



## Legislation Text

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**File #:** Res 1326-2012, **Version:** \*

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### Res. No. 1326

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.1155/A.5222, legislation that would amend the New York State Education Law in relation to charter school locations in New York City.

By Council Members Dickens, Brewer, Chin, Comrie, Fidler, Jackson, Mark-Viverito, Mendez, Reyna, Rose, Vann, Williams, Wills, Rodriguez and Dromm

Whereas, The New York State Education Department (NYSED) defines a charter school as an independent and autonomous public school that operates under a five year contract or charter; and

Whereas, According to NYSED, a charter school has the ability to establish its own policies, design its own educational programs, control its own budget and employ its own teachers and staff; and

Whereas, At the end of a five-year contract, a charter school is at risk of losing a subsequent five-year renewal of its charter if it does not demonstrate success; and

Whereas, Charter schools are governed by a not-for-profit board of trustees which may include educators, community members, and leaders from the private sector; and

Whereas, In New York City, charter schools are publicly funded and open to all students who reside in the City through a non-discriminatory admissions lottery; and

Whereas, According to the New York City Department of Education (DOE), charter schools are allocated startup funds but are not provided with financial support for facilities; and

Whereas, The Chancellor of the New York City school district may secure temporary facilities for charter schools in New York City public school buildings but those charter schools must demonstrate that they pursued private facility options in their applications; and

Whereas, According to the NYSED, temporary facilities are generally secured in underutilized buildings

or in vacant buildings that were previously utilized by a district or charter school which may have closed; and  
Whereas, Many advocates contend that the current practice of placing charter schools directly into existing school buildings takes place without adequate consideration of whether the site is appropriate, and often without considering community views; and

Whereas, Siting multiple schools in a single building means that the district and charter schools must share common areas including cafeterias, gymnasiums, and auditoriums; and

Whereas, According to the DOE, more than half of all schools throughout the City are co-located on campuses with other schools; and

Whereas, There are several issues that are often attributed to sharing a school building, including overcrowding, unsafe hallways, inadequate resources, and competition over common areas; and

Whereas, Although the current State Education Law provides some opportunity for public comment when siting or when co-locating a charter school, there are often minimal opportunities at these hearings for change or to challenge the location selected; and

Whereas, Under current law, charter schools are excluded from the New York City Uniform Land Use Review Procedure (ULURP) process; and

Whereas, In 2011, Senator Kevin Parker (D-NY) and Assembly Member Daniel O'Donnell (D-NY) introduced S.1155 and companion bill A.5222 in the New York State Legislature to amend the Education Law in relation to charter school locations in New York City; and

Whereas, S.1155/A.5222 would allow charter schools to be located in part of an existing school building, but would require full compliance with the ULURP process before a charter school could be sited in any building or space owned by the City of New York; and

Whereas, Under the ULURP process, when City-owned property is to be sold, transferred, or leased, ULURP review is required; and

Whereas, The ULURP process includes a specific timeline, review by a community board and approval

by the City Council; and

Whereas, This bill would require the ULURP process to be applied before changes regarding charter schools are made that may affect New York City public school buildings; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.1155/A.5222, legislation that would amend the New York State Education Law in relation to charter school locations in New York City.

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