



COMMUNITY DISTRICT EDUCATION COUNCIL 30

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RESOLUTION #168

Resolution to Amend NYS Education Law 2853 Subdivision 3. Facilities to Expand Requirements for Public Notice and Public Hearings for Charter School Co-locations 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” is a building that is currently occupied by a school; and

WHEREAS, a newly constructed school building is not an “existing school building”; and

WHEREAS, charter schools can request space in any DOE building that qualifies as having available space, including newly constructed buildings; and

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; and

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; and

WHEREAS, requiring public notice to the community and a public hearing before a charter school is located in a building that is unoccupied but designated for potential school use 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 NYS Education Law 2853 subdivision 3. Facilities be amended to require notice to the community and a public hearing before a charter school is located in a building that is unoccupied but designated for potential school use.

VOTED AND APPROVED: November 14, 2022

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