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Title: Resolution calling upon the New York State Legislature to amend the State Education Law, in relation to charter schools, to mandate that charter schools accept students from schools that have been displaced by newly sited charter schools and accept students from within the same local neighborhood, or alternatively, to pass legislation allowing New York City to enact such a law locally.

Sponsors: Inez E. Dickens, Gale A. Brewer, Margaret S. Chin, Lewis A. Fidler, Robert Jackson, Annabel Palma, Domenic M. Recchia, Jr., Albert Vann, Jumaane D. Williams, Ydanis A. Rodriguez

Indexes:

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Res. No. 85

Resolution calling upon the New York State Legislature to amend the State Education Law, in relation to charter schools, to mandate that charter schools accept students from schools that have been displaced by newly sited charter schools and accept students from within the same local neighborhood, or alternatively, to pass legislation allowing New York City to enact such a law locally.

By Council Members Dickens, Brewer, Chin, Fidler, Jackson, Palma, Recchia, Vann, Williams and Rodriguez

Whereas, In 1998, the New York Charter Schools Act allowed the creation of independent public schools; and

Whereas, According to the New York City Department of Education (DOE), as of September 2009, New York City has 99 charter schools which serve more than 30,000 students; and

Whereas, According to the New York City Charter School Center, during the 2008-2009 school year charter schools received a direct per pupil allocation of \$12,443 in government funding; and

Whereas, A February 2010 report by the New York City Independent Budget Office (IBO) revealed that,

in addition to the direct per pupil allocation, charter schools also receive public support for textbooks, software, food, classroom supplies, transportation and other in-kind services; and

Whereas, The IBO report found that, for the 2008-2009 school year, the total amount of per student public support for charter schools that occupy space in DOE school buildings was \$16,373; and

Whereas, By contrast, the IBO report found that, for the 2008-2009 school year, the total amount of per student public support was \$13,661 for charter schools not located in DOE school buildings; and

Whereas, Like all public schools, charter schools must meet state standards and Regents requirements as well as state and federal laws regarding health, safety and civil rights; and

Whereas, According to the New York State Education Law ("SEL"), a charter school may be located in part of an existing school building, in space provided on a private work site, in a public building or in any other suitable location; and

Whereas, The SEL requires that before a charter school may be located in any part of an existing school building, the charter entity must provide notice to the parents or guardians of the students then enrolled in the existing school building; and

Whereas, The SEL also requires that a public hearing be held for the purposes of discussing the location of the charter school; and

Whereas, the SEL gives Community Education Councils the power to approve zoning lines applicable to schools under the jurisdiction of the community district; and

Whereas, A lawsuit filed in March 2009 by the United Federation of Teacher, the New York Civil Liberties Union and the Public Advocate, alleged that the DOE abused its power by eliminating attendance zones without the involvement of the school community; and

Whereas, A plan proposed by DOE in 2008-2009 to close PS 194, a traditional public school in Manhattan and replace it with a charter school caused severe conflict within the Harlem community; and

Whereas, A plan proposed by DOE in 2008-2009 to close P.S. 241 in Manhattan and replace it with a

charter school would have left children in that community without a locally zoned elementary school; and

Whereas, A plan proposed by the DOE in 2008-2009 to close PS 150 in Brooklyn would have required students to seek admission to schools outside of their attendance zones or seek admission to a charter school with no assurance of admission; and

Whereas, DOE intends to expand on the number of charter schools in New York City; and

Whereas, A majority of New York City schools are severely overcrowded; and

Whereas, DOE has stated that identifying sites for new seat capacity in the areas of highest need is difficult; and

Whereas, Requiring that a charter school make accommodations for school aged children that have been otherwise displaced by the location of such charter school will ensure that all New York City school aged children are able to attend a locally zoned school or neighborhood school; now, therefore, be it

Resolved, That the New York City Council calls upon the New York State Legislature to amend the State Education Law, in relation to charter schools, to mandate that charter schools accept students from schools that have been displaced by newly sited charter schools and accept students from within the same local neighborhood, or alternatively, to pass legislation allowing New York City to enact such a law locally.

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