

Summer 2011

# The Charter School Commercial: NYC's Fight Against Public School Privatization

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**THE CHARTER SCHOOL COMMERCIAL: NYC'S FIGHT AGAINST PUBLIC  
SCHOOL PRIVATIZATION**

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PIM 66

A Capstone Paper submitted in partial fulfillment of the requirements for a Master of Social Justice at the School for International Training in Brattleboro, Vermont, USA.

July 2011

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## ABSTRACT

## **Introduction**

Teaching in New York City public schools provided me with the opportunity become a part of the active grassroots education movement, be a part of one of the largest existing labor unions in the nation, and improve my teaching practice in the classroom. I began teaching in NYC at a time when mayor Michael Bloomberg assumed mayoral control of the public schools. For the first time in nearly half a century the NYC public school system is completely controlled by one individual, the city's mayor. As a result, grassroots organizations have struggled to regain more participation in the governance of the city's public schools while the current administration is making decisions to close rather than support struggling schools, provide opportunities for the testing industry to limit teaching to test preparation, support the growth of non-unionized teachers in the vastly growing charter schools, and provide ways for profit and so called non profit organizations to profit off of the backs of the city's public school students.

As a social justice educator, I found it nearly impossible to only provide social justice pedagogy in the classroom. It became urgent that I become a part of the efforts to resist the injustices of the public school system in New York City. I increasingly became interested in the growth of charter schools in the city and the impact it seemed to have on education. I watched parents who wanted the best free education for their children fight with each other over the dwindling resources available to their community schools. I watched the trend of charter schools in NYC move further away from the original concept of charter. I began to wonder about the evolution of charter schools and where the trend seems to be going. As I began to learn that the trend seemed to move towards privatization of public education, I wanted to get a sense of where the city intended to go

with the charter school movement and how the people are fighting for a just education system for all of the city's children.

When many of us think of charter schools, perhaps we envision little Black and Brown children dressed in school uniforms, classrooms filled with the latest Smart Boards and laptops, young dedicated educators, and high student achievement. Perhaps we have heard stories or read newspaper articles about happy parents who were able to get their children into the charter schools after going through the lottery process. Maybe we have heard about how charter schools are out performing public schools. But when we look a bit more closely and critically, we will discover some of the less reported downfalls of the charter school movement such as poor student performance, high teacher turnover, business model management, and privatization.

Many radical and progressive struggles for marginalized people are often usurped by elites and used for their own interests. Often they keep the same language and “outer shell” of an idea, but change the “inner” parts of it to accumulate, maintain, and reproduce their positions of wealth and power in the society. The charter school movement was initiated as a response to the poor education of marginalized students and has now become another profit driven scheme as the elites see education as the “new market.”

This paper will review the evolution of the charter school movement. In studying the original purpose of charter and discovering the current direction in which the charter school movement is going, the most important question is where is this movement heading? Will it spur reform of schools? Will it drain away resources from the traditional public schools and become the “new market” for elites? Will it spark a strong resistance

to privatization and radically change the public school system as we have known it and become a democratically just institution for all students?

### **Literature Review: Evolution of the Charter School Movement**

Ray Budde, the originator of the term 'charter' might be surprised to know that his ideas of reform have spread to many states across the nation. Budde was an educator who wrote a report entitled *Education by Charter* in which he proposed that teachers could solve some of the most difficult problems within the school system if districts gave them charters or contracts. These contracts would free teachers of the strict constraints of public school policies in order to create innovative techniques. Budde's first report was written in 1974 during a time in which communities were struggling to have more autonomy in centralized school systems across the country.

During this time period progressive communities of color saw the difficulties of school integration and fought for the control of their own schools. Their children were often mistreated and poorly educated in the integrated 'white' schools and they fought for the right of self determination in governing schools for their children. Wendell Pritchett writes in his book *Brownsville Brooklyn*, “Brownsville activists increasingly viewed integration efforts as fruitless. Instead, they decided that if the board of education could not provide a decent education to their children, then they would do it themselves.” (Pritchett, 2002 p.226)

Black and Latino parents in the community also reported being “thwarted” by local school boards that were controlled whites. The idea of community control went

along with New York policymakers' idea of decentralization of schools. At the time in New York City, schools were centralized and decentralization would create smaller local governing boards. "As a result of pressure from parent activists... the New York state legislature in the spring of 1967 directed Mayor Lindsay to develop a plan for school decentralization. To ensure that a more radical proposal was not adopted, the board of education announced a trial community control plan of its own, selecting three districts... to participate in this program." (Pritchett 2002, p. 229)

Ocean Hill-Brownsville was one of the more advanced in their implementation of community control. They appointed a "governing board" of parents, teachers, administrators, and community members. The experiment received positive feedback and publicity from one of its grantors, the Ford Foundation and the New York City Commission on Human Rights. The board hired principals of color including the first Latino principal, transferred ineffective teachers, designed a new curriculum, and increased parent participation. Despite all of the positive changes, the board of education and the United Federation of Teachers (UFT) opposed the community control experiment. Many of the predominately white teachers claimed that the governing board did not hear their concerns and they led a series of teacher strikes. Albert Shanker, who later popularized the idea of charter schools was opposed to the community control experiment and organized the strikes. He was an advocate for the predominately White Jewish teaching population who were affected by the board's decision to have them transferred. The experiment was accused of being racist and anti-Semitic and Mayor Lindsay suspended the governing board and demanded that teachers be reinstated. The experiment for community control was brief, but very instrumental in ending New York City's mayoral control of schools for the first time in history in 1969. New York City

went from being centrally controlled to having decentralized school boards in each borough. The mayor appointed two of the board members. The rest were elected by the community. The board did not have as much control as the governing boards during the community control experiment, but it allowed for more community participation than the previously centralized board.

As of 2002, New York City has regressed back to mayoral control of schools under Mayor Michael Bloomberg. This progression from the community control governing board, to decentralized school boards, to the present Panel for Educational Policy under Bloomberg is an example of how the elites use the language and outer structures of a progressive idea to suit their own needs. The Panel for Educational Policy (PEP) is a body that seems similar to a school board. The PEP is allowed to vote on issues that will affect the public schools. However, the majority of the PEP members are appointed by the mayor and are known as a “rubber stamp.” Bloomberg has fired some PEP members in order to prevent rejection of a proposal. Diane Ravitch describes what the media called the “Monday Night Massacre” in her book, “...on the day of the vote, the mayor fired two of his appointees and engineered the dismissal of a third, guaranteeing passage of his proposal.” (Ravitch 2010, p.78). Similarly, the charter school movement has gone from Budde's original proposal coming out of the struggle for parent, teacher, and community autonomy to schools that produce profits for corporations and are under the control of the mayor in New York City.

Budde's report saw very little attention in 1974 and he tucked it away until the 1980s when educational reform seemed to be in the minds of many Americans who were concerned with as Reagan said, “Our once unchallenged preeminence in commerce,

industry, and technological innovation is being overtaken by competitors throughout the world.” (Budde, 1988, p.11). In 1988, Budde revised and published his work *Education by Charter*.

In the document, Budde proposes that true reform could only happen if the internal organization of the school district were changed. “Changing the internal organization of the school district would involve making substantial changes to the roles of teachers, principals, the superintendent, the school board, parents, and others in the community.” (Budde, 1988, p. 16) In his journal article, *The Evolution of the Charter Concept*, Budde addresses his initial ideas and responds to how the 'charter' concept has changed. “In this book [*Education by Charter*], I proposed that teams of teachers could be 'chartered' directly by a school board for a period of three to five years. No one- not the superintendent or the principal or any central office supervisors- would stand between the school board and the teachers when it came to matters of instruction.” (Budde, 1996) Budde's idea of 'charter' has become something vastly different. Perhaps he could not have imagined that there would be such a thing as 'charter schools' and even more importantly, that his idea of teacher-led would be transformed to 'corporate led' in many cases. As he stated in the *The Evolution of the Charter Concept*, “No mention was made of chartering whole schools.” (Budde 1996)

When Albert Shanker then president of the American Federation of Teachers learned of Budde's 'charter concept', he expanded it to include chartering whole schools. There have since been many changes to Budde's original concept. How have charter schools become places where corporations and businesses have made profits? And how has a so called educational reform created competition among schools to vie for a small

percentage of preferred students? Even if Budde agrees with how the charter school concept has evolved, there has been strong resistance to this *evolution of privatization* by many people concerned with the state of our country's educational system.

Albert Shanker popularized the idea of charters with a speech at the National Press Club on March 31, 1988 in Washington DC. Shanker kept many of Budde's original ideas of charters in that teachers would be contracted to solve difficult problems in the school system. Albert Shanker's involvement with organizing teaching unions in New York City was indicative of his dedication to teacher 'empowerment' not only in the form of collective bargaining, but he also believed teachers should be treated as professionals. Teachers, not administrators and politicians could then make decisions about how to run schools. Shanker noted that the best kinds of educational reforms were happening where teacher unions were strong. “You don't see these creative things happening where teachers don't have any voice, power or influence,” he said. (Kahlenberg, 2007)

John Rollwagen then CEO of Cray Research and chair of The Citizens League, picked up the concept of charter. It was at this point that the 'concept of charter' began to take a new turn. Charters would then be seen as an alternative to the “choice or voucher” movement and the opening of public education to privatization. Citizens League published a report entitled *Why Not Buy Service* which suggests that the government should not have to provide all services to the citizens. In fact, the government should purchase services from the best private corporations. Such services include health care, welfare, transportation, corrections, and education among others. The report describes clearly the beliefs of the organization:

We believe the expanding field of urban services would be better handled if more of them could be bought by government. If, that is, there were a variety of organizations able and willing to supply programs, among which public bodies could choose... and if government were operating, directly or indirectly, as a strong and skillful purchaser.

John Rollwagen, CEO of a Fortune 500 company began to take an interest in the business of education. The study committee he chaired within Citizens League took the 'charter concept' and "further modified the idea; envisioning it in a framework of state policy, and with schools being approved by both the state as well as by a local board." (Kolderie, 2005) The report entitled, *Chartered Schools = Choices for Educators + Quality for Students* also built upon the 'concept of charter' to provide school choice without the controversial voucher system. "Parents are now getting a fuller opportunity to choose schools. This report recommends a new kind of opportunity to start schools, to create diverse programs that respond to unmet needs. This implies not just different schools, but different arrangements in the classroom." (Rollwagen, 1988, p.23) Choice and vouchers were a hot topic during the Reagan administration among the conservatives. The idea was initially popularized by Milton Friedman's essay, *The Role of Government in Education*. Friedman argued that government should fund schooling but not run the schools. "Friedman proposed that government supply vouchers to every family so every student could attend a school of choice... Toward that end, government should provide a voucher to parents to subsidize the cost of their children's schooling, which they could spend at any school-- whether run by a religious order, a for profit business, a nonprofit agency, or public authorities" (Ravitch, 2010, p. 114) This idea of choice introduced the idea of competition which Friedman believed would improve the efficiency of meeting the demands of parents. Friedman's idea of choice was a hot button issue in the 1950s.

Choice was used by southern states to evade the Brown vs Board of Education decision against segregation. In the study of the 'evolution of the charter movement', I am discovering many examples of how liberal, progressive, and even radical educational justice rhetoric is used by the elites to maintain the status quo. The school voucher program is an example, just as the 'charter school concept' is an example of this usurpation.

Reagan was influenced by Friedman and hired him to be an advisor during his presidency. Though Reagan did not propose vouchers, he did embrace Friedman's "advocacy of freedom, deregulation, market-based solutions, and privatization." (Ravitch, 2010, p.117) As the 1990s opened, the choice movement had gained new momentum in several ways-- the charter school movement being one of those ways. This new form of choice did not involve vouchers. Vouchers were public funds given to lower income students to attend any school; private, or religious schools. The charter form of choice was different in that it was a public school under private management and required to be nonsectarian. Parents could then choose to be a part of any charter schools' lottery process.

As I read over John Rollwagen's report, I kept in mind his position as a CEO and a chairman of an organization which supported privatization of public services. The report did advocate for a choice and competition amongst schools, but it suggested that the schools be managed by educators. The question still remains: How did charter schools become public schools managed by private organizations?

Albert Shanker was responsible for making Budde's 'charter concept' reach a wider audience. Though Shanker expanded the idea to charter schools rather than Budde's original idea of 'chartering' programs, the concept still kept the idea of teacher-led. In keeping with the teacher-led vision for charter schools, the union would remain a central player, Shanker said. He called for districts to "create joint school board–union panels that would review preliminary proposals and help find seed money for the teachers to develop final proposals.” (Kahlenberg, 2007)

In 1991, Minnesota became the first state to pass a law authorizing the creation of charter schools. The following year, the nation's first charter school opened in St. Paul. From there, the charter movement picked up momentum. The charter laws vary from state to state, but most states do not consider the original ideas of charter as Budde intended. Many profit making organizations, and institutions which are not necessarily community based nor educational institutions are allowed to provide educational services to tax paying students’ families without much oversight by the Board of Education or public agencies such as financial budget auditors and comptrollers. The ‘charter concept’ maintained the idea of very little public oversight, but lost other important ideas such as teacher and community run, services for high needs students, and the sharing of best teaching practices for the benefit of all public school students.

### **The Obama Administration's Current Support of the Charter School Movement**

Many states across the country began to endorse charter legislation. From only a handful of schools in the early 1990s, by the 2006-7 school year there were more than 4,000 charter schools enrolling more than a million students in 40 states and the District

of Columbia. The current Obama administration has implemented The Race to the Top program that purports to “not only help students outcompete workers around the world, but [will] let them fulfill their God-given potential” as President Barack Obama says in a speech on July 24, 2009. Race to the Top among many other things offers grant money to states that “demonstrate and sustain educational reform, by promoting collaborations between business leaders, educators, and other stakeholders to raise student achievement and close achievement gaps and by expanding support for high-performing public charter schools...”(<http://www.whitehouse.gov/the-press-office/fact-sheet-race-top>). States across the country competed for Race to the Top grant money by “undertaking efforts designed to promote education reforms that are consistent with the principles reflected under the Race to the Top.” These efforts included linking teacher evaluation to test scores, firing principals of 'failing' schools, closing down struggling schools and replacing them with charter schools, raising the cap on a state's charter licenses, etc. A total of 46 states and the District of Columbia competed for the Race to the Top grant money. Each state outlined reform models that were consistent with the federal government's plans for improving the country's educational systems. Nine states received Race to the Top funds in September 2010 during phase 2 of the program. Those states were Massachusetts, New York, Hawaii, Florida, Rhode Island, District of Columbia, Maryland, Georgia, North Carolina, and Ohio. Two other states, Delaware and Tennessee, had received grant money earlier in the year during phase one of the program. Arne Duncan, the Secretary of Education promises that they will work with all of states that have planned bold reforms and hopes that there will be a phase 3 of the process in the future.

There is a trend across the nation that supports the charter school movement. However the charter school movement is a multifaceted movement. There is the original idea of charter schools and there is a free-market, privatization idea of charter. The original idea of charter schools started with two core assumptions. First the charter schools would be free from the bureaucratic rules in order to foster creativity and innovation that will improve academic achievement. Secondly, the lessons learned from these creative experiments would be used to improve all public schools. The free-market, privatization agenda appeals to many conservative elites. This agenda drains away public resources from traditional public schools, promotes consumer choice and competition, and fosters a two-tiered educational system which is separate and unequal.

The Obama administration and the Race to the Top reform program supports the free-market, privatization agenda. In looking at many states across the country, especially those who received the Race to the Top funding, we will observe how charter schools are using public funds to profit and are allowing for the privatization of education to the detriment of the public school students.

Ohio, a Race to the Top \$400 million recipient is probably the strongest indicator of how the federal government supports the privatization agenda of the charter school movement and issues funds to states with a very poor history of helping students to “outcompete workers around the world... or allows them to fulfill their God-given talent.” Andy Jewell conducted a study for the Ohio Education Association which compared 21 different test results for seven grade levels in Ohio. He found that “traditional school

students from economically disadvantaged backgrounds had consistently and dramatically higher scores on every test.”(Hanauer, 2008, p.39)

Charter schools in Ohio do not out perform traditional schools on the state tests, but they do out perform them on the amount of public funds they receive. “The Cleveland public school system lost more than \$82 million to charters in FY 2007, and the Dayton public school system lost almost 21 percent of its funding to private charters in 2005.” (Hanauer, 2008, p.40) Additionally, the enrollment of traditional public schools plummeted as charter school enrollment increased.

Not only were Ohio charter schools performing worse than traditional public schools on tests, the for-profit charter industry in Ohio was making millions of dollars with the support of politicians and public funds. The most egregious case is that of White Hat Management. White Hat Management is owned and operated by David Brennan, who garnered support by raising funds and supporting Governor Voinovich's campaign. In turn, he was named the state's Commission on Educational Choice which allowed Brennan to craft state policy to use public funding to build privately owned for profit schools. By 2005, White Hat received more than \$400 million Ohio taxpayer dollars. White Hat accountability was poor too. They were unable to show how much money was spent where within the organization. Additionally, the schools were poor achieving. Only two of the 31 schools made Adequate Yearly Progress for 2006-07. Unfortunately White Hat is only one of many similar charter school for-profit organizations in Ohio and across the country that show poor student results, horrible accountability, and money that went to profits.

In an effort to make a generalization about the Obama administration's support for the charter school movement that is interested in privatization and profiteering, this paper takes a look at a few of the states that were recipients of the 2010 Race to the Top grant. New York and Florida received the most at \$700 million. We will take a closer look at New York later in the paper because that is the source of the case studies. Ohio and North Carolina received \$400 million. Ohio's management of charter schools was briefly mentioned above. The next tier of the Race to the Top money was granted to Massachusetts and Maryland at \$250 million. We will take a closer look at Massachusetts. And lastly, Washington DC, Rhode Island, and Hawaii received \$75 million and we will look at the nation's capital.

In Ohio, we examined poor accountability, and poor test results. In order to reduce redundancy, I will look at different issues within each state. However, the issues are quite similar across the country. Similar to Ohio, Massachusetts also has charter schools that are profiting from public funds and are not necessarily producing best practices for other schools to model. In Massachusetts like many other places in the country, has charter schools that accept low numbers of students with special needs and counsels them out once they are determined to be low-performing.

Students with special needs are often “more expensive” than students without special needs. As a result, for profit charter schools suspend and counsel out students. A six year study of Massachusetts for-profit charter schools gives some chilling results. And sadly, some of the profiteers of these charter schools are in political positions to

influence policy. It is difficult for parents to file complaints that will be taken seriously.

In the concluding remarks of the study, the authors found that:

Indeed, if we have learned anything from our study, it is the importance of enforcement, of requiring schools to be accountable for more than test scores. In the absence of accountability, for-profit charter schools will have the same incentive that public schools had before the passage of IDEA to exclude students with complicated disabilities and to ignore the rights that a generation of parents of children with disabilities fought so hard to acquire. After studying for-profits, it is clear to us that the much-maligned requirements of IDEA were adopted for the right reasons. As it stands, for-profit education in Massachusetts is re-creating the pre-1975 era, when public schools could choose whom they would educate and students with complicated disabilities were shunted away to institutions. In essence, the for-profits are becoming those pre-1975 public schools, and local district schools are becoming the institutions filled with their castoffs. (Zoller, 1998)

Massachusetts has received Race to the Top funding. Part of their plan of action to get this money was increasing the cap on charter schools in the state. There has been no mention of how for-profit charter schools will be held accountable and how to prevent some of the issues revealed in this study. One might assume that this would be a requirement in order to receive federal funding if the mission of Race to the Top is truly about improving the education of all students, including students with disabilities.

Our nation's capital, Washington DC has also received Race to the Top funding for their educational reform plans. Washington DC's charter schools have similar issues as Massachusetts and Ohio. In order to prevent redundancy, I will focus on Washington DC's expansion of charter schools and the reduction of public space. "While there is no cap on charter expansion, Congress and the City Council made eliminating 3 million square feet of public school space by fall 2008 a condition for receiving money to modernize facilities. The superintendent closed six schools in 2006 and in late 2007, the

new chancellor-- without community input or even meetings with the City Council-- announced the planned closing of 24 additional district schools at the end of the year and the possible outsourcing of more than 20 schools to private management organizations.” (El-Amine, 2008, p.58)

In Washington DC, many schools are being closed down for “failing” or being closed for underutilization. Instead of putting money into the “failing and underutilized” schools, charter schools are being put in their place. The local politics in DC allow for charter schools to drain the resources and spaces of traditional public schools. Mayor Fenty selected Michelle Rhee to be the chancellor of DC schools. Rhee explained, “The corporate world will be our model.” (El-Amine, 2008, p.62) Rhee reported that “once she closes some 20-plus schools, her next step will be to consider hiring charter management organizations to run another 23 of the city's underperforming schools.”

Across the country, the charter school movement has taken a turn for the worst. There are several examples of how corporations are profiting off of the backs of our children, how students are performing worse at charters, students with disabilities are being counseled out, charter schools are draining resources and public space from the traditional public schools, and poor Black and Brown students are suffering the most while elites are making millions of dollars. Of course, there are charter schools that are run by community organizations and are doing an excellent service to disadvantaged children as the original mission of charters purported to do. However, these charters are in the minority if we take a look at what is going on around the country.

I will examine New York as a case and an example of what is happening nationwide. As I observe, interview, and research the charter schools in New York, I find similar issues that were found in my research on Ohio, Massachusetts, and Washington DC's charters.

### **Current Charter School Movement in New York**

When mayor Michael Bloomberg was elected into office in 2001, New York City schools were overseen by a seven member Board of Education which was run by five elected officials and two mayor appointees. Soon after Bloomberg was elected into office, New York assumed the controversial mayoral control of schools under Mayor Bloomberg. Recentralization or mayoral control of schools has been at the forefront of educational reform. Many cities such as Chicago, Cleveland, Washington DC, Providence, New Haven and New York have mayoral control of schools. Proponents of mayoral control argue that it allows one person (the mayor) to be accountable for the schools. Democratically elected mayors appoint the school boards and thus alleviates some of the petty politics often associated with elected boards. Proponents also argue that the mayor is able to centralize public school services, making schools more cost effective. Previously, decentralized school boards in New York City were charged with being corrupt and many people wanted a change.

In 2002, the state legislature turned control of the public schools over to Bloomberg who then changed the Board of Education (the previously elected school

board) to the Panel for Educational Policy (PEP) and made it clear that this panel was of no importance. Diane Ravitch reports in her book how Mayor Bloomberg introduced the panel at a press conference. “They don't have to speak, and they don't have to serve. That's what 'serving at the pleasure' means.” (Ravitch, 2010 p. 70) Of the thirteen members of the PEP, the mayor appoints eight of them and as described earlier in the paper, may fire them if they are in opposition to his policies. The PEP has been described as a “rubber stamp” organization.

Granting the mayor control of New York City public schools allows the mayor to make all decisions for and about the schools, and allows him to appoint a chancellor to run them. In 2009, the senate voted to renew mayoral control of schools to in New York City. Critics of mayoral control argue that it is undemocratic. It does not allow for the voices of the community to be heard. A state court in California even saw mayoral control as unconstitutional. Often times, the interests of the most marginalized groups are left out of the decision making process. In New York City, 71% of students are Black and Latino. Dozens of the schools in their communities are being closed down and replaced with charter schools. Mayor Bloomberg and the PEP make the decision to close “failing schools” with great opposition from many people in the school's community. Since 2002 when Bloomberg acquired mayoral control of schools, 91 schools have been closed or are in the process of closing. Many of those schools have been replaced with charter schools. This year, the city has proposed phasing out 20 schools, the most in any year.

As described earlier, New York was one of the recipients of the Race to the Top grant. The city raised its cap on the amount of charter licenses to be distributed. Just this

year, the New York State Education Department received 91 which is a record number of letters of intent for charter schools. Seventy applicant groups intend to have charter schools within the five boroughs of New York City. The other state agency which handles charter school applications have not yet received all letters of intent because the deadline has not yet arrived.

How are charters operating in New York City? Are the majority of charter schools in New York committed to the original idea of charter or are they too most interested in privatization? If we were to look at the trends in educational reform across the country, we might guess that New York City, a \$750 million Race to the Top grant recipient, would pave the way for public education as a new market for privatization and profit.

Mayor Bloomberg is one of the wealthiest men in the world. He is a businessman and has run the New York City schools as if it were a business. When he was first elected, he appointed as chancellor of schools, Joel Klein. Klein had no previous experience in education and had to receive a waiver in order to assume the position as chancellor. Klein has recently stepped down and the mayor appointed another chancellor, Cathleen Black, who has no experience in education. Black's previous experience is with running a very large media organization called Hearst magazine. Bloomberg appointed her because of her experience in dealing with big business. Many people in New York protested the chancellor's appointment because not only did she not have educational experience, but she also only has a bachelor's degree which would not grant her a license to teach in a New York City classroom.

Black has recently resigned from her position as chancellor as suggested by Bloomberg. Community members created such opposition to Black's appointment that Bloomberg reported that Black's lack of qualifications is getting too much attention when the attention should be focused on the children. Black's joke when questioned about overcrowded schools, "Can't we just use a little birth control for a while?" added to her controversy as chancellor. Bloomberg appointed Dennis Walcott in April 2011 to assume the position of Chancellor.

Though New York City has mayoral control as its form of school governance, the people's resistance to the mayor's decisions has some impact as shown in this case of the mayor's appointment of an under qualified chancellor. What impact will the people's resistance have on the growth of market driven charter schools in New York City? Are highly acclaimed New York City charter schools such as Harlem Children's Zone and Success Academy following the original concept of charter? How are these New York charter schools similar or different to the Ohio, Massachusetts, and DC charter schools that are low performing, counseling out special needs students, draining resources, profiting and taking public space for the growth of their schools?

## **Research Design**

In order to provide a deeper understanding of the national charter school movement from its inception to date, I studied the trends of charter schools in New York City. I collected data using mixed methods such as observation of public hearings, rallies, and, protests, and research documents; informal conversations with parents, teachers, students, administrators, and activists; active participation with community based organizations; and formal interviews with parents, teachers, and activists. The formal interviews were video recorded and observations were written as field notes.

I approached this task with a few assumptions: (1) Charter schools were passed in New York legislation in order to provide creative solutions for the neediest students without the bureaucracy of the Department of Education as a barrier (2) and charter schools would share their best practices with district schools in order to improve educational practice for all students as part of the original idea of charter schools (3) and lastly, a vision of a public school system which promotes economic equality and positive human development for all students.

My subjects were grouped into seven different categories. They are: parents of charter school students, parents of district school students whose school is co-located with a charter, charter school teachers/workers, district school teachers working in a building with a co-located charter school, activists

from community based organizations, researchers, and elected officials. These subjects were chosen because they would provide firsthand information of the trends of charter schools in New York City from various perspectives. I wanted to see if charter schools were actually performing as originally intended or had the charters in NYC taken a different turn? Are NYC charter schools market driven similarly to charter schools in other regions across the country?

The major questions that my research answers through observations, formal interviews, and grassroots organizing are:

- How are NYC charter schools serving the neediest students? (i.e. immigrant, ELL, Special Needs, Free Lunch students)
- How do NYC charter schools compare to district public schools on state exams, graduation rates, teacher experience and retention in NYC ?
- How are NYC charter schools sharing best practices with all public schools?
- How are resources and public space allocated for charter and district schools?
- How do charter and district schools share the limited resources provided by the federal, state, and local governments? How much philanthropic support do charter and district schools receive?

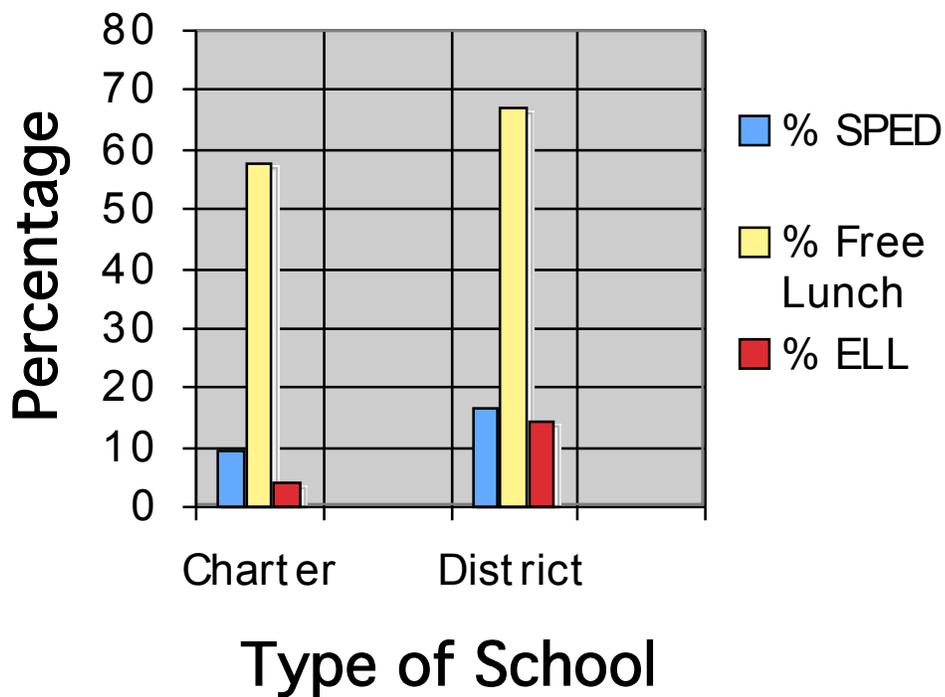
- How are community members (parents, teachers, activists, elected officials) responding to the growth of charter schools in NYC?
- What is the perception of who benefits from the growth of charter schools in NYC and how?
- How has the trend of charter schools in NYC moved toward or away from the original concept of charter?

## **Findings**

**Charter schools fail to serve a proportionate number of special needs students, English Language Learners, and students with free lunch as compared to their district school counterparts in New York City.** As part of the original concept of charter, charter schools were created to solve some of the problems associated with lower income, special needs students, and other high needs students. The idea was that part of the students' difficulties was due to the fact that the strict bureaucracy of the Department of Education district schools made it difficult to differentiate for students with special needs. The charter schools were designed to be experiments that educators could implement to solve some of these issues and then share them with the district schools in an effort to improve education

practices for all students- not just students in charter schools. A study done by the United Federation of Teachers in 2010 entitled, *Separate and Unequal* illuminates the differences in the demographics of charter schools and district schools in New York City.

## Proportions of Students in Charter and District Schools



Source: NYS School Report Cards (Figure 1)

Special needs students in district schools were at 16.4 percent compared to charter schools at 9.5 percent. In addition, the district school's special needs have more severe disabilities as compared to the charter schools in the city. Tina Collins, a UFT researcher on charter schools states, "They [charter schools] serve lower proportions of the highest special ed[ucation] needs students... students that need separate classrooms or increased time outside of an inclusive classroom versus students who get pulled out a couple of hours a week or an hour a day for speech therapy or something like that. Public schools serve a much higher proportion of those students who need separate classrooms or need more time than charter schools."

The study does not detail the type of special needs students that make up the 9.5 percent that are present in the city's charter schools. However, higher special needs students who require more resources and funding are relatively absent from the city's charter schools with the exception of the charter school that serves autistic students. This school was not included in the study.

As noted in other states, New York City also *counsels out* special needs students. Many parents of students with Individualized Education Plans (IEPs), and students who require self-contained special education classrooms claim that their students have been counseled out or asked to leave because the charter school was not "a good fit" for their children. Charter schools by law may

determine that a student is not suitable for their schools and ask them to leave.

Parents such as Latrina Miley speak of their experiences with their children being counseled out because their student required special need services. "I was told to pick her up and I was given a letter... They suggested that we go find another home." Ms. Miley describes the event that led to her final decision to remove her daughter Nakayla from the Girls Democracy Preparatory Charter School. "...At one point Nakayla wound up having 911 called on her and when I arrived to the school, Nakayla was strapped to a chair, screaming, and there were cops there, the paramedics were there. Mind you, she's 45 pounds. And I don't care how much a child screams or whatever or rants and raves... when it's your child that's strapped to a chair. You're just like, you freak out. You don't want to see this child as a bad child... no this is wrong. I don't think any child should be strapped to a chair, taken out like a dog, you know... it's just... and that's how I felt. Because all along, I had asked them to help me."

The Dean of Students from Brooklyn East Collegiate Charter School describes how her school does not have services for special needs students who require a self contained classroom as described in their Individualized Education Plan (IEP). "...we had another population within that population came from a twelve to one setting. So, we don't offer that setting. So we make sure that we meet with those families and in the summer, I do home visits where I am... my

role with the home visits is to basically going in and talking about our discipline system and making sure the parents understand what our expectations are even though this child is coming from a twelve to one setting... so the twelve to one kids have struggles. I would have to say that all of the students that came from a twelve to one are being retained." At this particular charter school, the parents are made aware of the discipline system and how their child must meet their requirements, but there is little talk of how the school will meet the child's special needs. It seems obvious that the school is not or has not been willing to meet the needs of these special needs children. They are instead being retained in some cases up to three years as described by the Dean of Students at Brooklyn East Collegiate Charter School.

A district schoolteacher whose school has been downsized in order to share building space with a charter school describes how a parent wants to "decertify" her child in order to be accepted into a charter school. The parents of the two children had no other choice, but to look for other options when they learned their child's middle school was being phased out. The parent requests that her child's IEP or special needs services are removed from her IEP in order to have a better chance at getting into a nearby charter school. "These two parents in particular found charter schools that they would like to send their children to, but the charter schools will not take them with IEPs. They were told

that they will not service them with IEPs. So the parents were told to get their student decertified in order to get them accepted.”

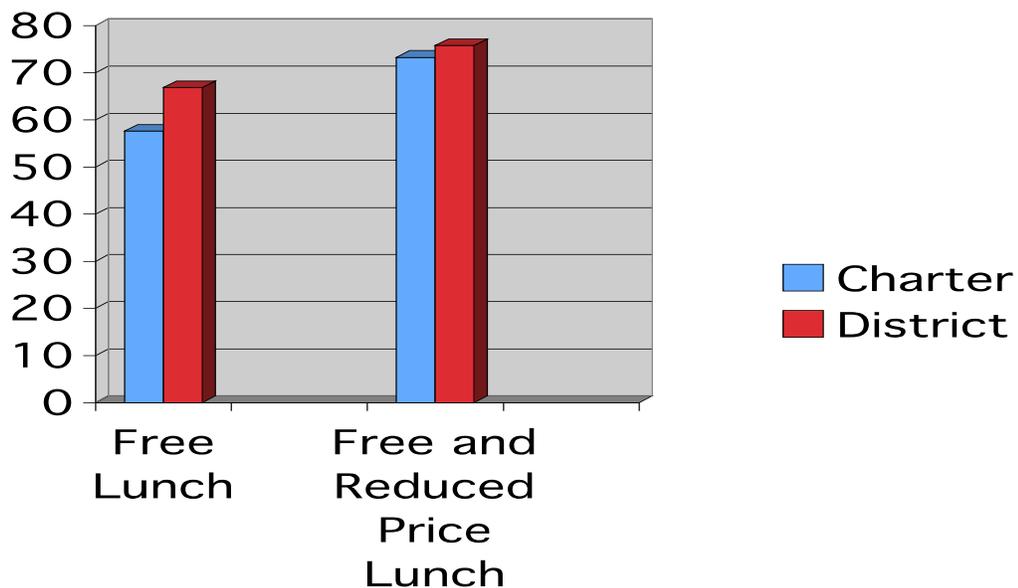
Many charter school officials say that it is not a part of their model to have self-contained classes. They argue that it is better to have inclusive classrooms where all children are being taught together. However, if special needs students are not getting their needs met, they are being retained, suspended, and counseled out of the charter schools. Parents have been convinced that charter schools are the better option out of the two (district schools and charter schools) that they choose to agree with these illegal and unjust policies of the charter schools.

Free and reduced priced lunch students are indicators of poverty within the school. Students who receive *reduced* price lunch in New York City come from families of four who earn up to \$40,000 per year. Students who receive *free* lunch come from families of four who earn \$28,000 per year or less. There is a significant difference between the two groups in terms of student achievement. According to many studies including the one by The National Board of Economic Research (Dahl, 2008) which measures the positive impact of simply \$1000 on reading and math scores. If \$1000 shows a positive impact, then \$12,000 which is the difference in income between free and reduced priced lunch students, would certainly show a positive impact on student achievement. Charter schools have a

significantly lower numbers of free lunch students within their populations within New York City. However, when data is presented that combines these two groups, there is little difference between the numbers of free *and* reduced price lunch students between charter schools and district schools. However, when just considering free lunch students, there is a significant difference in the number of students that are enrolled in charter and district schools.

Source: NYS 2007/2008 Report Card (Figure 2)

### Percentage of Students Eligible for Free and Reduced Price Lunch



According to the *Separate and Unequal* report, there is a greater difference when considering specific neighborhoods that have a high number of charter schools such as Harlem, South Bronx, and North Central Brooklyn. In these specific neighborhoods, district schools enroll students eligible for free lunch

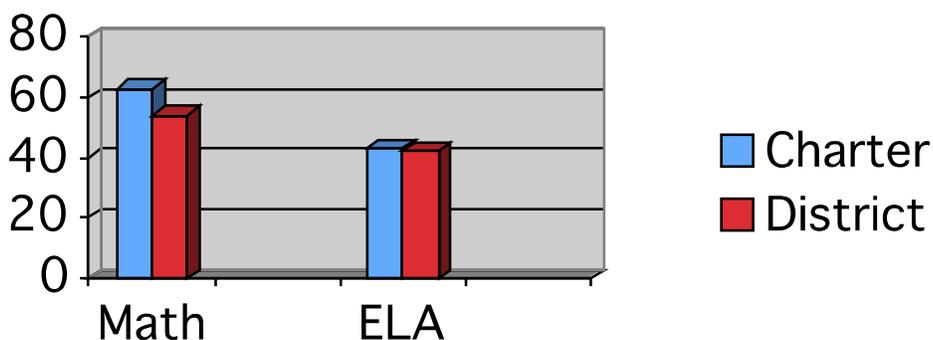
between 10 and 30 percent more than charter schools. The most significant being in Brooklyn where charter schools enroll 54.5 percent and district schools enroll 80 percent of students eligible for free lunch.

Charter schools in New York City enroll lower numbers of students who are English Language Learners. There have been several studies that report the racial and ethnic composition of students enrolled in charter schools nationwide. Reports show that African American students comprise the largest percentage of the population in charter schools. Even though there are a growing number of immigrant children in NYC, there are still very few English Language Learners in the charter schools. Citywide, there are 3.8 percent of ELL students enrolled in charter schools as compared to 14.2 percent in the district schools. When the two types of schools are compared at the neighborhood level, the differences are even more significant as in the case with schools in the South Bronx. ELL students in charter schools in South Bronx, where this is a high population of ELL students is 9 percent compared to 21 percent in the district schools in South Bronx. (UFT, 2010)

**High performing charter schools have higher student attrition, high retention rates, lower proportions of English Language Learners, Free Lunch, and high special needs students as compared to NYC district schools.**

One of the biggest concerns in the charter school debate is if charters outperform district schools. If the idea of charter was in congruence with the original idea of charter, a better question would be, “Do charters help to improve the education of all students in the district?” However, the current debate frames the two types of schools as being in competition with one another, so there is a complex answer to the question, “Do charters outperform district schools?” Out performance is often determined by how well the schools perform on state exams and graduation rates. According to the data reported by the New York City Charter School Center, students in charter schools performed slightly better on English Language Arts state exams and significantly better than district schools on the state Math exams in 2009-10 school year.

## Percentage of Students at or Above Standards on State Exams



Source: New York City Charter School Center (Figure 3)

When looking at the raw data, it may seem as if charter schools are out performing the district schools. What these numbers do not include is the fact that district schools have significantly more numbers of students who are low performing in their schools. As stated earlier, district schools have far more students eligible for free lunch, English Language Learners, and students with the highest special needs. In examining the ELA exams, one might assume that the charter schools would out perform district schools more than just one percent if district schools have significantly more English Language Learners in their schools.

Secondly, students who are in charter schools have what is called a selection bias. Charter schools often have parents who are willing to jump through the bureaucratic hoops of getting their children into the charter school. These parents are demographically different than students who may attend the district schools. Charter schools have the ability to ask parents to sign contracts in which they will agree to help their students with homework every night, bring the students to Saturday school or after school programs, as well as the ability to counsel out students who are not “a good fit” as mentioned earlier. Two teachers from KIPP charter schools talked about contracts that parents, teachers and

students have to sign in order to be admitted into the school. Parents must sign a contract that says they must be available when teachers call about their child, they have to be “committed.” They have to follow the recommendations of the teachers and/or administrators at the school. The teachers have to give out their cell phone numbers and are available for phone calls until 10pm nightly.

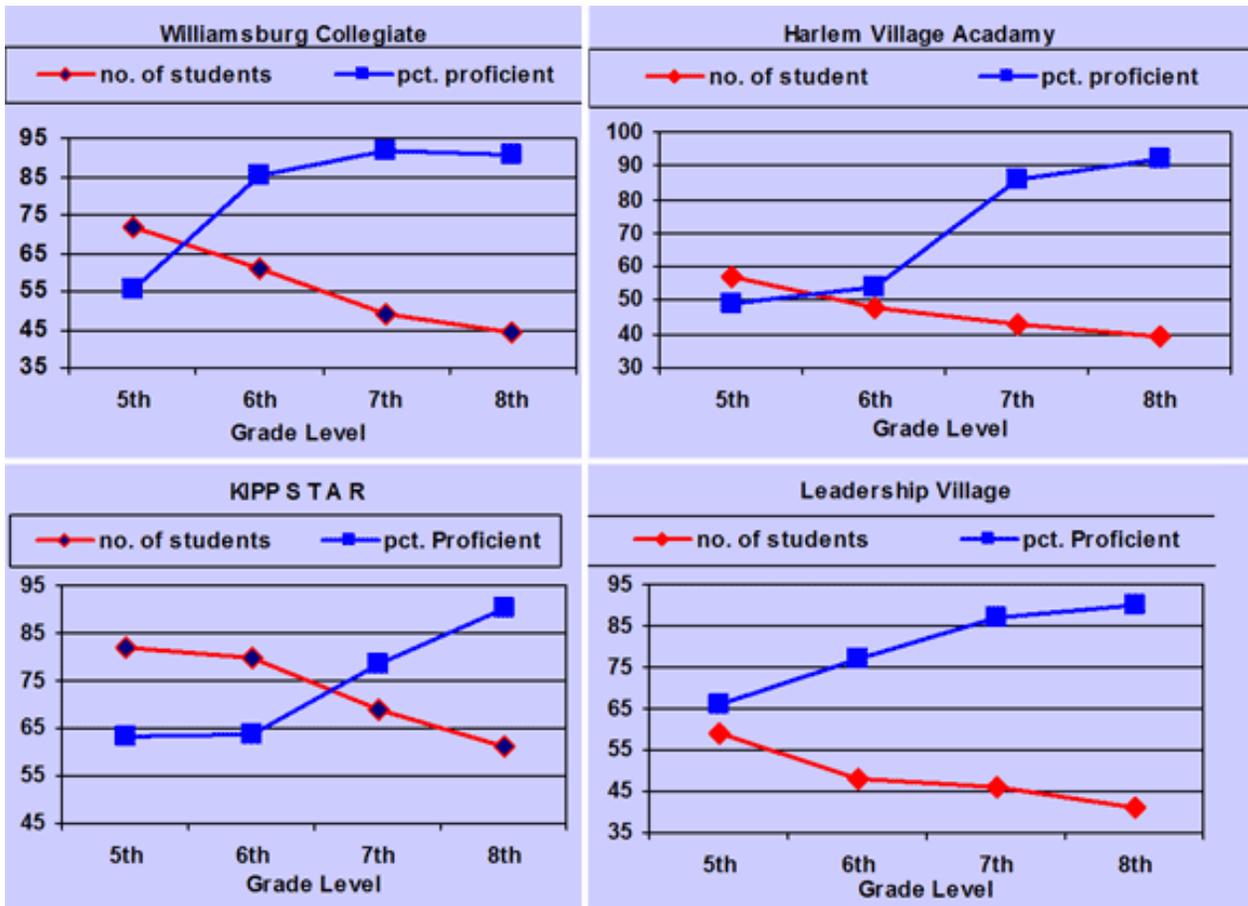
Studies that compare demographically similar students are more likely to show different results than just the raw data as reported by the New York City Charter Center. In New York City, the Department of Education has a way of tracking student progress in various schools called a report card. The report card compares schools that are demographically similar. For example, comparing Charter School A in Harlem who has a similar proportion of free lunch students to District School A in Harlem would be a more fair comparison. In the interview with UFT researcher, Tina Collins she said, “...what the DOE itself... chooses to use to try to control for some of these demographic differences [between schools is the report card]. And they actually found particularly for middle schools and elementary schools, which is the great bulk of charters in NYC, that district schools actually did a better job with students who are demographically highest need or even students who have lower needs than charter school students did...”

Lastly, graduation rates in charter schools may be higher because often the raw data does not consider that most charter schools are elementary level schools. Students in the earlier grades are more likely to “graduate” than middle and high school students.

**Charter schools by grades served in NYC:**

- 63 Elementary Schools
- 25 Secondary Schools
- 8 High Schools
- 6 K-12 Schools
- 23 K-8 Schools

Additionally, these raw scores exclude the attrition and retention rates of charter school students. Studies show that as numbers of students in charter schools dramatically decrease in the latter grades, the proficiency rates increase. For example, Williamsburg Academy enrolled 72 students in fifth grade in 2006. That same class graduated 44 eighth graders. 60 percent of the students were proficient in ELA in 2006 and 90 percent were proficient in eighth grade in 2009. If we only considered proficiency between grades 5-8, we will assume the school is highly successful without question, but if we add the attrition rates, then we must ask: What is the correlation between a decrease in enrollment and an increase in proficiency? The chart below shows the attrition of students and proficiency in four NYC charter schools.



Source: <http://www.edwise.org/middle-school-charters-show-alarming-student-attrition> (Figure 4)

There is not sufficient data to know what happened to the students in these shrinking classes. One theory is that the students are actually being retained instead of leaving the school. This is possible. A teacher reveals information about Harlem Success Academy Charter School that shares building space with her school. “They also only claim to have nine third graders which means they failed and held over maybe 80% of their entire second grade and not pass them to third grade which makes sense. The only way they ever talk about themselves is how they are the highest performing school there is. Well if you

have a students that aren't making the grade, you are not going to move them up and get them tested in third grade." The charter school posted this on their school's website for a brief period before removing the information.

The Dean of Students at Brooklyn East Collegiate Charter School reveals what happens to many students who are no longer enrolled at her school:

So, I have five students that I call my frequent fliers and they have been stuck in our discipline system all year long and they haven't gotten out... so much to the point that it's like... you know... they're now being retained. And I'm not saying they are being retained just because of our discipline system obviously they are having discipline problems because of their academic deficiencies, but us not being able to come up with some different strategies or different discipline tactics... the willingness to let... maybe this discipline system doesn't work for everyone. It's more like, "You can't conform. Our goal has been either to give the parents... and this is my own personal feeling... to bother the parents so much where to that they are just so frustrated that they just pull their child which is great, fine... like I say... in terms of the charter school it's great because that child is a low performing student, great, get them out. Our test scores are going to be okay because that child's scores aren't going to affect ours.

Ms. Barnes also explains how students who are assessed at the beginning of the school year are put on a three-year fifth grade plan where students will be retained in the fifth grade for three years because they are behind. Parents agree to allow their fifth grade child to remain in the same class until they are in some cases 14 years old. It is very likely that the drop in enrollment is due to both retention and attrition. Since Brooklyn Collegiate Charter School refuses to provide state mandated services to some special needs students because it is "against their model", all of those students are being retained. Ms. Barnes

describes how *all* students in her school requiring a self-contained classroom environment are being retained. Many charter schools tout their policies of non-social promotion, but leave out the fact they are failing to give students appropriate services that may prevent high levels of retention.

Harlem Children's Zone is a New York City Charter school based in Harlem. The CEO of this charter has received national recognition from President Barack Obama, was featured in the film about successful charter schools, *Waiting For Superman*, and appeared on Oprah. Paul Tough writes in his book entitled *Whatever It Takes* about Geoffery Canada's effort to get the test scores up for the school's first group of students. Nothing worked, so he called the entire class and told them he was closing down their grade and they should go to another school. The entire sixth grade class was dismissed! The New York Times reported:

The school, which opened in 2004 in a gleaming new building on 125th Street, should have had a senior class by now, but the batch of students that started then, as sixth graders, was dismissed by the board en masse before reaching the ninth grade after it judged the students' performance too weak to found a high school on. Mr. Canada called the dismissal "a tragedy." (Ottoman, 2)

Harlem Children's Zone taught these "too weak" students for three years, failed them by not preparing them for high school, and then further punishes them by dismissing the entire grade in order to prevent low scores on state exams or low graduation rates.

The interviews that I conducted with parents suggest that many students were expelled or counseled out of charter schools. It is also likely that parents are choosing to remove their students from charter schools for various other reasons. However, district schools in the areas of the four charter schools included in the above study had actually increased enrollment from grades fifth through eighth. Were the students who left the charter schools choosing to go to nearby district schools, or were they being forced out, or did they leave town, or were they in fact retained?

Charter schools have very little oversight from the state on how they report data, score or administer state exams. A parent of Brooklyn Excelsior Charter School suspects cheating on state exams by the administration at the school:

They've done pretty well [on state exams], but to my knowledge they cheat. They help the kids with the test. I've heard it from credible sources at the school what they do. They pull some of the kids out. And it's not kids with IEPs, because my son has an IEP. It's regular students that they pull out and they might say, "Okay we have to help... and they are so blatant when they do it. "We have to help John with an essay." They pull them out and they help them so our principal is good at fudging the numbers. He's very well... good at that job, fudging numbers because there is a lot of cheating going on. Because we've asked for proctors for the state test, but they refused to give us the proctors. Because we wanted proctors to be there... just to be there and we was going to see how the numbers really look when the test come out, but they refused the proctors. They refused. They said they were not going to pay for that.

Mona Davids of New York Parent Charter Association reveals how charter schools are able to grade their own state exams as opposed to an independent agency. "Charters score their own tests whereas the district schools... they don't score their own students' tests. It gets sent to a central location and other teachers score it... We found out about charters grading their own tests because Harlem Village Academy which has one of the highest student attrition rates issued out a press release weeks before the state test scores were released... stating that their kids scored 80 and 90 percentile on the state test... Come to find out Harlem Village Academy... grades their own tests... Charter schools all these years who've been saying they are out performing district schools have been grading their own tests." How can we be certain that charter schools are fairly administering, reporting, and grading state exams in good faith when so much of their existence hinges on their success on these exams and there is very little oversight or enforcement of fair practices on the part of their authorizing agencies?

**There is no evidence of New York City charter schools sharing best practices with NYC district schools in an effort to improve public school education in the district for all students.** Unfortunately, there is evidence of competition amongst charter and district schools in the New York City. Four percent of the 1.1 million public school students attend charter schools in NYC while the other

96 percent of students attend district schools. As observed in several public hearings held across the city by New York City's Department of Education, the various chancellors have described struggling district schools as failing and charter schools are described as a "choice for New York City parents." In interviewing various charter school teachers about what makes them a better choice for parents, I have heard various answers to the question which range from charter schools are a viable option since district schools are failing, charter schools have small student to teacher ratios, more funding for after school tutoring and arts, easier students to teach and extreme disciplinary practices.

I have observed parents, elected officials, students, and activists plead with the NYDOE to provide resources for their struggling schools in order for the schools to remain open. Struggling schools in some cases have made improvements, followed the advice of the DOE, and still face being phased out or closed. Testimonies indicate that struggling schools have been "made to fail" in order to provide more room for the growing number of charter schools in New York City. Mona Davids describes how she chooses to put her child in a charter school because the district schools are "made to fail."

The reason why I am a charter parent is because our district schools were set up to fail. We cannot just say that the district schools are failing, so that's why we are charter parents. As we have learned and as have been proven through the Parthenon Report done recently... it was a report done by the Department of Education consultants doing research on failing schools. What makes a school a failing school? What are the factors

that contribute to a failing school? This DOE contracted research paper actually showed that the reason why the majority are failing is because they are being set up to fail through the DOE's policies. So now we know that it is a fact and actually the Attorney General is conducting an investigation to see if there is even criminality behind that. But the district schools were set up to fail by the Department of Education under mayoral control.

Part of charter schools' existence in NYC is dependent upon struggling schools being closed down, so that they are able to occupy their school buildings. In some cases, a particular district school is downsized even when they have not been proven to be failing in order to make space for a charter school within the building. A teacher of a co-located district school speaks about the process of the phase out of her school in order to make room for Harlem Success Academy even though her school received a grade of a B on the New York City school Report Card:

... we spoke to some lawyers and we got a lawsuit going that it was illegal because we were all three zone schools. And you can't just shut down a zone school without getting the CECs involved, the community involvement. There's a process and the DOE was essentially doing it illegally. So, with the lawsuit in place the DOE essentially backed off and said, "We won't close you. We won't close you, but we're going to phase you out." So, they had already promised the space to Harlem Success and Eva Moskowitz and there would not have been space for her and us in addition to the third charter school who was there initially. So, the only way to make space was to get rid of some of us. So, they said that you are not going to have Pre-K anymore and we're going to phase out your middle school. So, the very next year we were going to be out Pre-K, out 6<sup>th</sup> grade which would alleviate a lot of that space crunch and allow her to move her kids into the building.

Tina Collins, UFT researcher describes how there is strong evidence to suggest that charter schools receive preferential treatment by the Department of Education over the district's own public schools:

But I don't think anyone would disagree that the NYCDOE has been a public advocate for charters. The question of whether they favor charters is much more politically controversial. I think there is evidence of that in the sense that again particularly of how new charters are treated versus new public schools or public schools that are facing challenged populations. The most striking example this year is that a very well respected principal was trying to start a new public school that would have a more progressive educational approach and had gotten approved, again she had been running a very successful district school, had been told that she would have space in a district building, but that space was also promised to a KIPP, a new KIPP school and the KIPP school was given the space, and she was told that she would have to wait another year to open this new district school because the space had been promised to KIPP. And that to me... that the district itself is... as a very promising school with a leader with a history of success and a lot of community support and is choosing to give that space to a charter school instead... and sort of saying KIPP itself is saying KIPP has all sorts of ... has this history of success and things like that. I mean, that to me sort of defines... I mean in that particular case, it seems pretty clear that the charter school and the KIPP chain in particular was given an advantage over a district principal, over a new school that had come through the district's own new school system and I found that really striking and I certainly feel like in the case of closing schools for example, people feel that in a lot of cases the district has not put appropriate resources into schools that were struggling... and were not willing to try and keep schools open and withdrew resources and let teachers leave and didn't put in teachers from the Absent Teacher Reserve pool to fill in those... or fix up the building or things like that and then immediately say well now we are going to allow a charter school to have the space for free. That's something that's made a lot of public school parents in those closing schools... and teachers, and parents really angry and feeling like, "Well, how can you have the money to give... to not get rent from charter schools and to give them start up funds and to support them in these other ways? How can you have the money to do that and not the resources to put in to trying to help us keep

our school open and improve as one of your own district schools?" So, I really think the co-location piece is what is the most questionable example of whether the districts are giving preference to opening charter schools rather than improving district schools or open new district schools in district school buildings versus charter and I personally feel like in that particular case, there's a lot of credibility to that assertion that there's some questionable decisions being made around distribution of public district resources from district schools to charter schools and that's one of the reasons that people are getting really upset about it.

Some parents feel that the DOE's way of managing the schools pits parents against parents. PTA president at PS 303, Julia Daniely speaks about losing friends from the same community because they are fighting for space for their children's schools. "Coincidentally there were a few parents who were friends of mine are no longer friends. As a matter of fact yesterday we got into a heated argument... But in all reality you are not going to disrespect me because just like you are fighting for your child, I am fighting for my child. I am fighting for the children that can't. I am fighting for the kids whose parents aren't here." Latrina Miley, a parent of a special needs student in a charter school started to get pushback from other parents when she began to speak publicly about her child's mistreatment in Girls Democracy Preparatory Charter School:

But a lot of the parents they weren't supportive because it wasn't their child... Instead of looking at it like, "You know what. That could be my child. Let me stand up because this is wrong and if you're doing this I will take my child out." It was like, "No. We understand that you are going through that, but it's just not my child." Parents stop speaking to me... well just a lot of things. Teachers wouldn't speak to me. It was just

basically ugly. I felt very... public enemy #1. I just felt like nobody is on my side.

Such conditions do not create an environment for best practices to be shared amongst schools in NYC. But many senior teachers do not perceive charter schools as “laboratories of innovation” as was intended with the original concept of charter. Charter schools are primarily run by teachers with very little teaching experience, managed by corporations with no experience in education, and have very little to offer to the improvement of educational practices by schools within the district. Actually, as stated earlier, district schools outperform charter schools in the teaching of the highest needs students. In the amendment of the New York Charter School law in May 2010, it was put into legislation that charter schools must share best practices with district schools. But what if they do not create best practices?

Schools want to outperform other schools in order to attain the limited resources available to them in NYC. Of the charter schoolteachers that were interviewed, none of them reported a practice of sharing information with other schools outside of their network of charter schools or outside of charter schools in general in order to improve education for all schools. Aisha Barnes believes that her school does not share their practices with other schools because they are in competition with them. Other charter school staff did not see it as part of their

responsibility to share best practices with other schools and has put very little thought into the matter, but when asked they felt willing to share what they can.

Bill Jones, an educational justice activist describes the preferential treatment that charters receive as a way of “union busting.” The United Federation of Teachers is one of the stronger remaining unions in this country and charter schools have the autonomy to hire “at will” employees. The DOE is closing down “made to fail” schools in order to replace them with non-union employed charter teachers. Such employees have the ability to maximize profits for the increasing education corporations.

Anti-union enthusiasts claim that employees who do their job correctly and honestly have no reason to fear losing their jobs. Unions protect horrible employees and our children deserve better. They deserve employees that have to risk losing their jobs if we don’t see results. Conversely, teachers need protection to advocate for their students without fearing their jobs for speaking for what they consider just. Their position is, “We have to work to improve the existing unions to perform as are intended, not get rid of them altogether.” Additionally, teachers and students are measured unfairly by high stakes assessments without considering obstacles such as poverty, homelessness, and English Language capabilities that make teaching the neediest students the least sustainable option for job stability. Our Race to the Top policies do little to

address these issues that plague our society, but punish and blame the people who need the most resources. Smaller class sizes, teacher experience, and access to basic needs all have been proven to improve academic performance, not to mention the excess time and money that privileged families have to spend on their children's education.

**The hope is that charter schools are established to benefit our students and our families, but there is evidence to show that it also may benefit hedge funders, charter school CEOs, for profit as well as for non profit agencies.**

Most charter school educators that were interviewed, heard at a public hearing, or described by a witness were ultimately concerned for the education of their students. They believed that though their job may be temporary, they were committed to their two, three or more years of commitment to their students. Some teachers rejected charter schools when they found evidence that charters are not serving them or their students.

District school educators see the growth of charters as a threat to public school education, the buildings, the funds, and the public school system as we have known it. They are generally open to a drastic change in the public school system only if they see it as beneficial to the families of which those schools

serve. However, they see the changes that the charter school movement is making as detrimental to a democratic and just public school system.

Parents similarly want the most resources, and the best education that they can afford for their children. Charter schools' glossy brochures, uniforms, and professional looking advertisements suggests by default that schools such as Harlem Success Academy has resources. It would not be until special needs children were denied admission, whole grades dismissed, militaristic practices which question age appropriateness, cheating, retention, and counseling out would parents begin to question the suitability of a particular charter school for their child. Some charter school parents that believe in the original concept of charter where all students are supposed to benefit from its experiment have rejected the charter movement in New York City. They have begun to form organizations and expose some of what they are calling "charter school myths." However some parents are convinced that charter schools are a good option for their students and they see the district parents' resistance to charter school co-locations as threatening to the existence of charter schools (an option for their student).

Activists are blaming the charter school movement (not to be confused with what they see as the original concept of charter) for attempting to privatize another aspect of the public sector. There is evidence that shows wealthy

philanthropists such as The Gates Foundation, the Waltons, hedge funders, sit on the boards of and donates money to charter schools more frequently than district schools. These elites have seized the moment to use charter which lessen public sector bureaucracy to find more innovate ways of profiting from education rather than flexibility with curriculum as intended by the original teachers who thought of charters.

Politicians see the harm of the way in which charter schools are being handled in the city (and country at large), but often times have loyalties to those who can support or hinder them politically. Bill Perkins for example was very outspoken about the way in which charter schools are negatively impacting Harlem, but then voted in the senate for the 200 cap on New York state charter licenses be lifted. Similarly, Al Vann council member in Bedford Stuyvesant admits to knowing the intentions of a man he's known historically, but also understanding that it is not feasible for his school to be co-located with district school P.S. 308. Other politicians such as Charles Barron see the government as pitting parents against each other from the same communities who want the same things for their children.

**Charter schools receive a substantial amount of resources from the Federal, State, and local governments and Department of Education such as building**

**space, mayoral support, philanthropy and public funds.** As noted earlier, New York State was a recipient of the largest amount of funds among other states in the Race to the Top federal competition for public funds. As part of the conditions of receiving the Race to the Top grant, states had to increase their cap on charter licenses. President Obama and Secretary of Education Arne Duncan have made it clear that they support charter schools. Obama praised CEO of Harlem Children's Zone, Geoffery Canada as an example charter school. States with egregious charter school stories of mismanagement, profiteering, cheating, and doing everything better than educating all children received the Race to the Top grant. These states do not have clear laws that enforce oversight of charter schools or forbid some of the profiteering.

New York State amongst many other states have increased the cap on charter schools and have not yet worked out how to enforce or prevent stealing, cheating, "creaming" the best students and the many other practices that are being discovered. Under pressure, the charter law in New York State has been amended, in May 2010, but there has been little evidence to show improvement in these practices. In cities such as New York City, there is mayoral control of schools with an acting mayor that supports charter schools much more than the schools that have "been made to fail." Increasingly, cities across the country are beginning to choose mayoral control as a way of governing schools that allows

for less democracy and autonomy of the community. Many of these mayors also are strong supporters of charter schools with the destruction of existing public schools on the agenda.

Charter schools in New York City actually rely on the closure or phasing out of district schools in order to have the physical space to function. Schools in existing Department of Education buildings are being closed down and charter schools are occupying those spaces. In some cases, district schools are assessed as under utilized and the Department of Education chooses a charter school to enter the space in order to make the most use out of the space even though there are several possible alternatives that a school leadership team can vote as ways of using the under utilized space. The majority of the city's charter schools are co-located in a district school building. In some cases, the charter school is expanding and requires more of the building's space. These co-locations have caused much resistance and even a lawsuit as filed by the NAACP and the UFT. Charter schools are able to use these buildings rent-free which incentivizes co-locations for charters. Some charter schools are building their own school buildings in which five in the city are using public funds for the building. One popular case is the building of one of Geoffery Canada's HCZ schools in the green space of public housing units in Harlem. St. Nicholas residents resisted

the proposal, but the city had already decided to build the \$100 million facility with \$60 million coming out of the city's education budget.

Charter schools receive public funding per student just like district schools. The calculated \$13,500 per pupil considers the cost of SPED, lowest income students and ELL resources per pupil for which charter schools take lower proportions of these students. Researchers say that charter schools actually get \$2000 more per pupil in New York City because they take the same amount per pupil, but also have the "cheapest" students to educate, those who are not SPED, ELL, or lower income.

And lastly, charter schools receive much more funding from private philanthropy than district schools. Activists such as Bill Jones or researcher Tina Collins believe that philanthropists support charter schools because they have more autonomy and can support public education with non-union employees. Non-unionized work force supports the ideology of the elite philanthropists. The destruction of unions or "union-busting" and privatization of the public sector has been something that communities across the nation in various public sector jobs have been resisting. The charter school movement has been seen as another attempt to privatize the public sector and has received resistance in New York City.

## Conclusion

**There is substantial evidence to prove that the charter school movement is moving away from the original concept of charter as defined by the teachers who created the idea in the 1970s. Instead of sharing the best educational practices with all schools in exchange for their autonomy, they are finding ways to compete with other schools in order to profit and privatize public education.** In New York City under the mayoral control of Michael Bloomberg, over 100 district schools have been closed down. Charters have been approved for more schools than the district can accommodate presently. The original concept of charter was essentially to improve the education of children, but to also improve other non-chartered schools. It is impossible to assume that closing schools down can actually improve them. They no longer exist! The schools have been in many cases replaced by other schools, namely charter schools.

Charter schools in New York City have been far from producing innovative teaching practices for the neediest children. Not only do charter schools serve less of the students in these groups, but district schools support the needs of ELLs, Special Needs, and lower income students most successfully. Though the charter school law has been amended to include that charter schools share best practices, it has yet to be enforced or actualized.

Instead the original concept of charter which allows for a certain amount of autonomy in order to improve education has been “hijacked” by the elites in order to use that autonomy to employ non-unionized workers and maximize profits for charter management organizations, contracted private services, charter CEOs, and the testing industry. Some charter schools begin with the original concept of charter, but are forced to follow this trend once they are in operation. The policies of the New York Department of Education supports the agenda of the profiteers and provides no oversight of following the charter school law which in theory is based on the original concept.

As a result of these trends in the charter school movement nationally and locally, individuals and organizations have begun to fight back. Grassroots organizations such as New York Collective of Radical Educators, People Power Movement, Teachers Unite, iCOPE, Grassroots Education Movement, Class Size Matters, The December 12<sup>th</sup> Movement, and Black New Yorkers For Educational Excellence have joined with organizations such as the NAACP and the United Federation of Teachers in order to organize individuals to resist what is considered an attack on public education for all children and the public sector more broadly. Individuals in these organizations have contributed to and can benefit from this research. They may use this information in order to distribute it to a wider audience for organizing purposes. Other individuals especially

parents would benefit from understanding the least exposed information about charter schools. These examples, stories, and incidents are often silenced, but the information is crucial for parents to know as they choose to participate in the charter movement as it is or fight against it.

As a result of this research, there are many other questions that have yet to be explored such as:

- How is the charter school movement similar or different across states?
- How is the resistance to this current trend towards privatization of public schools in other states useful (or not) for a nationwide push back?
- How is the “attack” on different parts of the public sector different/similar? How or can this information be useful for resistance strategies?
- How does this trend in charter schools effect the education of special needs students?
- How might the interests of charter parents wanting more resources for their children impact this current trend in privatization of public education?
- How can the conflict between charter and district school parents be subverted in order to work for a common goal of quality education for all children?

- What impact does legislation have on the oversight of charter school practices?

The exploration of these and other questions in order to improve public education for all of our nation's children is of critical importance for the survival of the idea that a free and appropriate education is the right of all citizens.



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## APPENDIX

### List of Interviewees

Julia Daniely

E. Darey

Brian Jones

Christina Collins

Mona Davids

Faye Hodge

Bernice Smith

Jose Herrera

Ariadna Egbert

Eliot Wofsie

Latrina Miley

Jason Pergament

Kate Morford

Natalie Philpot

Aisha Barnes

## **Trends in New York City Charter Schools**

**Keedra Gibba**

### **INTRODUCTION**

You are invited to participate in a research study. Before you agree to participate in this study, you should know enough about it to make an informed decision. If you have any questions, ask the investigator. You should be satisfied with the answers before you agree to be in the study.

### **BACKGROUND/PURPOSE**

The purpose of this study is to understand the trends of NYC charter schools. Across the country, charter schools are opening at a rapid rate. The study aims to understand the implications of 'the charter school movement' in New York City. How does it change the landscape of public education? How has the 'concept of charter' evolved since its inception? How do the parents, teachers, educational activists respond to the increase of charter schools?

### **INFORMATION**

Participation in this study will involve answering a series of questions on video and/or audio devices. The duration of the interviews will vary. The interview may take 30-45 minutes per subject.

### **RISKS**

Participation in the study does not pose any obvious physical risk to subjects, but the risk of emotional distress, embarrassment, or discomfort when answering questions may be experienced. Other potential risks may be breach of confidentiality or employment risks.

### **BENEFITS**

Participation in this study may not benefit you directly. However, the knowledge that we obtain from your participation, and the participation of other volunteers, may help us to better understand the role of charter schools in public education.

### **CONFIDENTIALITY**

The information in the study records will be kept strictly confidential. Data will be stored securely in a restricted-access computer and will be made available only to persons conducting the study unless you specifically give permission in writing to do otherwise. No reference will be made in oral or written reports which could link you to the study.

## VIDEO

In addition to a written report, the investigator will produce a short video documentary to show research findings. Selected participants' image and voice will be used in the documentary. Footage may be edited and used in whole or in part, in all media, including, but not limited to, audio and video cassettes, CD-ROM, DVD, internet, television, radio, and cable broadcast, and for all other purposes in perpetuity throughout the world. I consent to the use of my name, likeness, voice, and biographical information in connection with the distribution and promotion of the video documentary.

## CONTACT

If you have questions at any time about the study or the procedures, you may contact the researcher, Keedra Gibba at [keedragibba@yahoo.com](mailto:keedragibba@yahoo.com) or 347-743-2379. If you have any questions about your rights as a research subject, you may visit the World Learning website and check its policies on Human Subjects Research.

## PARTICIPATION

Your participation in this study is voluntary; you may decline to participate without penalty. If you decide to participate, you may withdraw from the study at any time. If you withdraw from the study before data collection is completed your data will be removed from the data set and destroyed.

Sign below if you agree to participate in this research study. You will be given a copy of this form to keep.

Subject's signature \_\_\_\_\_

Date \_\_\_\_\_

Researcher's signature \_\_\_\_\_

Date \_\_\_\_\_