



THE NORTHEAST CHARTER SCHOOLS NETWORK RESPONDS TO NYSUT’S INACCURATE, UGLY ATTACKS ON CHARTER SCHOOLS

The New York State United Teachers (NYSUT) is aggressively peddling memos and policy briefs that malign the many high-performing charter schools around the state. As the budget negotiations for the 2017-18 state budget intensify, we have seen NYSUT’s agents fight relentlessly to limit parental choice by harming charter schools. It is often considered “business as usual” in Albany for the union to go on such rampantly ugly campaigns against anyone who disagrees with their positions. In this case, however, it is time for us to set the record straight.

As the statewide membership association representing charters in New York, we are happy to provide a civics and public policy lesson for the agents of the state’s largest teacher’s union.

CHARTER SCHOOLS ARE PUBLIC SCHOOLS: There is no “charter industry.” The term was created by the union and the other education monopolists who have fought against parental choice and charter school operators for decades. State law says charter schools are public schools.¹ Parents say charter schools are public schools. And while we happily acknowledge charter schools provide public education in a manner that is different from the traditional union model, we should not allow the union to make up a false narrative. NYSUT either is deliberately lying in its materials or doesn’t know charter schools are public schools, which would indicate a serious deficiency in their understanding of basic state law.

SOME CHARTER SCHOOLS ARE UNIONIZED: Yes, despite allegations to the contrary, charter school teachers can choose to have union representation. The NYSUT is actively trying to kill jobs for its own members. Eleven percent of New York’s charter schools are unionized.

CHARTER SCHOOLS ARE ACCOUNTABLE: Charter Schools are the most accountable public schools in the state. Since the first charter opened in New York, ten percent have been closed or never opened. This happens because charter schools are held to such high standards, both academically and fiscally. If a charter isn’t living up to promises, it closes. In fact, there is a section of the Charter Schools Act dedicated to charter closure.² Each charter school has a rigorous and individual accountability plan with performance metrics that must be met to earn the right to keep serving students. These accountability plans include specific goals for student performance as well as enrollment and retention targets for the highest need students. No district schools face similar scrutiny of their academic programs. Indeed, the district schools of New York include many that have been academically failing for years, and many that are highly segregated along economic, racial, and academic lines.

¹ See Article 56 of the Education law

² See Article 56 of the Education law, §2855

CHARTERS ARE FISCALLY ACCOUNTABLE: Charter schools are subject to multiple reviews for the purposes of oversight and accountability. Charter schools must comply with specific regulations regarding annually required fiscal reporting, including fees paid to other organizations.³ Additionally, charter schools are subject to a required and comprehensive independent annual financial audit, the procedures for which are part of the formal charter application.⁴ Charter schools also are audited by the State Comptroller or the NYC Comptroller.⁵ Finally, the Board of Regents has the right to visit, examine, and inspect any charter school and any records of the charter, which serves as another mechanism to ensure compliance with applicable laws and regulations.⁶ In practice, the services agreement between a charter school and a charter management organization is reviewed for legal compliance by the charter authorizers as well, which contractually identifies the fee structure and the services provided.

NYSUT CAUSES THE CHARTER-DISTRICT DIVIDE: We at the Northeast Charter Schools Network have never once entered a meeting with lawmakers and asked for district funding to be cut. We have never tried to kill teacher jobs; we have never tried to argue that funding districts means the state cannot also fund charter schools. This constant fight was started by the union. NYSUT has been rallying against charter schools and charter families since the law was first passed here in 1998.

CHARTER SCHOOLS SERVE HIGH NEEDS STUDENTS IN STRUGGLING DISTRICTS: Charters in New York State are located in struggling school districts. The law that governs the standards for opening charters specifically places a focus on helping students at-risk of failure.⁷ You will not find another group of educators more committed to the academic success of high-need students, period.

As a matter of state law, charter schools are required to enroll and retain high-need students, and their efforts to do so is incorporated into renewal decisions.⁸ Again, NYSUT exhibits a stunning lack of knowledge of the law, or an intention to deceive.

As a matter of fact, we should note that the established enrollment targets for charters are often impossible for districts themselves to meet. Our analysis in 2016 revealed that in Buffalo, Rochester, Albany, and all the NYC CSDs where there are charters, fewer than 20 percent of district schools could meet all the targets charter schools are expected to meet under current law.⁹

CHARTERS SERVE MORE POOR STUDENTS: Charter schools serve more economically disadvantaged students than the very districts they are located within (77 percent compared to only 71 percent enrolled in their districts of location). New York State on average has a student body that is 54 percent disadvantaged. Charter schools serve about the same percentage of students with disabilities as New York State, too (16 percent at charters compared to 17 percent statewide). This is despite a pattern of behavior on the part of some districts to refuse to work with charter schools and pressure parents to return to district schools if a child has special education needs.

CHARTER RESERVES ARE NEEDED BECAUSE OF THE CHARTER MODEL: The NYSUT implies wrongdoing by charter schools for having funding in reserve. Having an adequate reserve fund instead is an example of fiscal responsibility. It is best practice to keep a few months of operating expenditures available, in large part

³ See 8 NYCRR 119.3 (c)

⁴ See Article 56 of the Education Law, §2851 (2) (f) and §2854 (1) (c)

⁵ See Article 56 of the Education Law of NY, §2854 (1) (c)

⁶ See Article 56 of the Education Law of NY, §2853 (2)

⁷ See Article 56 of the Education Law of NY, §2850 (2) (b)

⁸ See Article 56 of the Education Law of NY, §2851(4)(e) and §2855(1)(e)

⁹ http://www.extracreditblog.org/why_the_assembly_s_budget_proposal_would_be_devastating_to_new_yorks_charter_schools

due to the challenges charter schools face when it comes to traditional financing and credit options. When the boiler breaks, charters must be able to fix it. When the plumbing fails, guess who pays? The charter school. Many public charter schools, including all of them outside of NYC and some of the oldest in NYC, do not receive public money for their buildings, so they alone must incur the costs of rent, mortgage, and any of the expenses needed to maintain a school building. Further, charter schools cannot go to the taxpayers for bonding, so they must save money for large renovations or purchases.

CHARTER FUNDING HAS BEEN FROZEN OR MINIMALLY INCREASED FOR YEARS: The scheduled return to the charter school funding formula is simply putting charter funding back on track after the lean years that followed the recession. Charter school students are seriously underfunded compared to their district school peers. Rigorous data analysis has shown, for example, that charter school students in Buffalo receive only 60 cents for every dollar provided for a district school student. Around the state the charter student average is 75 cents for every dollar that a district student benefits from.¹⁰

CHARTER SCHOOLS GET RESULTS FOR CHILDREN: Results for children. That is what matters. And charter schools have proven themselves again and again. Each year new test score data is released showing charters consistently outscore their district counterparts, and the summer of 2016 was no different. Results show that charter schools outperformed the state average in both English language arts and math this year, which is significant because it shows our performance against an average that includes very low-need, highly successful suburban districts as well as higher need areas. There was more good news too -- this year the data showed charter schools were improving at a faster rate than any other subgroup of school.¹¹ We should keep supporting what works for children. We don't make excuses – charter schools believe and prove all children can learn.

Again, the charter schools around New York simply seek fairness and equity, and have not acted maliciously against the NYSUT or district schools. It is our sincere hope the dialogue from these entrenched anti-charter interests will become more respectful and honest. We know the stakes are high and the NYSUT is fighting to kill the competition. We also know our results speak for themselves and families, the stakeholders who really matter here, are voting with their feet to choose charters. But NYSUT, enough is enough with the blatant lies.

¹⁰ University of Arkansas. Larry Maloney, Megan Batdorff, Jay May. Charter Funding: Inequity Expands, April 30, 2014.

¹¹ http://www.necharters.org/charter_schools_make_biggest_gains_on_state_exams