of the proposal
- Reference net impact on positions in the district and/or system

##### ***b. Costs of Instruction***

- State the per capita funding amount and any additional funding the school will receive

##### ***c. Administration***

- Describe impact on staffing of schools and expected increases or decreases of staff as a result of the proposal. If decreases are expected, explain what will happen to staff

##### ***d. Transportation***



- Describe impact of the proposal – or lack thereof – on transportation provided to students (if applicable)

***e. Capital Improvements or Facilities Upgrades (if charter school)***

- Per the New York State Charter Schools Act of 1998 (as amended May 2010), any capital improvement or facility upgrade (in excess of \$5,000) made to a co-located charter school requires matching capital improvements or facility upgrades to each non-charter public school in the building. For more information on how proposed upgrades are evaluated please refer to Chancellor's Regulation A-190

***f. Other Support Services***

**VII. Building Information**

- Type of building: primary, secondary
- Year built
- Overall BCAS rating
- Target utilization & target capacity
- FY 2009 Maintenance Costs:
  - o Labor:
  - o Materials:
  - o Maintenance and repair contracts:
  - o Service contracts:
  - o Custodial operations costs (materials, custodial allocation):
- FY 2009 Energy Costs:
  - o Electric
  - o Gas
  - o Oil
- Projects completed during current or prior school year:
- Projects proposed in capital plan:
- Note if fully accessible:
- List of building attributes: gymnasium, auditorium, science labs, cafeteria, library



## **The Grade Reconfiguration of School Name(s) (DBN)**

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### **I. Summary of Proposal**

- Identifying information:
  - o School name, code (DBN), grades currently served and grades proposed to be served after reconfiguration is complete
  - o Community School District, building code and address
  - o Currently co-located schools (if applicable)
- Description of the action to be taken as a result of the proposal
  - o Grades to be truncated or phased in each year
- Rationale for the proposed action
  - o Explain the need for a grade reconfiguration and how proposed reconfiguration addresses those needs

### **II. Proposed or Potential Use of Building**

- Information about the building:
  - o Capacity
  - o Current utilization
- Description of the proposed use of the building
  - o If the proposed use of the building includes the siting of an additional school, refer to the EIS for that proposed co-location.

### **III. Impact of the Proposal on the Impacted Students, Schools and Community**

#### ***a. Students***

- The impact on the students currently enrolled in the building.
  - o Describe any impact to Special Education (SE) and English Language Learner (ELL) students and the plan to support them going forward (if applicable)
  - o Explain enrollment options available to current students enrolled in the school including if students have an opportunity to transfer out of the school
  - o If applicable, describe any change in the High School Admissions programs, CTE Pathways, Middle School Choice programs and SE & ELL programs available to current students that are proposed as part of the proposal
  - o If applicable, describe any other significant programmatic changes at the school

#### ***b. Schools***

- The impact of the proposal on the schools in the building

- For each school in the building, describe how the allocation of instructional space will change as a result of the proposal. Also, describe if there will be a direct increase or decrease in enrollment of other schools in the building as a result of the proposal
- If space will become available as a result of the proposal, describe potential uses

***c. Community***

- In the aggregate, describe the impact of the proposal on the community.
  - Rationale for overall impact on grade level capacity
  - Net impact (from this proposal and other phase-outs and/or grade reconfigurations) on number of grade level seats in the district
    - Seat increase or decrease at each school, at each grade level
    - Describe the impact of available seats in district
  - Describe the likely effect, if any, of proposed reconfiguration on the ability of community members to obtain school building use permits at the location pursuant to section 414 of the Education Law

**IV. Enrollment, Admissions and School Performance Information**

- For each impacted school, or school affected by the proposed reconfiguration, provide the following:
  - Enrollment data
    - Current enrollment and grades served
    - Admissions and eligibility criteria
    - Demographic information
    - For the school proposed for closure, list the grades served and projected enrollment for each year from the start of the phase-out to closure
  - Performance data:
    - Progress Report grade
    - Graduation rate and/or ELA/Math scores
    - State Accountability Status
    - Average attendance and link to attendance report

**V. Initial Costs and Savings**

- Provide information on the funding formula for schools
- Provide information on the cost of the move (if applicable)

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

***a. Personnel Needs***

- Describe impact on the administrative staff, non-pedagogical, and pedagogical positions that will be created or eliminated as a result of the proposal
- Reference net impact on positions in the district and/or system

***b. Costs of Instruction***

- State the per capita funding amount and any additional funding the school will receive

***c. Administration***

- Describe impact on staffing of schools and expected increases or decreases of staff as a result of the proposal. If decreases are expected, explain what will happen to staff

***d. Transportation***

- Describe impact of the proposal – or lack thereof – on transportation provided to students (if applicable)

***e. Other Support Services***

- Describe impact of proposed grade reconfiguration on other support services

**VII. Building Information**

- Type of building: primary, secondary
- Year built
- Overall BCAS rating
- Target utilization & target capacity
- FY 2009 Maintenance Costs:
  - o Labor:
  - o Materials:
  - o Maintenance and repair contracts:
  - o Service contracts:
  - o Custodial operations costs (materials, custodial allocation):
- FY 2009 Energy Costs:
  - o Electric
  - o Gas
  - o Oil
- Projects completed during current or prior school year:
- Projects proposed in capital plan:

- Note if fully accessible:
- List of building attributes: gymnasium, auditorium, science labs, cafeteria, library