



Legislation Details (With Text)

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**Title:** Resolution calling upon the Governor and Legislature of the State of New York to amend the Education Law to permit the New York City Department of Education to assign schoolchildren in pre-Kindergarten through 8th grade to schools located outside of the Community School District in which they live.

**Sponsors:** Miguel Martinez, Robert Jackson, Allan W. Jennings, Jr., John C. Liu, Bill Perkins, Diana Reyna, Christine C. Quinn, Larry B. Seabrook, Sara M. Gonzalez, Kendall Stewart, Charles Barron, Philip Reed, James Sanders, Jr., Leroy G. Comrie, Jr., Domenic M. Recchia, Jr., Joel Rivera, Yvette D. Clarke, Maria Baez, Hiram Monserrate, Letitia James, Annabel Palma

**Indexes:**

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Res. No. 204

Resolution calling upon the Governor and Legislature of the State of New York to amend the Education Law to permit the New York City Department of Education to assign schoolchildren in pre-Kindergarten through 8<sup>th</sup> grade to schools located outside of the Community School District in which they live.

By Council Members Martinez, Jackson, Jennings, Liu, Perkins, Reyna, Quinn, Seabrook, Gonzalez, Stewart, Barron, Reed, Sanders, Comrie, Recchia, Rivera, Clarke, Baez, Monserrate, James and Palma

Whereas, In accordance with State Education Law § 2590-b, New York City consists of 32 local Community School Districts serving children in pre-Kindergarten through 8<sup>th</sup> grade and approximately 10 High School, Special Education and other school districts; and

Whereas, Notwithstanding the legal structure of these Community School Districts, the New York City school system is operated by a single Department of Education and is, for all practical purposes, a single, unified school system; and

Whereas, This arrangement, in which a single, unified school system is divided into more than one school district, is unique within the State of New York; and

Whereas, Approximately 1.1 million schoolchildren attend public school within the City of New York; and

Whereas, The New York City school system is significantly overcrowded, with certain schools operating 150% of capacity or more, depending on how capacity and attendance are measured; and

Whereas, Overcrowding is widely recognized as a contributing cause of poor academic performance and other educational problems; and

Whereas, Due to shifts in demographics within New York City over the previous century, and particularly since the Community School District system was first established more than 30 years ago, certain school buildings operate below capacity and have empty seats; and

Whereas, Shifting schoolchildren in pre-Kindergarten through 8<sup>th</sup> grade from overcrowded schools to underutilized schools in other Community School Districts within the same geographic region, as such regions are defined by the Department of Education, would significantly reduce the number of overcrowded schools and the number of schoolchildren who attend overcrowded schools within the City of New York; and

Whereas, The Department of Education takes the position that the State Education Law prohibits it from assigning schoolchildren who attend overcrowded schools to underutilized schools located in other Community School Districts; and

Whereas, The State Education Law could be readily amended to permit the Department of Education to assign students in overcrowded schools to underutilized schools within their geographic region, even if such assignments would cause schoolchildren to cross Community School District lines to attend classes; now, therefore, be it

Resolved, That the City Council calls upon the Governor and Legislature of the State of New York to amend the Education Law to permit the New York City Department of Education to assign schoolchildren in

pre-Kindergarten through 8<sup>th</sup> grade to schools located outside of the Community School District in which they live.

MHG  
LS# 468  
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