



## Legislation Text

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### Res. No. 563

Resolution calling upon the New York State Legislature to reject any attempt to raise the cap on the number of charter schools.

By Council Members Dromm, Chin, Johnson, Mendez, Miller, Levin, Gentile, Treyger, Reynoso, Maisel, Rosenthal, Rose, Barron, Koslowitz, Kallos and Lander

Whereas, In 1998 the State Legislature passed the New York Charter Schools Act authorizing the creation of up to 100 charter schools, which are publicly funded but privately operated schools; and

Whereas, Since that time, the cap on the number of charter schools allowed to operate in New York State has been raised twice; and

Whereas, In April 2007, the New York State Legislature doubled the number of charter schools allowed in the state, from 100 to 200; and

Whereas, In 2010, the Legislature raised the cap again to allow an additional 260 charter schools, making a total of 460 charters available statewide, with smaller sub-caps for New York City and each of the statewide authorizers; and

Whereas, More than half of the new charters authorized in 2010, 156 out of 260, remain unused; and

Whereas, Under the current State charter school cap, up to 256 of the statewide charter school total of 460 can be located in New York City; and

Whereas, Currently, in New York City 197 charters are operating, 34 have been approved, and 25 remain under the cap; and

Whereas, Outside of the City 134 remain unused under the cap for the rest of the State; and

Whereas, Since charter schools were first authorized, there has been no comprehensive, independent

evaluation of charter school operations; and

Whereas, There have also been relatively few audits of charter schools conducted by the New York State Comptroller to date, primarily due to legal challenges by charter operators to the Comptroller's authority to perform such audits; and

Whereas, Audits of charter schools that have been conducted by the State Comptroller have found significant numbers of deficiencies and mismanagement, including conflicts of interest, failure to complete required employee criminal history record checks, and inadequate systems of internal controls over basic financial operations in some cases; and

Whereas, A November 2014 report by The Center for Popular Democracy and The Alliance for Quality Education estimates that New York could stand to lose \$54 million in charter school fraud in 2014 alone; and

Whereas, Because charter schools are publicly funded, it is important to conduct a comprehensive assessment before committing substantial further investment; and

Whereas, Additionally, as part of the 2014 State budget legislation, New York City is the only district now required to provide free space to all new or expanding charter schools, either by co-locating the charter in a City school building or by paying for rent in private space; and

Whereas, According to the New York City Charter School Center, the City would have to pay the lesser of the actual rental cost or a total amount up to \$2,775.40 per pupil in 2015-16; and

Whereas, There are not many City schools that are sufficiently underutilized to accommodate such co-locations; and

Whereas, In fact, most schools are near, at or over-capacity; and

Whereas, A July 2014 report by the Independent Budget Office (IBO) found that 43.5% of students attended school in buildings that were at 102.5% of capacity or higher in the 2012-2013 school year, and also found that overcrowding in City schools has been steadily increasing; and

Whereas, Thus, the City will increasingly have to pay rent for charter schools in private space; and

Whereas, Under the existing cap the City will have to provide space for an additional 59 new charter schools as well as any existing charters that wish to expand; and

Whereas, Raising the cap will create an undue financial hardship for the City, due to this new requirement for providing free space to charter schools; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to reject any attempt to raise the cap on the number of charter schools.

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