



THE COUNCIL OF THE CITY OF NEW YORK

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COUNCIL MEMBERS INTRODUCE RESOLUTION CALLING ON STATE TO CLOSE UNDEMOCRATIC LOOPHOLE IN CHARTER SCHOOL APPROVAL POLICY

*Current SUNY Policy Allows School Operators to Gain Charter
Approval in One Community School District and Then Switch the
Charter to a Different District with No Public Hearing*

State Sen. Brad Hoylman Joins Effort, Pledges to Introduce Bill

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Today, Council Members Margaret Chin, Daniel Dromm, Ydanis Rodriguez and Rosie Mendez introduced a resolution ([Res. 540](#)) calling on the State University of New York Board of Trustees to end a “non-material change” policy loophole that allows charter school operators to avoid a new public hearing if they move a previously approved charter to a different community school district within the same borough.

As part of this effort, State Senator Brad Hoylman has committed to drafting new legislation that would close that policy loophole.

SUNY policy states that when a charter school operator applies for a new charter within a NYC community school district (CSD), a public hearing must be held in order to provide for local community input before SUNY decides whether or not to approve the charter.

However, under that policy, if a charter is approved, the school operator can then choose—before ever seeking a specific site—to move that charter to a different CSD within the borough, with **no requirement for a new public hearing in the new CSD**. SUNY must approve the switch, but the policy does not require SUNY to gather community input from the new CSD before approving it, since SUNY describes this as a “non-material change.”

This policy allows charter operators to avoid public hearings, simply by gaining approval within a certain CSD and then requesting a “non-material change” to a different CSD within the same borough.

This policy does not account for the obvious fact that different CSDs—even if they are within the same borough—can be comprised of very different populations, with very different needs. With that in mind, the policy can lead to community members being prevented from provide input regarding the distinct needs of their neighborhood and local families.

There are 12 different CSDs in Brooklyn, seven in Queens, six in Manhattan, six in the Bronx and one in Staten Island.

“New Yorkers know that the East Village is different from East Harlem, and that East Williamsburg is different from East New York,” **said Council Member Margaret Chin.** “But right now, the State’s process for charter school approval doesn’t acknowledge that these are different neighborhoods with different populations and needs. Once a charter is approved, SUNY’s ‘non-material change’ policy allows school operators to move it to any other school district within the same borough, without any requirement for public review by the affected community. This is undemocratic, and it’s wrong. Regardless of political affiliation or how they feel about charter schools, all our colleagues at the state level should oppose this policy because it robs our constituents of a voice in the process. I look forward to seeing SUNY, our state legislators and Governor Cuomo quickly address and reverse this wrongheaded policy.”

“Time and time again I have stood with my City Council colleagues, advocates and parents to demand greater oversight of charter schools,” **said Council Member Daniel Dromm, Chair of the Council’s Committee on Education.** “Each neighborhood in New York City has a distinct character with particular needs. Some charter schools show blatant disrespect for these communities by using a loophole that allows them to switch prospective future sites between neighborhoods in the same borough without public hearings. I hope Governor Cuomo, state legislators and SUNY right this wrong with a proper policy change that will guarantee that charter schools are accountable to the communities they are supposed to serve.”

“Different school districts have different needs,” **said Council Member Ydanis Rodriguez.** “In Northern Manhattan, School District 6, there are over 9,200 ELL students. District 5, our neighboring school district, has only 17% of our ELL population, a total only 1,600 students. Under the current one-borough fits all model the individual needs of our children are pushed to the wayside. Today we stand together, united and advocate for true community based approaches in education to allow for the best future for our children.”

“The current process for charter school approval is problematic in that it considers all neighborhoods in a given borough to be the same,” **said Council Member Rosie Mendez.** “However, the Lower East Side is different from the Upper West Side. And Battery Park City is different from East Midtown which is different from Washington Heights. New York State treats all of these neighborhoods as the same and considers this a ‘non-material change,’ but it is not. I stand with my colleagues to call on Governor Cuomo, state legislators, and SUNY to change this policy because treating all neighborhoods in Manhattan as the same will never take into account the differences and the actual needs of each community.”

“As the father of a four year old who’ll soon enter kindergarten, I’m disappointed by the disregard for local input in the existing SUNY charter school location approval process, which treats all of Manhattan’s 1.6 million residents and diverse neighborhoods as a single monolith,” **said State Senator Brad Hoylman.** “The truth is, one size all doesn’t fit all. Different neighborhoods have different educational needs, and I intend to introduce legislation to close this loophole and require charter schools to hold public hearings in the affected community.”

“New York City residents know that the city has many distinct neighborhoods, each with its own character and flavor,” **said Shino Tanikawa, president of Community Education Council District 2.** “Community school districts in the city are made up of numerous neighborhoods. When a charter operator makes an application, it matters a great deal which CSD it intends to serve. Each CSD has different social and educational needs. What is needed in District 2 is not necessarily a high priority in District 1. I urge the State legislature and the Governor to require a new application followed by a new hearing when a charter operator changes the location of its planned school.”

“While the law calls for a formal revision process for any charter wishing to change ‘location, if such change involves relocating to another school district,’ the State has interpreted this to mean that New York City is one school district, rather than a collection of 32 different community school districts,” **said Lisa Donlan, president of Community Education Council District 1.** “CSDs are comprised of a dozen or more distinct neighborhoods in varied landscapes with vastly different demographics, on average serving populations greater than the size of Newark, New Jersey. Simply clarifying that a change of location in NYC means a change of community school districts would create a fairer and more transparent process for charter approvals and revisions in NYC, since the law also requires ample justification along with an analysis of any impact on the local community. The law did not intend for charter schools to change locations with no accountability.

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