



CITYWIDE DISTRICT 75 COUNCIL

CEC District 75
Special Education

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Resolution #20: *Revision of New York State Law to Require Charter Schools Pay Fair Market-Value Rent to the Department of Education for Utilization of Public School Facilities*

WHEREAS charter schools are independently run but publicly funded;

WHEREAS the term "charter" represents an agreement between an education corporation (operating as a charter school) and the Board of Regents to operate the charter school for up to five (5) years, and

WHEREAS the Charter Schools Act as originally enacted in 1998 provided that no public funds shall be used for charter school facilities, and the first charter school to open in New York City in 2000 still occupies private space, and

WHEREAS only *after* mayoral control was implemented in New York City were charter schools granted rent-free space in public school buildings, while school districts outside of New York City still do not provide facilities rent-free to charter schools within their borders, and

WHEREAS co-locations of charter schools within public school buildings are pitting parents against parents in communities across New York City, and

WHEREAS education corporations operating as charter schools were given autonomy so that they may be innovative and do more with less funding than community district schools, but the Independent Budget Office has determined that charter schools located in public school buildings in fact receive more funding per pupil than community district schools, and

WHEREAS New York State Education Law, Title II, Article 56, §2853(3)a states:

Facilities: A charter school may be located in part of an existing public school building, in space provided on a private work site, in a public building or in any other suitable location. Provided, however, before a charter school may be located in part of an existing public school building, the charter entity shall provide notice to the parents or guardians of the students then enrolled in the existing school building and shall hold a public hearing for purposes of discussing the location of the charter school. A charter school may own, lease or rent its space. For purposes of local zoning, land use regulation and building code compliance, a charter school shall be deemed a nonpublic school.

THEREFORE BE IT RESOLVED, that the Citywide District 75 Council stands in agreement with the Citywide Council on High Schools that the NYS Legislature put an end to the funding disparity between charter and community district schools by revising NYS Education Law, Title II, Article 56, §2853(3)a as follows:

(Note: New material is underlined.)

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school building, the charter entity shall provide notice to the parents or guardians of the students then enrolled in the existing school building and shall hold a public hearing for purposes of discussing the location of the charter school. A charter school may own, lease or rent its space. A charter school co-located within a public school facility shall be required to pay market-value rent - based on square footage - to the NYC Department of Education for the space it occupies and those funds will be distributed back to the community school district wherein the charter school resides. For purposes of local zoning, land use regulation and building code compliance, a charter school shall be deemed a nonpublic school.



(Council Co-President's Signature)


(Council Co-President's Signature)


(Witness Signature)

5-18-2011
(Date)
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