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January 17, 2018

Chancellor Fariña
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Via E-Mail & U.S. Mail

Dear Chancellor Fariña,

I hope all is well. I am writing to ensure that we efficiently and effectively address the pressing issue of a lack of state mandated library media specialists in Community Education Council District 5 (the “CEC”), as investigated by the New York Post on August 4, 2017 under consultation of Diane Tinsley. The results of that two year investigation uncovered an alarming fact that the entire school district only has four libraries and two school library media specialists on record.¹ It is no coincidence that we are the sixth worse education district with many of our students reading well below grade level and unable to excel in college.

I was uplifted by the Department of Education’s renewed commitment to investing in “libraries and students’ readings skills.”²³ I write seeking an accounting of what has been done to bring this statement to fruition and put school library media specialists in CECD5. As you know under New York State Law the superintendent of schools of a city is charged with the specific duty “[T]o enforce all provisions or law and *all rules and regulations relating to the*

¹ See FOIL Request Response, Department of Education # F12,297, Open Records # FOIL - 2016-040-00092, Aug. 11, 2017.

² Selim Algar, *DOE fails to provide Harlem schools with librarians: activists*, New York Post, Aug. 4, 2017.

³ Stacey Delikat, *Mom: Do some schools lack a librarian? NYC Won’t Answer*, New York Fox News 5, Aug. 11, 2017.



*management of schools...*⁴ One such regulation is 8 NYCRR 91.2, which states that:

Each school district shall employ a certified school library media specialist, unless equivalent service is provided by an alternative arrangement approved by the commissioner, in accordance with the following standards:

(a) In a secondary school with an enrollment of not more than 100

pupils, a certified school library media specialist should devote at least one school period each day to school library work.

(b) In a secondary school with an enrollment of more than 100 but not more than 300 pupils, a certified school library media specialist shall devote at least two school periods each day to school library work.

(c) In a secondary school with an enrollment of more than 300 but not more than 500 pupils, a certified school library media specialist shall devote at least one half of each school day to school library work.

(d) In a secondary school with an enrollment of more than 500 but not more than 700 pupils, a certified school library media specialist shall devote at least five school periods each day to school library work.

(e) In a secondary school with an enrollment of more than 700 but less than 1,000 pupils, a certified school library media specialist shall devote the entire school day to school library work.

(f) One additional full-time assistant certified school library media specialist shall be employed in each secondary school for each additional 1,000 pupils enrolled in such school.⁵

⁴ New York Ed. Law § 2566 (2017) (emphasis added).

⁵ 8 CRR-NY 91.2, (2017).



The Official Compilation of Codes, Rules and Regulations is also frequently cited by our courts as legal authority.⁶ It is clear that each day that our school district lacks these specialists is a separate and distinct legal wrong. If this situation is not remedied with the implementation of school library media specialists on a daily ongoing basis it will by definition be a gross violation of State law. All that we ask is that you provide us with the plan to make this educational mandate a physical reality in Harlem, for the sake of our school children that are falling behind to their peers in NYC, the USA and around the world that have specialists that are teaching their students how to learn on a daily basis.

Sincerely,

Community Education Council District 5

cc: Community Board 9
Community Board 10
Senator Brian A. Benjamin
Manhattan Borough President Gale A. Brewer
Mayor Bill De Blasio
City Council Member Bill Perkins
Congressman Adriano Espaillat

⁶ See *Handberry v. Thompson*, 219 F.Supp.2d 525, 535 (S.D.N.Y. 2002) (finding that “the City defendants have failed to consistently and adequately follow the notification procedures mandated by...applicable regulations.”).