

Whereas the City Charter establishes that school properties are owned by the City of New York but “entrusted to the care and control of the board of education for the purposes of public education, recreation and other public uses” (§ 521); and

Whereas NY State education law (sections 2590-h and 2509-g) requires the city board (a.k.a Panel for Educational Policy) to approve school co-locations; and

Whereas Chancellor’s Regulation A-190 was approved by the Panel for Educational Policy to implement the process to approve co-locations in a manner consistent with the law; and

Whereas a “co-location” is commonly defined as “the act of placing or arranging together” (Merriam-Webster); and

Whereas the Department of Education seeks to place a new school, the Inwood Academy for Leadership Charter School into “transportable classroom units” or “mini-buildings” (commonly known as “trailers”) situated in the school yard of PS 152 in the Community School District 6; and

Whereas the Department of Education, purportedly upon advice of the corporation counsel has determined that the school yard of PS 152 is a distinct and separate location than the building of PS 152 ; and

Whereas by this convoluted reasoning the placement of a school in the schoolyard does not constitute a co-location despite the fact that two separate institutional entities will occupy the location considered by the Department of Buildings and City tax maps to be a single location; and

Whereas the Department of Education seeks to employ this reasoning to ignore both state law and its own Chancellor’s Regulation to place the Inwood Academy for Leadership Charter School into the yard of PS 152; and

Whereas the DOE seeks to unilaterally retain an undesirable condition that prevents the children of PS 152 and larger community from having access to their yard despite the demonstrated need for physical recreation for children and the Chancellor’s own recent communications asserting the correlation between physical activity and improved academic performance; and

Whereas by refusing to conduct the legally mandated Educational Impact Statement, the DOE has ignored its obligation to assess the impact on the school community of the removal of the school yard for recreation; and

Whereas the DOE has repeatedly asserted that no additional school capacity was warranted in District 6 beyond those projects currently included in the City’s Capital Plan and has also repeatedly promised that all transportable classroom units and minibuildings would be removed at the conclusion of the 2004 – 2009 capital plan; therefore be it

Resolved,

The Panel for Educational Policy calls on Chancellor Klein to initiate the process defined by Chancellor’s Regulation A-190 and otherwise comply with state law if the DOE seeks the use of PS 152’s school yard to house a school.