



## Legislation Text

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**File #:** Res 2050-2009, **Version:** \*

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### Res. No. 2050

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, Fidler, Jackson, James, Liu, Palma, Recchia Jr., Reyna, Sanders Jr., Stewart, Vann, Mark-Viverito and Nelson

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 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, The DOE has not publicly disclosed the total amount of public and non-public funding received by each charter school 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, 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, alleges that the DOE has abused its power by eliminating attendance zones without the involvement of the school community; and

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

Whereas, A plan proposed by DOE to close P.S. 241 in Manhattan and replace it with a charter school would leave children in that community without a locally zoned elementary school; and

Whereas, A plan proposed by the DOE to close PS 150 in Brooklyn would require 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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