



**Department of
Education**

**Joel I. Klein
Chancellor**

**52 Chambers Street
New York, NY 10007**

**Testimony of Eric Nadelstern, Chief Schools Officer
and Christopher Cerf, Deputy Chancellor**

**New York City Council
Committee on Education**

**Charter Schools
April 6, 2009**

Good afternoon, Chairman Jackson and members of the Committee on Education. I am Eric Nadelstern, the Chief Schools Officer of the New York City Department of Education. I'm joined by Deputy Chancellor Chris Cerf; Michael Duffy, Executive Director of the Charter School Office; and John White, Chief Executive for the Office of Portfolio Development. Thank you for inviting us to discuss charter schools.

I am in my 38th year with New York Public Schools. I have served as a teacher; an assistant principal; the principal of a high school that I founded (International High School at LaGuardia Community College); Deputy Superintendent; Senior Instructional Superintendent; Chief Academic Officer of New Schools; Chief Executive Officer of Empowerment Schools; and now Chief Schools Officer. More to the point of today's hearing, I was the first principal in New York City to convert a public school to a charter school shortly after Governor Pataki signed the charter legislation law in December 1998.

At the time, I wrote:

I will not begin the fall semester as an employee of the New York City Board of Education for the first time in three decades ... We will exist outside the orbit of the Board of Ed, free from the influence of the school district's rules and regulations ... As a principal, I will not need central office approval to attend a conference or schedule a school trip as I have in the past. Working with the faculty, parents, and the students themselves, we will now make the important instructional decisions that affect what teachers and students do in the classroom. We will decide who should work at the school, how to develop and evaluate them, and how to expend our resources in support of teachers' efforts to promote student learning. In other words, I have been given license to exercise my professional judgment for the first time in 30 years.

The International Charter High School thrived for two years as a charter school. We continued to admit recently arrived immigrant youngsters who all failed a test of English language mastery as a prerequisite for participating in our State-approved lottery. Those students came from 60 different countries, speaking 40 languages other than English. Ninety percent of them graduated from our high school in four years, and 95 percent of our graduates went on to college. Students were achieving, and being principal of a charter school was the best job I had ever had.

And then the world changed: a new chancellor was appointed (to date I have worked for 13) and overnight, Board of Education support for charter schools in New York City vanished. My school's budget was cut by a third, threatening to decimate services to my students. I was forced to petition the chancellor for reentry into the school system, and he reluctantly welcomed us back as if we

were errant children. Once again we were subjected to the myriad of daily distractions generated by a bureaucratic and unaccountable school system.

Charter schools are public schools. Their autonomy serves to unleash the talent and commitment resident within their school communities. By providing these principals and teachers with ownership of their professional efforts, they are motivated to do everything necessary to ensure that their students do not fail to succeed. The result has been consistently high levels of student achievement.

These core principles of charter schools, namely rigorous accountability and strong school-based empowerment, are the same core principles we are implementing with respect to our public schools—but there are still lots of rules that tie our schools' hands. Success should be measured by outcomes and schools should be held accountable but we should not try to micro-manage schools, which is often what the laws and contracts do.

When I visit schools, as I do regularly each week, I ask myself three questions:

- Would I want to teach at this school?
- Would I wish to serve as principal? *and most importantly*
- Would I send my own children to that school?

As I testify before you today, I can say without equivocation that were I at the beginning of my career, I would teach at a charter school, aspire to serve as principal of a charter school, and desire to send my own children to charter schools.

I will now turn the testimony over to Deputy Chancellor Cerf to provide additional context for today's discussion.

Today, 78 charter public schools serve 24,000 students and their families in our City. By this fall, the number of charter schools will have grown to 99, up from 17 when the Mayor took office in 2002. Charter schools serve the entire City. This fall, we will have 27 in Manhattan; 27 in the Bronx; 38 in Brooklyn; 6 in Queens; and 1 – for the first time – in Staten Island.

This growth parallels a national phenomenon. The first charter school law was passed in 1991 in Minnesota. Despite fierce and determined resistance in every state from political forces that feared any effective competition with the status quo, today 40 states and the District of Columbia authorize Charter schools, and their numbers have grown exponentially. Today 4500 charter schools serve 1.3 million children nationwide, a number that has increased by over 10 percent annually.

Local authorities and state officials have put up roadblocks at every turn (often by perpetuating remarkably inaccurate myths, such as that charters are “private” or “cream” disproportionately affluent students). The partisan nature of debate, however, changed dramatically when President Clinton, following the recommendation of the Democratic Leadership Council, strongly endorsed charter schools and asked Congress to appropriate several hundred million dollars to support them.

President Obama has now taken that support to a new level, making charter schools a central feature of his education platform. As he stated in his first major speech on education as President:

These are public schools founded by parents, teachers, and civic or community organizations with broad leeway to innovate — schools I supported as a state legislator and a United States senator. But right now, there are many caps on how many charter schools are allowed in some states, no matter how well they're preparing our students. That isn't good for our children, our economy, or our country. Of course, any expansion of charter schools must not result in the spread of mediocrity, but in the advancement of excellence. And that will require states adopting both a rigorous selection and review process to ensure that a charter school's autonomy is coupled with greater accountability — as well as a strategy, like the one in Chicago, to close charter schools that are not working. Provided this greater accountability, I call on states to reform their charter rules, and lift caps on the number of allowable charter schools, wherever such caps are in place.

President Obama's statement touches on two themes. First, as Mr. Nadelstern noted, charter schools have served as innovators, teaching us that through autonomy coupled with strong accountability we can unlock the potential of educators to push the bounds of what is possible, especially for our most challenged students.

But perhaps even more crucial is this: we cannot and should not ignore the desires of parents who want high-quality options for their children. We have a duty to improve every single school, and we are working hard to do just that. We believe that providing such options – whether charters or the more than 350 new schools we have created since 2002 – is an effective strategy for improving *all* schools through the power of competition. But, as we pursue the critical goal of improving every school in the system, we should also do our best to respect families' preferences for the schools they want for *their* children *right now*. There is a good deal of focus in the current climate, as there should be, on empowering parents. To tell parents that they should wait for the schools around them to improve is akin to telling them that their considered preference for their own child will not be respected. This is the antithesis of empowering parents.

While 78 schools and 24,000 children sends a powerful message about what parents want, even more powerful is the reality that there are 30,000 names on New York City charter school waitlists. That is more students than attend all schools in Community School Districts 5 and 6 combined. With 39,200 applicants to charter schools this year for 8,500 seats, that sad number is bound to grow.

It is no wonder that the most recent Quinnipiac poll on the question of whether New Yorkers wanted more charter schools, taken this February, turned out an answer nothing short of definitive. A full 67 percent of New Yorkers said that they want more charter schools; only 26 percent answered in the negative. Among parents, the pro-charter stance is even more pronounced, with 72 percent endorsing more charter schools.

State legislators in New York heard the parents' message loud and clear two years ago when they raised the cap that had limited charter schools' growth, increasing New York's limit by 100 schools. We are on our way. By fall of 2009, nearly 100 charter schools will serve our City's students, and with these new charter schools joining the hundreds of other new schools we have opened we are heeding President Obama's admonition and providing parents with the greatest degree of choice of any city in America.

WHAT IS A CHARTER SCHOOL?

Charter schools are public schools in every sense of the word: they are created and monitored by public authorities; they are publicly funded; they are open to all in the sense that they are tuition free and have no admissions requirements; they receive Progress Report grades from the City and take the same mandated State exams as all other schools; the teachers and employees are free to organize unions; and they are subject to the same federal rules governing Title I, IDEA, and discrimination as other public schools. Unlike traditional public schools, however, each charter school has its own board of trustees (which by law must

be non-profit) and is responsible for meeting the standards set out in its charter with the State of New York. Charter schools meeting the terms of their charters are sustained, while other charter schools not meeting these terms will be sanctioned or closed.

Some of the City's charter schools are operated by established school managers such as the Knowledge is Power Program (KIPP), Uncommon Schools, and the Achievement First Schools. Others are affiliated with the United Federation of Teachers, which has started three charter schools in New York City. Some, such as Green Dot in the Bronx and St. Hope in Manhattan, are replications of successful schools in other parts of the country. Some address specific high-need student populations, such as Mott Haven Academy, which recruits students from our foster care system, and many are the product of community or advocacy groups such as the Harlem Children's Zone or One Hundred Hispanic Women.

By overwhelming margins, charter schools serve children whom too often, for too many years, the system did not serve well. Sixty-two percent of charter school students are African-American compared to 32 percent citywide. Thirty percent are Latino, compared to 39 percent in traditional public schools. Seventy percent of all public charter school students are eligible for the federal free and reduced lunch program compared to 62 percent citywide. Moreover, the percentage of children with special needs in charters is much closer to citywide percentages than is commonly represented (the real number is 10 percent vs. 13 percent). Even that modest difference is largely attributable to the fact that charters serve a higher proportion of students in kindergarten through first grade, grades in which special education percentages are lower. The suggestion advanced by charter school opponents that children with special needs are "counseled out" not only conflicts with national studies on the question, but also would violate clear DOE policy. (If anyone has specific evidence of such an instance, we want to know about it immediately.) Finally, the average academic starting point of charter school students is far below the City average.

This year alone more than 39,000 applicants will participate in New York City charter school admissions processes. If past trends hold, about 30,000 of those applicants will qualify for free and reduced lunch. Each of these students will be exercising an option that only the most privileged children in our City have thought of as a right: the right to choose, rather than to be assigned to school.

ACHIEVEMENT

Last year, 84.9 percent of charter school students met or exceeded grade-level standards in math. That rate is higher than the rate at schools across the City and across the State; 70.5 percent of public school students in districts with charter schools met or exceeded standards in math. That figure was 74.3 percent for students citywide, and 80.7 percent of students statewide.

In English Language Arts, 67.1 percent of charter school students met or exceeded grade-level standards. By comparison, 53.6 percent of other public school students in districts with charter schools, 57.6 percent of students citywide, and 68.5 percent of students statewide met or exceeded standards.

In three New York City charter public schools, every single student met or exceeded grade-level standards in math: Girls Preparatory Charter School on the Lower East Side of Manhattan, Harlem Children's Zone Promise Academy II, and Excellence Charter School of Bedford-Stuyvesant, in Brooklyn.

Importantly, the City's Progress Reports measure schools in comparison not just to the City or State overall, but to specific subsets of schools with comparable student needs. All charter schools with appropriate grade configurations receive Progress Reports, like their DOE peers. High-poverty schools are measured against high-poverty schools. Schools with large groups of students with IEPs are likewise compared to similar schools. And charter schools received consistently higher marks on Progress Reports, especially at the middle-school level, where 69 percent of charter middle schools received a grade of "A," compared to 30 percent of middle schools citywide.

RESOURCES AND FACILITIES

Two of the most persistent myths about charter schools are that they "drain" money from "public schools" and that they are overfunded relative to them. To begin with, Charter schools *are* public schools, so the first statement is incorrect by definition. In any event, by any economic measure, public charter schools receive less money per pupil than traditional public schools. While this is true for operating budgets in their own right, the problem is compounded by the unfortunate fact that charters receive no funds whatever to meet their facilities needs—one of the "poison pills" that remains in the law. As a result, charters need either to fund their facilities out of their operating budgets or find an alternative solution.

Over a third of charter schools, serving more than 5,000 students, exist in their own facilities, a fact rarely mentioned among discussions of citywide school capacity. (In fact, of the 35 charter schools that exist within the district lines of the members of the Committee on Education, 18 are in DOE space and 17 are in private space.) Charter schools have added significant facilities capacity to our system, through projects they themselves have financed, sometimes with philanthropic support.

While we encourage independent initiatives of this nature, they are clearly insufficient to give charters at least some chance at a level playing field. Accordingly, where appropriate and in the best interests of children, we frequently locate charter schools in Department of Education facilities.

Sharing space is not always easy. Nonetheless, charters aside, it is also an extremely common feature of our school system: half of the schools in our City share space, and it requires hard work each and every day.

The policy of having charter schools and district schools share common buildings is often framed as a problem that always leads to conflict or constitutes “pitting parents against parents.” The argument ignores the fact that the equitable allocation of resources in world of limited resources, by definition, requires some competition, some sharing, and an outcome where no one gets “the whole pie.” This argument also ignores the many instances in which charter schools and district schools develop real and meaningful collaborative relationships precisely because they are sharing a building.

Both Rebekah Mitchell, the principal of a K-8 school in PS 50, and Julie Fisher, the school leader of the Autism Charter School, are here today. Rebekah and Julie share space and can attest to the inspiring cooperation between their schools.

As for the siting process itself, here too it is necessary to address yet another myth that persists in the face of overwhelming facts to the contrary: that sitings occur without community input and engagement.

As you know, charter school leadership groups propose a school to one of three “authorizers,” noting one Community School District as their intended location. The New York City Department of Education is notified at that time that an application has been received, and the DOE notifies the appropriate CEC, which holds the State-mandated, public application hearing.

If the proposal, which includes the record of the public hearing, is approved by the authorizer and receives a favorable vote from the Board of Regents, it is eligible for location in the Community School District of record. Charter applicant teams, now approved, submit facilities plans to their authorizers, noting plans for potential private space and, if applicable, intentions to request public space.

Based on in-person site visits, the Department of Education’s Division of Planning and Infrastructure simultaneously assesses capacity across the City, especially in facilities whose number of instructional spaces significantly exceeds the number of student groupings or sections.

The DOE notifies principals and SLTs of the result of its survey and thus of a facility’s eligibility to receive a new school in the year to come. At the same time, the DOE assesses school recruitment efforts and, if there is an appropriate placement given the convergence of recruitment and facilities information, issues a statement to parents, the school communities, the CEC, Community Boards, and local CBOs of the intent to hold a public hearing regarding a proposed

charter school siting, as required by law. Since January of 2008, the Department has conducted 150 public hearings on issues related to charter public schools.

The Chancellor and his team use input received at these hearings as one among many elements —charter school applicant information among them—necessary to make a final determination.

We agree with the view that we can do better at notifying and informing all affected parents about siting issues and look forward to a collaborative discussion with the Committee on ways to improve the process. There have been two instances this year, for example, when we benefited from your input and scheduled second hearings because the timing between notice of a hearing and the hearing itself was insufficient.

Providing timely information and an opportunity for spirited debate is for the good, as is a process that yields improved solutions shaped by that debate. As this public process unfolds, however, we also must do our best to hear both the loud voices of opponents and the masses who have chosen to speak through a school application—almost 40,000 for this year’s slots alone—rather than at a microphone. Community engagement requires due respect for those voices as well.

We believe that we struck the appropriate balance in three schools that have been in the public eye in recent weeks: PS 150, 241 and 194. In each instance, we proposed to gradually close down three failing traditional elementary schools and to replace them with charter schools that would give priority admission to students in that failing zone. These were zoned schools parents themselves had fled.

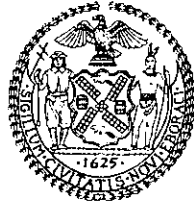
The teachers union and others filed a lawsuit that would likely have dragged on well into the summer protesting replacement of the zoned school. The legal questions are complex, and we decided that rather than allow the suit to be a distraction for parents, we would keep the schools open, maintain the priority admission we had given families to both the charter school and to surrounding DOE schools, and allow parents rather than courts to decide who should go to school where.

What has happened? In each instance, parents are overwhelmingly choosing the charter alternative for their children—just as they have been overwhelming choosing out of zone options for their children for years. For those who are not, however, the traditional alternative remains open to them.

CONCLUSION

Perhaps the biggest myth of all is that policy makers and elected officials must choose between charters and traditional public schools or between improving existing schools and offering parents other options. In our view, that is a false choice. Charter schools are one important offering for parents—indeed one that is demanded by parents. But they will always exist within a larger system. We are and always will be steadfastly committed to improving every one of our traditional public schools. We also believe, however, that one clear path to doing so is by giving parents quality alternatives and allowing the forces of competition to drive positive change. Finally, while we work hard to improve all of our schools, we are not so naive as to believe that all schools are in fact improved or that there will be not always be some that defy improvement despite our collective best efforts. We do not believe it is either fair to parents or defensible to our most needy students to ask them to wait patiently while we deprive them of present solutions that give them the best shot a successful life. As a group, New York City's charter schools are doing just that.

FOR THE RECORD



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

Good afternoon, Chair Jackson and members of the City Council Committee on Education. My name is Dennis Walcott, and I am Deputy Mayor for Education and Community Development. I am joined here today by Eric Nadelstern, Chief Schools Officer, Deputy Chancellor Chris Cerf, John White, Chief Executive for the Office of Portfolio Development, and Michael Duffy, Executive Director of the Charter School Office, all of the Department of Education (DOE).

It is my pleasure to join you today, as I have so often in the past, to discuss a vital component of the education reforms that the Bloomberg administration has implemented during the past seven years. Over the years, I have appeared before you to discuss everything from budgets to parental engagement, capital planning to pedagogical approach. Today, we are here to discuss the role of charter schools in our school system. I will provide some brief introductory remarks before turning it over to Mr. Nadelstern and Mr. Cerf, who will provide the bulk of the testimony. We will then be happy to answer whatever questions you may have.

As you know, when our administration took office in 2002, we created the *Children First* reforms to take New York City's educational system in a different direction. After decades of stagnant scores and paralytic inefficiency, we began implementing a number of initiatives designed to do one thing: improve the educational outcomes of children. Our approach brought about sweeping changes throughout the system, including: the ending of social promotion; the downsizing of the central bureaucracy with hundreds of millions of dollars redirected to the classroom; the recruitment and placement of highly-qualified

teachers in the neediest schools; the granting of autonomy to principals to do what they believe is best for their schools; the provision of school letter grades to allow parents to know how well or poorly their child's school is doing; the distribution of resources throughout the City via a Fair Student Funding formula; and many others.

A signature element of these reforms has been the creation of new and different educational options for students and families. As a life-long New Yorker who attended public schools growing up, I had limited options for schooling. Most of us went to the schools that were prescribed by the system, going from one "feeder" school to another, regardless of how good – or not – those schools were because that's what members of our community had done before us. Our administration wanted to change that. We wanted to make sure that parents, particularly those who for too long had had no choice, would now have the option of actually choosing the kind of educational experience that was the best fit for their child. That quest led us to create, so far, more than 350 new schools – or options – for parents: themed schools; single-sex schools; small schools; differently configured schools like K-8 or 6-12; career and technical education schools; and yes, charter schools.

Everyone in this chamber is familiar with our Mayor's penchant for data and accountability in driving policy decisions. Given the results that charter schools often produce, it is no mystery, then, why New York has become the most "charter-friendly" city in the country. Last year, nearly 85% of charter school students in the City met or exceeded grade-level standards on standardized math exams. More than two-thirds met or exceeded standards in reading. These are numbers that we can all cheer, but the exciting news is that all public schools, both charter and non-charter, are improving. Let me give you just one example, of particular significance to me.

As you may remember, in March 1997, District 5 was put into receivership due to fiscal and other mismanagement, and I was appointed its trustee. I saw first hand the dysfunction so often endemic of the old system. Teaching and learning was the last thing happening in District 5 schools, and our students' test scores sadly bore that out. In 2002, 12.4% of 8th graders were proficient in math – 12.4%! That's a shocking statistic. Today, while still needing improvement, that number has almost quadrupled to 46.4%. In reading, the 8th grade proficiency rate has almost doubled, from 16.5% to 29.6%. Fourth grade reading and math scores are also up dramatically, with reading at 45.6% and 66.9% of 4th graders now math-proficient. I am extraordinarily gratified that this district with which I have such a personal connection has shown such improvement and continues to go in the right direction. Students at the district's charter schools reflect this trend. Fourth grade reading proficiency at these schools is at 45.7%, 4th grade math proficiency at 67%; 8th grade reading and math proficiency at 42.6% and 96.5%, respectively. The fact that the students in both traditional public and charter schools in this district are mirroring each others' successes is icing on the cake, further proof that holding all schools accountable and letting families choose from a variety of quality options produce positive results for everyone.

In 2002, when our administration took office, there were only 17 charter schools in our City. Today, there are 78 – with at least 20 more coming online in the fall – enrolling 24,000 students. 30,000 more are on a waiting list. With this type of demand and given the evidence of their success, it would be irresponsible for this administration not to do everything within its power to ensure that charter schools expand and thrive. Just as it would be unconscionable for us not to provide that type of support to all of the City's 1,500 schools as they strive to provide our students with the best education possible.

Thank you again for this opportunity to discuss such a critical facet of our educational reforms. I look forward to your questions. Eric...

TESTIMONY

VERONICA MONTGOMERY-COSTA

PRESIDENT, LOCAL 372

NEW YORK CITY BOARD OF EDUCATION EMPLOYEES

AND

DISTRICT COUNCIL 37

AMERICAN FEDERATION OF STATE,

COUNTY AND MUNICIPAL EMPLOYEES

AFLCIO

HEARING

CITY COUNCIL EDUCATION COMMITTEE

EXPANDING CHARTER SCHOOLS IN NEW YORK CITY

APRIL 6, 2009

TESTIMONY SUBMITTED BY

VERONICA MONTGOMERY-COSTA

PRESIDENT - LOCAL 372 AND DC 37, AFSCME, AFL-CIO

APRIL 6, 2009

Chairman Jackson and Committee Members:

Local 372 is opposed to the Mayor's plan to expand the number of charter schools, because we believe that charter schools are inherently divisive to the population of New York City. The addition of charter schools establishes two distinct school systems. One is a system of public schools, usually in lower income neighborhoods, which are stripped of vital support services for which they have the greater need. The other, consists of small academies with catchy theme names, and Charter Schools, which siphon off an ever-increasing amount of the DOE budget.

Let's face it. Charter schools were a fall back plan, when public outcry defeated school vouchers. New Yorkers would not accept using taxpayer funds to give parents vouchers to support private and religious schools. That's when the fall back plan kicked in. Now the state and city are using taxpayer funds to support what they are calling charter schools, which are actually private schools run by both non-profit organizations and entrepreneurs. They even go so far as to tell everyone that they are really public schools.

Local 372 contends that the effect of charter schools is no different from that of school vouchers. School vouchers lead to greater segregation of pupils by socioeconomic status and race (Source: Henry M. Levin, "Educational Vouchers: Effectiveness, Choice, and Costs," *Journal of Policy Analysis and*

Management, Vol. 17, No. 3, 1998) and are therefore, in contradiction to the spirit of the unanimous opinion delivered by United States Supreme Court Justice Earl Warren in *Brown v. Board of Education of Topeka Kansas*, in which he stated, “separate education facilities are inherently unequal...”

Charter schools siphon off the higher performing students from their neighborhood schools and prevent our public schools from being academically and racially diverse.

Here’s how the plan actually works. First look around the country to find those education corporations or non-profits with the most alluring and widespread publicity—usually self-generated. Invite them to open small boutique schools with smaller class sizes, in small rental spaces or, possibly within existing at-risk public schools. Give the little boutique schools catchy names or themes. Then lure those parents, who have the means and time to investigate their new schools choice options, to enroll their children. Usually the top performing students are the first to go.

Make sure that the boutique school maintains its attraction to the parents who chose it. Keep them involved and make sure they are ready to praise their little school to reporters and education officials. Keep those statistics showing superior performance readily available.

Don't bank on the Mayor's data.

Meanwhile, back at the neighborhood public schools, things are not so attractive. The test scores, attendance and drop-out rates look far worse than they did before charter schools come on the horizon.

The Mayor's so-called proof of the success of his charter schools is really a comparison of apples and oranges, because the top students have been taken out of the mix in the neighborhood public schools. It is not honest to compare the achievements of students in small schools with small class sizes to students in overcrowded, underserviced neighborhood public schools populated with the children left behind.

Parents of neighborhood school children, your constituents, become increasingly bewildered and frustrated, because they have been relegated to the bargain basement of the school system, while others enjoy the boutique, often housed within the same building. Local 372 reminds our Council Members that you cannot support charter schools without cannibalising your neighborhood public schools.

Charter schools differ greatly in structure and student population and are exempted from state standards in teacher qualifications curriculum requirements.

Therefore, there can be no definitive data here in New York City or nationwide as to the academic superiority of these charter schools over properly funded and staffed public schools.

The Mayor boasts charter schools are tops in parent satisfaction polls.

Charter school parents are very happy with smaller schools with smaller class sizes and children dressed in nice crisp uniforms. Neighborhood public school parents of the children left behind don't even have the basic right to representation by a community school board. The Mayor took that away as his first initiative with sole governance of the schools.

There's no business like school business.

Many New Yorkers seem to approve of the Mayor running the DOE as if it were a major corporation. His charter schools are run like little subsidiaries and are expected to turn a profit. But who is profiting from these charter schools?

A New York Daily News report on February 27, 2009 calls former New York City Council Education Chair Eva Moskowitz, who founded a small chain of charter schools, "a passionate and abrasive champion of the charter school movement."

Ms. Moskowitz' sustained commitment to charter schools rewarded her with a salary last year of \$310,000 for running Harlem Success Academy 1, 2, 3 and 4, serving a total of 1,000 pupils from kindergarten to third grade. Chancellor Joel Klein gets \$250,000 to run 1,400 school sites and is responsible to 1.1 million students.

(See attachment 1.)

Education officials just don't get it.

In response to the state adding \$405 million dollars in state aid to public schools, while cutting aid to charter schools by \$50 million dollars, the *New York Post* reported that the new Secretary of Education Arne Duncan said, "These are our kids, these are our schools. If we are serious about it, then let's treat them all the same...I'm not going to treat my son differently than I'm going to treat my daughter." *(See attachment 2.)*

Local 372 has a message for Secretary Duncan. He just doesn't get it, or he's falling for the Mayor's spin on charter schools. New York City's 1.1 million school children are not being treated the same.

There are 21,578 school children receiving a boutique education, while the others must make do in the bargain basement.

Local 372 urges our City Council Members to revisit the principal of *Brown v. Board of Education of Topeka Kansas*, which guided us in New York City for so long. Please take its message to heart. We cannot take any steps backward in the process of making our public schools places where all children have equal access to quality education.

Former City Council member Eva Moskowitz makin' a bundle at nonprofit schools

Friday, February 27th 2009.

Eva Moskowitz, the former City Council member who founded a small chain of nonprofit charter schools, is a passionate and ahrasive champion of the charter school movement.

She's also making a bundle.

Moskowitz, who makes no secret of her desire to create 40 charter schools across the city and run for mayor some day, raked in \$371,000 in salaries in the 2006-2007 school year from organizations connected to her four schools. tax records show.

Those schools, **Harlem Success Academy 1, 2, 3 and 4**, have an enrollment of about 1,000 pupils, from kindergarten to third grade.

The nonprofit organizations connected to the schools have yet to file more recent tax returns. but Moskowitz said in an interview late Thursday she received \$310,000 last year - the 2007-2008 year - \$250,000 in salary and \$60,000 in a bonus.

That means Moskowitz, who is responsible for four schools, makes more than Chancellor Joel Klein, who gets \$250,000 to run 1,400 schools.

In 2006-2007, she even surpassed **John Ryan**, the former chancellor of the State University of New York, who earned 5340,000 to manage some 70 campuses with nearly 300,000 students.

Needless to say, she left your run-of-the-mill public school principal, with an average annual salary of \$124,000, in the dust.

Tax records show in her first year of operation Moskowitz made \$85,000 as executive director of Harlem Success Academy, the group that receives DOE money to operate the charter schools.

At the same time, she received \$186,000 as chief executive officer of the Success Charter Network, a separate nonprofit that provides "management services" to her schools.

Finally, she received \$100,000 as an "independent contractor" for Friends of **Gotham Charter School**, which provides support finances for **Harlem Success**.

http://www.nydailynews.com/nylocal/education/2009/02/26/2009-02-26_former_city_council_member_e...3/6/2009

All three organizations share an address and list as officers Joel Greenblall and John Petry, the millionaire hedge fund managers who bankrolled the Success Charter Network.

Moskowitz said her unusually high pay for 2006-2007, included compensation for months of planning work from the previous year.

"Yes, I earn a good living," Moskowitz said. "I also have an enormous responsibility to try and design 40 schools that are immensely successful. If your child walks into my school, I treat them like my child."

Charter schools are free to use the money they raise from outside sources any way they see fit - even if that means huge salaries for the chief executive.

Given that Moskowitz routinely complains that the Department of Education has failed to provide a fair share of funding for her students, it's fair to ask why she's paying herself so much for educating so few. Charters get about 90 % of what it costs to teach each child and raise funds for additional money.

Parents from Moskowitz's schools vehemently defend the Harlem Success Academy and say their kids are making phenomenal progress. That could very well be true, but the DOE has not posted independent test results for any of the Moskowitz schools.

Her critics, who include educators, parents, the teachers' union and Harlem political leaders, say she is a relentless self-promoter.

They say she is not shy about packing public meetings with a parent group she has organized, and then demanding that other public schools give up their space to make way for her programs.

"We had one meeting in East Harlem last year where she bused in her [students'] parents, and the situation get ugly and tense as they kept demanding space in our school," said one East Harlem community leader.

This week, more than 500 parents from the Harlem Success Academy were bused to a hearing at Public School 241 in West Harlem, a school the DOE wants to phase out and turn over to Moskowitz.

"We're unwilling to accept failure," Moskowitz said. "PS 241 has failed for years on end, and it needs to change."

Parents who send their children to 241, along with the local Community Education Council, say the DOE is violating the law by eliminating a zoned public school and replacing it with a charter.

jgonzalez@nydailynews.com

NEW YORK POST

O'S ED. CZAR ZINGS IT TO CHEAPO CHARTER POLS

By YOAV GONEN Education Reporter

April 3, 2009 --

President Obama's education chief slammed New York state lawmakers yesterday for shortchanging charter-school kids in the state's budget.

In a meeting with The Post editorial board, Secretary of Education Arne Duncan was surprised that Albany had added \$405 million in state aid to public-school districts while hitting charter schools with what amounted to a \$50 million cut.

"That doesn't make sense," Duncan said, after shaking his head for a minute. "These are our kids, these are our schools. If we're serious about it, then let's treat them all the same."

Lawmakers are freezing charter-school funding for the coming fiscal year, which critics say guts nearly \$1,000 per city charter student.

SAVE MONEY
WITH THE
OPTIMUM
TRIP
PLAN

Duncan suggested the funding inequity was creating unnecessary divisions between traditional public schools and privately managed charters – even though they serve the same public-school kids.

"I have two children," he said. "I'm not going to treat my son differently than I'm going to treat my daughter."

As he's done in recent days, Duncan continued touting the benefits of mayoral control of urban school districts – saying he'd like to see it expanded to cities like Los Angeles and Detroit.

When he made the same pitch earlier in the day at the National Action Network's meeting in Midtown, it was met with an audible chorus of boos – making it the only portion of his speech that wasn't well-received.

"It doesn't mean you don't have other voices," he said. "Mayoral control doesn't mean you don't listen to other folks."

One of the voices Duncan said he benefited from as schools superintendent in Chicago was that of an independent research group that analyzed school policies and programs using school-district data.

He said such an independent organization – something that's been in the works in New York City for nearly two years – provided pivotal "checks and balances" on mayoral control.

"I made a lot of policy changes based upon the feedback they were giving me," he said.

<http://www.nypost.com/php/pfriendly/print.php?url=http://www.nypost.com/seven/04032009/news/polit>

The Council of School Supervisors and Administrators (CSA)

Ernest Logan, President

Testimony Presented to The City Council Education Committee

Hearing on
Charter School Expansion in New York City

Monday, April 6th, 2009

Good afternoon, Chairman Jackson and distinguished members of the New York City Council Committee on Education. My name is Noah Franklin and I am the Director of Governmental Affairs for the Council of School Supervisors and Administrators (CSA). I am here speaking on behalf of Ernest Logan, CSA President. I want to thank you for the strong leadership you have shown by holding this oversight hearing on the important issue of the expansion of charter schools in New York City.

CSA represents over 6,100 Principals, Assistant Principals, Supervisors, Education Administrators, Day Care Directors and Assistant Directors in New York City. In particular, CSA represents union members in the following charter schools: Wildcat Academy Annex in the Bronx; Beginning With Children in Brooklyn; Kipp Academy Charter School, John Lindsay Wildcat Academy, the Renaissance Charter School, and Future Leaders Institute in Manhattan. These publicly funded charter schools serve a population of over 2,000 students.

Children are always our top priority. In every classroom across New York City, we believe we must make sure that every child is treated fairly, and provided all possible opportunities to grow and excel. This concept of fairness is essential in public education, and must be at the center of the discussion of charter schools and their possible expansion. Correspondingly, the expectations placed on charter schools must be fair and equivalent to those placed on traditional public schools. Let's not forget that charter schools in New York City are public schools. After all, charter schools serve students who do not pay to attend and they are funded with public money.

Since the NY State Legislature passed a law authorizing the creation of charter schools in 1998, seventy-eight charter schools have been created in New York City. During the past decade, several New York City charter schools have made notable contributions to education, including providing a longer school day and year; encouraging the use of innovative teaching methods, curriculum and activities; creating new opportunities for teachers and school administrators while allowing entrepreneurs to bring their talents to public education; and providing parents and students with a greater choice of options within the public school system.

In regard to the topic of today's hearing, we strongly believe that there are several important issues of fairness that need to be addressed before the number of charter schools is expanded in New York City. These issues include increasing funding for existing charter schools; creating more diversity in charter school locations; encouraging greater charter school involvement in the community; and ensuring equal evaluation and accountability for charter schools.

At the top of list of issues, fairness in state funding must be considered. Presently, charter schools in NYC are facing a severe financial challenge, due to the fact that their public funding has not kept pace with their growing operating costs. In the recent New York State budget agreement between the Governor, the Assembly, and the State Senate, charter school funding for next school year was frozen at the level of two years ago. In contrast, traditional public schools received the same amount as last year. This funding inequity is creating unnecessary divisions between traditional public schools and charters even though both types of schools serve the same public school students. While funding levels have not increased in two years for charter schools, these schools have seen increases in fixed costs, such as labor, utilities, and materials, due to employee contracts and the standard rise in inflation. If this situation is not corrected, Principals will have to lay off teachers, thus increasing class size; cancel academic programs and services; and put off purchasing essential learning materials. We must ensure that existing charter schools in New York City are funded appropriately.

When considering fairness in terms of expanding charter schools, we must also look at where these new schools will be placed across the city. If charter schools truly provide a quality educational alternative to traditional public schools, then they should be distributed more evenly across different neighborhoods of the city, and not clustered in certain communities. Today, the vast majority of charter schools in New York City are located in Harlem and the South Bronx. More diversity in the location of charter schools is critical for two reasons. First, if some students have the opportunity to attend a charter school, then we should strive to give all students that opportunity. Second, a high concentration of charter schools in one particular community can

undermine the perception of the traditional public schools in that area. The concentration of charter schools in certain neighborhoods suggests that the local schools are not performing at a high level, when they may in fact be more successful than the charter schools. We should look at locations of current charters, and create a plan for dispersing new charters more evenly throughout our city.

For charter schools to create the optimum learning environment, there must be fairness in how their surrounding communities are involved as partners in the schools. Historically, charter schools have been isolated from the communities that they serve. In contrast, traditional public schools are often a community resource. In recent years, the isolation has begun to break down as charter school administrators realize that in order to succeed in educating children, they need to build strong relationships with the parents of their students and they need to be connected to the communities in which their students live. In particular, charter schools should welcome community groups to use their facilities, even if group members have no children of their own enrolled at the school. We should encourage, or even require existing charter schools to explicitly make community involvement one of their objectives. They must function like every other public school that accepts public school students and receives public money.

There must also be fairness in the way in which charter schools are evaluated and held accountable for success. In the current system, traditional public schools are evaluated by Progress Reports and Quality Reviews that are standard across the city. Charter schools differ from public school in that they are held accountable according to the school-specific student performance goals that they have set for themselves in their charters. However, we cannot accurately compare the two types of schools, since charter schools are not evaluated in the same way as traditional public schools. Charter schools, which are funded by public money, are accountable to No Child Left Behind and other standards. To that end, we should ensure that charter schools are evaluated by the same standards as traditional public schools.

Although charter schools are not allowed to discriminate against students in their selection and acceptance process, they can encourage parents to have their child leave and attend a traditional public school. We have heard reports of charter schools that intentionally advise parents of ESL or special education students that the local zoned school would have better resources for their child. In this way, charters are able to remove students who may not perform as well on certain kinds of standardized tests. We must fully investigate the practices and procedures that charter schools use to "counsel" parents and students out of the school.

In conclusion, charter schools are a relatively new addition to the New York City education system. Therefore, it is not surprising that there are still critical issues that need to be addressed in the funding, geographic distribution, and evaluation of charter schools. As a result, it would be irresponsible to hastily and rapidly expand the number of charter schools in New York City without addressing the challenges inherent in existing charter schools. To that end, we urge the City Council to carefully evaluate and address the fundamental issues facing existing charter schools today before supporting their further expansion in the city. In this time of economical difficulty, we must ensure that every dollar of public money that we spend on charter schools and traditional public schools are truly working to improve the education of our children.

Dr. Annie B. Martin – Testimony before Education Committee, New York City Council on Charter School Expansion – April 6, 2009

- Good afternoon Chairman Jackson and members of the New York City Council Education Committee. My name is Dr. Annie B. Martin, and I am President of the New York Branch of the NAACP.
- As a concerned resident and activist in Harlem, I have fought hard for quality schools in our area. Our children and our entire Harlem community need them desperately.
- The NAACP has labored and litigated to ensure that public education is accessible, equal and open to all. We have dedicated our lives to these issues, because we deeply believe that every school should exemplify excellence, and every child deserves a quality education.
- I came out to speak with you this afternoon, because I believe that our education department in its commendable efforts to set standards of excellence and improve the quality of New York City schools in general, and Harlem schools in particular, has lost its way.
- I have serious concerns about the DoE's plan for charter school expansion in Harlem. That's not to say I'm against charter schools – I'm not. But, I'm for open, transparent community discussion and true input from the parents whose children's future depends on these policies.
- Understandably, I am very concerned that these decisions to put charters into existing public schools, or to close public schools, are being done without community input.
- More and more, I worry that the Harlem community, whose parents want quality schools so badly, is being used as a pawn by the charter movement.
- Some parents and their children are selected for public education benefits and parental engagement, while other parents and their children are overlooked.
- Children are competing for placement in schools right in their neighborhoods and parents are made to feel like standing up for their rights equates with denouncing higher quality "school choice." I never like to see parents pitted against parents, but more and more, that's what I'm seeing;

and sadly it is being quietly instigated by our city's own education department.

- When that happens and the community isn't consulted, we don't get a chance to ask about the collateral damage those moves make. How neighborhood parents will deal with losing their zoned school, for example... or questions like how will the changes affect the already-overcrowded schools in the area? Or what types of services will English Language Learners and students with special needs have, if they are not selected in the charter school lottery admissions process?
- Chairman Jackson, please help make the DoE follow state and city guidelines on community and parental input into these critical decisions. Let us not in the name of quality education, undermine the public trust and let one type of public school operate in our communities without oversight, while the other public schools are neglected. Thank you.

**Ocean Hill – Brownsville Battle for Decentralization
1968-2008
40th Anniversary**

December 13, 2008

Re: Phasing Out of P.S./I.S. 150

Dear Mr. Conyers,

We the parents of P.S./I.S. 150 and the concerned residents of community school district 23 are recommending to you and Chancellor Joel Klein the following school design structure and services that the new schools must have to improve our children academic performance, meet their social needs and communicate the needs of the parents in the P.S./I.S. 150 school community.

We are requesting:

1. The Core Knowledge Curriculum, this will help our children do better on the state exams.
2. Bilingual Education Program, to make certain that the children learning English continue the learning process until they reach English proficiency.
3. Mentoring Program for Teachers who have less than 5 years experience, to support teachers trying to implement the core knowledge curriculum.
4. On site Professional Development Lab for teachers, to support teachers trying to implement the core knowledge curriculum.
5. Dr. James Comer School Development Program – We someone to come in and examine our school culture and design a program will help us create “Learning environments that support children’s physical, cognitive, psychological, language, social and ethical development.”
6. Brooklyn Parent Resource Center to set-up a site in our school to help support the parents, who have children in special education.
7. Kings County Psychiatric Center to set up a site within our school to support the emotional needs of the children and parents.
8. Kaplan program –to provide remedial support for the children that are performing below proficiency and accelerated tutoring program to help children at levels 3 and 4 pass the regents in algebra and earth science in the eighth grade.

Ocean Hill – Brownsville Battle for Decentralization 1968-2008 40th Anniversary

9. Monthly Performance report cards, so parents can learn how their child is doing before the parent-teacher conferences.
10. Foreign language for children in the sixth grade through eighth grade.
11. Continuing adult basic education program to help parents learn how to use the computer, speak English and pass the GED and College entrance exams.
12. We agree that the pre-kindergarten to eighth grade model does not work for our children with one principal and no Superintendent to manage the administrative mechanics of a school in a struggling community. Our children need to have administrators that they know and as parents we trust that will look out for their best interest. We are requesting that our school be divided into the following 3 components with the following administrators:
 - Pre-kindergarten to Second grade – for Ms. Price
 - Third grade to Fifth grade – for Ms. Bardales
 - Sixth grade to Eighth grade – for Ms. Wallace, let the middle school be the phase out school
13. Finally, we want our school to have a Performing and Fine Arts Theme. We want support from outside theatrical groups and museums to work with our children and teachers to help them discover our children untapped talents.

We know that a school that offered the programs and services mentioned in our letter would show our children that we see them as valuable learners that will achieve to be productive citizens in the future.

Sincerely,

Name	Address	Telephone Number or Email Address
PS/FS, 150 Prod. ROSE LANEY ed, Prod Council	421 BLAKE Ave B'klyn N.Y. 11212 #2A.	718-922-2033 R.LANEY@ ^{ob} yahoo.com.

TESTIMONY

DR. LEO CASEY

VICE PRESIDENT,

ACADEMIC HIGH SCHOOLS

UNITED FEDERATION OF TEACHERS

BEFORE THE

EDUCATION COMMITTEE

OF THE

NEW YORK CITY COUNCIL

APRIL 6, 2009

Good afternoon, Chairman Jackson and members of this distinguished committee. My name is Leo Casey, and I am Vice President of Academic High Schools for the United Federation of Teachers (UFT). Thank you for this opportunity to testify before you on this important topic.

Twenty years ago, the late UFT and AFT President Al Shanker laid out a compelling vision for a new and different type of public school. Freed from stultifying state and district bureaucracy and micro-management, this public school would be an educational laboratory, an incubator of innovative approaches to teaching and learning which would be shared with other public schools. The men and women who worked in this school could be empowered as educational professionals to use their skills, knowledge and experience to provide the highest quality education for their students. The school itself would have organic ties to the community it served. Shanker called this new type of public school a “charter school.”

Today, we in the United Federation of Teachers remain deeply committed to this original Shanker vision of a public “charter school.” And when it comes to this vision of charter schools, we don’t simply talk the talk. We walk the walk: we have started two charter schools of our own in East New York, and we have partnered with Green Dot to start a third charter school in the South Bronx. We proudly represent educators in nine charter schools in New York City, and our national union, the American Federation of Teachers, represents many more across the country.

The original Shanker conception of a public “charter school” was not ideological and political, but educational. In recent years, however, political ideologues opposed to public education and to teacher unions have sought to turn the charter school concept into its opposite, using it as a vehicle to privatize public education and undermine teacher voice and professionalism. To this end, these political ideologues divisively pit school against school, parent against parent, charter against district, using the politics of conflict. That we will always oppose, as educators and as citizens. Our democracy depends upon public schools, both district and charter, which unite us as Americans.

What is at issue here is not the existence of charter schools, but their character. Charter schools must be “public schools” in the fullest meaning of the term, dedicated to education for the public good and in our common purposes as American citizens. They must serve all and bring us together. They must be a force for improving public education.

For the promise of charter schools to be fulfilled, we believe that they must rest on a foundation of six pillars:

1. **QUALITY:** Charter schools must provide a high quality education and meet the same educational standards, serving the same students, as district public schools.

2. **INNOVATION:** Charter schools should be places of educational experimentation, developing and testing out new approaches to teaching and learning which can then be disseminated among all public schools.
3. **REAL CHOICE:** Charter schools should supplement, not supplant, existing public schools. They should provide students and their families with more choices among quality public schools, including a choice to attend a traditional neighborhood school. It is important here to maintain a balance between neighborhood schools and charter schools, such as we have advocated for years.
4. **EQUITY:** Charter schools and other public schools must be treated equitably, provided with equivalent resources and supports. No student should be educationally shortchanged because the school he or she attends is not in political favor.
5. **VOICE:** Charter schools must welcome the participation of parents and teachers in important educational decisions, and the right of charter school staff to organize and bargain collectively must be recognized.
6. **ACCOUNTABILITY:** Charter schools must be accountable, in public and transparent ways, for student performance, admissions and enrollment policies and how public funds are used, as rigorously as district schools are held accountable.

We do not simply advocate these principles for all charter schools; we live by them in the charter schools we have sponsored and in our representation of teachers in other charter schools. The educational records of our charter schools demonstrate that far from being an impediment to learning, real parent and teacher involvement in school governance makes schools better. Our ability to provide such features as a longer school day and intensive literacy and numeracy instruction for our students without placing impossible time and work demands on educators demonstrates not only that schools can make such innovations, but that they can accomplish that in sustainable ways which can be replicated on scale. The school-based contract we have negotiated for Amber Charter School, and are now negotiating at other charter schools where we represent the educational staff such as Green Dot, show that collective bargaining can take place in a way that respects both the uniqueness of a charter school and the professionalism of the educators who perform all of the essential work within it. Our record is a public record.

What Path For New York City Charter Schools?

Recent developments with respect to New York City charter schools have raised serious concerns for many in the public education community. An increasingly obvious strategy is being

pursued to concentrate the placement of charter schools in just three New York City communities – Harlem, the South Bronx and Central Brooklyn. Of the 18 charter schools which opened in New York City in September 2008, 14 went into these three communities: 5 in Harlem, 5 in the South Bronx, and 4 in Central Brooklyn. Of the 79 charter schools now operating in New York City, nearly three-quarters (or 58 schools) have been located in these three targeted communities: 21 in Harlem, 19 in Central Brooklyn and 18 in the South Bronx. Today, in Harlem, 31 percent of all elementary and middle schools are charter schools; in the South Bronx, 20 percent are charter schools; and in Central Brooklyn, 14 percent are charter schools.

This strategy has been undertaken in a coordinated fashion by a number of influential charter school organizations, by conservative philanthropies that are playing an increasingly prominent role in the private funding and development of charter schools and by the New York City Department of Education. There are charter organization documents, such as *Flooding the Zone*, which discuss this strategy in considerable detail.¹ The Walton Family Foundation, established by the founder of Wal-Mart, has funding guidelines designed to promote it: Walton will only support New York City charter schools located in Harlem². And the New York City Department of Education has placed the vast majority of the 58 charter schools located in these communities within district school buildings and buildings built with DoE capital funds.

This strategy breaks radically with the original concept of charter schools, in which they complemented and enhanced district schools in a more expansive and diverse system of public schools. The new concept is to create “charter districts” in which district schools are replaced with charter schools, a policy which actually reduces real choice for families.

In the pursuit of this strategy, the Department of Education recently announced an unprecedented scheme to turn over entirely to charter schools the buildings of three district schools – PS 194 and PS 241 in Harlem and PS 150 in Central Brooklyn – it had originally slated to phase out starting in September 2009. Two of these three schools – PS 150 and PS 194 – were in good standing with the New York State Education Department and had met their annual yearly progress benchmarks under No Child Left Behind through the 2007-08 school year; the third – PS 241 – went from a B on its Department of Education school progress report last year to a D this year.

In taking these steps, the Department of Education would have unilaterally eliminated the attendance zones for the three elementary schools, leaving the families living in them without a guaranteed seat in a neighborhood public school. State education law delegates to the Community

¹ <http://www.tilsonfunds.com/Personal/FloodingTheZone.pdf>

² <http://www.waltonfamilyfoundation.org/forgrantseekers/instructions.asp>

Education Council (CEC) the power to rezone the Community School District, but the Department had not sought the approval of the CECs. People's voices should have been heard, but they weren't because the CECs were bypassed. When we talk about the need for checks and balances, this is a perfect example.

Parents from those three schools and members of the CECs for the districts in which they are located were joined by the New York Civil Liberties Union, Public Advocate Betsy Gotbaum and the UFT in filing a lawsuit against the DoE for eliminating the attendance zones in violation of state law. Late Thursday, the Department of Education announced that it would rescind its plans to close the three schools, although the details of their plan are not yet clear.

What has been particularly distressing about the Department of Education's approach to these three schools was the historic and continuing failure to provide them with the supports and resources necessary for their success. For example, PS 194 has historically had high class sizes and has gone through a series of unsuccessful principals in recent years. Rather than eliminating all district schools from these neighborhoods, the DoE should be fulfilling its prime responsibility to provide families with a *real* choice of a quality district school and a charter school. If the DoE knows that schools are struggling, its job is to improve the quality of education in them. Strong, successful neighborhood schools are a necessary foundation of vibrant communities.

All three schools that had been slated for closure by the DoE share some important characteristics. They serve a much higher proportion of students living in poverty than their districts and the city as a whole. PS 150 has 97 percent of its students eligible for free lunch. They have large numbers of English Language Learners. In PS 241, nearly 1 in 5 students fall into this category. They have a predominantly African American student body, on average 78 percent of the total.

Compare this profile with the characteristics of charter schools from the charter organizations that had been slated to take over these buildings. They serve thirty percent fewer students living in poverty. They serve no English Language Learners. And this is reflective of charter schools affiliated with the large charter organizations across the city: of the 56 charter schools for which there is data, only three have as many English Language Learners as the city average; the majority of those schools – 36 in total – report no English Language Learners. Comparative Special Education data is currently unavailable, but anecdotal accounts indicate that similar patterns exist. It is only the union charter schools and the small “mom and pop” charter schools that educate their fair share of New York City with the greatest needs. And yet all charter schools are funded by a formula which assumes they have enrolled the citywide average of English Language Learners and other special needs students.

If the DoE had been successful in eliminating the attendance zones of these three schools, what would have happened to those children with great needs? If it continues to pursue its strategy of replacing district schools with charter schools, what will happen to the students living in poverty, the English Language Learners, the students with special needs in Harlem, the South Bronx and the Central Brooklyn?

We are now seriously concerned about a new situation in Harlem. In order to pursue its charter strategy, the DoE has taken away needed space from PS 811, a well-functioning and much-needed District 75 Special Education school that serves 100 Harlem youth with the greatest needs.

In order to accommodate the various special needs presented by their student populations, District 75 programs such as PS 811 require sites with special facilities and equipment. PS 811 is terrific program for pre-kindergarten to third-grade students with severe and multiple disabilities such as autism. Their students are emotionally disturbed and need behavior intervention. As you can imagine, stability and continuity of services are very important to these types of programs. The school also enjoys a high level of parental engagement, with three quarters of the parents attending the most recent Parent-Teacher night.

PS 811 already shares space with two other schools – the Harlem Success Academy and the Harlem Gems. It has been losing space each year, children are being served in hallways, and its layout within the building is already fractured between different floors and different sides of the building. They cannot afford to lose any more rooms. The Harlem Success Academy wants to add another grade of about 150 students and will need 5 or 6 additional classrooms in this building for the 2009-2010 school year. Uprooting these special needs kids and dispersing them to other sites would not be in their best interest, and we strongly oppose DoE plans to do so. It is time to dramatically rethink the DoE's current practice of zero-sum game charter school siting in Harlem, Central Brooklyn and the South Bronx which pits school against school and student against student.

Chairman Jackson, you and your colleagues on this committee have been stalwart champions for eliminating school overcrowding and lowering class sizes in all New York City public schools. You have been eloquent on how inadequate the DoE's five year capital plan is in meeting these important goals. In this respect, it adds insult to injury that the DoE is committing \$200 million of those limited funds to build brand new buildings for charter schools in the some of the areas of the city that have the least need for new seats.

I alluded to these issues in the hearings on the DOE's five year capital plan held by this committee on March 18th. At that time, I pointed out that a new elementary charter school building has just been built in the Community School District which is second from the bottom in the city in terms of

its need for new seats. A new high school currently under construction is slated for a CSD that is 27th out of 32 in terms of its need for news seat. Not one of the ten new charter school buildings being built under the DoE's proposed five year capital plan is going into one of the CSDs with the greatest need for new seats, as measured by the DOE's own latest Enrollment-Capacity-Utilization Report (the 'Blue Book'). Instead, all of the new buildings being constructed for charter schools are going into areas of New York City which will advance the strategy of creating districts where district schools are replaced by charter schools.

New York City certainly needs new public school facilities. But with such great need across the city and limited capital funds to meet it, how can we justify locating new public schools where the need is the least?

Put The Public Back Into "Public Charter School"

New York State education law is clear and unambiguous: charter schools are intended to be public schools, just as Al Shanker envisioned twenty years ago. The law funds charter schools with public money; it requires that they admit students from their districts in open lotteries; it demands that they meet the same learning standards and administer the same state tests as other public schools; and it insists that they conduct their affairs in an open and transparent manner.

But the public character of charter schools has increasingly been put into question by those who would remake them into vehicles for the privatization of public schools and the dismantling of public education. Again, the politics of conflict are being put into play by these special interests.

Given these trends we question whether public funding for charter schools managed and supported by private entities is moving in the direction of privatized use for private agendas. For example, unlike in the public system, there is no transparency of the salaries of the CEOs and principals of charter schools. In addition, school construction planning and costs via DOE's School Construction Authority (SCA) are detailed for district schools and hidden in aggregate form for charter schools. With three-quarters of construction costs for new charter school buildings funded by public funds without concomitant cost accountability to the public, SCA/DOE only answers to itself and the mayor, while engineered by private concerns.

We question the marketing techniques and the admissions and enrollment policies that promote universality in words and result in non-existent English Language Learner student populations, in low Special Education enrollments and below the norm poverty indices in the neighborhoods where the charter schools are located.

Chairman Jackson and distinguished members of this committee, this strategy of creating entire districts in which charter schools would supplant district schools, this policy of the DoE abandoning its responsibility to provide quality neighborhood public schools across the entire city, would remake the very constitution of public education in New York City and in other places. Yet when has it been raised for public discussion? Where has it been proposed on editorial pages? When has it been brought before the Panel for Educational Policy? When has the Chancellor or members of his administration brought it to this Committee, or to the appropriate committees of the State Legislature? It has been a policy made and executed behind closed doors, without any public oversight or review. If ever there was a demonstration of the need for checks and balances in the governance of New York City public schools, this strategy and policy is it.

The UFT wants all New York City public school children to have every opportunity to learn in creative and nurturing environments with expectations for high academic achievements and exemplary character. We support adding charter schools to the mix of public education, as a means of improving and supplementing public district schools. The expansion of charter schools must follow state education law, and be guided by the pillars of quality, innovation, real choice, equity, voice, and accountability. And it must be combined with, not come at the expense of, the reinvigoration and improvement of neighborhood public schools. It's time to put the public back into "public charter school."

Eva Moskowitz Testimony
City Council Education Committee Hearing
April 6, 2009

Good afternoon Chairman Jackson and Members of the Education Committee.

Thank you for inviting me to testify. It is an honor to be back in the Chamber in which I served for 7 years.

I remember, Councilmember Jackson, that when I brought my newborn daughter Hannah to the hearings you were kind enough to hold her while I was asking tough questions of the Department of Education.

Hannah will be entering public school this fall. This reflects my family's deep commitment to public education in our City. Two of my children already attend public school in New York City. I attended our city's public school. My parents attended them. My grandmother both attended and taught in NYC public schools.

It has been more than three years since I served on this Committee. I want to tell you about my own personal experiences with education since I left. I founded the Harlem Success Academies. We now have four schools in Harlem that serve one thousand students.

But more importantly, I have also had a chance to see the incredible work that other innovative educators are doing in Harlem –Geoff Canada with the Promise Academy, Dave Levin with the KIPP Schools, and Deborah Kenny of the Harlem Village Academies among others. They are showing that minority students can accomplish at very high levels if they are given a high quality education. The 23 public charter schools in Harlem are transforming public education there.

What is happening is that parents are being given control over their children's education. For the first time, Harlem parents have meaningful choices. And parents are choosing high performing public charter schools over failed zoned schools.

Now, however, there is a backlash taking place. The system is having an immune response. It is fighting against innovation and parent choice because the spread of charter schools is causing parents to flee failed zone schools. There is a union-political-educational complex that is trying to halt progress and put the interests of adults above the interests of children.

Chancellor Klein decided to shut down two schools that are failing students and that were already shrinking rapidly due to competition from public charter schools. These schools deserved to be shut down. At PS241, only 10% of eighth graders passed the reading test in 2008. At PS194, only 37% of the fifth graders passed the reading test in 2008. These zoned schools are destroying the lives of children. You heard me right. They are destroying the lives of children.

Now, Chancellor Klein has backed off from the plan to shut down these failed schools. This happened because United Federation of Teachers brought a suit to prevent these failed Harlem zoned schools from being shut down. There was a rally which many politicians and union representatives attended to oppose shutting down these schools with dismal academic results. And I don't understand that.

Councilmember Jackson, you and I both live in Harlem. We don't send our children to schools like this. Let's be honest, no one on this Committee does or would send their child to a school where only 10% of the students read on grade level. None of the elected officials in Harlem send their children to failed zone schools. One way or another, we always find something better for our own children. It may be a private school or a parochial school or a gifted and talented program but we always find a way.

It is wrong to keep open failed schools to which we wouldn't send our own children. Why do these schools stay open? Frankly, it's low expectations for kids of color. These schools would be shut down in a moment if they were on the Upper East Side or Upper West Side. They would never be tolerated.

In the last two weeks, we have seen a new demonstration of the union-political-educational complex's power and influence. First, Albany recently raised zone school funding while cutting charter school funding, even though charters are already underfunded. Second, the Council is considering a resolution that would make it harder to place charter schools in public schools buildings. Both are anti-competitive practices.

We all know where this is coming from. The Teachers Union. The union doesn't want to compete on the quality of the education its members provide. That's what's happening. The union doesn't want us moving into these school buildings because it doesn't want parents having a choice between the education that its members are offering at failed schools and the education offered at successful charter schools. The union wants to shut down the competition rather than compete on the merits of what it offers.

But we can't afford the status quo any longer. We can't permit children's lives to be destroyed by failed schools. I've brought with me data from zoned schools in Harlem. Now, I think we can all agree that if a school fails to teach at least half of its students to read at grade level, it is a failed school. There are 37 zone schools in Central Harlem. 14 of these schools contain gifted and talented programs or have selective admissions. If you look at the remaining 23 zone schools, there only four that have more than half of their students reading at or above grade. So 19 out of 23 zone schools in central Harlem are failed schools.

Why should we be fighting against closing these failed schools? This is what I don't understand. I get that charter schools are important and worth your attention. But where is the hearing about how we can shut down these 19 failed schools in Central Harlem? Why is there so much concern about the spread of public charter schools? Remember, parents voluntarily send their kids to charter schools and nearly all of these schools are performing at a much higher level than zone schools.

President Obama says we need more public charter schools. But from our local government, it's the opposite. It's "let's slow down this change. Let's slow down parent choice." That's wrong. Because every year we wait to offer parents the choices they deserve is a year in which children's futures are destroyed. We cannot wait. We have waited for too long. We have to say no to the union-political-educational complex that is fighting against parent choice.

2008 Harlem District 3 New York State ELA Scores

School Name	All Tested Students 3rd Grade ELA % Levels 3+4	Special Ed Students 3rd Grade ELA % Levels 3+4
P.S. 76 A. Philip Randolph	30.9%	0.0%
P.S. 145 The Bloomingdale School*	50.0%	6.7%
P.S. 149 Sojourner Truth	35.9%	0.0%
P.S. 165 Robert E. Simon*	42.7%	13.3%
P.S. 180 Hugo Newman	61.0%	37.5%
P.S. 208 Alain L. Locke*	44.5%	17.7%
P.S. 241 Family Academy	37.9%	n/a
P.S. 242 Gwendolyn Powell Brown	39.1%	n/a
*Includes gifted and talented program		
Harlem District 3 Average	42.8%	12.5%
Non-GT, Non-Selective Zone Average	41.0%	12.5%
School Name	All Tested Students 8th Grade ELA % Levels 3+4	Special Ed Students 8th Grade ELA % Levels 3+4
PS 54: Booker T. Washington*	61.1%	7.4%
PS 149: Sojourner Truth	18.6%	5.9%
PS 241: Family Academy	10.2%	0.0%
PS 246: Crossroads	29.6%	0.0%
PS 415: Wadleigh Performing Arts**	14.8%	0.0%
PS 860: Frederick Douglas Academy II**	47.9%	9.1%
*Includes gifted and talented program		
**Non gifted and talented, selective admissions		
Harlem District 3 Average	30.4%	3.7%
Non-GT, Non-Selective Zone Average	19.5%	2.0%
Note: Harlem District 3 Scores exclude schools in Upper West Side section of District 3.		
Source: NYC DOE Results of the 2006-2008 NY State ELA Test Grades 3,4,5,6,7 and 8 - District 03		



DEBORAH J. GLICK
Assemblymember 66th District
New York County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

FOR THE RECORD

CHAIR
Higher Education Committee

COMMITTEES
Environmental Conservation
Rules
Ways & Means

**Statement of Assemblymember Deborah J. Glick
Testimony before the New York City Council
Regarding Charter School Expansion in New York City
April 6, 2009**

As the Assemblymember representing neighborhoods in Lower Manhattan that urgently need new school construction to help reduce overcrowding, I testify today to express my serious concerns regarding the Department of Education's (DOE) charter school expansion in New York City. I realize that frustration with the challenges faced in our current system may be the impetus for the formation of additional charter schools. Unfortunately, the DOE's focus on creating additional charter schools has come at the expense of the rest of the school system.

It is somewhat mystifying that there continues to be focus on the creation of charter schools while the abilities of communities to secure additional school space to reduce overcrowding does not get the same degree of attention or support from either the Chancellor or the Mayor. In fact, charter schools are being placed within existing schools and exacerbating overcrowded conditions and creating unnecessary competition for scarce resources.

So much time has been spent creating an alternative system that there continues to be a deficit for children, even for those who have been attending school under the current Administration's control. It has been reported in the Daily News that there are school districts in the City in which more than half the third-graders are not reading at grade level while praising the availability of school choice. The creation of additional charter schools does nothing to advance the learning of these children who are in schools that are not working.

The Administration views the concept of "choice" as the panacea for a system that continues to fail many children. However, creating more schools does not mean that schools are better. Ultimately the Administration is creating a system-within-a-system that only benefits a small percentage of students within the public school system.

Over the years, improvements have been made in many City agencies without needing to create parallel systems-within-systems. Crime in the city has decreased tremendously, and although the NYPD may have new policies in place, there never has been a push to create another police system within this existing one. Yet when it comes to our education system this is exactly what is occurring.

Our education system faces severe problems. Even with a change in school governance seven years ago, the achievement gap continues to persist. Overburdening our already crowded public schools with charter schools is not best for the majority of students in the City.

Instead of focusing on creating more charter schools, it would behoove the Administration to create smaller class sizes, improve teacher trainings, and provide more resources for schools that are already servicing the community, rather than inventing new schools under the guise of choice. -Real reform means improving the system that exists and teaches the majority of students, not creating a new mini-system that only provides for a small segment of the population.

Testimony of James D. Merriman
Chief Executive Officer, NYC Charter School Center

Hearing on Charter Schools
Education Committee, New York City Council
April 6, 2009

Good Afternoon,

My name is James Merriman. I am the chief executive officer of the New York City Charter School Center, an organization that provides support services and advocacy on behalf of charter schools in New York City. I want to thank the Chairman, the other members of this committee and its able staff for the opportunity to testify today.

The Center was founded in 2004 as a public-private partnership between the charter supportive philanthropic community and the New York City Department of Education. Chancellor Klein sits on my board as does another representative of the Department. The board consists of nine members—and while we are in partnership with the District we are also separate from it.

Our mission, simply put, is to increase the number and quality of charter schools in New York City—for the sake of the education that charter schools provide to the 30,000 children who will be in them in September 2009—and for the sake of the public school system which has been spurred to reform, innovation and improvement because these charter schools exist.

I have been involved with charter schools professionally since very soon after the law creating charter schools passed in 1998. I have served as general counsel, vice president and then executive director of the Charter Schools Institute at the State University of New York, one of the two state-wide authorizing bodies that the 1998 charter law created. Under my direction, SUNY-CSI established a national reputation as an innovative authorizer of charter schools and, perhaps more importantly, an authorizer who made no bones about quality being a charter school's job number one.

From SUNY I went to work for national foundation where I assisted the foundation in its extremely generous giving to charter schools and charter support organizations across the country. I did this work while based in Ohio, a state which, in contrast to New York, has established a poor record of charter school achievement and charter school governance.

For personal reasons, I needed to return to New York and took my present position at the Center. I think it fair to say I know something about charter schools and chartering.

The specific purpose of this hearing, if I am not mistaken, is to consider a resolution that would call on the New York State Legislature to amend the State Education Law to allow

for a formal siting process for charter schools, either by mandate of state law or by allowing this chamber to establish such a procedure. As the proposed resolution itself makes clear, however, such legislation is unnecessary and superfluous.

The New York State law authorizing charters provides specifically that the charter entity, otherwise known as an authorizer, shall hold a public hearing before a charter school is sited in a public school building. Moreover, notice must be provided to parents and guardians of students then enrolled in the school building. This is the process. As it is specifically and explicitly laid out in New York State's Education Law, it is a formal one.

My guess, however, is that by formal, the authors of this resolution mean a process that will restrict or inhibit the siting of charter schools in public school space, taking it from the hands of the Department of Education and placing it elsewhere. In my opinion, this would be a mistake and harmful to children in communities where parent choice is clearly needed—and even more importantly, clearly wanted. It is also antithetical to an emerging consensus that a keystone to education reform and progress is support for charter schools and options for parents.

As many are aware, President Obama has made clear his unambiguous support for charter schools that have shown they are closing the achievement gap. He and the Secretary of Education have gone out of their way to voice their belief that charter schools are a critical part of a comprehensive education reform program and more importantly a national recovery strategy.

As we know from our experience in New York, done right, charter schools raise academic achievement and spur innovation within the district. Indeed, it is likely that the federal government will condition some or all of the remaining stimulus education aid on states' having choice friendly policies that give parents more, not fewer, educational options. The present resolution before you today will not be helpful to New York State in competing for \$5.2 billion in Race to the Top funds—funds that our state and city could desperately use. For this reason alone, this proposed resolution should be abandoned.

Equally important, process and a supposed lack of it, are not the issue in education in this city or any other. The issue is, front, left, right and center, the educational achievement of our children—and too often the lack thereof. Parents, in the main, are not concerned about process. They do not have time for process, formal and informal. What they do have time for is to get their children into the very best schools they can. It is as simple as that. They look to our government to facilitate their efforts, not to slow them down.

To see this, one need not look further than the 40,000 applications that charter schools have received—a number likely to move to over 50,000 before this month is out for only 8,500 available charter seats. Make no mistake: the resolution you are contemplating will inevitably make those parents' lives harder and their goal more unattainable. I would respectfully ask that you keep those parents in mind as your debate proceeds.

I would also ask that you keep in mind that the sole reason that the Chancellor has made space available for public charter schools in public school buildings is because of their record of achievement—and too often the record of lack of achievement by the district's own schools. Schools in which two in three or four in five elementary school students are not proficient with basic reading skills can and should be replaced with better schools. Not just charter schools, but public schools of any kind.

Of course, we understand that charter schools, which by law may not provide an admission preference to children who are zoned for a particular area, may cause concern among some who worry that the charter will not provide a seat for every child who lives in the neighborhood. This is a legitimate concern. There is an answer, one that would not reduce parents' options but increase them.

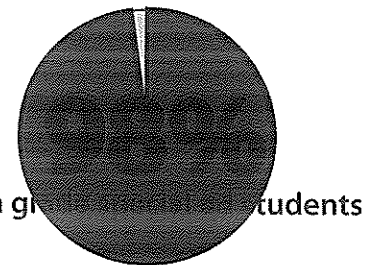
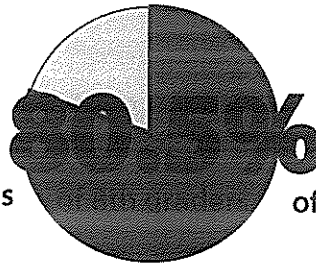
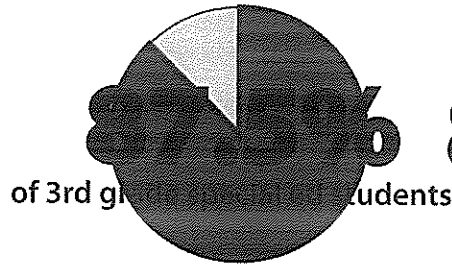
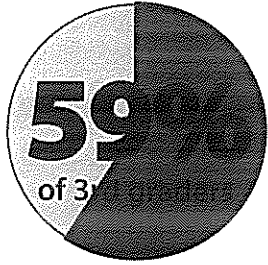
Instead of pursuing this resolution, I would suggest that we work together to amend the Charter School Act to create an admission option for new and existing charter schools that would allow them to give preference to students who live within a zone—rather than as is currently the case, restricting their options to giving a preference for students within a community school district. I would welcome your partnership in lobbying our state legislature for this innovation at the same time as we seek facility aid to allow charter schools to afford to build, lease and purchase great public school buildings to fulfill the demand of the tens of thousands of parents unsatisfied with the school that their children are zoned to attend.

There is in our city and across this nation, an increasing hope that we can educate every child regardless of their zip code, regardless of their family income. This is the prize that this nation has been moving towards, though for too long, too slowly. The present proposed resolution will not help us in this difficult quest; rather it will impede us. It is not helpful; it serves no useful purpose; it should not be enacted.

Central Harlem Zoned Schools - Failing Our Kids

DISTRICT 3 (2007-08)

Percentage of students that **FAILED** the ELA exam:



In 4 out of 5 zoned elementary schools* more than half of the 3rd graders failed the ELA exam



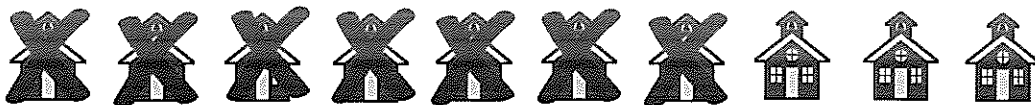
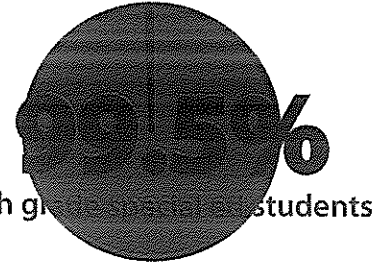
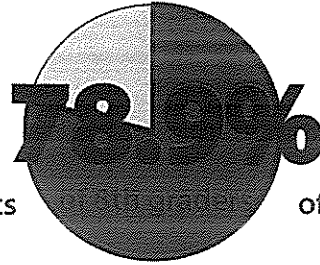
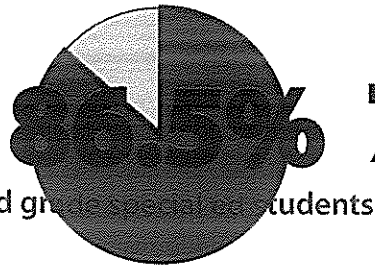
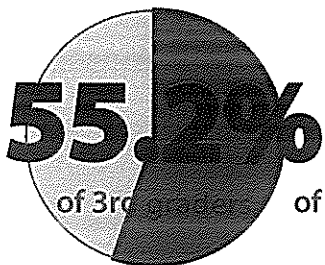
In 3 out of 3 zoned intermediate schools* more than half of the 8th graders failed the ELA exam

Note: Statistics for Harlem District 3 schools exclude the Upper West Side. Harlem is defined as North of 96th Street.

Source: NYC DOE Results of the 2006-2008 NY State ELA Test Grades 3,4,5,6,7 and 8 - District 03

DISTRICT 5 (2007-08)

Percentage of students that **FAILED** the ELA exam:



In 7 out of 10 zoned elementary schools* more than half of the 3rd graders failed the ELA exam



In 5 out of 5 zoned intermediate schools* more than half of the 8th graders failed the ELA exam

Source: NYC DOE Results of the 2006-2008 NY State ELA Test Grades 3,4,5,6,7 and 8 - District 05

**NYC Elementary and Middle Schools
Enrollment, Capacity, and Utilization Report
2007-2008 School Year**

Elementary and Middle School Total # of Empty Seats: 168,682
Elementary and Middle School Total % of Underutilized Seats: 20.52%

School District	Total # Elementary and Middle Schools Seats	Total Elementary and Middle School Enrollment	Total # Elementary and Middle School Empty Seats	Elementary and Middle School % Unused Seats
1	12,742	8,653	4,089	32.1%
2	25,114	21,470	3,644	14.5%
3	18,739	13,877	4,862	25.9%
4	17,093	10,954	6,139	35.9%
5	16,434	11,429	5,005	30.5%
6	27,212	21,376	5,836	21.4%
7	20,534	13,362	7,172	34.9%
8	27,822	21,890	5,932	21.3%
9	33,078	26,402	6,676	20.2%
10	38,009	35,577	2,432	6.6%
11	32,175	27,817	4,358	13.6%
12	22,717	16,817	5,900	26.0%
13	19,258	11,299	7,959	41.3%
14	22,060	13,655	8,405	36.7%
15	24,871	14,666	10,205	41.1%
16	14,831	7,689	7,142	48.2%
17	28,459	18,764	9,695	34.1%
18	22,198	15,160	7,038	31.7%
19	28,536	20,698	7,838	27.5%
20	29,577	28,439	1,138	3.9%
21	26,887	20,402	6,485	24.1%
22	30,271	25,111	5,160	17.0%
23	16,986	11,499	5,487	32.3%
24	35,912	35,519	393	1.1%
25	25,729	20,870	4,859	18.9%
26	20,600	11,261	9,339	45.3%
27	36,159	32,431	3,728	10.3%
28	22,648	19,733	2,915	12.9%
29	27,237	22,348	4,889	17.9%
30	32,603	28,707	3,896	11.9%
31	46,449	40,729	5,720	12.3%
32	19,283	13,388	5,895	30.6%
TOTAL	822,234	653,552	168,682	20.5%

**14,000 EMPTY
ELEMENTARY
AND MIDDLE
SCHOOL SEATS
IN HARLEM***

* There are 13,978 total available seats in Harlem, which includes schools in Districts 3,4,5, but excludes schools in sections of Upper West Side in District 3, where there are a total of 2,028 available seats.

Source: Enrollment, Capacity, Utilization Report - Organizational Edition, 2007 - 2008 School Year
<http://schools.nyc.gov/Offices/SCA/Reports/CapPlan/ECURreport0708Borough.htm>

There are many different ways we can compare the financing of public charter schools vs. zone schools. Enclosed are seven different ways you can look at it. In each case, public charters are shortchanged.

NYC Department of Education
 52 Chambers Street
 New York, NY 10007

Date 8/1/2008

PAY TO THE ORDER OF Harlem Success Academy Public Charter School \$ 12,894

twelve thousand eight hundred ninety four DOLLARS

Your Bank:
 456 Main St.
 Anywhere US 10111

MEMO per-pupil cost

123456789 1: 101012345 1 87654

Michael Bloomberg

VS.

NYC Department of Education
 52 Chambers Street
 New York, NY 10007

Date 8/1/2008

PAY TO THE ORDER OF P.S. 194 \$ 22,626

Twenty-two thousand six hundred twenty six DOLLARS

Your Bank:
 456 Main St.
 Anywhere US 10111

MEMO per-pupil cost

123456789 1: 101012345 1 87654

Michael Bloomberg

Per Pupil Funding Comparison Harlem Success Academy vs. Co-located Zone Schools

Overall									
	2003-2004	2004-2005	2005-2006	2006-2007	HSA %	2007-2008	HSA %	2008-2009	HSA %
PS149	\$13,829	\$16,140	\$19,426	\$18,507	57.16%	\$20,377	56.01%	\$21,057	61.23%
PS123	\$13,089	\$13,809	\$16,233	\$18,155	58.27%	\$19,989	57.09%	\$20,657	62.42%
PS101	\$17,809	\$17,488	\$18,292	\$19,009	55.65%	\$20,929	54.53%	\$21,628	59.62%
PS007	\$12,298	\$14,082	\$15,582	\$17,118	61.80%	\$18,847	60.55%	\$19,477	66.20%
PS241	\$9,204	\$13,011	\$17,096	\$18,760	56.39%	\$20,655	55.25%	\$21,345	60.41%
PS194	\$14,109	\$16,860	\$21,447	\$19,886	53.20%	\$21,895	52.12%	\$22,626	56.99%
HSA				\$10,579		\$11,412		\$12,894	

**HSA gets
61%**




General Education									
	2003-2004	2004-2005	2005-2006	2006-2007	HSA %	2007-2008	HSA %	2008-2009	HSA %
PS149	\$11,796	\$13,920	\$16,034	\$14,973	70.65%	\$16,486	66.86%	\$17,036	73.04%
PS123	\$11,356	\$12,446	\$16,233	\$14,888	71.06%	\$16,392	67.25%	\$16,939	73.46%
PS101	\$14,391	\$14,446	\$14,978	\$15,640	67.64%	\$17,220	64.01%	\$17,795	69.92%
PS007	\$11,076	\$12,821	\$13,935	\$15,244	69.40%	\$16,784	65.68%	\$17,345	71.74%
PS241	\$8,393	\$11,803	\$14,914	\$16,056	65.89%	\$17,678	62.35%	\$18,268	68.11%
PS194	\$12,870	\$15,486	\$19,523	\$16,599	63.73%	\$18,276	60.31%	\$18,886	65.88%
HSA				\$10,579		\$11,023		\$12,443	

**HSA gets
70%**



Special Education									
	2003-2004	2004-2005	2005-2006	2006-2007	HSA %	2007-2008	HSA %	2008-2009	HSA %
PS149	\$41,719	\$40,471	\$48,003	\$42,248		\$46,516	41.27%	\$48,069	45.70%
PS123	\$31,253	\$30,838	\$42,990	\$50,949		\$56,096	34.23%	\$57,969	37.89%
PS101	\$47,871	\$41,531	\$39,767	\$39,374		\$43,352	44.29%	\$44,799	49.03%
PS007	\$32,813	\$34,634	\$36,421	\$38,293		\$42,161	45.54%	\$43,570	50.42%
PS241	\$21,250	\$31,425	\$41,828	\$41,477		\$45,667	42.04%	\$47,192	46.55%
PS194	\$30,181	\$40,423	\$53,790	\$49,085		\$54,044	35.53%	\$55,849	39.33%
HSA						\$19,199		\$21,966	

**HSA gets
45%**




*Public school figures through 2006-2007 are from the Division of Budget Operations & Review.
 **Public school & overall DOE general & special ed figures after 2006-2007 are estimated to grow at the rate of overall DOE based on the IBO.
 ***HSA overall figures are estimated based on general education & special education enrollments.

Harlem Success Academy Charter School receives, on average, 61% of the per-pupil funding that the co-located zone schools receive. This amounts to anywhere from \$6,583 to \$9,732 less per student.

Per Pupil Funding Comparison with In-Kind Funds Harlem Success Academy vs. Co-located Zone Schools

	2003-2004	2004-2005	2005-2006	2006-2007	HSA %	2007-2008	HSA %	2008-2009	HSA %
Overall									
PS149	\$13,829	\$16,140	\$19,426	\$18,507	77.93%	\$20,377	77.48%	\$21,057	76.46%
PS123	\$13,089	\$13,809	\$16,233	\$18,155	79.45%	\$19,989	78.98%	\$20,657	77.94%
PS101	\$17,809	\$17,488	\$18,292	\$19,009	75.88%	\$20,929	75.43%	\$21,628	74.44%
PS007	\$12,298	\$14,082	\$15,582	\$17,118	84.26%	\$18,847	83.77%	\$19,477	82.66%
PS241	\$9,204	\$13,011	\$17,096	\$18,760	76.88%	\$20,655	76.44%	\$21,345	75.43%
PS194	\$14,109	\$16,860	\$21,447	\$19,886	72.53%	\$21,895	72.11%	\$22,626	71.16%
HSA				\$13,292		\$14,530		\$16,100	

HSA gets 76%



	2003-2004	2004-2005	2005-2006	2006-2007	HSA %	2007-2008	HSA %	2008-2009	HSA %
General Education									
PS149	\$11,796	\$13,920	\$16,034	\$14,973	96.33%	\$16,486	92.25%	\$17,036	90.78%
PS123	\$11,356	\$12,446	\$16,233	\$14,888	96.88%	\$16,392	92.78%	\$16,939	91.30%
PS101	\$14,391	\$14,446	\$14,978	\$15,640	92.22%	\$17,220	88.32%	\$17,795	86.91%
PS007	\$11,076	\$12,821	\$13,935	\$15,244	94.62%	\$16,784	90.61%	\$17,345	89.16%
PS241	\$8,393	\$11,803	\$14,914	\$16,056	89.83%	\$17,678	86.03%	\$18,268	84.65%
PS194	\$12,870	\$15,486	\$19,523	\$16,599	86.89%	\$18,276	83.22%	\$18,886	81.89%
HSA				\$13,292		\$13,963		\$15,465	

HSA gets 87%



	2003-2004	2004-2005	2005-2006	2006-2007	HSA %	2007-2008	HSA %	2008-2009	HSA %
Special Education									
PS149	\$41,719	\$40,471	\$48,003	\$42,248		\$46,516	58.85%	\$48,069	60.03%
PS123	\$31,253	\$30,838	\$42,990	\$50,949		\$56,096	48.80%	\$57,969	49.78%
PS101	\$47,871	\$41,531	\$39,767	\$39,374		\$42,352	63.15%	\$44,799	64.41%
PS007	\$32,813	\$34,634	\$36,421	\$38,293		\$42,161	64.93%	\$43,570	66.23%
PS241	\$21,250	\$31,425	\$41,828	\$41,477		\$45,667	59.94%	\$47,192	61.15%
PS194	\$30,181	\$40,423	\$53,790	\$49,085		\$54,044	50.65%	\$55,849	51.67%
HSA						\$25,882		\$28,857	

HSA gets 59%



*Public school figures through 2006-2007 are from the Division of Budget Operations & Review.
 **Public school & overall DOE general & special ed figures after 2006-2007 are estimated to grow at the rate of overall DOE according to the IBO.
 ***HSA overall figures are estimated based on general education & special education enrollments.

Even when you factor in the per-pupil costs allocated for services shared by Harlem Success Academy and the zone schools (e.g. maintenance and referral & evaluations), the public charter school is still underfunded by up to \$6,526 per pupil. In fact, these services are not sufficiently provided, so Harlem Success Academy pays its own money for similar services -- essentially paying double. When taking this into account, we should receive a **\$853 per-pupil rebate** for the 2008-2009 school year, making our overall per-pupil cost \$15,247.

BUILDING THE CHARTER SCHOOLHOUSE: Meeting the Facility Financing Challenges of Charter Schools

Since the nation's first charter school law was enacted in 1991, charter schools have grown to become an increasingly important part of the fabric of public education in America. Currently, 40 states plus the District of Columbia have charter school laws in place, and more than 4,000 public charter schools serve over 1.2 million school children nationwide.¹ Charter schools are playing an increasing role in offering educational choice to parents, and continue to stimulate innovation within a once-stagnant public education system. In fact, public charter schools are even now viewed as a vital component of states' efforts to meet mandates of the federal *No Child Left Behind* Act, including that school districts provide options for children to transfer out of failing traditional public schools.

In New York and across the nation, however, most charter schools lack adequate access to private capital financing markets because they receive insufficient per pupil funding to pay for facilities. Although both state-based and federal capital assistance programs have grown, most charter schools lack adequate access to public and private sources of capital sufficient to create school facilities. As a result, many charter schools cannot open or expand as planned simply for lack of a school building. A 2002 report issued by the State University of New York's Charter Schools Institute noted, "Nationally and here in New York, school operators identify access to facilities and facilities funding as one of the primary obstacles to opening a successful public charter school."² Unfortunately, this problem has become alarmingly worse as more charter schools have since opened in New York.

*"[S]chool operators identify access to facilities and facilities funding as one of the primary obstacles to opening a successful public charter school."
-- Charter Schools Institute*

Accentuating this facilities burden is the fact that most charter schools' educational programs are targeted to inner-city students and are located in urban areas, where real estate costs often are sky-high. In New York State, for example, more than two-thirds of the approved charter schools are located in New York City, one of the most expensive real estate markets in the country, with private leasing costs commonly exceeding \$30 per square foot. Charter schools there and across the state are spending from 9 to 25 percent of their operating budgets for space needs.³

Without the ability to easily finance adequate charter school facilities, New York faces the possibility of stagnation within this public education reform sector. Failure to solve this growing problem will unfairly perpetuate funding inequities between traditional district schools and public charter schools and will result in the denial of quality educational options to tens of thousands of schoolchildren.

The solution is to provide per-pupil aid for facilities directly from the state.

¹ Center for Education Reform, online at www.edreform.org.

² *Charter Schools in New York: A New Choice in Public Education, The First Three Years: 1999-2002* (March 2002).

³ Data from NYC DOE compilation of charter schools in private space; and statewide inquiry by NY Charter Schools Assoc.

FUNDING INEQUITIES LIMIT CHARTER FACILITIES OPTIONS

Several factors combine to present significant facilities challenges to charter schools. In New York, as in most states, charter schools are not provided buildings as-of-right. Instead, they are required to secure their own space but do not receive public money specific for facilities. Primarily from the lack of facilities aid, charter schools receive substantially less public funding than traditional districts, typically receiving only a portion of the per-pupil aid districts receive which is calculated based on a school district's operating expenditures. In New York, the per-pupil funding gap is large, with charters receiving approximately one-third less per-pupil than traditional district schools. Charter schools also face private capital financing challenges, in part because the public funding they do receive cannot be used as collateral for financing deals.

Unlike traditional districts that receive a healthy infusion of building aid from the state for capital projects, charter schools cannot access these building funds. For traditional public districts, "building aid is available for expenses incurred in construction of new buildings, additions, alterations or modernization of district-owned buildings, for purchase of existing structures for school purposes, and for lease and installment purchase payments under certain circumstances."⁴ The actual amount of aid received for projects is based on a calculation of approved allowable expenses plus the current year building aid ratio. None of these funds are available for public charter schools. Instead, charter schools are left to fend for themselves when it comes to purchasing, leasing, renovating, or constructing a facility, the only public schools in the state forced to carry such a burden.

In addition to being shut out of the process for building aid that other public schools use, charter schools receive substantially less basic funding than other public schools. On average, charter schools operate with 30 to nearly 40 percent less per pupil funding than traditional districts. Even the head of both the American Federation of Teachers and the UFT in New York City, Randi Weingarten, herself a charter school operator, has acknowledged that charter schools do not get adequate funding.⁵ When this already inadequate funding must be used to support facilities needs in addition to general operating expenses, an enormous budget burden emerges.

The table below lists the per pupil revenue, excluding federal funds, for certain school district schools compared to charter schools in those respective districts for school year 2006-07 (the latest available from the State Education Department). This data shows that the percentage of funding for charter school students is only 60 to 70 percent of the amount district per pupil funding – even when factoring an additional estimate of \$1,000.00 per charter student for in-kind district support for transportation, nursing, textbooks, and library and software aid.

School District	State/Local Revenue Per-Pupil		Charter Pct. Of District	
	<i>District</i>	<i>Charter</i>		(inc. \$1000 in-kind)
Albany	\$15,695	\$10,176	64.8%	71.2%
Buffalo	15,267	9,499	62.2	68.8
New York City	16,300	10,196	62.6	68.7
Rochester	14,991	9,598	64.0	70.7

Note: Calculations based on data contained in the State Education Department's *Analysis of School Finances in New York State School Districts 2006-07* (Jan. 2009).

⁴ 2007-08 State Aid Handbook available at: <http://stateaid.nysed.gov/handbookds/hndbk07.htm>

⁵ "The charter challenge," New York Sun Editorial, *New York Sun*, September 24, 2003.

In order to build a sound budget, charter schools in New York are instructed to set aside an estimated 15 to 20 percent of per pupil revenues for facilities costs.⁶ Additionally, researchers at New York University's Institute for Education and Social Policy have determined that while charter schools spend an average of 20 to 25 percent of instructional revenue on facilities, financiers prefer that schools commit only 12 to 15 percent of per-pupil revenue to debt service.⁷ Operators have a difficult time finding space that is affordable within this range to prevent diverting money away from the academic and staffing programs necessary to run a successful school. In many cases the high cost of real estate in urban centers compounds the problem.

Consider New York City, for example, one of the most expensive real estate markets in the country and, for the 2008-09 school year, home to 78 of New York's charter schools. While a majority of these schools are housed in Department of Education-provided spaces, all except the five charter schools that converted from district schools should be considered temporary or "incubation" locations. This is because these arrangements are not secured with permanent leases and are subject to administrative changes. Also, in many cases, the charter tenant will outgrow the space due to planned enrollment increases in their approved charters.⁸

Charter schools are operating at a huge financial disadvantage that must be addressed if this reform sector is expected to thrive.

The average annual rent for office space in downtown Brooklyn exceeded \$30 per square foot in 2008, according to Cushman & Wakefield, one of New York's leading commercial real estate firms.⁹ Factor in the expenses involved with building out or retro-fitting a space to legally accommodate a school, and the square footage price escalates. The New York City School Construction Authority, for example, just entered into a lease for 50,000 square feet of space at Fordham Place in the Bronx for a district academy, at a cost of \$39 per square foot.¹⁰

Importantly, by spending often outrageous sums of operating money on building needs, charter schools lose a great deal of flexibility and discretion when it comes to making personnel decisions, purchasing curricula and supplemental materials, and providing other aspects of the academic program. This lack of resources also hinders schools' ability to make quick and innovative improvements in their educational programs. Charter schools are the only public schools in the state forced to choose between necessities such as learning specialists or classroom supplies, and facilities payments.

Charter schools are operating at a huge financial disadvantage that must be addressed if this reform sector is expected to thrive. The cost of real estate, compounded by the current economic crunch, will hinder the ability of successful charter management organizations to scale and prevent independent charter operators from launching in the future. Many of the schools already open have been heavily backed by philanthropists or a nonprofit partner, occupy sub-optimal starter space, share quarters, reside in temporary modular units, or have a facility provided by the for-profit management company hired to run the school. These conditions are

⁶ "New York City Charter Schools Facilities Planning Primer," Real Estate Consultant, *Florence Adu, for the New York City Center for Charter School Excellence*, Spring 2008.

⁷ "NYU Study Finds Charter Schools' Expenditures on Facilities Jeopardize Resources for Classroom Instruction," Research News, The Office of Public Affairs, November 7, 2003. Available at: www.nyu.edu/public_affairs/releases/detail/378

⁸ Discussions with NYC DOE officials on charters housed in "permanent" versus "temporary" space noted that a majority of the charter schools are occupying district space on a temporary basis due to planned enrollment growth requiring alternative space.

⁹ "Office Tenants Flee Manhattan Rents for Brooklyn," *New York Times*, November 5, 2008.

¹⁰ "School opts to tower over Bronx," *Crain's New York Business*, January 20, 2009.

highly volatile and could easily change. The next NYC Chancellor, for instance, might not be as generous in providing space to charter schools as Chancellor Joel Klein has been.

In this unstable economy, philanthropists are showing indications of funding fatigue, while nonprofit partnering groups are having to cut back as well. Private funding can never and should never be seen as a substitute for full and fair public funding of all public schools, district and charter alike. According to Ted Mitchell, Chief Executive Officer at the New Schools Venture Fund, a national nonprofit venture philanthropy firm that supports educational entrepreneurs: “Private philanthropy is a limited resource that, when it works well, seeds innovation that is later supported broadly through public revenues, but private funders are not willing to cover the tab for school construction across the nation, nor should they be.”¹¹

PRIVATE CAPITAL FINANCING CHALLENGES FOR CHARTER SCHOOLS

Faced with strained budgets and no state assistance in sight, many charter school operators have tried to access the private financing markets in order to purchase or lease a building. However, New York charter schools face serious capital financing challenges in private markets primarily because of their unique credit risks. These risks include, but are not limited to, the following conditions:

Short Operating History

The facility financing crisis hits charter schools the instant they come into being. Authority to open often is granted to charter schools for the upcoming school year. This short time frame – typically less than a year, and always less than two – means that charter schools quickly need a building sufficient to house its incoming students. In most instances, however, newly authorized schools have a nonexistent revenue stream, as they have just been given the legal ability to operate.

Charter schools without access to public capital financing streams, huge pools of private philanthropy, or donated buildings rarely find suitable school facilities for the first operating year, and often end up moving locations one or more times shortly after their first few classes of students begin attending.

Even for charter schools that are already operating, financing prospects are not much more promising. Most state charter laws did not exist until the late 1990s,¹² making charter schools still a relatively new reform. The inability of schools to post long-term, successful records of pupil enrollment, track enough years of student achievement data, maintain long-term fiscal balance, and prove a history of operational management – all due to the newness of state charter laws – each increase the credit risk to potential lenders. These risk factors are accentuated in New York (the 35th state in the nation to adopt a charter school law, in 1998), where three-fourths of all charter schools have been operating for five years or fewer.¹³

¹¹ Interview with Mr. Mitchell, January 21, 2009

¹² Data on years in which states adopted charter school laws from the National Association of Charter School Authorizers, online at www.qualitycharters.org.

¹³ New York Charter Schools Association, at www.NYCSA.org.

High Accountability Standards

Unlike traditional public schools, thousands of which have operated for years with chronic academic failure and virtually no financial accountability, public charter schools are held to strict standards of academic progress and financial disclosure. New York's charter schools law allows for the revocation of a school's charter at any time for inadequate student achievement, fiscal mismanagement, or any other substantive reason.¹⁴ Additionally, charter schools all face "sunset" clauses and are required to undergo rigorous review and renewal procedures similar to a strict accreditation process. In New York, both new and renewed charters are issued for a maximum of five years. In the eyes of private lenders, this policy eliminates any guarantee of long-term operations.

The high level of accountability is a fundamental characteristic of charter schools and one that embodies the spirit of the charter movement. Yet the possibility of charter revocation every five years, at the longest, limits access to traditional private capital financing markets. Private lenders see the relatively short authorized life-span of charter schools as a serious problem, particularly because they have no mechanisms in place to protect against the potential academic failure of schools.

Limited Revenue Streams

Congruent with their lack of operating histories, charter schools often cannot offer proven revenue streams sufficient to justify a private lender entering into a long-term, multi-million-dollar venture. The major cash-flow stream for most charter schools is the public per-pupil operating aid received from the state through local school districts. Because many charter schools start small, typically phasing-in new grade levels each year until full student enrollment is reached (favoring academic success over early financial security), this revenue stream is constrained to the point that it jeopardizes, if not prohibits, any chance at securing capital financing through private lenders. In New York, this risk is accentuated: per-pupil aid allocated to public charter schools averages one-third less than the per-pupil public expenditure of traditional public schools; and, even this revenue is prohibited from being pledged as collateral for any capital finance loans [NY Ed. Law §2853(3)(b)].

No Authorization to Levy Taxes

Unlike traditional public schools, charter schools in New York are not "political subdivisions" and therefore do not have the ability to levy taxes as a means to raise funds to pay for capital projects, to back debt issuances, or to pay off loans. Traditional school districts always have the option of raising taxes to provide any amount of needed revenue; charter schools do not, making them comparatively unattractive risks to private long-term financing markets.

Lack of Collateral

Most charter schools, particularly those that are newly authorized, neither own property substantial enough to use as collateral nor have financial resources sufficient to offer as security to support a private capital financing agreement. This lack of collateral hinders charter schools' access to private financing markets and impedes their ability to successfully negotiate favorable terms. Private lenders also realize that school buildings, if constructed, do not have particularly marketable alternative uses, resulting in even greater unattractiveness of making a financing deal.

¹⁴ NY Ed. Law § 2855(1).

Less Philanthropic Assistance

Charter schools are less likely today to be backed by donors generous enough to alleviate their revenue and collateral problems and philanthropists are no longer willing to invest millions in just one development. “Philanthropic funding was always intended to stimulate innovation in K-12 public education, not serve as an endless revenue stream or replacement of public dollars, which are critical to sustaining equal access to high-quality education for all students,” said Eli Broad, founder of The Eli and Edythe Broad Foundation, which has provided more than \$90 million to support successful charter schools across the country.¹⁵

FINANCIAL CHALLENGES: Bronx Charter School for Children

The Bronx Charter School for Children serves nearly 400 students in grades kindergarten through fifth and is located on Willis Avenue in the Bronx. The school building is leased to the school. The landlord financed the renovations and subsequent expansion to 38,000 square feet to accommodate the planned elementary enrollment.

The charter school pays 20 percent of its budget just in rent, amounting to just under \$30 per square foot with another 3 percent of the budget used for utility and insurance costs. To maintain sufficient education programming, the school must work to raise an additional \$200,000 and \$300,000 per year. The school’s test scores on state exams exceed the results of Bronx Community School District 7 as measured by the percentage of students meeting state performance standards.

The absence of per pupil facilities aid prevents the school from hiring additional faculty, in particular additional learning specialists, to provide co-teaching and more small-group instruction to raise student achievement levels even higher.

THE SOLUTION FOR NEW YORK

The best option for New York is to adopt a statewide policy that enables public charter schools to access or develop needed school facilities. New York should begin offering per-pupil subsidies for building costs, including construction, renovation, leasehold improvements, and lease payments. Direct per-pupil aid is a basic, swift, and highly effective way to help level the funding playing field while giving charter schools much needed financial assistance to meet the facilities challenge.

An effective approach is to provide facilities aid directly to charter schools, paid by the state, in an amount equal to 15 percent of the total per-pupil aid receivable by the charter school. Funding at this level would narrow the funding gap between charters and school districts, and have a financial impact on the state of between \$50 and \$60 million annually – a small fraction of the \$21 billion spent each year on school aid to districts. The state financial impact could be mitigated by phasing in the aid over a defined period.

¹⁵ Interview with Broad Foundation, January 14, 2009.

Why Per-Pupil Facilities Aid

Under the current financing structure charter schools operate at a huge disadvantage because they receive substantially less public funding per student compared to other public schools. These public schools should not be forced to pay for space out of operating and instructional costs. Instead, New York should offer direct per-pupil aid solely for facilities costs, an effective approach used by several states.

A per pupil aid stream for facility needs would reduce (or eliminate) the funding inequity faced by charter school students, enhance the ability of charter schools to get suitable space, especially to offer greater programming opportunities, and provide more equal educational opportunities particularly for students at-risk of academic failure which populate charter schools in greater proportion than the typically urban districts where they locate.

Florida, for example, provides annual per-pupil capital funding to charter schools, which in 2005 equaled \$929 per pupil for elementary students, \$1,066 per pupil for middle school, and \$1,410 per pupil for high school.¹⁶ Minnesota provides per-pupil lease aid to charter schools, applicable toward rental payments for facilities. Minnesota's lease aid is limited annually to the lower of 90 percent of lease payments or \$1,200 per pupil (\$1,500 per pupil for leases in place prior to 2003). For the 2007 fiscal year, the program received more than \$28 million in state financing, and appropriations so far have gone to 126 different charter schools in the state. In Washington D.C., an area with expensive real estate, the per-pupil facilities aid is based on a five-year average of funds available to the schools and thus changes over time. In fiscal year 2008 the per-pupil amount was \$3,109.

Facility funding programs financed on a per pupil basis provide a consistent, long-term support, and uphold the philosophy that public charter schools deserve public funding. At present, nine states and the District of Columbia have some sort of per-pupil facilities aid, as shown on the following table:

State	Per-Pupil Facility Funding (Yr.)
Arizona	\$1445-1687 (08)
California	\$750 (08)
Colorado	\$116 (08)
Dist. of Columbia	\$3109 (08)
Florida	\$624-\$919
Massachusetts	\$893 (09)
Minnesota	\$1,200
New Mexico	\$700 (08)
Pennsylvania	\$160-270 (06)
Utah	\$1427 (09)

¹⁶ Because the legislative appropriation has remained flat for the past few years while the number of students has increased, the per-pupil facilities allocation for each charter school has been growing smaller. For 2007-08 per pupil numbers were \$624 for elementary, \$702 for middle school, and \$919 for high school. (Florida Department of Education, email correspondence October 17, 2008.)

In addition to making headway toward fixing the inequality in school funding between charter schools and traditional schools, the per-pupil financing option has other benefits. In situations where school districts share space at low- or no-cost, the per-pupil funding could be passed directly to the district as a form of rent payment. School districts with available space can become suppliers of charter space by turning deadweight fixed costs into a district revenue source. In places such as New York City, a district that already houses many charter schools, the state-provided per-pupil facilities aid to charter schools would be an added revenue stream.

Loan funds, loan guarantees, and bond financing, while innovative market solutions that might work well under very specific circumstances for a select few charter schools, do not address the core issue of lack of charter funding and affordability of adequate facilities. Consequently, they do not offer the solution New York charter schools need.

Using a simple per-pupil funding approach also allows access to relief faster than any of the other possible strategies. In these tight budget times immediate assistance is needed to help charter schools maintain their quality and continue to push much needed reforms while also serving students with greater educational needs. Charter schools have been successful by raising student achievement and driving innovation and change in other areas. Allowing them to control their own fate, including the fate of their facilities, will only encourage creativity and expansion for more students to access this public school option.

Allowing charter schools control of the funds also allows building projects to be handled by private developers, free of laws applicable to school districts that raise the cost and timeline of construction. Unlike school districts, developers of charter schools have been able to provide facilities in a more cost-effective way compared to city and state agencies.¹⁷

FINANCIAL CHALLENGES: Bronx Preparatory Charter School

Bronx Preparatory Charter School serves 630 students in grades 5-12, and is located in a newly constructed facility on Third Avenue in the south Bronx. The school spent several years and ran an extraordinary fundraising campaign to secure more than \$13 million in private philanthropy toward construction of its facility.

Despite their capital campaign success, the school must still use 10 percent of its budget to cover debt service and an annual capital reserve for building depreciation (depreciation alone estimated at \$500,000 per year). In addition, Bronx Prep still needs to raise about 10 percent of its annual budget each year, or approximately \$1 million, primarily to fund its artistic and college-focused enrichment programs including advisory, campus visitations and guest speakers. The absence of facility aid places the school's college focus and building maintenance at long-term risk by its ongoing reliance on fundraising.

¹⁷ Note that prevailing wage mandates have been applied to charter schools by the state Department of Labor, leading to higher construction and rehabilitation costs on facilities. This unfunded mandate was upheld by state Supreme Court and is currently on appeal in the state Appellate Division, Third Department.

PER-PUPIL AID IS THE BEST DIRECTION FOR NEW YORK

Without the ability to finance adequate charter school facilities, New York faces stagnation within the public education reform sector. Failure to solve this growing problem also will unfairly perpetuate capital funding inequities between traditional district schools and public

charter schools, and will result in the denial of quality educational options to tens of thousands of inner-city schoolchildren.

A new revenue stream, in the amount of 15 percent of the approved operating expense per-pupil, is the most promising financing option. The state financial impact would be estimated between \$55 and \$60 million, or 0.3 percent of the \$21 billion cost of state aid to district schools. With facilities help the charter school sector will be more secure and able to continue focusing on educational improvement and innovation.

In the ten years since charter schools were authorized in New York State, they have fulfilled their statutory objectives by raising student achievement and providing additional choices in the public school system for families, teachers and administrators alike. Charter school success in New York has come despite tremendous financial and political challenges. As such, charter schools are long past the “experiment” stage in New York, and, as public schools, deserve to be on equal footing with district public schools so their students can be afforded the suitable facilities they deserve.

APPENDIX: OTHER SOLUTIONS

Despite the limitations in the private market, other options do exist to assist charter schools with facilities financing and begin to fix the inequity currently entrenched in the charter and public school funding systems. Unfortunately, these options usually only succeed under the best of circumstances, and are insufficient in providing adequate, long-term space to charter schools.

Public Grants and Space Sharing

State-funded grants are a simple capital financing option available to charter schools. This funding most often take the form of one-time grants, such as those provided by the New York State Stimulus Fund.

In New York, the state's Charter School Stimulus Fund issues one-time grants that range from \$50,000 to \$350,000 for schools to apply toward start-up or facilities costs. While the facilities grants can be applied toward purchase, renovation or construction expenses, the awards offer only nominal relief from the many costs associated with real estate development work. In addition, these grants are competitive rather than guaranteed and depend on annual appropriations in the state budget. This funding program has remained very limited, with under \$4 million annually available to charter schools since its inception; that is, it has not increased in the last decade, even as New York now has more than 140 schools in operation or approved to open.

In another example, Connecticut provides one-time \$500,000 grants to charter schools that have had their charters renewed, typically five years after the school opens. The grant can be used for building projects as well as improvements and the repayment of facilities debt. Both New York and Connecticut programs have a limited impact on easing the long-term problem of supporting facilities costs with operating funds, however, as they only defray a limited portion of facilities costs.

Space sharing is also an option. In New York City, for example – where 101 charter schools have been approved – the Department of Education, under Chancellor Joel Klein, has taken an active role both in helping fund facility options for several charter schools (through a capital allocation) and arranging shared space in existing city public school buildings. As generous as the Bloomberg administration has been to charter schools in New York City, the fact remains that district space is running out and the shared space arrangement is not ideal, and subject to a rapid pull-back at the whim of the new Schools Chancellor.

In other districts, hostility harbored by traditional school administrators toward charter schools eliminates the option of sharing building space. In some communities in upstate or on Long Island, the host district fights actively against the establishment of charter schools. In Albany, for example, the school board voted to explore the potential for taking land a charter school was planning to use through eminent domain.¹⁸ In other areas district opposition is less active, but resistance remains as most traditional administrators fail to embrace the opportunity school choice provides students, making cooperative relationships quite rare.

¹⁸ "Games charter opponents play," Joe Williams, *Education Next*, Winter 2007.

Tax-Exempt Bond Financing

State government entities have the ability to issue tax-exempt bonds for capital financing projects. To assist charter schools, several states have enacted policies that allow government bonding agencies to act as a conduit for charter school capital financing projects. This tax-exempt “conduit” bond financing often results in only modestly lower interest rates to charter schools. Additionally, state bonding agencies involved in the financing can offer professional expertise and technical assistance to the schools throughout the financing process, advising schools on details and facilitating relationships between the charter schools seeking financing and various private lenders. In some states, all or a portion of these bonds have the added security of a “moral obligation” clause, whereby the state will assume any outstanding debt in the event of a default. Such clauses decrease risk to lenders, and thus increase the prospects for charter schools to receive funding.

It has been proposed that charter schools in New York should be able to access tax-exempt bonds through the Dormitory Authority of New York State or utilize New York City Industrial Development Agency (IDA). Access to bond financing, however, does not solve the problem of the inequality in the way charter schools are funded, and does not ease the burden of paying for a building. While lower capital construction costs are helpful, schools still struggle with the basic challenge of insufficient funding to repay debt or assume debt.

The Dormitory Authority has previously only funded more credit-worthy tenants, such as hospitals and universities, further clouding the potential of this approach. However, in order for such projects to be approved, public authorities must approve the transactions, and it is common for political posturing and drama to develop. Even with the option such as IDA bonds, there is no indication this approach has been effective or more than sporadically used by charters since it fails to solve the underlying problem of affordability from an absence of a facility funding stream. In fact, the New York City IDA has yet to be accessed by a charter school.

Loan Funds and Loan Guarantees

State-managed revolving loan funds can offer low-interest loans to charter schools seeking capital financing. An allocation of public revenue (e.g., appropriations or bond proceeds) is deposited into a loan fund created by the state, and capital loans are made to qualified charter schools using a portion of the money in the fund. Interest earned by the state from these loans is deposited directly back into the fund and used to capitalize new loans to charter schools.

Loan guarantee programs typically cover a percentage of the total debt for the project, so although a lender would lose some of its initial investment capital in the event of a default, the lender still will recover a portion of the funds. Because the school, the state, and the lender all are stakeholders in loan guarantee projects, there is a strong financial incentive for all parties to work together toward the success of the charter school. In a typical loan guarantee program, the state holds capital in a reserve fund sufficient to back expected loans. Because few charter schools that successfully navigate the financing process would be expected to default, however, the state reserve fund might hold only \$1 dollar for every \$20, \$40, or more, of the loan that is guaranteed.

A loan fund, guarantee, or other credit enhancement program ultimately leaves charter schools in a position of having to re-pay debt service, in a relatively short timeframe, with only operating and instructional revenue to use. Again, this solution is of limited use or effectiveness since it does not address the core problem, which is a lack of funds being made available for already under-funded public schools to obtain facilities.

School Building Aid

Another option is to allow charter schools access to state building aid, either in the same way as districts or through a unique funding arrangement. In 2006, for example, then-Gov. George Pataki proposed revisions to the state's original Charter Schools Act that would have provided facilities aid to charter schools for the first time. This proposal would have state building aid cover 49 percent of the "allowable" cost of charter school construction projects, which is typically less than the full cost. The proposal was significant not only because it would have provided charter schools in New York with capital facilities aid, but it also acknowledged the capital aid inequity existing between traditional district schools and charter schools. The state legislature failed to act on the proposal.

The building aid approach, however, also has limitations for it to be effective for charter schools. Reimbursement levels and allowable costs have restricted the funding levels, and building projects would have had to be approved by the State Education Department (SED) – a time-consuming, bureaucratic process. Further, the administrative and consultant cost for the expertise needed to navigate the complex system of formulas, building regulations, and approvals to receiving building aid is prohibitive for charters. Most districts have a staff member or consultants able to devote long hours to the process of working with SED to determine the aidability of proposed projects, including learning how to bundle projects together to leverage the most aid possible. Charter schools simply do not have the luxury in their already tight budgets to pledge extra time and staff to the complicated process. Instead the state could simply underwrite a portion of the total cost of charter school construction projects through a simplified form of the typical building aid offered to traditional school districts, in a similar vein to the Pataki proposal covering 49 percent of allowable costs, but without the extra burdensome provisions.

Conclusion

In conclusion, some charter schools have been able to overcome the extraordinary funding disadvantages to secure facilities, including several in New York City, which has the highest cost real estate in New York. Overcoming challenges has come with at a steep price, is not replicable on a larger scale, heavily reliant on philanthropy, and brings educational risks. Funding charter school facility costs through a state-financed revenue stream on a per pupil basis remains the most effective, timely and practical means to provide adequate facilities to help ensure the quality education children deserve.

I am concerned about the obvious efforts by the DOE to populate our Harlem public school buildings with charter schools, without any regard for the input or approval of the parents or administrations of those schools (to say nothing of the zoning implications that have arisen which need approval of the CDEC). At our Presidents' Council meetings this year, we consistently have parents from our Harlem schools speaking out about the fact that their schools are the only ones in the District that are absorbing charter schools into their buildings. I don't blame them for thinking this is unfair. Additionally, charter schools have the unfair advantage of mass mailings using addresses provided to them by a DOE vendor. How can zoned neighborhood public schools compete? When you get on a city bus, you see ads for charter school fairs. When hearings are held to get community feedback, droves of charter school parents are bused in wearing hats and shirts and carrying banners- The organization and funding devoted to promoting these schools is something that our public schools cannot begin to compete with. The playing field is not level in many areas- funding, advertising, class size and standards.

People keep saying that charter schools are public schools. Yes, but if that is so, why isn't the DOE working to create more of their own schools using the best practices of charter schools? Is it because the charters do all the work and the DOE doesn't have to do anything but periodically assess them and renew or revoke their charter?

What is becoming clear to me is that the DOE does not seem to be prepared or willing to save existing public schools- They would rather let them fail and replace them with charters. Maybe the DOE has become so filled with policy wonks and business people that they are incapable of figuring out how to give the support our struggling schools need. I know that in the case of PS 241, which was a successful school until the DOE meddled with its curriculum, they are letting it fail- Yes, they are keeping it open for another year but they announced this on the Friday before the Monday deadline for families to decide on a school choice. In other words, most if not all parents zoned for PS 241 had already registered their child at another public school because they thought PS 241 was being phased out. The DOE will use this as a reason to close it next year. They will say, "Well, we gave them another chance to improve their rolls and they didn't do it. Parents don't want to put their children here."

So that to me is the true legacy of Mayoral control- Survival of the fittest, or the savviest. Our Harlem schools that are fighting the encroachment of charter schools do not have the political power or connections to win this battle. And so the DOE rushes to put the charters in, some that don't even have any data yet to prove that they are succeeding. For all of the new hoops that our public schools have to jump through to stay afloat, the charter schools appear to get a pass. So I say shame on the DOE and shame on the Mayor for failing these students and these communities. Bijou Miller, Co-President of District 3 Presidents' Council



new ideas. better schools

April 6, 2009

Gary Altman
Legislative Counsel
Office of the Speaker of the City Council
City Hall
New York, NY 10007

RE: Education Committee Oversight – Charter School Expansion

Dear Mr. Altman:

Thank you for your correspondence dated March 24th inviting me to testify at the Education Committee oversight hearing of April 6th on charter school expansion in New York City.

I am unable to attend this hearing, but wish to present for the Committee's review a recently completed study by the Charter Schools Association entitled *Building the Charter Schoolhouse: Meeting the Facility Financing Challenges of Charter Schools*. This study documents the funding inequities and other facility challenges faced by charter schools, particularly in New York City. I have enclosed 20 copies of this document in accordance with your instructions.

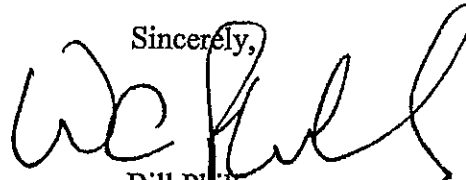
The New York Charter Schools Association supports charter school expansion to help meet the educational needs particularly of students at risk of academic failure whose needs are not adequately met in a district school setting. We also support equitable funding of charter schools to make up for the absence of facilities funding. Charter schools receive formula funding based on their students' district operating spending per pupil, plus in-kind support for transportation, special education and other services.

We appreciate the support of the Bloomberg Administration and City Council for helping charter schools secure available district space. However, for many charter schools, these space-sharing arrangements may not be ideal and face uncertainty year-to-year. As we discuss in the study, the ideal solution to this issue is for charter schools to receive state facilities funding on a formula basis to enable them to obtain their own facilities independently. In the alternative, this funding stream could be passed onto the City School District as a lease payment for district space, thereby provided an added revenue source for the City.

A state facility funding solution has a two-fold benefit that we hope the City Council will embrace as a "win-win" solution for district and charter public schools. We hope the Council will join us in urging the state legislature to adopt such a proposal as soon as practicable.

I would be pleased to respond to any questions you may have and would be glad to discuss this issue further at your earliest convenience. I can be reached at (518) 694-3110.

Thank you for this opportunity to submit this facilities study for the Committee hearing.

Sincerely,

Bill Phillips
President

Enclosures:

- NYCSA facilities study *Building the Charter Schoolhouse*

new ideas, better schools



**BUILDING THE CHARTER SCHOOLHOUSE:
Meeting the Facility Financing Challenges of Charter Schools**

March 2009

120 Broadway Albany, NY 12204
Office 518.694.3110 Fax 518.694.3115
www.nycsa.org

BUILDING THE CHARTER SCHOOLHOUSE: Meeting the Facility Financing Challenges of Charter Schools

Executive Summary

In New York and across the nation most charter schools lack adequate access to private capital financing markets because they receive insufficient funding to pay for facilities and lack adequate access to public and private sources of capital sufficient to create school facilities.

Accentuating this facilities burden is the fact that most charter schools' educational programs are targeted to inner-city students and are located in urban areas, where real estate costs often are sky-high. More than two-thirds of the approved charter schools in the state are located in New York City, one of the most expensive real estate markets in the country, with private leasing costs commonly exceeding \$30 per square foot. Charter schools there and across the state are spending from 9 to 25 percent of their operating budgets for space needs.

Lack of Facility Funding

Several factors combine to present significant facilities challenges to charter schools. In New York, as in most states, charter schools are not provided buildings as-of-right. Instead, they are required to secure their own space but do not receive public money specific for facilities. Primarily from the lack of facilities aid, charter schools receive substantially less public funding than traditional districts, about one-third less than the per-pupil aid districts receive since charter funding is calculated based on a school district's operating expenditures

Charter schools are left to fend for themselves when it comes to purchasing, leasing, renovating, or constructing a facility-the only public schools in the state forced to carry such a burden. Philanthropic funding cannot adequately close this gap, nor should it be viewed as a substitute for full and fair public funding of all public schools, district and charter alike.

Faced with strained budgets and no state assistance in sight, many charter school operators have tried to access the private financing markets in order to purchase or lease a building. However, New York charter schools face serious capital financing challenges in private markets primarily because of their unique credit risks. These risks include, but are not limited to, a short operating history, high accountability standards, limited revenue streams, inability to levy taxes, and lack of collateral.

Providing a Per-Pupil Funding Stream

The solution is to provide per-pupil aid for facilities directly from the state, which is an effective approach used by several states. A per-pupil aid stream for facility needs would reduce (or eliminate) the funding inequity faced by charter school students, enhance the ability of charter schools to get suitable space, and provide more equal educational opportunities particularly for students at-risk of academic failure who populate charter schools in greater proportion than the typically urban districts where they locate.

Loan funds, loan guarantees, and bond financing, while innovative market solutions that might work well under very specific circumstances for a select few charter schools, do not address the core issue of lack of charter funding and affordability of adequate facilities. Consequently, they do not offer the solution New York charter schools need.

A new revenue stream, in the amount of 15 percent of the approved operating expense per pupil, is the most promising financing option. The state financial impact would be approximately \$55 to \$60 million, or just 0.3 percent of the \$21 billion cost of state aid to district schools. With facilities help the charter school sector will be more secure and able to continue focusing on educational improvement and innovation.

An Equitable Solution

In the ten years since charter schools were authorized in New York State, they have fulfilled their statutory objectives by raising student achievement and providing additional choices in the public school system for families, teachers and administrators alike. Charter school success in New York has come despite tremendous financial and political challenges. As such, charter schools are long past the “experiment” stage in New York and, as public schools, deserve to be on equal footing with district schools so their students can be afforded suitable facilities.

Funding charter facilities costs through state-financed revenue stream on a per pupil basis remains the most effective, timely and practical means to provide adequate facilities to help ensure the quality education children deserve.

April 6, 2009

ORAL STATEMENT FOR OVERSIGHT HEARING CHARTER SCHOOL
EXPANSION IN NEW YORK CITY

I, CARLTON RICHARDSON CEC MEMBER DISTRICT 18 SUBMIT THE
FOLLOWING STATEMENT:

I WOULD LIKE TO SAY FIRST, GREETINGS TO ALL HONORABLE MEMBERS
OF THE CITY COUNCIL OF NEW YORK CITY AND ALL OTHER
DISTINGUISHED GUEST. I WOULD LIKE TO TALK YOU ABOUT
COMMUNICATION TODAY. COMMUNICATION IS A VERY IMPORTANT
CONCEPT IN ALL OUR LIVES. THERE WOULD BE CHAOS IN THIS WORLD IF
THERE WAS NO COMMUNICATION. AS A CEC MEMBER, I CAN NOT DO MY
JOB IF THERE IS NO COMMUNICATION. TO MY KNOWLEDGE, ALL DOE'S
DECISIONS CAME FROM THE CHANCELLOR'S OFFICE WITH NO
COMMUNICATION FROM THE CEC. YES, I HAVE NO AUTHORITY IN THE
DECISION MAKING PROCESS FOR THE PARENTS I REPRESENT.
THE DOE IS CREATING CHARTER SCHOOLS ALL THROUGH NEW YORK
CITY AND NOT INVOLVING THE MEMBER OF THE CEC'S OR PARENTS
LIVING IN THESE DISTRICTS. THE PARENTS DO NOT TAKE THE CEC
SERIOUSLY, BECAUSE THEY KNOW WE HAVE NO AUTHORITY IN THE DOE.
I HAVE A DOE ID, BUT THE PRINCIPALS, PARENT COORINATORS, AND
PTA'S DO NOT TAKE THE CEC SERIOUS. THEY ALREADY KNOW THE CEC
ARE MORE LIKE PUPPETS THAN ELECTED PARENT LEADERS. THE REASON

CEC DIST 18 MEMBER CARLTON RICHARDSON STATEMENT 6 APR 2009

WHY I AM BRINGING THIS INFORMATION TO LIGHT IS BECAUSE I HAVE LOST ALL TRUST IN THE DOE. ALL DECISIONS FROM THE DOE WHETHER IT IS GOOD OR BAD HAS NO PARENTAL INVOLVEMENT. I CAN NOT DO MY JOB AS A CEC MEMBER. THESE SO CALL FAILING SCHOOLS DO NOT HAVE A CHANCE TO SUCCEED. WHEN THE DOE'S MIND IS MADE UP FOR A CHARTER SCHOOL TO REPLACE THAT SO CALL FAILING SCHOOL, THERE IS NOTHING ANYONE CAN DO TO CHANGE IT. HERE IS WERE COMMUNICATION COMES IN. CHARTER SCHOOLS ARE A GOOD IDEA WHEN EVERYONE IS AT THE DECISION MAKING TABLE. WHO SHOULD BE AT THIS DECISION MAKING TABLE? HERE ARE THE PEOPLE I THINK SHOULD BE THERE: THE DOE, PRINCIPALS, TEACHERS, PARENTS, AND STUDENTS. THIS MAKES SENSE. WHY IS THE DOE MAKING DECISIONS WITHOUT THE INPUT OF THE CEC, TEACHERS, OR THE PARENTS THAT LIVE IN THE DISTRICT IN QUESTION? I CAN NOT ANSWER THAT ONE, BUT CAN YOU PLEASE ASK THE DOE. CHARTER AND PUBLIC SCHOOLS CAN NOT WORK WITHOUT THE COOPERATION OF THE TEACHERS, PARENTS, AND STUDENTS. THE DOE MUST HUMBLE THEMSELVES AND GIVE BACK THE AUTHORITY TO THE CEC SO WE CAN TRULY BE THE LEADERS OF THE PARENTS THAT WE WERE ELECTED TO DO. THE CEC'S ARE RIGHT NOW A RUBBER STAMP AND PUPPETS FOR THE DOE. THANK YOU FOR LISTENING TO ME. MAY GOD BLESS AND KEEP YOU ALL. THANK YOU.

The Renaissance

35-59 81st Street, Jackson Heights, NY 11372
www.renaissancecharter.org • 718-803-0060 • 718-803-3785 (fax) Charter School

Esteemed City Council Members,

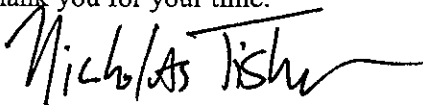
My name is Nicholas Tishuk and I am the Director of Programs and Accountability at the Renaissance Charter School. Our small school has served the Jackson Heights community in Queens for fifteen years and currently serves 530 students grades K-12.

We are a school that works: we have happy kids, a dedicated and respected staff, and an involved parent body. We have received "A" ratings on our most recent K-8 and High School progress reports from the Department of Education and have K-8 and Regents scores that outperform similar schools and the City averages. We are, in the very best sense, a community school serving the needs of families in Jackson Heights, District 30 and Queens. As a conversion school, we are one of the oldest charter schools in New York City.

Our message is clear, charter schools are public schools and our 530 students and their families deserve to be treated with respect. The recently passed budget from Albany has been called a "freeze", but we had already received a preliminary allocation from the Department of Education and this "freeze" has slashed our expected budget by over \$500,000 for the 2009-2010 school year. This catastrophic budget cut has forced us to come together as a community. I invite all City Council Members to visit our student developed website, linked below, which documents the rallies and march that our students participated in to let elected officials know how these cuts affect our small school in Queens.

Councilmen Dilan's New York City Resolution 1889 is a step backward. By making access to facilities and space more difficult, the City Council will be making a grave mistake. I am an absolute believer and advocate for public education in New York City and, whether foes like them or not, charter schools are public schools, full of public school children. To cut the funding for these children, as Albany has done, or to restrict their access to buildings, as Resolution 1889 proposes, is an injustice against the civil rights of our students to have great education.

Thank you for your time.



Nicholas Tishuk
The Renaissance Charter School
(718) 803-0060 x206
Teach11372@gmail.com

Student Generated Website: <http://charterschoolbudgetfight.wikispaces.com/>

Broadcast of our rally and march in Jackson Heights on New York 1:

http://www.ny1.com/content/top_stories/96610/group-holds-protest-over-school-funding-freeze/Default.aspx

Photos by student Lisette Lopez:

<http://picasaweb.google.com/teach11372/RenaissanceCharterRallyAndMarchAgainstCharterCuts#>

Photos by student Deisy Flores: <http://picasaweb.google.com/teach11372/RenaissanceCharterRallyAndMarchII#>

Videos by teacher Ramil Buenaventura:

PART 1: Pre-Rally (3:57mins) - Planning and Preparation <http://www.youtube.com/watch?v=fDrWNHhTxZY>

PART 2: Rally (4:37mins) - Rally around the neighborhood <http://www.youtube.com/watch?v=cGByh9-aIAI>

PART 3: Post-Rally (mins) - Press Interviews, Students speak <http://www.youtube.com/watch?v=9PTybCN9L6g>

"Developing Leaders for the Renaissance of New York"

Good afternoon Council:

My name is Zakiyah Ansari I reside in East Flatbush, Brooklyn and I am the mother of 8 children, 4 currently attend schools in Districts 13, 19, 22, and 23 in Brooklyn. I'm here today as a parent leader representing the NYC Coalition for Educational Justice, a City wide parent led collaborative working to make real reforms in the education of all children. CEJ parents are responsible for creating the Lead Teacher Program that has gone citywide, bringing 444 million dollars for science labs to schools with middle grades by 2010 and bringing the middle school initiative to our schools, in addition to negotiating resources for it. While CEJ has not taken an official position on charter schools, many of our parents do have children in both charter and traditional public schools.

CEJ's message is that **All schools have to be great schools**. Chancellor have you given up on public schools because that is clearly the message that has been portrayed in the media as well as from you? Mayor Bloomberg at the rally in Harlem last month boasted about how 30,000 students are on waiting lists for charter schools and used that as a rally cry for lifting the cap and building more charters. Instead, shouldn't we be asking about what that means for the majority of public schools under his watch? What is being offered to parents who have no alternative but to send their children to traditional public schools? Who is looking out for the education of traditional public schools?

Charter schools maybe a part of the answer but **ONLY** a part. Right now, I believe, only 3% of students are in charter schools and even if those 30,000 on the waiting list all had charter schools to go to, it would only be 5 or 6% of all NYC students.

There is **NO** way there will ever be enough quality charters for all children who need them.

CEJ is not disputing the data that many regular public schools are failing, we have been documenting that for years. Where we disagree is in the thinking that charter schools are the solution to the whole situation. They can be part of the solution but they are not the answer. Could the answer be in the extended learning time or maybe the rigorous curriculum, perhaps it's the music, art and hands on learning that charter schools as well as successful public schools do to keep children engaged? We know that all of these things together work to engage and educate children. Chancellor are you creating a plan to ensure that these things are

happening in All public schools? Don't we want great schools for all children? If you do you're not saying it loud enough.

As most people know, CEJ has been working collaboratively with the DOE specifically around middle schools and as a result, have brought resources and support to some of the most struggling schools in the City. This is a small example of focusing on traditional public schools that need help. It is not okay to give up on our schools like the chancellor suggested last week. It is not okay to blame all of the problems on the teachers union or on any one person or entity. We need all stakeholders to come together and figure out, once and for all, how to clean up this mess for ALL children. CEJ parents want to know if more than 90% of children in NYC are not attending charter schools. What is being done for them?

Richard Berlin – Harlem RBI/DREAM Charter School

Satisfaction with DREAM Charter's extended-day, extended year school model is high. It is best represented by the families who have taken work off today to short notice to stand and speak. It is also symbolized by the fact that every family with a child enrolled in DREAM this year has chosen to return their child to DREAM next year.

At the heart of Harlem RBI's decision to open DREAM Charter School is the decision to provide a better educational opportunity than currently exists for the families of East Harlem RBI. At the heart of our families' decision to enroll and keep their children in DREAM is the desire to choose the best school possible for their children. If you look at the dire rates of academic achievement in East Harlem over the last 20 years, this hope for something better should not come as a surprise.

Harlem RBI's DREAM Charter School has a lot going for it: strong educational leadership; the backing of a trusted community based organization; and the deep and growing commitment of families looking for a better chance for their kids. In my more naïve moments, I guess I would expect that a school like this would be welcomed with open arms by everyone who has a stake in public education. Of course this has not been the case.

In the last week I have seen DREAM – and other public charter schools like it – lose nearly 10% of its projected funding for next school year. (This despite the fact that charter schools currently get something in the ballpark of 70% of what their public school counterparts get.) I have heard that Federal stimulus money for capital projects will not be available to public charter schools in New York City. And today I am learning about the possibility of yet another level of public review for schools that already undergo enormous public scrutiny from the moment they are conceived, let alone once they are in operation.

I understand well the history of public charter schools in New York City and elsewhere, and I know that charters are often a controversial and politically complex issue. But schools like DREAM are not an "issue." They are real places that parents trust and

Richard Berlin – Harlem RBI/DREAM Charter School

Good afternoon. My name is Rich Berlin and I am the executive director of an East Harlem non-profit youth organization called Harlem RBI and the Chairman of the affiliated DREAM Charter School. I would like to thank Council Member Jackson and the committee for holding this hearing today.

Harlem RBI is a community based youth development organization that serves over 700 low-income families and children year-round with comprehensive out of school time services. The vast majority of our youth attend public schools in East Harlem and Harlem RBI intentionally works both in and with public schools throughout East Harlem to ensure that our children grow up healthy, happy and strong.

Having been involved with Harlem RBI since 1993 and executive director since 1997, I have had a front row seat to the changes and challenges that the New York City school system has faced over the last 15 years. And while Harlem RBI has numerous successful and positive partnerships with individual public schools, the organization and the families we serve have been continually frustrated by the public school's consistently low levels of student success and academic achievement.

It was this frustration that motivated Harlem RBI to plan, fund and found DREAM Charter School, which opened this past September in East Harlem with 100 kindergarten and first grade students. DREAM is incubating in a public school building that is at 50% capacity – meaning parents who live in the densely populated area around the school building are choosing not to send their children there. The placement of DREAM in the building was supported by the local Community Education Council, which wrote an explicit resolution in favor of housing the school in this building.

Despite never having run a school before, the combination of Harlem RBI's record of service in the community and the presence of an experienced educational leader serving as principal led to over 300 families to sign up for our first school lottery almost exactly one year ago. Our second enrollment lottery, which will be held tomorrow night, has nearly twice the number of families signed up.

Richard Berlin – Harlem RBI/DREAM Charter School

where children thrive. They are making a measureable impact in the lives of families who have all but lose hope in an educational system that has failed them for decades.

The parents and leaders who are here today have taken brave action and spoken loudly for what children deserve. These actions and these voices deserve your support: financial, political, and in any other form it can come.

Thank You.

Joshua Klaris – DREAM Charter School

Good afternoon. My name is Josh Klaris and I am the founding principal of an East Harlem public charter school called DREAM Charter School which works in affiliation with a non-profit youth organization called Harlem RBI. I would like to thank Council Member Jackson and the committee for holding this hearing today.

Harlem RBI is a community based youth development organization that serves over 700 low-income families and children year-round with comprehensive out of school time services. The vast majority of Harlem RBI's youth attend public schools in East Harlem and Harlem RBI intentionally works both in and with public schools throughout East Harlem to ensure that children grow up healthy, happy and strong.

I started with Harlem RBI as a volunteer in the summer of 1994 and have been a New York City public school teacher and leader since 1993. As a teacher at P.S. 124 in Chinatown, an assistant principal of PS 65 in the South Bronx and PS 158 in Manhattan, and the principal of PS 183 on Manhattan's Upper East Side, the Director of Harlem RBI's summer academic and enrichment program REAL Kids, and now the founding principal of DREAM, I have had a front row seat to the changes and challenges that the New York City school system has faced through those 15 years. And while Harlem RBI and I have numerous successful and been witness to some extraordinary work in individual public schools, the organization and the families we serve have been continually frustrated by the district public school's consistently low levels of student success and academic achievement.

It was this frustration that motivated Harlem RBI to plan, fund and found DREAM Charter School, which opened this past September in East Harlem with 100 kindergarten and first grade students. DREAM is incubating in a public school building that is at 50% capacity – meaning parents who live in the densely populated area around the school building are choosing not to send their children there. The placement of DREAM in the building was supported by the local Community Education Council, which wrote an explicit resolution in favor of housing the school in this building.

Joshua Klaris – DREAM Charter School

We are aware that the combination of Harlem RBI's record of service in the community and my presence as an experienced educational leader serving as principal led to over 300 families to sign up for our first school lottery almost exactly one year ago. Our second enrollment lottery, which will be held tomorrow night, has nearly twice the number of families signed up.

Satisfaction with DREAM Charter's extended-day, extended year school model is high. It is best represented by the families who have taken work off today to short notice to stand and speak. It is also symbolized by the fact that every family with a child enrolled in DREAM this year has chosen to return their child to DREAM next year.

At the heart of Harlem RBI's decision to open DREAM Charter School is the decision to join the scarce high quality educational opportunities than currently exist for the families of East Harlem. At the heart of our families' decision to enroll and keep their children in DREAM is the desire to choose the best school possible for their children. If you look at the dire rates of academic achievement in East Harlem over the last 20 years, this hope for something better should not come as a surprise.

Harlem RBI's DREAM Charter School has a lot going for it: strong educational leadership; the backing of a trusted community based organization; and the deep and growing commitment of families looking for a better chance for their kids. In my more naïve moments, I guess I would expect that a school like this would be welcomed with open arms by everyone who has a stake in public education. Of course this has not been the case.

In the last week I have seen DREAM – and other public charter schools like it – lose nearly 10% of its projected funding for next school year. (This despite the fact that charter schools currently get something in the ballpark of 70% of what their public school counterparts get.) I have heard that Federal stimulus money for capital projects will not be available to public charter schools in New York City. And today I am learning about the possibility of yet another level of public review for schools that already

Joshua Klaris – DREAM Charter School

undergo enormous public scrutiny from the moment they are conceived, let alone once they are in operation.

I understand well the history of public charter schools in New York City and elsewhere, and I know that charters are often a controversial and politically complex issue. But schools like DREAM are not an “issue.” They are real places that parents trust and where children thrive. They are making a measureable impact in the lives of families who have all but lose hope in an educational system that has failed them for decades.

The parents and leaders who are here today have taken brave action and spoken loudly for what children deserve. These actions and these voices deserve your support: financial, political, and in any other form it can come.

Thank You.

Jo-Ann Barrett/DREAM Charter School

Good afternoon. My name is Jo-Ann Barrett and my nephew, Sean, is a 1st grade student at DREAM Charter School. I, along with my parents, have raised Sean since he was a one year old.

I would like to thank Council Member Jackson and the committee for holding this hearing today.

Finding the school that's the right fit for your child is difficult, and we are fortunate to have found DREAM for Sean. He is flourishing there, and particularly loves his math classes. We have been very pleased with the school.

I know we have not been in the New York school system for very long, but I wanted to come here today to share my story, because I know that there are lots of families out there looking for a school that's a good fit for their child.

Public Charter School's like DREAM allow families like mine to have the opportunity to find the school that's best for their child. For me, the most important reasons for public charter schools to exist are opportunity and choice. From what I see, charter schools push the system to be flexible enough to try new things and continue to set the highest standards of student achievement so that every family has the chance to find a school they love.

I won't spend time here talking about the school Sean attended last year as a kindergarten student. Let it be said, however, it was not a school that any of us loved. DREAM is. And when I think about a world where Sean would have been stuck in his old school, it scares me. I think it is Sean's right to have a better choice.

I also think it is my right to know that the buck stops somewhere when it comes to ensuring Sean's education, and I love how accountable and responsive DREAM is to my and others parents concerns and challenges.

Jo-Ann Barrett/DREAM Charter School

I urge this committee – and all members of the City Council -- to not just support public charter schools, but also to work hard to promote them. These schools need more money, more political support, and more respect for the families who choose to send their children to them.

Great schools like DREAM Charter School need to exist so families like ours always have a great choice for our children.

Thank You.

Testimony to City Council
Public Charter School Use of Public School Buildings

Date: April 6, 2009

Name: Julie Fisher

Title: Executive Director

School Affiliation: New York Center for Autism Charter School

District: 8

City Council Representative: Melissa Mark-Viverito

Testimony:

My name is Julie Fisher and I am the Executive Director of the New York Center for Autism Charter School. We opened our doors in 2005 and currently serve 28 students, all of who are diagnosed with autism. Our students range from moderately involved to more severely challenged – reflecting the wide range of the autism spectrum. I'm here this afternoon with Rebekah Mitchell, principal of PS/IS 50, the host school in which the NYCA Charter School is housed.

Ms. Mitchell has been nothing but gracious and cooperative with respect to the logistical issues that are inevitable when two entities share space.

But beyond that, we have, over the course of our four years together, developed some truly innovative and creative programming that has proven mutually beneficial to both NYCA Charter School students as well as PS 50 students.

One such collaboration is in the area of inclusion. Some of our students who are on the less involved end of the autism spectrum are able to benefit from inclusion opportunities in less restrictive classrooms – even regular education classrooms, in some cases – for varying amounts of time. When we feel one of our students might be ready to benefit from such an experience, Ms. Mitchell has worked with us to identify an appropriate classroom and a teacher who would be open to and comfortable with our students and staff. We have, to date, had eight students participate in PS 50 classrooms – some for just minutes as a means of desensitizing them to being in larger groups of kids, and some for almost half of their day. In fact, inclusion experiences in PS 50 classrooms helped two of our students graduate from our program and move to less restrictive special education settings.

Another collaboration involves our Peer Mentoring program. This is a program developed and spearheaded by the Assistant Director of the NYCA Charter School, Moira Cray. This program involves taking PS 50 7th and 8th grade students (typically 4 per session) and offering them a 10-week course on autism

that helps them understand the nature of the disorder and how one effectively teaches and interacts with an individual with autism.

These IS 50 students abbreviate their lunch and recess 3 or more days per week in order to participate in this program. They get to observe in our classrooms, they themselves identify a skill or skills that they would like to teach one of our students, and they actually work on that skill directly with the student with whom they've been paired. The NYCA Charter School students participating in this program are often our more impaired students – not those who would necessarily be able to benefit from a traditional inclusion experience.

At the end of their 10 weeks, the IS 50 students prepare a presentation about what they've learned and present it to their class, at which point we've gotten large numbers of additional IS 50 students interested in participating in future sessions.

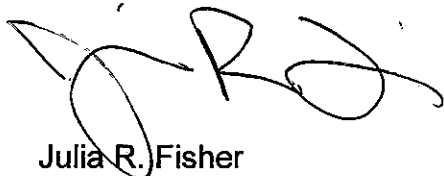
The direct benefit to our students is clear – right now we have peer mentors working on teaching NYCA Charter School students how to play board games, how to play basketball, and how to engage in simple conversations.

What we didn't expect was the benefit to our whole school population, through greater awareness and acceptance.

And even more than that, benefit to the larger autism community – these young IS 50 students are spreading awareness and sensitivity in ways we, as adults, simply couldn't.

I think the IS 50 students have benefited as well, in that they can take pride in learning a new skill, developing a goal and accomplishing it. And I think it may even inspire some to consider special education as a career path – in fact we have one student who graduated from IS 50 last year and is now in high school, who will be working for us as a paid assistant during the summer.

These collaborations have become hallmarks of our respective programs, and would not have been possible if we were not able to share space in the way that we are.

A handwritten signature in black ink, appearing to read 'Julia R. Fisher', with a large, stylized initial 'J' and 'R'.

Julia R. Fisher

Testimony of Steven F. Wilson
Education Committee of the New York City Council
April 6, 2009
stevenfredericwilson@gmail.com

Thank you, Chairperson Jackson. My name is Steven Wilson, and I'm the founder of the Brooklyn Ascend and Brownsville Ascend Charter Schools and a senior fellow at Education Sector, a non-partisan, non-profit organization dedicated to urban education policy.

As with charter schools throughout the city, the waiting lists at our schools testify to the community's demand for the new schools. More than 1,100 students await a seat at our first school, which opened in September, and 923 students are enrolled in tonight's lottery for our second. For every one student we enroll at random, 8 others must be turned away.

Parents choose our schools because they share our single-minded purpose: to send their child to college. The educational system we use, developed by SABIS, has a record in under-served communities of reliably preparing *every* child for college. For the last seven years, every graduate of the SABIS school in Springfield, Massachusetts, has gone to college. The school's eleventh graders, the highest grade tested by the state, perform on average 50 percentage points higher than Springfield district students on the state's MCAS test. That's extraordinary. We expect no less of our own schools.

Despite the demand for charters by parents, when the history of school reform in our time is written, most city governments will be remembered for their *hostility* to charter schools—the relentless obstacles they placed in the path of the new schools, their

callous disregard for the urgent call by parents for schools that work, and at times, their unabashed favoring of adult interests over schoolchildren's.

But New York City, along among big cities, courageously welcomed the new schools. It was the first to take advantage of its power to charter new schools, seeing them not as a threat but as an unprecedented tool for reform. It was the first to ensure that charter schools—charter *public* schools—have access to public space alongside traditional district schools.

That bold leadership has paid off. Today, the city boasts a portfolio of game-changing schools that are redefining what is possible in urban education, with today's resources. Schools like KIPP Infinity in Harlem, where 99% of sixth-graders are proficient on the state's math test, and 84% are proficient in English. Schools like Girl's Prep, where 100% of third-graders are proficient in Math, and 80% in English.

That is not cherry picking. The charter school sector in this city is dramatically outperforming district schools, with average proficiency levels 10 points higher in both Math and English Language Arts, even though the schools are mainly located in the city's poorest communities. And New York is host to new networks of charter schools like KIPP, Achievement First, and Uncommon Schools that are working to close the achievement gap routinely, not years from now, not in some ever-receding future, but *right now*.

I believe we, policymakers and the public, often confuse our commitment to the ideal of public education with our allegiance to a particular institutional arrangement. The harsh fact is that our current educational institutions don't work very well and haven't for a long time. Each year, they fail hundreds of thousands of students. If another structure—

charter public schools—shows promise, we should embrace it as a renewal of our national commitment to public education.

So I urge you to stay the course—to help write the next chapter in school reform in this city. Don't erect new barriers, masquerading as fair process, to the establishment and siting of the new schools. Rather, I urge you to do everything in your power to create more seats in gap-closing charter schools in your districts.

Thank you for allowing me the opportunity to testify.

Int. No. _____

By Council Members _____,
_____, _____,
_____, _____,

Initiated by Julius Tajiddin, Harlem Resident.

A Local Law to amend the Administrative Code of the City of New York, in relation to School lands; leasing of, granting any such permit, license or authorization to Charter School or other private organization for educational purposes.

Amends Title 4 by adding a new section § 4-110 (a).

Be it enacted by the Council as follows:

Section 1. Background and Declaration of Legislative Intent.

The Council finds that, based on a finding by the Department of Education School Construction Authority Committee of the New York City Council, studies by authorities in education and historical precedent the New York City Department of Education has unfairly closed or phased out public schools and/or placed charter schools in such school buildings, thereby replacing the standard public school with a charter school. The DOE has also placed charter schools inside of standard public schools while keeping the standard public schools opened; however, the classroom size in the standard public schools more often than not increases, making such classroom overcrowded; the charter school tends to need more space in such school building, whereas, as a result of this kind of situation, the charter school more often than not succeeds in getting such school space and such standard public school is forced to cut programs due to lack of space or not having enough equipment or supplies to meet the needs of the entire class. This kind of situation threatens the very operation of a successful standard public school and such school's very existence.

While the DOE under the current Education Law has the appearance of justification to close down a school or make a school share its space on its side, due to an allegation that such school is failing or such school space is not being fully utilized, oftentimes, if not all the time, the DOE has decided such standard public school's fate solely within an internal department process. The parent/student is just informed that the school will be closed, phasing out or shared with another school. And usually such information is given to the parents at the end of the school year.

In particular, standard public schools in Harlem have been unusually targeted with such practice. Parents in these neighborhoods have expressed that such practice in their school zones eliminate their neighborhood school zones without them having a fair opportunity to voice their concerns or the right to petition the government for a redress of grievances. Parents and Harlem community advocates have alleged that charter schools coming into Harlem are being used as a tool for gentrification. It is a fact that charter schools operate under a dual system, the Education Laws of New York system and the Charter School Act system, which the latter allows a charter school to select its enrollment.

Although the DOE has granted an opportunity for "sounding board" forums for parents and community who find themselves in such situations, such forums pit parent against parent, one belonging to the standard public school, the other wanting the charter school. Ultimately these parents and children simply want a decent education.

However, what's missing from this procedural process is an honest fact finding mission. Such forum doesn't allow the facts to come out to render a fair decision on the merits of a particular case. Additionally, the forum only addresses whether the charter school should or shouldn't come into the school property and not whether the standard public school should or shouldn't have been closed or slated to phase out in the first place.

Then there is the question of whether the DOE can deliver true fairness in the matter. Although it appears that the DOE can be neutral in deciding which school should get the school building, it can't be honestly stated that the DOE can be fair in deciding whether it should or shouldn't close or phase out a standard public school when being challenged by a parent in a true constitutional due process context.

Another important factor in this equation not properly addressed which adds to this hodgepodge is who should decide the fate of city property? Public school property is still city property. Although our city's education laws are state legislated does that give the DOE under the authority of its CEO the power to decide the fate of the actual school building?

A look at Article 52-A, § 2590-h, sub-paragraph 31., of our state Education Law answers such question in the negative.

§ 2590-h. Powers and duties of chancellor.

31. Intervene in any district or school which is persistently failing to achieve educational results and standards approved by the city board or established by the state board of regents, or has failed to improve its educational results and student achievement in accordance with such standards or state or city board requirements, or in any school or district in which there exists, in the chancellor's judgment, a state of uncontrolled or unaddressed violence. The chancellor may, in addition to exercising any other powers authorized by this article, require such school principal, or district as the case may be, to prepare a corrective action plan, with a timetable for implementation of steps acceptable

to the chancellor to reach improvement goals consistent with city board standards and educational results. The chancellor may require the school or district to alter or improve the corrective action plan, or may directly modify the plan. The chancellor shall monitor implementation of the plan, and, if the school or district fails to implement it, may supersede any inconsistent decision of the school principal, community district education council or community superintendent; assume joint or direct control of the operation of the school or district to implement the corrective action plan; or take any other action authorized by this article. Any action of the chancellor to supercede an inconsistent decision of the school principal, community district education council or community superintendent, or to assume joint or direct control of the operation of the school or district pursuant to this subdivision may be appealed to the city board in accordance with section twenty-five hundred ninety-g of this article.

What is absent from the language of the statute is the chancellor's authority to decide the fate of the school building itself or how the school building shall be managed if not managed 100% by the DOE or its CEO. Charter schools are not 100% funded by public dollars nor are they operated under the DOE within the structure of Article 52A.

There are two authorities that state who ultimately decides the fate and use of a building if it is not being fully used as a standard public school. They are Article 4, § 4-110 of The New York City Administrative Code and the Supreme Court. Article 4, § 4-110 reads as follows:

School lands; sale of, at auction. The board of estimate is authorized, upon the application of the board of education duly authorized and certified, to sell at public auction at such times and on such terms as they may deem most advantageous for the public interest, any land or lands and the buildings thereon, owned by the city, occupied or reserved for school purposes, and no longer required therefor. No property, however, shall be disposed of for a less sum than the same may be appraised by the board of estimate, or a majority of them, at a meeting to be held and on an appraisal made within two months prior to the date of the sale. At least thirty days notice of such sale, including a description of the property to be sold, shall be published in the City Record.

Board of Estimate of City of New York v. Morris, 489 U.S. 688, is the Supreme Court case. In Board of Estimate, supra, the Supreme Court outline's the Board

of Estimate's duties, which include, but are not limited to: The Board of Estimate exclusively determining the use, development and improvement of property owned by the City; granting leases of City property and enters into leases of property for City use; and holding public hearings on any matter of City policy within its responsibilities whenever called upon to do so by the Mayor or in its discretion for the public interest. Board of Estimate, supra, also pointed out that the mayor, also being a member of the Board of Estimate, could not vote on matters that are directly associated with him, e.g., the mayor's budget. But currently, since schools are under mayoral control, the mayor would be barred from participating in matters dealing with the DOE.

The Council recognizes the current threat of the destabilization of the public school system. The Council also recognizes the importance of neighborhoods, the imminent erosion of their cultural heritage, as communities gradually convert into casualties of gentrification. The Council recognizes that buildings originally designated for public school use cannot slip and slide into another use under the guise of "public school" but that are really controlled by the private sector. The fact that there are two different laws regulating the two school systems demonstrate that there is a difference between the two systems. Moreover, allowing charter schools to flourish inside of school buildings that were originally intended to meet the needs of all children between the ages of 6-21 who can't afford private education but who don't necessarily allow children living within such school's zone admission runs counter to our state's constitutional purpose for an unfettered free education. Thus, the Council hereby declares that it is imperative that steps be taken to fairly decide who utilizes a city property intended for public school purposes. Such decision should lie with the Board of

Estimate.

Section 2. School Lands; leasing of, etc.

This Bill provides for a new section § 4–110 (a) entitled, **School lands; leasing of, granting any such permit, license or authorization to Charter School or other private organization for educational purposes**, to be added to the New York City Administrative Code. The section will read as follows:

Upon the application of an aggrieved parent or other such person having a genuine interest in a city owned property designated for a public school purpose, The Board of Estimate shall hold a hearing or authorize the commissioner of citywide administrative services, upon such terms and conditions as the commissioner may determine, consistent with federal due process guidelines, to hold a hearing prior to the leasing, granting or licensing to any charter school organization, private or having public school status, of any public school property controlled by The New York City Department of Education.

§ 4–110 (a)

1. Designation

The City Council having determined, pursuant to Article 52A of the Education Laws and Article 4 § 4–110 of the New York City Administrative Code, that the state legislative intent for the operation of schools and who should occupy a city owned property designated for a public school purpose are inherently different and under different jurisdictions, the latter being at the discretion of the city. However, whereas the state can control the operation policies of the public school system the use of city property must be determined by the will of the city residents through their elected officials. The Board of Estimate has on its board elected officials who are each responsible in their elected capacity for protecting cultural assets/heritage, health, prosperity, safety and welfare of the people all which can fall under the education umbrella. The Board of Estimate is

also situated to handle a hearing forum to protect parents/school children's educational property and liberty interests under federal requirements of due process. Ultimately it is the people who should decide if a school property should be used for a charter school in the same way that the people are involved in the process when the city gives a city property away. Thereby there is a need for Section 4-110(a).

2. Statement of Relinquishing City Property for A Standard Public School Use

In addition to all other requirements of law, if the DOE intends to not use a city property for a standard public school purpose but rather a charter or private school purpose it must indicate such intent in writing on such application to the Board of Estimate for a permit or license to do so. The Board of Estimate shall grant or decline an application on the merits after a hearing on the matter.

§ 3. This legislation shall take effect immediately upon its enactment into law.

**PROPOSAL for a Department of Education, School Construction Authority
Committee of the New York City Council RESOLUTION**

Whereas, under the New York State Constitution, Article IX, "the Legislature shall provide for the maintenance and support of a system of free common schools, wherein all of the children of this state may be educated;" and

Whereas, such gift is articulated in our New York State Education law, § 3202. Public schools free to resident pupils; tuition from nonresident pupils.

1. A person over five and under twenty-one years of age who has not received a high school diploma is entitled to attend the public schools maintained in the district in which such person resides without the payment of tuition; and

Whereas, pursuant to New York State Educ. §§3201, et seq., a child must attend school between the ages of 6 and 16 and attend a public school if s/he cannot afford a private school or meet the qualifications to be home schooled; and

Whereas, Although New York State may not be constitutionally obligated to establish and maintain a public school system, it has nevertheless done so and has required its children under such circumstances to attend. Therefore such young people do not "shed their constitutional rights" at the schoolhouse door; and

Whereas, the Department of Education, School Construction Authority Committee of the New York City Council has deemed such free education given to our children between the ages of 5-21 as a property interest; and

Whereas, the Department of Education, School Construction Authority Committee of the New York City Council has deemed a child's moving about on such school property or a child's right to attend a particular public school after he/she has registered with such school as a liberty interest; and

Whereas, under the federal and state due process clauses in their respective constitutions, "No one shall be deprived of life, liberty or property without due process of law;" and

Whereas, the Department of Education, School Construction Authority Committee of the New York City Council's view on education in conjunction with the stated laws is supported by the United States Supreme Court, in particular, Goss v. Lopez, 419 U.S. 565 (1975),

Holding

that public schools who have chosen to establish and maintain a public school system and require their children to attend must obey the Due Process Clause. "The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and



**PROPOSAL for a Department of Education, School Construction Authority
Committee of the New York City Council RESOLUTION**

all of its creatures -- Boards of Education not excepted." The authority possessed by the State to prescribe and enforce standards of conduct in its schools although concededly very broad, must be exercised consistently with constitutional safeguards.

Holding

the right to attend public school is a property right because it is something valuable that the state provides all students.

Although holding

when a school suspends a student, it takes away [a student's] property right for a certain number of days. Suspension also harms a student's reputation, which is a part of liberty and freedom. Because suspension takes away both a property right and liberty, schools may not suspend students without "due process of law."

the Department of Education, School Construction Authority Committee of the New York City Council deems any removal from the school premises as a taking away of not only a student's property interests (because the likelihood of recreating the same property structure at another school outside of the previous school zone is difficult, if not without a myriad of problems due to the relocation itself) but a liberty right and sees that the Phasing out of a school can be looked at negatively therefore harming a student's reputation, which is part of liberty and freedom, as well as the actual phasing out of a school itself would alter the liberty interests a student has in his/her day to day walking about on school property.

Holding

"Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must first be notified."

Whereas, the Department of Education, School Construction Authority Committee of the New York City Council finds that the Department of Education **did not** give the parents of children attending P.S. 194 a fair opportunity to be heard to challenge the DOE's decision to phase their school out nor a fair or adequate notice for such hearing; and

Whereas, such phasing out would [conveniently] give the Harlem Success Academy [a charter school] or any other charter school an opportunity to occupy the school building,

**PROPOSAL for a Department of Education, School Construction Authority
Committee of the New York City Council RESOLUTION**

will relocate the current P.S. 194 students to other schools away from their current neighborhood school zone or will send them to a school [zone] not of their choice after they had registered with P.S. 194; and

Whereas, under a reasonable worse case scenario the foregoing would alter these children's education and liberty interests - or any child's education and liberty interests under similar circumstances - as they currently know it not in their best interests; now,

Therefore, be it **Resolved**, that the Department of Education, School Construction Authority Committee of the New York City Council **disapproves** of the way that the Department of Education handled the hearing process regarding P.S. 194 or such other school under similar circumstances; and be it

Resolved, that the Department of Education School Construction Authority Committee of the New York City Council **encourages** the New York City Council to pass legislation that creates a specific forum that supports public school students having proper hearings, duly notifying such parents of the time and location for such hearings, whereas such parents can properly challenge the closing of their schools and have an opportunity to remain as students of such schools.

End

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/6/09

(PLEASE PRINT)

Name: Sonia Park

Address: _____

I represent: Manhattan Charter School

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Charles Lutson

Address: _____

I represent: CCE 23

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/6/09

(PLEASE PRINT)

Name: Ken Byalun

Address: _____

I represent: John W. LaVette Preparatory

Address: Charter School

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/6/89

(PLEASE PRINT)

Name: David Umanetsky
Address: 304 Hudson St 3rd Floor 10058

I represent: Civic Builders

Address: same

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/6/09

(PLEASE PRINT)

Name: ~~Left V~~ Laydon McClean

Address: _____

I represent: Democracy Prep Charter

Address: same

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/10

(PLEASE PRINT)

Name: Meliana DOYOUN

Address: _____

I represent: Democracy Prep Charter

Address: same

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ada-Ellisa Amzalag

Address: _____

I represent: Democracy Prep Charter

Address: School

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/6/09

(PLEASE PRINT)

Name: Daniel Clark

Address: _____

I represent: Democracy Prep

Address: C.S.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/6/09

(PLEASE PRINT)

Name: James Merimian

Address: _____

I represent: NYC Charter Schools Center

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/6/09

Name: Peter Murphy (PLEASE PRINT)

Address: _____

I represent: NJ State Charter Schools

Address: Association

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1 Res. No. _____

in favor in opposition

Date: 4/6/09

Name: Ventura Rodriguez (PLEASE PRINT)

Address: _____

I represent: St. Hope Leadership

Address: Charter School

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4-6-09

Name: Matt Borden (PLEASE PRINT)

Address: _____

I represent: Assemblymember Glick

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/6/09

(PLEASE PRINT)

Name: GEOFF ABBAS

Address: 481 QUINCY ST., BROOKLYN

I represent: LA CIMA CHARTER SCHOOL

Address: 800 GATES AVE, BROOKLYN

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Eric Nadelstern

Address: Chief Schools Officer

I represent: DOE

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Christopher Cerf

Address: Deputy Chancellor

I represent: DOE

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Michael Duffy

Address: _____

I represent: DOE

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: John White

Address: _____

I represent: DOE

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/10/09

(PLEASE PRINT)

Name: ~~John White~~ Misty Bader

Address: _____

I represent: Explore Charter School

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/16/09

(PLEASE PRINT)

Name: Vito Barone

Address: 116 Street #1

I represent: JHS

Address: Williamsburg Charter High School

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/16/09

(PLEASE PRINT)

Name: Stephanie Blanes

Address: 380 South 4th St Apt 23 Brooklyn NY 11211

I represent: Williamsburg Charter High School

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ellen McHugh

Address: New York City Coordinator

I represent: Parent to Parent of New

Address: York State

Please complete this card and return to the Sergeant-at-Arms

Public

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rue Zalia Watkins

Address: Ed services Specialist

I represent: Mental Health Association

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition Neither

Date: _____

(PLEASE PRINT)

Name: Zakiyah Ansari

Address: _____

I represent: NYC Coalition For Educational Justice

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: April 6, 2009

(PLEASE PRINT)

Name: Steven Wilson

Address: 1 Main St Brooklyn, NY

I represent: Brooklyn Ascend Charter Schools

Address: 205 Rockaway Parkway, Brooklyn

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rami Abdo
Address: 64 Church Ave Brooklyn NY 11218
I represent: MCHS
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: April 6, 2009

(PLEASE PRINT)

Name: Kevin Rice
Address: 2411 87th Ave NY NY
I represent: HSA #2 / Parent of disabled child
Address: 30 West 140th St NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

to charter Date: 4-6-09

(PLEASE PRINT)

Name: Lamecca Jackson
Address: 401 E 102nd St NY, NY 10029
I represent: Harlem Success Charter School
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 04.06.08

(PLEASE PRINT)

Name: Lika Coumare

Address: 26 W 132 St Apt 1A. 10037

I represent: LIKA COUMARE

Address: 26 W 132 St Apt 1A. 10037

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MIRIAM RACCAH

Address: 2680 Broadway #3B

I represent: Girls Preparatory Charter School

Address: 442 E. Houston Rm. 312

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: April 6, 2009

(PLEASE PRINT)

Name: BIJOU MILLER

Address: 33 W. 82nd St. Apt. 1B, NYC. 10024

I represent: District 3 Presidents' Council

Address: 154 W 93rd St, New York, NY 10025

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/6/09

Name: Julius Tajiddin (PLEASE PRINT)

Address: PO Box 1683

I represent: Position of Public Schools

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/6/09

Name: Jennifer Freeman (PLEASE PRINT)

Address: 600 W 111th St 7c

I represent: CEC District 3

Address: W 93rd St

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4-6-09

Name: Julie Fisher & Rebekah Muter (PLEASE PRINT)

Address: 433 E 100th St. (at PS/IS 50)

I represent: New York Center for Autism Charter School

Address: same as above

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 04/06/09

(PLEASE PRINT)

Name: Bishop Levi Richards Jr

Address: 535 W 151st Street

I represent: My Two Son's from Harlem Success

Address: 118th LENOX NYC.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/6/09

(PLEASE PRINT)

Name: Noah Franklin

Address: _____

I represent: Council of School Supervisors &

Address: Administrators Union

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/6/09

(PLEASE PRINT)

Name: ERIC REDWINE

Address: 850 KENT AVENUE

I represent: ACHIEVEMENT FIRST ENDEAVOR

Address: see above

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Lesley Estors Redwine

Address: 1137 Herkimer Street

I represent: Achievement First

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/6/09

(PLEASE PRINT)
Name: Eric & Lesley Redwine

Address: _____

I represent: Achievement ~~First~~ Charter

Address: School Network

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: ELLEN McWhorter

Address: 185 MARINE AVE BRLIN NY 11209

I represent: P2P NYS

Address: 75 MORTON ST NYC NY 10014

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/6/09

(PLEASE PRINT)

Name: Santos Crespo

Address: 125 Barclay St NY NY 10007

I represent: Vice President, Local 372, DC37

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4-6-09

(PLEASE PRINT)

Name: Shelly Dickey

Address: 2300 5th Ave # 16E NYC 10031

I represent: Harlem Success Academy

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4-6-09

(PLEASE PRINT)

Name: Sherry Cayson

Address: 2333 15th Ave NYC 10031

I represent: HSA 2

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Susan Crawford (PLEASE PRINT)

Address: 501 W. 110 10025

I represent: D-3 - The Right To Read Project

Address: Same

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/6/09

Name: Ann Barrett (PLEASE PRINT)

Address: 340 E 112th St #11 NY 10025

I represent: Parents Dream Charter School

Address: 232 E. 163rd St

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/6/09

Name: Kenneth Vanwright (PLEASE PRINT)

Address: P.O. BOX 542 New York, NY 10026

I represent: HSA 2

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/6/09

(PLEASE PRINT)

Name: Genevieve Foster

Address: 529 W 138TH ST. #5N 10031

I represent: Harlem Success Academy I

Address: 34 W 118TH

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rakim Smith

Address: _____

I represent: Harlem Success Academy

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1889

in favor in opposition

Date: 4/6/09

(PLEASE PRINT)

Name: Nicholas Tishuk

Address: 225 Vernon Ave #3 Brooklyn NY

I represent: The Renaissance Charter School

Address: 35-59 81st Street Jackson Heights NY

Please complete this card and return to the Sergeant-at-Arms

Public

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jennifer Freeman

Address: CEC District 3

I represent: Myself

Address: _____

Public

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: David Grinage

Address: President CEC D 23

I represent: Myself

Address: _____

Public

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mrs. Mendez

Address: Parent PS 150

I represent: Myself

Address: _____

Public

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mr. Mendez

Address: Parent at PS 150

I represent: myself

Address: _____

Public

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rose Laney

Address: Parent PS 450

I represent: Myself

Address: _____

Public

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Annie B. Martin

Address: Head of Harlem N.A.A.C.P.

I represent: NAACP

Address: _____

Public

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Michelle Badden

Address: UFT Charter School Leader

I represent: UFT

Address: 52 Broadway

Public

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Leo Casey

Address: Vice President of Highschools

I represent: UFT

Address: 52 Broadway

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

HEARING Date: 4/6/89

(PLEASE PRINT)
Name: DEBORAH HAMILTON

Address: P.O. Box 567 NY, NY 10030

I represent: ACORN

Address: 2-4 NEVINS ST.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

HEARINGS

Date: 4/6/09

(PLEASE PRINT)

Name: KIMBERLY KENNEDY-MILTON

Address: 240 WEST 103RD ST NY, NY 10020

I represent: P.S. 246

Address: 244 NEWS ST.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

HEARINGS

Date: 4/6/09

(PLEASE PRINT)

Name: STEPHEN SASSARE

Address: QUEEN'S VILLAGE, NY

I represent: ACCORDIA

Address: 244 NEWS ST, BROOKLYN

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

HEARINGS

Date: 4/6/09

(PLEASE PRINT)

Name: CHRISTINA SERPANO

Address: 244 NEWS ST BROOKLYN

I represent: P.S. 246

Address: 244 NEWS ST, BROOKLYN

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

HEARINGS Date: 4/6/09

(PLEASE PRINT)

Name: SAIRENITTE SOTO

Address: 2-4 NEVINS ST.

I represent: P.S. 150

Address: 2

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

HEARINGS Date: 4/6/09

(PLEASE PRINT)

Name: PATRICK BROWN R PANO

Address: 24 NEVINS ST BROOKLYN

I represent: ACORN

Address: 2-21 NEVINS BK

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/6/09

(PLEASE PRINT)

Name: STEPHEN ROBERT TUCKER

Address: 414 NEVINS ST BROOKLYN

I represent: ACORN to Parent of New

Address: 2-4 NEVINS ST BROOKLYN

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/16/09

(PLEASE PRINT)

Name: Vernica Montemayor-Costa

Address: 125 Barclay St NY NY 10007

I represent: President, Local 372, DC 371 +

Address: President, DC 371

R. D. H.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rose Loney

Address: _____

I represent: President Council D. 28

Address: PTA Pines PS 150

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2-2-09

(PLEASE PRINT)

Name: Volanda Matthews

Address: Apartment

I represent: Parent

Address: _____

Public

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Cerlton Richardson

Address: _____

I represent: CFC 18

Address: _____

Public

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mario Aguila

Address: _____

I represent: CEC 14

Address: _____

Public

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jaqueline Bailey

Address: _____

I represent: CH E F F E

Address: _____



Please complete this card and return to the Sergeant-at-Arms



Public
Publ

THE COUNCIL THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Samuel A. Brown

Address: 268 Broadway

I represent: C. H. A. F. E.

Address: 2214 Fulton

Public

THE COUNCIL THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Murvin Wheeler

Address: _____

I represent: Pres Council D-17

Address: _____

THE COUNCIL THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Joseph Mugivan

Address: 231 Manhattan Blvd

I represent: Advocate for School Indoor Air Quality

Address: _____



Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/6/09

(PLEASE PRINT)

Name: John King

Address: 6527 14th St.

I represent: Uncommon Schools

Address: Excellence Charter School

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/6/09

(PLEASE PRINT)

Name: Eric Redwine

Address: _____

I represent: Achievement First

Address: Endeavor Charter School

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Julie Fisher & Rebecca Mitchell

Address: _____

I represent: NY Autism Charter School

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/16/09

Name: Josh Klavis (PLEASE PRINT)

Address: _____

I represent: DREAM Charter School

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/10/09

Name: Reverend Michael Carver (PLEASE PRINT)

Address: _____

I represent: BRONX Academy of Promise

Address: Charter School

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/16/09

Name: Seth Andrews (PLEASE PRINT)

Address: _____

I represent: Democracy Prep Charter

Address: School

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Eva Moskowitz (former City Council

Address: 34 W 118th St Member)

I represent: Success Charter Network

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: OLAYIA DEEN

Address: 315 W 78th Street

I represent: CEC DB

Address: 219th St

Please complete this card and return to the Sergeant-at-Arms