



THE STATE UNIVERSITY *of* NEW YORK
STATE LEGISLATIVE ALERT

MEMORANDUM OF OPPOSITION

SUBJECT: A.7687 (Nolan) – S.3875 (Oppenheimer) – AN ACT to amend the education law, in relation to charter schools.

STATUS: Assembly Education Committee; Senate Education Committee

A.7687-S.3875 would remove the existing provision that allows SUNY charter school related decisions—after careful consideration of Regents' comments—to take effect by operation of law. This proposed amendment effectively grants the Board of Regents veto power over the charter school decisions of the Board of Trustees of the State University of New York.

The State University of New York is opposed to the enactment of A.7687-S.3875.

Chapter 4 of the Laws of 1998 enacted the New York Charter Schools Act which identified the Board of Trustees of the State University of New York, the New York State Board of Regents, and State school districts as "chartering entities;" organizations to whom individuals could apply to open a charter school. Each chartering entity is responsible for ongoing oversight and evaluation of approved schools, reporting to the public on each school's progress, and considering each school's requests for charter revisions and applications for charter renewal throughout their existence.

In naming SUNY to serve as a charter authorizing entity alongside the Board of Regents, the Act identified the largest system of public higher education in the country whose service to this state is significant and whose commitment to K-12 education is strong—from the services provided by each of its 64 campuses to the elementary, middle and high schools located in the communities in which they serve, to the system's teacher preparation programs which account for nearly 40% of New York's K-12 certified teachers. In a very real sense, SUNY has a vested interest in the academic preparedness of students in K-12 as they are the SUNY students of tomorrow.

A.7687-S.3875 would negate ten years of distinguished service by SUNY in its capacity as a chartering entity which has authorized 64 charter schools located all across New York State, serving 18,771 New York State families.

The Board of Trustees of the State University of New York and the SUNY Charter Schools Institute were featured in the United States Department of Education 2007 guide, *Supporting Charter School Excellence Through Quality Authorizing*. SUNY was nominated and selected after a rigorous review process—chosen from over 800 charter authorizers nationally—and is one of only eight charter authorizers profiled. SUNY was recognized as a high quality authorizer for the strength of the organizational structure of the Institute; its comprehensive application review process; the practice of including external evaluators as part of its oversight and evaluation processes; policies for requiring each charter school to establish a formal Accountability Plan with specific targets for student performance; and SUNY's commitment to accountability as demonstrated by actually making the decision to not renew, or close, low-performing schools.

The Accountability Report 2009: Charter Schools, prepared by the Center for Education Reform states, "New York's charter school success is a product of high standards and accountability that is enforced." SUNY is the only chartering entity in the state to have closed a charter school for academic underperformance.

On the 2007-08 state assessment in English language arts, 76% of SUNY authorized charter schools outperformed their local districts. On the mathematics assessment, 92% of SUNY authorized charter schools

outperformed their local districts. A greater percentage of students at SUNY authorized charter schools achieve proficiency on state's standardized exams in English language arts and mathematics than those students at non-SUNY authorized charter schools. A regression analysis that looks at the performance of all New York public schools (charter and non-charter), conducted as part of the Accountability Plan of every SUNY authorized charter school, shows performance of SUNY authorized schools was higher than expected to a small degree on the state's 2007-08 English language arts exam and higher than expected to a medium degree on the mathematics exam when compared to similar schools.

A.7687-S.3875 removes de facto the fundamental right of New York residents to choose which chartering entity to apply to, and for those schools already approved, institutes a new paradigm for charter revisions and charter renewal that could significantly alter existing long-range plans.

To the extent that there are differences between the authorizing practices of SUNY and the Regents we would argue that, just as there is no one size fits all answer to educating students, there is no one size fits all answer to charter school authorizing. In fact, the national research on charter schools supports multiple chartering entities or authorizers with distinct practices. States with multiple authorizers have more and better quality charter schools as a result of the healthy competition that results when potential new school applicants have a choice about where to apply to open a new school.¹

For the period 1999 - 2007, the NYS Board of Regents supported SUNY decisions on new school applications 75.5% of the time. After June 2007, that percentage dropped to 31.82%. Among those SUNY decisions that the Regents did not support (schools which would not have come to fruition if the provision in this proposed bill is enacted), are a number of successful charter schools including:

- The Excellence Charter School of Bedford Stuyvesant, serving one of the most at-risk populations in the state according to the NYS Education Department. Excellence Charter School is an all-boys school in its fifth year of operation whose students have self-identified as 97% black or African American. Students testing at proficiency:

ELA: **Charter School, 93%**; District, 53.9%. Math: **Charter School, 100%**, District, 79%.
- The True North Rochester Preparatory Charter School located in Rochester serves a student population where more than 60% of students qualify for free or reduced lunch. Percent of students at proficiency:

ELA: **Charter School, 81%**; District, 54%. Math: **Charter School, 94%**; District, 58%.
- The Roosevelt Children's Academy Charter School located in a district that has been under the control of the Regents for more than a dozen years for academic underperformance. Percent of students at proficiency:

ELA: **Charter School, 86%**; District, 69%. Math: **Charter School, 96%**, District, 74%.

There is no question that New York State students benefit from charter related decisions made by the Board of Trustees of the State University of New York.

The State University respectfully requests A.7687-S.3875 not be approved.

¹ Center for Education Reform's *Annual Survey of American Charter Schools 2008*