



New York Charter Schools Association

**TESTIMONY PRESENTED BY**

**BILL PHILLIPS, PRESIDENT  
NEW YORK CHARTER SCHOOLS ASSOCIATION**

**to the**

**NEW YORK STATE SENATE FINANCE COMMITTEE  
&  
NEW YORK STATE ASSEMBLY WAYS AND MEANS COMMITTEE**

**LEGISLATIVE OFFICE BUILDING – HEARING ROOM C  
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**INTRODUCTION**

My name is Bill Phillips. I am President of the New York Charter Schools Association.

We are a statewide organization that represents and advocates in state government for charter schools.

I thank the Honorable Members of these Committees for permitting me to make this presentation to you.

I will keep my remarks brief by limiting them to discussion of Governor Spitzer's Executive Budget and also will be pleased to take any questions you may have.

My written remarks include additional background on charter schools, including detail on their impressive academic record. This information is important as you consider the Governor's proposals.

**120 Broadway, Albany, New York 12204; Ph: (518) 694-3110; Fax (518) 694-3115**

## **ACADEMIC RECORD OF CHARTER SCHOOLS**

The track record of charter schools is clear: they are improving the learning and achievement of New York's children, and they are serving primarily children in greater academic need than most students in their school district.

The data show that since the first charter schools opened more than seven years ago, they have in the aggregate improved student outcomes on the state's English and math exams at a faster rate than those school districts in which they are located.

This performance over time is illustrated in the line graph in my written presentation (labeled "Attachment A").

This very trend was initially identified by the State Education Department and discussed in its Five-Year Report to the Governor and Legislature, submitted in December of 2003.

That report also confirmed that charter schools serve a greater percentage of students in poverty than the school district of location.

This multi-year trend of improvement in charter school test results is significant for the following reasons:

- It demonstrates the fact that charter schools typically open with and serve students who, on average, are lower-performing, or at greater academic risk, than students in the school district where the charter school resides. This reality lays to rest the so-called "creaming" argument espoused by opponents of charter schools.
- Over time, charter schools in New York have fulfilled a key statutory objective to "improve student learning and achievement," as required by state law.
- The level of accountability charter schools are legally held to is rigorous and successful, resulting, it should be noted, in the closure of six of the state's charter schools due primarily to low academic achievement – thereby ensuring that underperforming charter schools do not continuously ill-serve our children's educational needs. This is in sharp contrast to public district schools which are not held to the same rigorous standards.

The result of this trend is that a majority of charter schools now have a higher percentage of students meeting or exceeding state performance standards on English and math exams than their respective school districts, according to annual test data compiled by the State Education Department.

Furthermore, last year in each of the six grades tested—grades 3 through 8—a majority of charter schools outperformed their respective school districts in mathematics. On the state's English Language Arts exam, a majority of charter schools outperformed their districts in four of the six grades tested.

A key reason for the success of charter schools is that New York’s Charter School statute enables school leaders and teachers to operate freely and flexibly to improve student learning and achievement, and holds them accountable for doing so.

It is therefore our fervent hope that those features of our law that provide for this vital operational freedom be maintained.

## **BACKGROUND ON CHARTER SCHOOLS**

Let me now, if I may, briefly summarize what public charter schools are, as described in statute and practice in New York State which, again, is a key reason for their overall success.

The state legislature adopted the New York Charter Schools Act—the current charter school statute—in December 1998, over eight years ago. New York was the 34th state in the nation to do so.

First and foremost, all charter schools are *public* schools.

This is what Education Law stipulates, and it is how they operate. The primary differences between public charter schools and traditional public schools are that:

- they are public schools independent and autonomous from a school district; and
- they operate under a performance contract, or “charter,” for a term of up to five years.

As public schools, charter schools are open to all children eligible to attend a public school in New York State. In the event applications exceed capacity, children must be admitted by a random selection process.

Public charter schools can be authorized by a district board of education, the New York City Schools Chancellor, the State University Board of Trustees, or directly by the State Board of Regents.

Each public charter school is governed by a board of trustees in the same way as nonprofit organizations and is directly accountable to their respective authorizing entity and to the Board of Regents.

Every charter school operates under a contract—its charter—with its authorizing entity which sets forth the terms and conditions between the school and its authorizer, including student academic goals and objectives.

The process by which charter schools are created is an arduous one. Proposals for new schools undergo a detailed, months-long, multi-step review by its authorizing entity—the Chancellor, SUNY Board, or the Board of Regents—and every charter school proposal is subject to final comment and action by the Regents.

School districts, as well, are invited to comment on every charter school application.

Similarly, charter schools are subject to regular oversight visits from their authorizer, and at least every five years must undergo an extensive charter renewal process to continue to operate. While most schools have had their charters extended or renewed, several have been closed as a result of not meeting these renewal requirements.

The Charter Schools Act of 1998 provided for the creation of up to 100 new charter schools. In addition, an unlimited number of traditional public schools can be converted to public charter schools by parental vote.

This limit of 100 new charter schools was reached in January of last year.

As public schools:

- Charter schools serve all children, including students with special needs, subject to the Individualized Education Plan prepared by the committee on special education of the students' district of residence. It should be noted that charter schools cannot create or amend these plans, but must make any recommendations to the district's CSE.
- Charter schools are funded by the school district in which each enrolled charter school student resides, and are therefore counted in the districts' enrollment count for state school aid, though charter schools do not receive building aid and are ineligible for most categorical aids.
- Charter schools are subject to all laws, rules and regulations having to do with health, safety and civil rights which govern public schools. They also are subject to compulsory attendance laws; the Freedom of Information and Open Meetings laws; and are subject to the Taylor Law.
- Finally, charter schools are subject to the Regents performance standards as they must administer the state exams in grades 3 through 8 and Regents exams, and must provide an annual *School Report Card* in the same manner as district public schools.

You can see how carefully the New York Charter Schools Act defines the nature and educational goals of charter schools, and how the law was conscientiously crafted to provide substantial oversight of all charter schools.

## EXECUTIVE BUDGET PROPOSALS

We share Governor's Spitzer's view that charter schools can play a critical role in our state's public education system. Public charter schools do in offer a critical public educational choice and opportunity for our children, particularly those youngsters at risk of academic failure.

The New York Charter Schools Association is very supportive of the Executive Budget proposals affecting charter schools. We also have some specific recommendations to you in the Legislature to build on the Governor's proposals.

To enable charter schools to continue their track record of academic success and continue their role in the future of our state's public education system, we recommend the Legislature consider and approve the following:

- Charter Cap Lift: Approve the Governor's proposal to raising the cap on charter schools from 100 to 250.
- NYC Chancellor: Approve the Governor's proposal to provide the NYC Schools Chancellor with the same ability to approve charter schools as enjoyed by SUNY for up to 50 schools.
- Stimulus Fund: Increase the State Stimulus Fund to \$15 million from its current level of only \$6 million. This modest amount is the only source of public funding charter schools have to make capital improvements. This funding level has existed since the 1999-2000 school year when only three charter schools were open and it's more critical since there will be 98 schools in operation in September and charter schools are not eligible for state building aid.
- Transition/Impact Aid: We have no objection to the Governor's proposal to provide transitional funding for school districts impacted at a certain level by charter schools. Those districts slated to receive another \$15.2 million are Albany, Buffalo, Schenectady, Lackawanna and Roosevelt.
- Notification: We have no objection to the Governor's proposal to expanded notification requirements provided for local school districts.
- Contract for Excellence: We have no objection to including charter school leaders in the accountability provisions affecting superintendents of schools as part of the Governor's proposed *Contract for Excellence*; especially since charter school leaders already are faced with this kind of school performance-based accountability in their existing contracts. In fact, we applaud Governor Spitzer's emphasis on greater accountability in all our public schools which we believe include features similar to what presently governs charter schools.

- **Universal Pre-K**: We support the Governor’s expansion of universal pre-k but to be truly “universal,” charter schools should be eligible to provide this important service for young children (something they are not currently authorized to do under Education Law).

In sum, we request the following from the Legislature:

- **Cap-Lift & Chancellor**: Support the Governor’s proposed cap-lift and expanded approval authority for the NYC Schools Chancellor;
- **Stimulus Fund**: Increase the size of the Charter School Stimulus Fund to \$15 million reflecting a higher number of operating charters and lack of building aid;
- **Universal Pre-K**: Enable charter schools to offer pre-k services; and, finally,
- **Multiple Schools Governance**: To strengthen charter school governance and replicate high-performing schools, allow a board of trustees to govern more than one charter school, subject to approval by their authorizer (i.e., Regents, SUNY or NYC Chancellor).

## CONCLUSION

In conclusion, I wish to emphasize that charter schools are *public* schools and have a documented track record of academic success. They are subject to rigorous accountability and oversight, and are in strong demand by parents, particularly in our lower-performing urban districts. So, it stands to reason there should be more of these successful, accountable public schools.

This concludes my remarks, and I would be pleased to respond to any comments or questions you may have.

Thank you for this opportunity to appear before you today.