

COMMITTEE REPORT

TO: All Board Members
FROM: Susan Seinfeld, District Manager
RE: Leasing of School Facilities by the Dept. of Education
Chancellor's Directive Banning Cell Phones in Schools
DATE: April 15, 2008

=====
On Thursday, April 10, 2008 the Education Committee met to discuss two items; the leasing of school buildings and legislation that has been introduced to require community oversight; and the ban of cell phones in schools and the Community District Education Council's resolution. Present were Committee Members John Rosse, Frank Skala, George Karahalas, Christina Scherer, Henry Euler, Franklin Lloyd, Robert Caloras, also the President of the Community District Education Council (CEDC) for District 26, and Mamie Smith.3rd Vice Chair; David Palmer from the New York Lawyers for the Public Interest (NYLPI), Anthony Mampilla, CEDC District 25, David Sollano, member Chancellor's Parent Advisory Council, Leah Carter, Chief of Staff for Councilmember James Gennaro, CM James Gennaro and Susan Seinfeld, District Manager. Please note that Terence Tolbert from the Dept. of Education cancelled his attendance on Thursday morning. The District Manager facilitated the meeting.

The committee first discussed the issue regarding leasing of school buildings. David Palmer and Councilman Gennaro presented the information that the School Construction Authority (SCA) has leased contaminated buildings containing high levels of toxic chemicals such as lead and mercury. To build a new school state law requires that SCA submit plans to the Community Board and gives the City Council an opportunity to review the plans and subjects the site to an environmental review known as the Environmental Quality Review Act (CEQR). However, the review process for leased sites was not written into the law and therefore SCA has leased buildings without review. Assemblywoman Cathy Nolan introduced A. 8838, which was passed by the State Assembly, to amend the public authorities' law to include the same public review for leased buildings as it now exists for other sites. The City Council had previously passed a Home Rule Resolution unanimously. Senator Padavan introduced a bill into the Senate, S. 6393 that does not require Community Board or City Council review. This bill is supported by the Mayor and the Department of Education. This bill requires additional environmental testing and if the site does not pass a Phase 2 field investigation than there would be a two month public review and comment period through the CEDC. NYLPI states that this bill is not good enough.

Mr. Gennaro described a situation in his district where SCA was going to lease a school building on land that was toxic. Mr. Palmer talked about five sites in the City where SCA leased buildings despite community concerns that they were contaminated and later the Department of Education had to close the schools for remediation. They want the Senator to introduce "same as legislation" in the Senate but stated that he would not do so. NYLPI believes that due to the

Mayor's influence Senator Padavan is not changing the bill. Mr. Palmer is hoping that he will change his mind through community pressure.

Discussion by the committee ensued and some members believed that the presentation was political and an attack on Senator Padavan because Mr. Gennaro is involved in a political campaign against the Senator. Mr. Palmer said they are a non-partisan group who are doing this for children. Mr. Gennaro stated that the problem with the school in his district and the Resolution passed by the Council was over one year ago before any of the campaigning started.

After reviewing the Assembly bill and the Resolutions passed by CEDC, CB 7 and CB 8 in support of the bill, Tom Lloyd made a motion to recommend that CB 11 support the Nolan Assembly bill A.8838 and a "same as bill" in the Senate. George Karahalis seconded the motion. The motion failed with 2 against, 2 for and 3 abstentions.

The committee then discussed the Chancellor's ban on the possession of cell phones on public school grounds. Rob Caloras presented the concerns about this policy raised by parents in D. 26 and other districts. He stated that the parents are aware of problems that can be caused by cell phones in schools, they are still concerned that students travel far distance and parents want to be in touch with their children to and from school. Under this policy possession alone allows the principal to confiscate a phone. Assembly Member Catherine Nolan introduced legislation (A. 3525) that would direct the Chancellor to establish guidelines for allowing possession of phones. Members discussed the various security concerns relating to cell phones. There were thefts of cell phones at Cardozo High School. Students can misuse phones by cheating and taking photos and using them against other students and teachers. Mr. Skala was also concerned with the health risks posed by excessive use of cell phones. It was stated that despite the problems with cell phones, parents have security concerns if their children do not have the right to carry them to and from school.

CEDC 26 passed a Resolution that was reviewed by the Committee. Tom Lloyd made several suggestions to amend that Resolution for the Community Board. George Karahalis made a motion to adopt a version of the CEDC 26 resolution on the cell phone ban as amended by the committee. Henry Euler seconded the motion. The motion carried with 5 for, 1 against and 1 abstention.