



Community District Education Council 26

New York City Department of Education

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<i>Council Members:</i> Ribhi Alam Joanna Edwards Sherry Gonzalez	Sulinda Hong Da Lin Gilberto Mejia Raymond Torres	<i>Student Members:</i> TBD TBD	<i>District 26 Community Superintendent (Interim Acting):</i> Anthony Inzerillo	

Resolution Urging Extension of Exemptions for School Construction Contracts and to Restructure Corporate Governance of the School Construction Authority

WHEREAS, the School Construction Authority (SCA) was established by the New York State Legislature on December 16, 1988 as an independent entity, the purpose of which is to streamline the construction of school buildings and to reduce corruption in the construction of schools as it had occurred while under the New York City Board of Educationⁱ; and

WHEREAS, streamlining the construction of school buildings to reduce construction times and costs has required exemption from the archaic “Wicks Law” (Section 101 of the General Municipal Law) since 1989ⁱⁱ; and

WHEREAS, Bill S6319/A7044 was signed by the governor July 3, 2019, extending the exemption of the New York City School Construction Authority (SCA) from the Wicks Law for five additional years, set to expire June 30, 2024ⁱⁱⁱ; and

WHEREAS, the SCA is governed by a board of trustees consisting of three members: the Chancellor of the Department of Education and two members appointed by the mayor, none of whom are required to possess any experience related to the construction of schools^{iv}; and

WHEREAS, the trustees “receive no compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred by them in the performance of their official duties as trustees of the authority”^v; and

WHEREAS, Title 6 Of The New York State Public Authorities Law does not specify minimum requirements of the persons to be appointed as an SCA trustee and does not enumerate the duties of the Board of Trustees; and

WHEREAS, Title 6 Of The New York State Public Authorities Law, §1746. “Audit, annual and quarterly reports” requires a quarterly “report detailing the extent of completion of all projects for construction, reconstruction, improvement, rehabilitation, maintenance, repair, furnishing, equipping of or otherwise providing for educational facilities for the city board, including, by project, identified shortfalls in schedule performance and providing explanation for such shortfalls.”; and

WHEREAS, the Quarterly Status of Projects in Process Report exceeds 2,000 pages listing all SCA projects but lacks useful performance metrics such as Earned Value Management metrics to indicate cost and schedule overruns, and does not provide information at an aggregate level to track and evaluate performance of the SCA and by extension the effectiveness of its management team, e.g.- the president and other executives; and

WHEREAS, the average duration of 23 Board of Trustee meetings held between Mar 24, 2017 and Nov 17, 2023 was 29 minutes (see Exhibit A); and

WHEREAS, the agendas of Board of Trustee meetings list the approval of minutes, approval of awards of personal services contracts, and distribution of the reports on contracts and construction status, but such reports simply list contract awards and “status” of construction starts in the fiscal year; and

WHEREAS, Board of Trustee meetings lack expected discussions of long-term strategy, organizational performance metrics, business risks, etc.; and

THEREFORE, BE IT RESOLVED, Community Education Council 26 (CEC 26) urges the NYS state legislature to amend:

- The Public Authorities Law to continue to exempt SCA construction projects from the Wicks Law, specifically Title 6 Of The New York State Public Authorities Law, §1735. “Certain contracts of the authority”
- Title 6 of the New York State Public Authorities Law, § 1727. “New York city school construction authority” to include the following items to ensure the Board of Trustees exercises due care in its duties:
 - Expand the board of trustees to consist of 7 members, of which 5 of the members must be parents of a child attending a DOE K-12 school, one representing each of the five boroughs.
 - Establish term limits and a mechanism for succession planning
 - Require orientation and regular training
 - List minimum professional requirements for appointment as a trustee, such as demonstrated skills and experience in corporate or government leadership, management, finance, governance or oversight, etc., while ensuring diverse expertise and backgrounds
 - Define clear responsibilities for the Board of Trustees:
 - Reviewing and updating the SCA’s long-term strategic plan
 - Evaluating the organization’s progress towards defined goals derived from the strategic plan
 - Ensuring accountability of the CEO and other officers by developing individual performance goals, tracking progress, and evaluating performance annually at a minimum, providing actionable feedback.
 - Agenda items at regular Board of Trustees meetings to include:
 - Reviewing and assessing meaningful performance measures of high-level organizational goals, e.g. – Balanced Scorecard, Key Performance Indicators (KPI), and Key Risk Indicators (KRI), etc.
 - Reviewing contract status and construction projects by evaluating meaningful metrics, e.g. – cost, schedule, and performance.
 - Consider offering a reasonable stipend to attract qualified trustees
 - SCA to contract with a qualified management consulting firm to provide recommendations on the above items

During the CEC26 meeting held on February 8, 2024, the resolution was reviewed and unanimously approved by all members in attendance.

ⁱ <https://www.nytimes.com/1988/12/15/nyregion/pact-reported-on-new-school-agency.html>

ⁱⁱ <https://www.baruch.cuny.edu/mac/MAC/1988-91.pdf>

ⁱⁱⁱ <https://www.nysenate.gov/legislation/bills/2019/S6319>

^{iv} <http://nycsca.org/Quick-Links-Home/About-the-SCA/Governance>

^v <https://dnnhh5cc1.blob.core.windows.net/portals/0/Legal/SCA%20Enabling%20Act%20-%20REV%201-14-20.pdf?sr=b&si=DNNFileManagerPolicy&sig=I7vMRJnQRBLXxG2sLLejDCKbVHaMSsP1gwaZN%2BfqCjs%3D>

Exhibit A – Dates and Durations of Board of Trustee Meetings

Date	Call to Order (Time, AM)	Adjournment (Time, AM)	Duration (minutes)
17-Nov-23	10:10	10:58	0:48
22-Sep-23	11:16	11:37	0:21
18-Jul-23	10:16	10:36	0:20
3-Feb-23	10:37	11:17	0:40
8-Dec-22	10:12	10:29	0:17
16-Sep-22	8:42	9:07	0:25
20-May-22	8:35	8:57	0:22
18-Mar-22	8:32	9:05	0:33
21-Jan-22	8:40	8:53	0:13
19-Nov-21	8:29	9:05	0:36
17-Sep-21	10:02	10:46	0:44
30-Apr-21	10:03	10:51	0:48
24-Jan-20	8:39	8:52	0:13
15-Nov-19	8:34	9:26	0:52
13-Sep-19	8:30	9:04	0:34
17-May-19	8:33	9:00	0:27
25-Jan-19	8:36	9:02	0:26
14-Dec-18	8:41	9:06	0:25
11-May-18	8:37	9:02	0:25
23-Mar-18	8:36	8:53	0:17
15-Dec-17	8:49	9:10	0:21
12-May-17	8:41	9:24	0:43
24-Mar-17	8:38	9:14	0:36
AVERAGE			0:29