



Legislation Text

File #: Res 1889-2009, **Version:** *

Res. No. 1889

Resolution calling upon the New York State Legislature to amend the State Education Law, in relation to charter schools, by establishing siting procedures for charter schools, or alternatively to pass legislation allowing New York City to enact such a law locally.

By Council Members Dilan, Comrie, Dickens, Fidler, Gennaro, Jackson, James, Liu, Mealy and Lappin

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, as of September 2008, New York City has 78 charter schools which serve approximately 23,577 students; and

Whereas, According to the New York City Charter Center, each charter school receives approximately 12,432 dollars in state funding for each child it educates during the 2008-2009 school year; 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, A charter school may own, lease or rent its space; and

Whereas, For the purposes of local zoning, land use regulation and building code compliance, a charter school is deemed a non-public school and thus lacks a formal siting process; and

Whereas, The lack of a legally mandated siting process has caused dissention among some New York City residents; and

Whereas, Establishing mandated siting procedures for charter schools would ensure more community participation in charter school siting; 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, by establishing siting procedures for charter schools, or alternatively to pass legislation allowing New York City to enact such a law locally.

AES
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3/30/09