



COMMUNITY DISTRICT EDUCATION COUNCIL 30

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RESOLUTION #139

IN SUPPORT OF LEGISLATION ON

CHARTER ACCOUNTABILITY AND TRANSPARENCY

S.5950, S.5978, S.6043, S.4926, S.4933, S.5734, S. 2168 AND S.4237

WHEREAS, for the reasons set forth below, Community District Education Council 30, "CEC 30," hereby resolves to support the following amendments to the [New York State Charter Schools Act of 1998](#)¹, the "Law," that would improve accountability and transparency of charter schools authorized in the State of New York and the City of New York, and charter affiliates; and

WHEREAS, S.5950, introduced by Sen. Mayer, amends §2852(7)(c) of the Law to limit a charter school grade level expansion to only those grade levels included in the type of school, i.e. elementary, middle, etc., originally authorized²; and

WHEREAS, S.5978, introduced by Sen. Mayer, amends §2852(2)(d) of the Law to grant school districts and Community Education Councils (CECs) the power to approve the issuance of new charter schools in districts where total student enrollment in charters is over 5%³; and

WHEREAS, CEC 30 recommends that all CECs have the power to approve charter applicants regardless of charter enrollment; and

WHEREAS, S.6043, introduced by Sen. Liu, amends §2853 and §3602 of the Law in order to repeal the public funding of rental reimbursements to charters on private facilities⁴; and

WHEREAS, S.4926, introduced by Sen. Liu, amends the Law to allow the possibility of utilizing State Comptroller personnel and resources in order to conduct a comprehensive audit of all charter schools in the State of New York⁵; and

WHEREAS, S.4933, introduced by Sen. Liu, amends the Law to appoint an independent receiver upon the closing of a charter to perform financial audits and facilitate the return of public funds to the school district⁶; and

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

² <https://www.nysenate.gov/legislation/bills/2019/S5950>

³ <https://www.nysenate.gov/legislation/bills/2019/s5978>

According to NYSED 2018-19 enrollment data, only seven districts have less than 5% of students enrolled in charter schools. These are Districts 2, 20, 24, 25, 26, 28, and 31.

⁴ <https://www.nysenate.gov/legislation/bills/2019/s6043>

Rent on private facilities for charter schools is growing faster than the rate of inflation. The Governor's 2021 budget allocates \$50 million to Charter Schools Facilities Aid, a 58.73% increase from \$31,500,000 in 2020. This is on top of at least \$40 million annually allocated to Charter Schools Facilities by New York City.

p. 20 <https://www.budget.ny.gov/pubs/archive/fy21/exec/local/school/2021schoolaid.pdf>

<https://ibo.nyc.ny.us/iboreports/governors-budget-provides-less-school-aid-than-expected-shifts-costs-to-new-york-city-march-2018.pdf>

⁵ <https://www.nysenate.gov/legislation/bills/2019/s4926>

⁶ <https://legislation.nysenate.gov/pdf/bills/2019/S4933>

WHEREAS, S.5734, introduced by Sen. Jackson amends the Law to remove SUNY as a charter school authorizer⁷; and

WHEREAS, S.2168, introduced by Sen. Bailey amends the Law to prohibit the conversion of an existing public school to a charter school where a history of anti-union animus exists⁸; and

WHEREAS, S.4237, introduced by Sen. Hoylman, amends §2851 through §2857 of the Law and the state finance law, to require transparency and accountability of charter schools in regards to enrollment targets, discipline policies, management and operation of the charter school, charter reserve funds, charter facilities rental aid payments, information disseminated to parents regarding probationary status, and residency dispute issues.

The bill strengthens provisions relating to the enrollment of ELLs, students with disabilities, and free lunch recipients by requiring charters to retain an equal or greater enrollment of such students compared to the district's enrollment. The bill also requires that enrollment targets be continually met and considered a very significant factor for charter renewal. The bill would also require charter entities to provide detailed, written findings related to all requirements the charter must meet when making a determination to approve a charter. The bill would apply state-wide disciplinary laws to charter schools.

This bill would withhold funding from charters that fail to enroll the minimum number of students, and continued failure to adhere to reporting requirements and enrollment targets would be grounds for revocation or termination of the charter⁹;

WHEREAS, CEC 30 recommends an amendment to the Law such that teacher attrition must be reported to the Commissioner by the charter school and published on the Department of Education website; and

WHEREAS, CEC 30 recommends an amendment to the Law in accordance with S.3334 introduced by Sen. Jackson¹⁰, such that the Commissioner shall on an annual basis review and make available to school districts the best educational practices employed by charter schools. If the commissioner fails to identify any best practices employed by a charter school, the commissioner shall report such absence or lack of best practices in the report required pursuant to §2857(2). Such report shall be posted on the websites of both the charter school and the Department of Education; and

WHEREAS, CEC 30 recommends an amendment to §2852(9) of the Law such that a conversion of an existing public school to a charter school shall be counted toward the numerical limits established under §2852(9); and

WHEREAS, inclusive of these recommendations, New York State Senate bills S.5950, S.5978, S.6043, S.4926, S. 4933, S. 5734, S. 2168 and S.4237 resolve many of the issues raised by the *ECC Resolution to Oppose an Increase in the State Charter School Cap and City Charter School Subcap* of 2019 which was passed unanimously by the ECC, the Citywide Council on Special Education (CCSE) and twelve other CECs including CEC1, CEC3, CEC4, CEC5, CEC6, CEC8, CEC13, CEC15, CEC17, CEC19, CEC21, and CEC32.

THEREFORE BE IT RESOLVED that CEC 30 urges the New York State legislature to amend the New York State Charter Schools Act of 1998 and affected laws in accordance with New York State Senate bills S.5950, S.5978, S.6043, S.4926, S. 4933, S. 5734, S. 2168 and S.4237, and

⁷ <https://legislation.nysenate.gov/pdf/bills/2019/S5734>

⁸ <https://legislation.nysenate.gov/pdf/bills/2019/S2168>

⁹ <https://www.nysenate.gov/legislation/bills/2019/s4237>

Only 15 out of 235 charter schools that operated in New York City in 2018-19 served populations that were at least as economically disadvantaged and had at least as many students with disabilities and multilingual learners as their host districts.

¹⁰ <https://legislation.nysenate.gov/pdf/bills/2019/S3334> The remaining substance of S.3334 is similarly contained within S.4237, which this resolution supports.

BE IT FURTHER RESOLVED, that no New York City charter previously relinquished be reissued until the charter law is amended in accordance with these bills.

We respectfully ask the Governor, Mayor, Members of the New York State Senate and Assembly, the Schools Chancellor, the New York State Board of Regents, the New York City Board of Education, the Board of Trustees of the State University of New York, and our local City Council Members to support amendments to the New York State Charter Schools Act that would increase charter school transparency and accountability.

New York City, with only 39% of the state's students but over 80% of the state's charter schools, houses more than its fair share of charter schools and faces an outsized impact from the charter school experiment. Given those facts, in 2019 the ECC asked Albany to impose a five-year New York City charter moratorium and perform an evaluation of our existing dual education system. We thank you for maintaining the New York City charter subcap. We credit the maintenance of the subcap with redirecting the focus of our elected officials, the private non-profit sector, and the Department of Education towards traditional public schools which educate the overwhelming majority of New York City's children. However, in the absence of a system-wide evaluation and five-year moratorium, we see no justification for reissuing previously relinquished charters.

Therefore, we urge you to refrain from reissuing any charter before the Law is amended in accordance with these eight bills. This will maintain the momentum to improve public schools for all and give parents of students in charter schools equity of accountability and transparency. Education policy must create systems that work together to make progress for all New York children—not systems designed to undermine each other.

VOTED AND APPROVED: March 10, 2020

CC:

The Honorable Governor Andrew M. Cuomo
The Honorable Mayor Bill de Blasio
New York City Comptroller Scott M. Stringer
New York State Senate Majority Leader Andrea Stewart-Cousins
New York State Assembly Speaker Carl E. Heastie
Education Committee Chair, New York State State Senator Shelley Mayer
Education Committee Chair, New York State Assembly Member Michael Benedetto
New York City Education Committee Chair, New York State State Senator John Liu
New York State State Senator Robert Jackson
New York State State Senator Jamaal Bailey
New York State State Senator Brad Hoylman
New York City Council Member and Education Committee Chair Mark Treyger
New York State Senator Michael N. Gianaris
New York State Senator Jessica Ramos
New York State Senator Toby Ann Stavitsky
New York State Assemblymember Jeffrion L. Aubrey
New York State Assemblymember Brian Barnwell
New York State Assemblymember Catalina Cruz
New York State Assemblymember Michael G. DenDekker
New York State Assemblymember Catherine T. Nolan
New York State Assemblymember Aravella Simotas
New York State Interim Commissioner of Education Shannon Tahoe
New York State Board of Regents Chancellor Dr. Betty A. Rosa, Ph.D.
New York City Schools Chancellor Richard A. Carranza
New York City Schools Deputy Chancellor of School Planning and Design Karin Goldmark
Acting Deputy Chancellor of Community Empowerment, Partnerships, and Communications

Adrienne Austin

Department of Education, Office of School Design and Charter Partnerships, Melissa Harris

SUNY Board of Trustees Chairman Dr. Merryl H. Tisch

SUNY Charter Schools Institute Executive Director Susie Miller Carello

UFT President Michael Mulgrew

CSA President Mark Cannizzaro

NAACP President and CEO Derrick Johnson

AQENY Legislative Director & Statewide Education Advocate Jasmine Gripper