



## **Recommendations for Discussion on Charter Schools November 16, 2017**

### ***1. Transparent Public Process:***

EDN § 2851, Paragraph 2(q) of New York State Law governing charter schools must provide “evidence of adequate community support for and interest in the charter school sufficient to allow the school to reach its anticipated enrollment, and an assessment of the projected programmatic and fiscal impact of the school on other public and nonpublic schools in the area.”

EDN § 2857, Paragraph 1 continues with specific requirements of a public process involving the governance of charter schools, indicating that, “prior to the issuance, revision, or renewal of a charter, the school district in which the charter school is located shall hold a public hearing to solicit comments from the community in connection with the foregoing.”

In Paragraph 1-a, this law stipulates that in the event that a hearing is not held, the Board of Regents “shall conduct a public hearing to solicit comments from the community in connection with the issuance, revision, or renewal of a charter.”

It has been our experience, the spirit and the letter of the law is routinely violated.

The following is a timeline and description of events that supports our said experience;

On September 2, 2016 a document was issued listing the charter renewals, revisions, and expansions for a total of 32 charter schools in New York City. Ten of the 32 schools were not up for renewal in 2017 but were applying to renew early. The planned consideration for the decision on these charters was the October 15, 2016 meeting of SUNY.

On November 7, 2016 a follow up document was issued with approval for 16 of the 32 schools, including all ten of the schools not up for renewal in 2017.

The table in Appendix One shows the 16 schools approved via SUNY document on November 7, 2017 along with their local public hearings, conducted by DOE (per [schools.nyc.gov](http://schools.nyc.gov)).

SUNY Charter School staff members do not attend public hearings. Most importantly, of course, is that every single hearing took place after the SUNY Charter School board had already approved the charter.

Pursuant to EDN § 2857, Paragraph 1-a, the Board of Regents is responsible for conducting public hearings if they have not been held within the parameters of the law. All of the SUNY approvals of October 20, 2016 were conducted without public hearings.



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To add to the confusion, applications are not posted to state or city web pages; applications are not emailed to the community with a hearing notice; and, applications are not printed or distributed at the hearings, should the hearing be scheduled or held in a timely manner. Telephone requests by CEC members for documents are routinely denied. CEC members are told that Renewal Documents are FOIL'able, Districts are not notified of hearings with enough lead time to organize and attend. Hearings are often held outside of the affected communities, incompatible with public transportation, and not coordinated with CECs or the district in question. Feedback is recorded but no answers to questions are required

The intention of NYS Education Law is to ensure a real public process to authorize and reauthorize charter school operations which helps make sure that charters fulfill specific needs in specific communities.

We ask that, if charters are to truly fulfill their mission of service to students, we work together and make sure that state law requirements for due process are applied consistently so that charter schools open where and when they are needed to realize specific educational needs of children in our communities.

### ***2. Authorization, Accountability and Assessment of Charter Schools:***

The process for assessment charter schools is not well-understood and, as a result accountability to the taxpayers by charters is, in fact, lacking.

The original intent of charter schools included the involvement of the community in decisions so they would have buy-in, and, in turn, bring those ideas and successes back to traditional public schools. Re-certifications of charter schools that are not making measurable gains and, struggling, have occurred.

District schools are subjected to well-known, open, and transparent processes regarding their progress and accountability to taxpayers

“Overall, charter schools in the state (81 percent are in New York City) outperformed New York City public schools on the English Language Arts exam. The proficiency rate for charters was 40 percent, as compared to 36 percent for New York City traditional public schools. New York City charters performed slightly better than charters overall at 43 percent.



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When we remove students with disabilities from the overall rates in order to mitigate the effects of differences in numbers of students and the severity of student disability, the charter advantage disappears. New York City district public schools have a proficiency rate of 46 percent and charters have a rate of 45 percent. When you then pull out the data for English language learners (New York City district public schools have more than three times as many), the New York City district public school test performance becomes stronger, and surpasses the proficiency rate for charter schools—50 percent vs. 46 percent.

In math, the charter advantage remains, but it substantially narrows. The 9 percentage point spread (36 percent New York City district public schools vs. 45 percent charters) narrows to 7 (43 percent vs. 50 percent) when special education students are excluded. And when English Language learners are pulled, the charter school proficiency advantage narrows to 4 points (47 percent vs. 51 percent).

The above is not an exhaustive analysis of the data. Comparisons of subgroups always have limitations, but it does illustrate how differences in populations can have dramatic effects on test scores.”

Carol Burris, 2016

It should also be pointed out that when charter schools are exempted from/ flout audits of public money by the City and State Comptrollers, the public trust is eroded. We also see as problematic exempting some charter school teachers from NY State Standards for certification. How, then, can we, as taxpayers, parents, and community members, have confidence in the assessment process? We expect the process for assessment and accountability to be transparent and well understood by the communities served.

We ask the authorizers, as representatives of the public interest, to properly assess and hold charter schools accountable for their performance.

### ***3. Charter Schools and the Collaborative Process in Promoting Quality Public Education:***

The mission of charter schools is to use public funds to allow for the creation of schools that are free to explore new and untested education strategies/policies in order to develop and share best practices with district public schools with the intent to improve outcomes for all students in public schools.



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Every local school district has specific strengths and weaknesses. Most would agree that educational resources using public funds should be allocated using a thoughtful and proactive approach taking into consideration specific needs in specific school districts.

Indeed, in a large school system like NYC, it is often a challenge for central DOE, to effectively do district wide school planning on the local level. It is our observation that too often charter schools are authorized to operate in districts using a lens positioned from afar and therefore with little understanding of the specific needs of the local districts.

Too often, we have seen a charter elementary school options presented to a district that more desperately needs a middle school. Or worse yet, a charter school might be introduced and displace an already successful and sorely needed established school or program. Why not develop an effective school planning approach that places the right charter school in the community that most needs it?

Finally, and most importantly, is what we experience as a complete absence of a sustainable, long-term charter strategy for the public educational landscape in New York City. Further complicating the issue is NY State law that requires only NYC DOE to provide space on the immediate request of a charter school. This forces the system to abandon a rational approach to district wide school planning and choose instead a planning approach which requires Central to trump local need in a desperate search for real estate to fulfill the requirements of this state law.

We believe the creation of firmly established and collaborative lines of communications between the authorizers and the local school districts would greatly improve the effectiveness of how we spend public monies to improve public education for our children.

We ask that Charter authorizers work together, with Central DOE, District Superintendents, District Leadership Teams and elected parent leaders from CEC's and parent leaders within charter organizations, to develop a better indicator of needs for specific charter schools to fulfill particular local needs.



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### ***4. Charter Enrollment Practices and Accountability:***

By New York State law, charters are required to enroll similar numbers of special needs students and students with Limited English Proficiency as their district public school averages. However, many charter schools do not serve all types of students. Students with disabilities and English language learners are under-represented in many charter schools.

There are documented cases of students being counseled out or illegally suspended by charter schools. Some charter schools are known to have suspension rates of two or three times their surrounding district schools. Attrition rates of charter schools have ranged from a high of 52.1% to a low of 21%.

According to NYC DOE suspension regulations, which are based on NY State Education Dept. regulations, district public school students can only be expelled if they are in general education and over 17 years of age at the beginning of the school year.

SWD in Public Schools represent 20.3% of the population while SWD in Charter Schools represent 16.0% of the population. ELL students in Public Schools represent 14.9% of the student population while ELL in Charter Schools represent 6.45% of the student population.

Please see Appendix C, recently published by the Independent Budget Office, Oct., 2017

We ask that prior to approving any charter renewal, SUNY should do an analysis of enrollment to determine if charters are in compliance with the law, i.e., enrolling actual comparable numbers of similar types of students should be required, as by law.

Similarly, authorities should require a breakdown of both free and reduced lunch rather than lumping those two categories together. Oversight should also ensure that charters are taking similar numbers of students in temporary housing.

### ***Topics for further Discussion:***

Exempting some charter school teachers from NY State Standards for Teacher Certification

Suspension Rates/Student Attrition

Teacher Attrition

Projected Demand for Charter Schools

NYS law which guarantees space for Charter schools