

Community District Education Council for District 26

Resolution calling upon the State Senate to amend the Public Authorities Law in relation to siting requirements for the New York City School Construction Authority's **Leasing Program** by passing a "same as" bill to A.8838.

Whereas, The New York City School Construction Authority ("SCA") is the entity responsible for building new public schools and managing the design, construction and renovation of capital projects within the New York City public school system; and

Whereas, In order to alleviate overcrowding and to replace old facilities, the Department of Education's ("DOE") five year capital plan includes proposals to lease over 30 existing buildings across the City and use them for school buildings; and

Whereas, our Community District Education Council has concerns regarding the approval and oversight process of leasing such buildings, including appropriate community participation and political and environmental review processes; and

Whereas, According to news reports, the SCA interprets the Appellate Division's decision in Park South-Tenants Corp. v. Board of Education of the City of New York, 208 A.D.2d 394 (1994), to mean that their leasing program is exempt from the section of the State Public Authorities Law which requires public notice of site plans for planned educational facilities, submission of site plans to local community boards (including school boards – now replaced by community education councils), and the City Council, and public hearings; and

Whereas, Community and Council oversight affords the opportunity for stakeholders – including key stakeholders, such as parent members of local community education councils – and other members of the public to share important information about proposed sites, including environmental concerns; and

Whereas, the diagnosis of several pediatric illnesses with suspected links to the environment are on the rise for example, the Centers for Disease Control and Prevention has reported that asthma rates for children under the age of 17 nearly doubled between 1980 and 2001; and

Whereas, In New York City, according to the New York City Department of Health and Mental Hygiene, asthma is the most common disease among children, a primary cause of missed school and the most common cause of hospitalization for children under the age of 14; and

Whereas, The SCA has leased environmentally-problematic facilities in the past, such as P.S. 141 in Harlem, where after spending millions in 1997 to turn this leased dry cleaning plant into a school, the City was forced to close it down after it was found that students were being exposed to chemical fumes; and

Whereas, The SCA has also leased environmentally-problematic facilities in the past in Queens, such as P.S. 65 in Ozone Park, a former airplane factory, and Information Technology High School in Long Island City, a former metal-plating factory; and

Whereas, The DOE and SCA should provide new school seats and support safe new capacity projects, and a process should be in place to allow for sufficient community notice, City Council scrutiny and a thorough environmental review; and

Whereas, State legislation is needed to amend sections 1731 and 1732 of the Public Authorities Law to clarify that leased facilities are subject to the same community participation and political review process applied to new school construction; and

Whereas, New York State Assembly has unanimously passed legislation (A.8838 – Nolan), which would amend such sections of the Public Authorities Law to allow for community and Council oversight regarding planned educational facilities in leased space; and

Whereas, The New York City Council has unanimously passed a resolution in support of A.8838; now, therefore, be it

BE It RESOLVED, Community District Education Council for District 26 calls upon the State Senate to pass "same as" legislation – to A.8838 – to amend the Public Authorities Law in relation to siting requirements for the New York City School Construction Authority's Leasing Program .

Dated: December 20, 2007