



## COMMUNITY DISTRICT EDUCATION COUNCIL 3

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*District 3 Community Superintendent*

### **CEC3 Resolution Calling for All Co-Located Charter Schools to Comply With State Education Law by Paying for Space and Services in Public School Buildings**

**Approved by Unanimous Vote of Members Present (7-0)  
at the October 19, 2011 CEC3 Calendar Meeting**

**WHEREAS**, Charter schools are administrated by private for-profit or non-profit corporations under a “charter” contract agreement between the private corporation and a state charter authorizer allowing the private corporation to provide education services to students from kindergarten through 12<sup>th</sup> Grade; and

**WHEREAS**, Charter schools receive public funds but are managed by private corporations governed by a Board of Trustees or a similar body; and

**WHEREAS**, New York State Education Law, Article 56, Section 2853, Part 4(c) states the following: “A charter school may contract with a school district or the governing body of a public college or university for the use of a school building and grounds, the operation and maintenance thereof. Any such contract shall provide such services or facilities at cost.”; and

**WHEREAS**, we believe that the New York City Department of Education is operating in violation of New York State Education Law, Article 56, Section 2853, Part 4(c) by not charging co-located charter schools or the private corporations which manage them for either the use or maintenance of public school space nor for other services paid for by public funds at public school facilities;

**WHEREAS**, there is evidence that the “separate and unequal” treatment of co-located charter schools is also depriving all public school students of approximately \$100 million per fiscal year that could and should be used to enhance the quality of public education in the City of New York; now therefore

**BE IT RESOLVED**, that the Community Education Council of District 3 directs the New York City Department of Education to comply with New York State Education Law, Article 56, Section 2853, Part 4(c) and collect from all co-located charter schools at cost rent and other relevant charges for the use of public school space and services. Such amounts should be calculated retroactively from the original date of occupancy of each co-located charter school.