



Legislation Text

File #: Res 0016-2004, **Version:** *

Res. No. 16

Resolution urging the Congress of the United States to enact H.R. 947, the “School Capacity Relief Act,” which would amend the federal Elementary and Secondary Schools Act of 1965 to allow school districts to prohibit the transfer of students from certain under performing schools into overcrowded schools, and which would provide federal funding to increase capacity at high-performance schools.

By Council Member Fidler, Addabbo, Comrie, Nelson, Recchia, Weprin, Gentile, Jackson, James, Quinn and Gennaro

Whereas, The federal No Child Left Behind Act (“NCLB”) amended the federal Elementary and Secondary Schools Act of 1965 to require, among other things, that school districts permit students to transfer from a school whose performance is below certain measures to another school that is performing adequately; and

Whereas, Under the NCLB, lack of capacity at the receiving school is not a basis for denying such a transfer; and

Whereas, Further, considerations of distance and travel time may not be considered under the NCLB, and each school district must also provide transportation from the student’s home to the school to which the student is transferring, regardless of cost or other considerations; and

Whereas, School districts that do not comply with the NCLB’s transfer requirements risk financial penalties and loss of Title I federal funding for education; and

Whereas, However, the NCLB does not provide federal funding to increase capacity at schools that perform well, so that such schools could accept transferee students without exceeding their capacity; and

Whereas, The School Capacity Relief Act (“SCRA”), introduced in the United States Congress (H.R. 947), would amend the Elementary and Secondary Schools Act of 1965 to allow school districts to refuse to

transfer students to schools that are overcrowded; and

Whereas, Additionally, the SCRA would allow school districts to limit student transfers based upon the duration or distance of transportation that the school district must provide; and

Whereas, The SCRA would also provide grants to school districts to increase school capacity at schools that perform well, so that such schools could accept additional students without becoming overcrowded; and

Whereas, Such changes to the Elementary and Secondary Schools Act of 1965 would benefit the City's public school system and its students, by allowing greater flexibility in the school transfer policy and by potentially providing much needed additional funding to increase school capacity; now, therefore, be it

Resolved, That the Council of the City of New York urges the Congress of the United States to enact H.R. 947, the "School Capacity Relief Act," which would amend the federal Elementary and Secondary Schools Act of 1965 to allow school districts to prohibit the transfer of students from certain under performing schools into overcrowded schools, and which would provide federal funding to increase capacity at high-performance schools.