



COMMUNITY EDUCATION COUNCIL DISTRICT 15

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Resolution to Amend NYS Education Law 2853 subdivision 3. Facilities **Re: Charter School Co-locations in New Public School Buildings**

The Community and Citywide Education Councils (CCECs) are composed of parents who have been elected or appointed to serve as stakeholders of NYC School Community Districts, and specific cohorts of students, representing NYC public school students and their families.

Approved on August 23, 2022, the following resolution offers CEC 15's position regarding co-locations of charter schools in new public school buildings:

WHEREAS, [NYS Education Law 2853 subdivision 3. Facilities. \(a\)](#)¹ details that:

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.

WHEREAS, *an existing school building* qualifies as a public school that is currently occupied by a school;

WHEREAS, newly constructed school buildings that may be slotted for a specific use, or specific schools and are not occupied do not qualify as *an existing school building*;

WHEREAS, charter schools can request space in any DOE building that qualifies as having available space, including new construction;

WHEREAS, charter schools seeking space in an existing school building must provide public notice and hold a public hearing with the potentially impacted community members;

¹ <https://codes.findlaw.com/ny/education-law/edn-sect-2853.html>

WHEREAS, charter schools seeking space in a new, unoccupied school building are not required to provide public notice nor hold a public hearing with the potentially impacted community members.

WHEREAS, clarifying the definition of the term "existing public school building" will allow for greater transparency and accountability in decision making within our communities and in collaboration with the DOE and SCA.

THEREFORE, BE IT RESOLVED THAT, a definition of *an existing school building* be added to the NYS Education Law 2853 subdivision 3. Facilities, clarifying that “*an existing school building is one that is currently occupied and/or unoccupied but designated for potential school use.*”

This Resolution was approved at a CEC15 Calendar Meeting held on August 23, 2022 by a vote of members present including: Camille Casaretti, Nancy Randall, Vanessa Ueoka Gonzalez, Nakia Muhasa Brown, Antonia Ferraro, Joe Alexander, Nana-Poku Agyekum, Alfred DeIngeniis Tia Schellstede, and Vincent Lu.

The Resolution was voted YES by 10 members.