



## Legislation Text

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**File #:** Res 1288-2020, **Version:** \*

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### Preconsidered Res. No. 1288

Resolution calling upon the New York State Legislature to amend state education law to prohibit reissuance of any charter originally issued to a charter school that has subsequently closed due to surrender, revocation, termination or non-renewal of its charter.

By Council Member Treyger

Whereas, In 1998, the State Legislature passed the New York State Charter Schools Act, which authorized a system of up to 100 publicly-funded but privately-run charter schools to operate independently of public school districts in the state; and

Whereas, Pursuant to the law, charters are issued for a term not to exceed five years, after which the charter school can apply for subsequent five-year renewals; however, the charter authorizer may refuse to renew or otherwise revoke or terminate a charter for reasons such as serious violations of law; violation of the charter, including fiscal mismanagement; failure to enroll or retain adequate numbers of students with disabilities, English language learners, and low-income students; or failure to achieve performance targets; and

Whereas, Subsequent amendments to state law in 2007 and 2010 raised the statewide cap on charter schools to 460, with a smaller sub-cap in New York City; and

Whereas, Under legislation passed in the 2015 state legislative session, the charter school sub-cap for New York City was increased to allow an additional 50 new charters, to be issued on or after July 1, 2015; and

Whereas, The 2015 legislation also provided that 22 charters that had been previously issued and then were surrendered, revoked, or terminated prior to July 1, 2015, so-called “zombie” charters, could be reissued; and

Whereas, A subsequent agreement with Mayor de Blasio in 2017 held that the 22 “zombie” charters

could be reissued without counting towards New York City’s charter school sub-cap; and

Whereas, As of March 4, 2019, all 50 of the new charters and 22 “zombie” charters authorized since 2015 have now been issued; and

Whereas, In his Fiscal Year (FY) 2021 New York State Executive Budget, Governor Cuomo has proposed to “authorize the reissuance of any charter originally issued to a charter school that has subsequently closed due to surrender, revocation, termination or non-renewal of its charter, regardless of the date of such closure”; and

Whereas, Further, Governor Cuomo’s proposal would only permit the issuance of additional “zombie” charters in New York City; and

Whereas, If the Governor’s proposal is enacted, it would allow an additional 15 charters to be opened in New York City, according to press reports; and

Whereas, In addition, more “zombie” charters would become available in the future, as charters are revoked; and

Whereas, According to the New York City Charter School Center, there are currently 260 charter schools operating in New York City serving 126,400 students in all five boroughs, with 32 more charter schools in the pipeline yet to be opened; and

Whereas, The growing costs for the increasing number of charter schools means less funding is available for traditional district schools; and

Whereas, Spending on charter schools in New York City currently exceeds \$2 billion per year; and

Whereas, The Governor’s FY 2021 Executive Budget also proposes a 5.3% per pupil spending increase for charter schools across the state, though it only proposes a 3% increase in education spending overall and just a 2% increase for New York City public schools; and

Whereas, Costs associated with charter schools will continue to rise annually due to State mandates, charter school growth and increases in enrollment; and

Whereas, Rather than opening increasing numbers of charter schools, which divert much-needed funding from district schools, the State should be investing more in New York City's under-resourced traditional public schools; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend state education law to prohibit reissuance of any charter originally issued to a charter school that has subsequently closed due to surrender, revocation, termination or non-renewal of its charter.

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