



## Legislation Text

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### Res. No. 876

Resolution calling upon the New York State Legislature to pass legislation requiring all New York City charter schools to reserve 5% of their seats for late-enrolling “over the counter” students.

By Council Members Levine, Chin, Palma, Rose and Rodriguez

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, Subsequent amendments to State Law have expanded the charter school cap to 460 schools statewide; and

Whereas, New York State currently has 214 charter schools in operation, 197 or 92% of which are in New York City, according to data compiled by the New York City Charter School Center in June 2015; and

Whereas, New York City charter schools currently serve over 83,000 students according to the New York City Charter School Center; and

Whereas, Further, according to a report published in July 2015 by the New York City Independent Budget Office, charter school enrollment in the City has grown by 364% over the past 7 years; and

Whereas, New York State Law currently requires that charter schools accept students on a first-come, first-served basis, unless more students register than there are seats available in which case the charter school must admit students by a random lottery selection process; and

Whereas, The New York City Charter School Center estimated that there were 70,700 applicants for 21,000 available seats in New York City charter schools in 2014, leaving nearly 50,000 students waitlisted; and

Whereas, Charter schools currently have no obligation to “backfill”, or fill vacant seats with students who may be on the waiting list, and some choose to leave seats empty; and

Whereas, According to an April 2015 report by the advocacy group Democracy Builders, New York City charter schools lose an average of between 6% and 11% of students annually and left more than 2,500 seats empty in grades 3 through 8 alone in 2014; and

Whereas, Further, the State’s charter school law does not make provisions for charter schools to reserve seats for students who arrive in the City after their April admissions lotteries; and

Whereas, Late-enrolling students are referred to as “over the counter” or OTC students by the New York City Department of Education (DOE); and

Whereas, OTC students include those who are new to the New York City school system, those who left the City’s school system and have returned, those who are seeking transfers and those who did not participate in school admission processes for some other reason; and

Whereas, Many of these OTC students are among New York City’s highest need students, such as new immigrants, special needs students, teens who have been incarcerated or have come from juvenile detention, students over age for grade, and those from transient families or homeless youth as well as students with histories of behavioral incidents in their previous schools; and

Whereas, A 2013 study of New York City’s late-enrolling high school students conducted by the Annenberg Institute for School Reform revealed that there were well over 100,000 such OTC students in the City, with more than 36,000 assigned annually to high schools alone; and

Whereas, This 2013 Annenberg study found that many OTC students were concentrated in high-need schools that were unequipped to serve them; and

Whereas, According to the Annenberg report, the concentration of OTC students in high-need schools may exacerbate a school’s weaknesses and contribute to closure; and

Whereas, Assigning some of these OTC students to charter schools would help reduce the concentration of these high-need students in district schools, decreasing the burden on these schools; and

Whereas, Allowing charter schools to enroll OTC students would also provide such students with more

school choices; and

Whereas, Charter schools in at least one other large urban district currently enroll late-arriving students;  
and

Whereas, In October of 2011, charter schools in Denver, Colorado signed an agreement to admit students who enroll after the start of the school year, according to the Denver Post; and

Whereas, This agreement required all Denver charter schools to reserve 5% of the school's seats at the beginning of the year for midyear students; and

Whereas, The City of New York would benefit from introducing a system like Denver's that requires charter schools to reserve a percentage of their seats for late-enrolling students to reduce pressure on district schools and give children, who would otherwise be excluded from charter school admissions, more options;  
now, therefore, be it

Resolved, That the New York City Council calls upon the New York State Legislature to pass legislation requiring all New York City charter schools to reserve 5% of their seats for late-enrolling "over the counter" students.

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