



Bill Status:

Assembly Education Committee
Senate Education Committee

MEMORANDUM IN OPPOSITION

A.7687 (Assemblywoman Nolan)
S.3875 (Senator Oppenheimer)

On behalf of our member charter schools, we strongly oppose the passage of this bill which would change the charter school approval process by weakening the ability of the State University of New York's Board ("SUNY") of Trustees to approve charter schools.

If enacted, this bill would result in a major setback for public education reform by eliminating SUNY's ability to approve charter schools on its own. The negative consequences would include lower charter school quality and fewer opportunities for thousands of families seeking charter school options for their children.

Benefits of Multiple Charter Authorizers

The New York Charter Schools Act of 1998 provides for two statewide entities to approve and oversee charter schools: the state Board of Regents and the SUNY Board of Trustees. The Act further provides that the Regents may review and comment on any SUNY-approved charter school applications, including revisions or renewals of existing charters. However, if the Regents reject a SUNY-approved charter, SUNY, at its discretion, may proceed with the charter by voting to approve it a second time after which it is deemed approved and incorporated by the Regents

This provision has been effective in approving high quality, successful charter public schools, sharing best practices between authorizers, and allowing charter school applicants to determine which authorizer better suits its school model.

Having more than one charter authorizer in New York was modeled after other states with similar provisions, and is designed to allow for diversity among charter school authorizers to promote different education ideas and reform opportunities. Just two years ago, the concerns related to this multiple authorization process were addressed by providing transitional aid to school districts for charter payments, and changing the approval and notification process by requiring public hearings and lengthening the review timelines for charter school proposals.

SUNY's High-Quality Review and Oversight Process

Of the 146 charter schools in operation or scheduled to open, SUNY has approved 64. SUNY has established a rigorous review process for new charter school applications and for existing charter schools seeking renewal of their five-year charters. In fact, SUNY has closed seven charter schools by not renewing their charters based on its rigorous criteria for educational and fiscal soundness. Central to SUNY rigorous standards is its Accountability Plan which requires each of its approved charter schools to meet or exceed the state's performance standards for elementary and middle schools, along with high school Regents exams. In 2007-08, 92 percent of SUNY-authorized charter schools outperformed their local district in the state's standardized exam in mathematics, and 76 percent outperformed their local district in the state's standardized exam in English language arts.

The State University's review and oversight processes, including its accountability requirements and willingness to close low-performing charter schools, has been a model for success for the Board of Regents and other states.

The ability and willingness of SUNY to approve charter schools has benefited students throughout the state in areas that would not otherwise have a better public school option if it were only the Regents having the statutory power to approve charters. For example, the Regents have been unwilling to approve stand-alone, single-gender schools, which would have otherwise denied children this unique opportunity absent SUNY's approval of boys-only and girls-only schools in Brooklyn and Manhattan, respectively. These schools have been among the highest academically-performing public schools in New York City.

Conclusion

These bills would weaken rather than advance public education reform through charter schools. These bills also are inconsistent with the direction of the Obama Administration's reform efforts to promote more charter schools as part of its education agenda.

For all these reasons, the New York Charter Schools Association strongly opposes advancement of this bill.

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For more information, please contact Bill Phillips, President of the NYCSA, at (518) 694-3110.