



COMMUNITY DISTRICT EDUCATION COUNCIL 30

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RESOLUTION #135

In Opposition to an Increase in the State Charter School Cap and City Charter School Subcap

WHEREAS, for the reasons set forth below, Community District Education Council 30 (CDEC30) hereby resolves to oppose any amendment to the New York State Charter Schools Act of 1998, the “Law,” that would increase the “Cap” on the total number of Charter schools authorized in New York State or the existing “Subcap” limiting the number of Charters granted in New York City;

WHEREAS, New York State embarked on an experiment to allow 100 publicly funded Charter schools pursuant to the [New York State Charter Schools Act of 1998](#)¹; and

WHEREAS, amendments to §2852(9) of the Law in 2010 expanded the statewide Charter Cap to 460 Charters; and

WHEREAS, amendments to §2852(9) of the Law in 2010 also limited additional Charters in New York City to 114; 57 to be issued by the NYSED Board of Regents (BOR) and 57 to be issued by SUNY; and

WHEREAS, further amendments to §2852(9) of the Law in 2015 recognized that New York City was becoming oversubscribed by Charter schools and limited the number of Charters granted in New York City after July 1, 2015, to an additional 50 Charters and *no more*. Also in 2015, 22 previously surrendered Charters were made available for reissue by SUNY or BOR; and

WHEREAS, according to the [NYSE D Charter School Directory](#)², 365 Charter schools have been approved to operate in New York State. As of January 4, 2019, 99 Charters remain available for issue in New York State outside of New York City; and

WHEREAS, according to the [NYSED Office of School Charters](#)³, no Charters remain under the Charter Subcap and there are no Charters available from the 22 Charters revived in 2015; and

¹ https://www.nyccharterschools.org/sites/default/files/resources/NYSCharterSchoolsActof1998_with2014amendments_0.pdf

² <http://www.p12.nysed.gov/psc/csdirectory/CSLaunchPage.html>

³ <http://www.p12.nysed.gov/psc/facts/nyscsfactsheet1042019.pdf>

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WHEREAS, New York City, with only 39% of the state’s students but 71% of the state’s Charter schools, houses more than its fair share of Charter schools and faces an outsized impact from the Charter experiment; and

WHEREAS, §2852 (9-a)(b) of the Law clearly states the intent of the Charter experiment is to permit Charter schools *in a region or regions where there may be a lack of alternatives and access to charter schools would provide new alternatives within the local public education system that would offer the greatest educational benefit to students*; and

WHEREAS, the NYSED Charter School Directory lists 260 Charter schools in New York City. This constitutes at least 71% of Charter schools statewide and does not include at least 22 new Charter schools approved since October 4, 2018, of which 20 will reside in New York City (as compiled from SUNY press releases and BOR minutes); and

WHEREAS, New York City is oversaturated with Charter schools. The [NYSED](#)ⁱ currently lists 97 Charter schools in Brooklyn, 77 Charter schools in the Bronx, 53 Charter schools in Manhattan, 27 Charter schools in Queens, 6 Charter schools in Staten Island, and more to open in all boroughs; and

WHEREAS, New York City, with at least 71% of the state’s Charter schools on top of a bounty of public and private options, is demonstrably not a region with a lack of alternatives as originally contemplated by §2852 (9-a)(b); and

WHEREAS, for perspective, nearby Suffolk County has only 1 Charter school and rural counties, such as Schoharie County, Tioga County, Yates County, Herkimer County, and Orleans County have no Charter schools; and

WHEREAS, there is no need to increase the statewide Cap to serve these counties because there is ample room under the current Cap to provide Charter school options to rural and suburban communities; and

WHEREAS, Charter schools are an unproven experiment that continues to grow, predominantly in New York City, while other parts of the state with far fewer local alternatives go ignored; and

WHEREAS, CDEC30’s examination of the NYSED’s Charter school data, county by county, reveals that the location chosen for Charter schools is not correlated to academic need. This is exemplified by persistently low performing rural counties with few or no Charter schools; and

WHEREAS, Charter school advocates, such as the [New York City Charter School Center](#), encourage this structure through controversial interpretations of the Law (as amended in 2010). The organization advised Charters to form Charter school districts in 2010,

The legal details are unclear, but by the Charter Center’s reading of the law, two or more charter schools can now choose to merge into a single school, managed by a single board - but operating multiple campuses with multiple charters. In other words: a charter districtⁱⁱ; and

ⁱ <http://www.p12.nysed.gov/psc/csdirectory/county/map.html>

ⁱⁱ http://www.nyccharterschools.org/sites/default/files/resources/guide_to_new_charter_law_updated_092910_0.pdf

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WHEREAS, the substantial use of public resources by Charter schools merits regular financial audits of all Charter schools and their CMOs through the state or city comptroller with enforced recommendations; and

WHEREAS, a Cap or Subcap increase would place even more public funds under private CMO management through this Charter district structure; and

WHEREAS, there has been no independent system-wide evaluation of Charter schools and their impact. Such an evaluation should occur before considering any further Cap or Subcap increases; and

WHEREAS, an independent evaluation should assess the actual programmatic and fiscal impact of Charter schools on other local public and nonpublic schools before considering any further Cap or Subcap increase. According to §2851(2)(q) of the Law, Charter applicants shall provide *an assessment of the projected programmatic and fiscal impact of the school on other public and nonpublic schools in the area*. This projection should be compared to the actual impact; and

WHEREAS, an independent evaluation should also analyze the actual academic impact of Charter schools over entire regions (districts, counties, and cities) before considering any further Cap or Subcap increase; and

WHEREAS, an independent evaluation should analyze the extent to which a Charter school's performance arises from the school's unique curriculum or management versus performance increases that arise from educating self-selecting populations, rather than the entire student population; and

WHEREAS, an independent evaluation should also analyze the academic and social impact of Charter schools on their students; and

WHEREAS, an independent evaluation should examine and develop a system to monitor Charter school enrollment and retention practices; and

WHEREAS, an independent evaluation should identify and analyze any educational innovation(s) employed by high performing Charter schools; and

WHEREAS, any educational innovation(s) deemed successful and appropriate should be integrated into public schools system-wide; and

WHEREAS, after such an independent evaluation, underperforming Charter schools should be closed, and those Charters revived before requesting any further Cap or Subcap increase.

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THEREFORE BE IT RESOLVED, COMMUNITY DISTRICT EDUCATION COUNCIL 30 proposes a five-year moratorium on issuing new Charters in New York City and complete a system-wide impact evaluation; and

THEREFORE BE IT FURTHER RESOLVED, for the reasons set forth above, Community District Education Council 30 hereby opposes any amendment to the New York State Charter Schools Act of 1998, the “Law,” that would increase the “Cap” on the total number of Charter schools authorized in New York State or the existing “Subcap” limiting the number of Charters granted in New York City.

VOTED AND UNANIMOUSLY APPROVED: March 11, 2019

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