



COMMUNITY EDUCATION COUNCIL DISTRICT 3

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**RESOLUTION TO SUPPORT LEGISLATION ON
CHARTER ACCOUNTABILITY AND TRANSPARENCY
S.5950, S.5978, S.6043, S.4926 AND S.4237**

(Approved as amended at the February 26, 2020 Calendar meeting by Roll Call Vote of all CEC3 members present at the time of the vote (7 Yes, 1 No, 0 Abstain))

The Community Education Council 3 (CEC3) is a group of parents and community members who have been elected or appointed to serve on District and Citywide Community Education Councils, representing 1.1 million public school students, including children who are receiving special education services and who are Multilingual Learners. The CEC3 was formed to address issues that affect schools and communities throughout all the boroughs and meets regularly with the Chancellor to help shape, advise, provide feedback and comment on educational policies, visions and goals.

WHEREAS, for the reasons set forth below, the CEC3 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;

WHEREAS, S.5950, introduced by Senator Shelley Mayer, limits a charter school grade level expansion to only those grade levels included in the type of school, i.e. elementary, middle, etc., originally authorized;

WHEREAS, S. 5950 amends §2852(7)(c) of the Law as follows;
(c)Beginning with proposed revisions submitted to a charter entity after June first, two thousand nineteen, a charter school may not submit a revision to a charter that would expand the grades served that would cause the school to serve grade levels in more than one of the following school classifications; elementary school, intermediate school, middle school, junior high school, or high school as defined in the regulations of the commissioner²;

WHEREAS, S.5978, introduced by Senator Shelley Mayer, grants 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%;

¹ https://www.nyccharterschools.org/sites/default/files/resources/NYSCharterSchoolsActof1998_with2014amendments_0.pdf
² <https://www.nysenate.gov/legislation/bills/2019/S5950>

WHEREAS, S.5978 amends §2852(2)(d) of the Law;

WHEREAS, according to NYSED 2018-19 enrollment data, more than half of students in District 5 are enrolled in charter schools and 48% of students in District 16 are enrolled in charter schools;

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

WHEREAS, the CEC3 recommends that all CECs have the power to approve charter applicants regardless of charter enrollment;

WHEREAS, S.6043, introduced by Sen. John Liu, amends §2853 and §3602 of the Law in order to repeal the public funding of rental reimbursements to charters on private facilities³;

WHEREAS, rent on private facilities for charter schools is growing faster than the rate of inflation and presents a significant burden to the public. The Governor's 2021 budget allocates \$50 million to Charter Schools Facilities Aid, a 58.73% increase from \$31,500,000 in 2020⁴. This is on top of at least \$40 million annually allocated to Charter Schools Facilities by New York City⁵.

WHEREAS, S.4926, introduced by Sen. John Liu, amends the Law to allow the New York State Comptroller to conduct audits of New York City charter schools;

WHEREAS, New York City houses over 80% of the state's charter schools, this bill *allows the State Comptroller 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 York, rather than impose upon the City Comptroller to conduct an audit in a similar timeframe and manner, which can force the City Comptroller to rededicate personnel and resources to meet the request or to not cooperate with the request*⁶.

WHEREAS, S.4237, introduced by Sen. Brad Hoylman, amends §2851 through §2856 of the Law and the state finance law, in relation to charter schools;

SUMMARY OF PROVISIONS:

This bill would provide enhanced 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.

³ <https://www.nysenate.gov/legislation/bills/2019/s6043>

⁴ p. 20 <https://www.budget.ny.gov/pubs/archive/fy21/exec/local/school/2021schoolaid.pdf>

⁵ <https://ibo.nyc.ny.us/iboreports/governors-budget-provides-less-school-aid-than-expected-shifts-costs-to-new-york-city-march-2018.pdf>

⁶ <https://www.nysenate.gov/legislation/bills/2019/s4926>

Specifically, the bill would require charters established in conjunction with non-profits to specify the extent of the entity's participation in the management and operation of the school. The bill requires charters to disclose annually information related to the compensation of individuals serving as a charter executive, loans or gifts received over one thousand dollars, and financial statements related to assets of the charter, and, if applicable, any of its affiliated corporate/business entities, valued over one million dollars. It prohibits charters from compensating any individual who is also an employee of a charter affiliate and limits the compensation of charter executives to \$199,000 annually, with limited exceptions. The bill prohibits charters from entering into agreements with corporate/business entities to operate the school unless the entity agrees to provide access to various records for auditing purposes. The bill requires charters to have a formal contract with any corporate/business entity that must be approved by the charter entity. It also requires charters that request co-location to demonstrate that the charter does not have the financial capacity to procure adequate facilities. Charters with assets that are valued at over one million dollars would be ineligible to be offered co-located or private space at the expense of NYC.

The bill limits the time a charter may be offered private space at no cost to three years. The bill also limits charter facilities rental aid payments to six years, and provides that in the last three years, a reduced payment be provided to the charter.

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, requires charters to develop a code of conduct, and requires charters to submit an annual report of disciplinary measures imposed on students. The bill applies Articles 8 and 9 of the Labor Law relating to prevailing wage and public works to charter schools. The bill would require charters to provide parents information annually detailing the process to file a complaint against the charter.

The bill also requires charter schools to notify parents if the charter is placed in probationary status. 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 charter.

The bill establishes clearer guidelines for disenrollment and residency determinations for charter schools and addresses intercept issues when a residency dispute exists.

The bill would provide that the effective date be immediate⁷;

⁷ <https://www.nysenate.gov/legislation/bills/2019/s4237>

WHEREAS, the CEC3 recommends that the language contained in S.5950, S.5978, S.6043, S.4926, and S.4237 should be contained within one bill;

WHEREAS, such a bill would also include an amendment to §2851 of the Law such that the charter entity in a city having a population of one million or more, shall be defined only as the chancellor of any such city school district and New York State Board of Regents;

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

THEREFORE BE IT RESOLVED, that the New York State Charter Schools Act of 1998 and affected laws should be amended in accordance with New York State Senate bills S.5950, S.5978, S.6043, S.4926 and S.4237, and

BE IT FURTHER RESOLVED, that CEC3 calls on 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.

BE IT FURTHER RESOLVED, THAT CEC3 urges lawmakers and authorizers to refrain from reissuing any charter before the Law is amended in accordance with the above five 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.