



Legislation Text

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Res. No. 1906-A

Resolution calling upon the New York State Legislature to amend the State Education Law and the New York City Department of Education to amend Chancellor's Regulation A-190, in order to specify procedures for notifying affected parents of any proposed school closure or significant change in school utilization.

By Council Members Wills, Barron, Dickens, Eugene, James, Mendez, Richards, Rose, Dromm, Rodriguez, Chin, Greenfield, Koppell, Williams, Vacca, Mealy, Gentile, Van Bramer, Lander and Ulrich

Whereas, In 2009, the New York State Education Law (SEL) was amended to require a public review and comment process on all proposals by the Chancellor of the New York City school district to close a school or make a significant change in school utilization; and

Whereas, SEL §2590-h(2-a) governs any proposed school closing or significant change in school utilization, including the phase-out, grade reconfiguration, re-siting, or co-location of schools, for any public school located within the City district; and

Whereas, SEL §2590-h(2-a) requires the preparation of an educational impact statement for any proposed school closing or significant change in school utilization, and that such educational impact statement shall be made publicly available; and

Whereas, In addition, the law requires that a joint public hearing be held with the impacted community council and school based management team, at the school that is subject to the proposed school closing or significant change in school utilization, to allow all interested parties an opportunity to present comments or concerns; and

Whereas, Further, the law states that the Chancellor shall ensure that notice of such hearing is widely and conspicuously posted in such a manner to maximize the number of affected individuals that receive notice, including providing notice to affected parents and students, and shall also notify members of the community

boards and the elected state and local officials who represent the affected community district; and

Whereas, A New York City Department of Education (DOE) regulation, Chancellor's Regulation A-190, was first promulgated in November 2009 to implement the requirements of SEL §2590-h(2-a); and

Whereas, Chancellor's Regulation A-190 was amended October 10, 2010 and specifies that the Chancellor shall publish the educational impact statement on the DOE's official internet website as well as delivering "or mailing by First Class Mail a hard copy" to the Chairperson of the Panel for Educational Policy, the administrative assistant(s) of the impacted Community Education Council(s), the president or representative of the impacted community board(s), the impacted community superintendent(s), the principal(s) of the impacted school(s) and appropriate Citywide Councils; and

Whereas, The Regulation states that 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, but does not specify the method(s) for such notification; and

Whereas, The Regulation further states that 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, as well as to the community boards and the elected state and local officials who represent the affected community district, but does not specify the method(s) for such notification; and

Whereas, There have been consistent complaints from parents in affected school communities about a lack of notice regarding proposals of and joint public hearings on school closings or significant changes in school utilization; and

Whereas, The SEL clearly requires that this information be widely disseminated to parents and students in affected school communities in order to facilitate the opportunity for public review and comment process; and

Whereas, Chancellor's Regulation A-190 already specifies some procedures for notification, including posting information on the DOE's official internet website as well as delivering "or mailing by First Class Mail

a hard copy” to certain school officials; and

Whereas, Similar procedures should be specified in the SEL and in Chancellor’s Regulation A-190 for parent notification, including mailing notices by First Class Mail directly to parents of students in affected schools as well as publication of notices in at least three newspapers distributed in the affected area; and

Whereas, Requiring such notification procedures would improve parental awareness of and participation in the public review and comment process for proposed school closings or significant changes in school utilization; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the State Education Law and the New York City Department of Education to amend Chancellor’s Regulation A-190, in order to specify procedures for notifying affected parents of any proposed school closure or significant change in school utilization.

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JA
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