

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON EDUCATION

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April 6, 2009
Start: 01:18 pm
Recess: 08:52 pm

HELD AT: Council Chambers
City Hall

B E F O R E:
ROBERT JACKSON
Chairperson

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COUNCIL MEMBERS:

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James Vacca
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A P P E A R A N C E S (CONTINUED)

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NYC Department of Education

Christopher Cerf
Deputy Chancellor
NYC Department of Education

Betsy Gotbaum
Public Advocate
City of New York

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V.P. Academic High Schools
United Federation of Teachers

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A P P E A R A N C E S [CONTINUED]

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Lenore Brown
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Founding Member
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Yolanda Matthews
Parent, grandparent
Community Board 16 representative

Steven Wilson
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Brooklyn Ascend Charter School
Brownsville Ascend Charter School
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Geoff Abbas
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La Cima Charter School

Signed Slips but did not testify:

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Vice President
Academic High Schools
United Federation of Teachers

Veronica Montomger-Costa
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Ernest Logan
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Council of School Supervisors and Administrators

Deborah Glick
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William Phillips
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Rebekah Marler
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Jo-Ann Baret
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Ken Byatess
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Stephanie Blanco
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Lamecca Jackson
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John King
Excellence Charter School

Reverend Michael Carmine
Bronx Academy of Promise Charter School

Seth Andrews
Democracy Prep Charter School

Daniel Clark
Democracy Prep Charter School

CHAIRPERSON JACKSON: Good

afternoon, and welcome to today's Education Committee Oversight Hearing on Charter School Expansion in New York City. My name is Robert Jackson, I chair the education committee, and let me introduce my colleagues that are present this afternoon. From my left, Simcha Felder of Brooklyn, Vincent Ignizio of Staten Island, and in front, Jimmy Vacca of the Bronx, and Asa Schaumberg [phonetic], this woman here to my right is a counselor to the committee, and I forgot my colleague, Melinda Katz, of Queens, is here, and other staff are available, running around, doing their jobs.

But according to the Department of Education, charter schools are public schools, but rather than being overseen by the Department of Education, they are governed by their own not for profit boards of trustees in accordance with the terms of a charter, granted by the state or the city. Charter schools are exempt from most city and state regulations, and restrictions. There are currently 115 charter schools operating in New York State, serving nearly 35,000 students,

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2 representing less than two percent of all public
3 schools in the state of New York.

4 Of this statewide total, New York
5 City currently has 78 charter schools, serving
6 approximately 24,000 students, including 18 new
7 schools that opened in September of 2008. Charter
8 school proponents say that they provide an
9 alternative option, an alternate option, for
10 children in low performing schools. And they
11 argue that the freedom from regulations allow them
12 to become laboratories for innovative strategies,
13 which can then be shared with other public
14 schools. They also claim that competition from
15 charters will spur improvements in surrounding
16 traditional public schools. Charter school
17 supporters point out that New York City charter
18 schools have outperformed traditional public
19 school in the city on standardized tests. Quite
20 frankly, that is not surprising, given that they
21 are freed from regulations and most charters are
22 much smaller than other city public schools, with
23 smaller class sizes, and they usually have a
24 longer school day and year.

25 In addition, any low performing

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2 charter schools do not get their charters renewed,
3 and are shut down. Personally, I am not sold on
4 charter schools. Contrary to what proponents
5 argue, there is little evidence that competition
6 from charters has led to improved performance in
7 surrounding public schools. Nor have I seen much
8 sharing of innovations from charters with
9 traditional public schools.

10 Another reason I am not sold on
11 charters is more personal, because my daughter,
12 who is an educator, taught at several charter
13 schools in Buffalo, New York. And I know, in
14 talking to her about her personal experiences in
15 those particular schools in which she worked as an
16 educator. And also I know that I believe it was
17 Kips, in one of those charter schools, because
18 that school was not expected to get its charter
19 renewed, they pulled out and left the trustees
20 hanging by themselves, and within one year, that
21 charter school closed down. That is the
22 commitment that Kips had to that particular
23 charter school.

24 Beyond my personal experience,
25 though, I have to say that my concern is with the

1 education and well-being of 1.1 million children
2 in the public school system, not just the
3 thousands who may attend a charter school now or
4 in the future. I remember when Joe Klein first
5 became the chancellor. Back then, he used to talk
6 about making every neighborhood school a good
7 school, where parents would be proud to send their
8 children. But, I don't really hear him talking
9 about that anymore. Instead, many people think
10 that the chancellor has abdicated his
11 responsibility and is giving up on improving
12 neighborhood schools. They charge that he would
13 rather close them down and hand the space over to
14 charter school operators. As noted earlier, under
15 the current administration, there have been a
16 rapid increase in the number of charter schools in
17 the city, which has fueled both controversy and
18 conflict, primarily over the Department of
19 Education's siting of charter schools and existing
20 public school buildings. Critics and some charter
21 schools supporters, view the Department of
22 Education methods as clumsy at best, and overly
23 aggressive at worst. To many, it appears, that
24 DOE shows greater support and concern for charter
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2 than traditional public schools. In many
3 communities, competition for space and other
4 resources has become extremely divisive. Many
5 charge that the Department of Education has failed
6 to adequately consult with the whole school
7 community, before a decision is made to place a
8 charter school in the building or to close or faze
9 out an existing public school.

10 Parents, teachers, administrators,
11 and even elected officials have complained about
12 the lack of community consultation and input or
13 even adequate prior notice when these decisions
14 are made. Dissent has escalated in recent months,
15 as the Department of Education made public plans
16 to close three neighborhood elementary schools and
17 hand those buildings over to charters. The three
18 schools I am referring to are, P.S. 194 in Harlem,
19 P.S. 241 in Harlem, and P.S. 150 in Ocean Hill,
20 Brownsville section of Brooklyn. They would be
21 the first in the city to be completely replaced by
22 charter schools, rather than simply sharing space
23 with the charter. A series of contentious
24 meetings and protests were held at which critics
25 say parents from nearby charter schools were

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2 brought in and deliberately pitted against parents
3 of children attending the three traditional public
4 schools. Members of local district community
5 education councils, commonly known as CECs,
6 claimed that by permanently closing neighborhood
7 schools, the Department of Education has
8 eliminated school attendance zones, usurping CEC
9 zoning authorities in the process.

10 On March 24th of this year, a
11 lawsuit was filed by the United Federation of
12 Teachers, UFT, the public advocate, and the New
13 York Civil Liberties Union, charging that the
14 Department of Education violated state law by
15 moving to replace traditional public schools with
16 charter schools, without proper consultation with
17 CECs. In response to the lawsuit, on April 2nd,
18 the Department of Education has backed down from
19 the plan to shutter the three traditional public
20 schools, to make way for charter schools,
21 according to news reports. Instead, the charter
22 schools will share space with the existing public
23 schools in the coming year.

24 The battle over charter schools has
25 also been linked to the larger issue of mayor

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2 control of the city public schools. In a recent
3 column, Juan Gonzalez, of the Daily News, bluntly
4 asked, "Are parents of charter school children
5 across the city being organized into shock troops
6 by Mayor Bloomberg, for Mayor Bloomberg's
7 continual control of the public school system?"
8 Gonzalez described in recent weeks principals of
9 some charter schools have launched a highly
10 organized effort to mobilize parents from their
11 schools for school choice, community rallies to
12 demand extra space for new charters, in existing
13 public schools, and to pack a series of state
14 assembly hearings on school governance, to voice
15 support for continued mayoral control.

16 In the process of trying to build
17 support for charter schools, critics contend that
18 what they perceive to be the Department of
19 Education's heavy handed tactics, have helped to
20 polarize parents and others in opposing camps on
21 the issue of charter schools.

22 Today's hearing seeks to gather
23 information concerning any Department of Education
24 plans for charter school expansion, and whether
25 they conform to the letter and spirit of state

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2 education law. The committee will also hear from
3 experts, parents, advocates, unions, and charter
4 school operators regarding their ideas about
5 charter schools expansions, and we will explore
6 recommendations for improvements in this area.

7 We will also be considering
8 Resolution 1889 today. This is a resolution
9 calling upon the New York State legislature to
10 amend the state education law, in relation to
11 charter schools, by establishing siting procedures
12 for charter schools, or alternatively, to pass
13 legislation allowing New York City to enact such a
14 law locally. This resolution was put forward by
15 our colleague, Erik Martin Dilan, of Brooklyn.
16 Everyone who wishes to testify today, must fill
17 out a witness slip which is located over to my
18 left, at the desk of the Sergeant at Arms, in
19 front of the chambers. Please indicate on the
20 witness slip whether you are here to testify about
21 Department of Education's contracting, whether you
22 are here to testify about the resolution 1889,
23 concerning charter schools. To allow as many
24 people as possible to testify, testimony will be
25 limited to three minutes per person.

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2 Let me introduce my other
3 colleagues that are present, and then we will hear
4 from the Department of Education. We have also
5 been joined by, to my left, Maria del Carmen
6 Arroyo, of the Bronx, and directly in front of me,
7 Jessica Lappin, of Manhattan, and also to my
8 right, Oliver Koppell, of the Bronx.

9 MR. ERIC NADELSTERN: Good
10 afternoon, Chairman Jackson, and members of the
11 Committee on Education. I am Eric Nadelstern, the
12 Chief Schools Officer of the New York City
13 Department of Education. I am joined this
14 afternoon by Deputy Chancellor Chris Cerf, Michael
15 Duffy, Executive Director of our Charter School
16 Office, and John White, Chief Executive for the
17 Office of Portfolio Development. Thank you for
18 inviting us to discuss charter schools.

19 I am in my 38th year with the New
20 York City Public Schools. I have served as a
21 teacher, an assistant principal, the principal of
22 a high school that I founded, the International
23 High School at La Guaradia Community College,
24 Deputy Superintendant, Senior Instructional
25 Superintendant, Chief Academic Officer of New

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2 Schools, Chief Executive Officer of Empowerment
3 Schools, where I was last privileged to address
4 this body, and now Chief Schools Officer.

5 More to the point of today's
6 hearing, I was the first principal in New York
7 City to convert a public school to a charter
8 school, shortly after Governor Patacki signed the
9 charter legislation law in December 1998. At the
10 time, I wrote...

11 MALE VOICE: Mr. Nadelstern?

12 MR. NADELSTERN: Yes.

13 MALE VOICE: Please forgive me. I
14 know you just started your testimony. You may
15 have noticed a pause after I said we would hear
16 from the Department of Education. We were waiting
17 for the public advocate to give an opening
18 statement. If you don't mind me pausing, since
19 you just begun your testimony, right before you
20 begin, to allow the public advocate of the City of
21 New York to make an opening statement.

22 MR. NADELSTERN: Of course.

23 MALE VOICE: Then we will go right
24 back to you. Okay? Thank you. Madame Public
25 Advocate, Betsy Gotbaum.

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PUBLIC ADVOCATE BETSY GOTBAUM:

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Thank you, and thank you Councilmember Jackson,

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for holding this very important hearing and for

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allowing me to speak.

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Currently, the process of siting

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charter schools used by the Department of

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Education, often pits parents against parents, and

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schools against schools. Moving a charter school

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into a community, or placing a charter school

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inside an existing public school, without any

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notice or prior discussion, are examples of how

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the department's process has gone awry.

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While I am pleased the department

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has decided to back away from its plan to replace

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three traditional public schools with charter

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schools in Harlem and in Brooklyn, I am dismayed

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that it took the threat of a lawsuit for the

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Department of Education to do what is right and

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lawful. Such behavior creates the perception that

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the department favors charter schools at the

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expense of traditional public schools, and

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undermines the goals of building support for the

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creation of more charter schools. I saw an

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editorial today, suggesting that those of us who

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2 challenged the closing of these schools want to
3 keep bad schools open. That is absolutely not
4 true. The department seems to consider closing
5 schools a badge of honor. What I want is the
6 department to work harder to help bad schools do
7 better.

8 CHAIRPERSON JACKSON: Ladies and
9 gents, please. We don't have time for all this
10 applause and boos and everything like that.
11 Really. It is going to be a long hearing, so
12 please do not disturb people speaking by applause
13 or boos. Thank you.

14 PUBLIC ADVOCATE BETSY GOTBAUM: I
15 want to just emphasize this, because it is
16 extremely important point to me, what I want to do
17 is help the bad schools, or the bad schools that
18 are failing, do better. For example, in the old
19 chancellor's district, struggling schools were
20 given the resources and attention they needed to
21 improve. Professional development, more training
22 for teachers, more after school programs for kids
23 that were having problems, all of those things did
24 work, at one point, and if schools must be
25 replaced, then the public should have some input

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2 and there should be some respect for the existing
3 law. We can't allow the department to conduct
4 their affairs in the shadows, raising the ire and
5 suspicion of the community. For years I have been
6 calling for increased transparency at the
7 department, as well as increased efforts to
8 involve the public and parents.

9 But beyond the problematic way in
10 which the department cites charter schools, I am
11 concerned with the way the administration
12 characterizes the successes and the necessity of
13 charter schools. Not even three percent of the
14 student population of New York City attend charter
15 schools. But the Mayor and the Chancellor believe
16 that every student should have the opportunity to
17 go to a charter school. But that is just not
18 reality. In their push to create more charters,
19 and to lift the cap on charter expansion in
20 Albany, the Mayor and the Chancellor tout the
21 successes of charter schools, in contrast to the
22 failures of our traditional public schools down
23 the street. This is completely unfair.

24 In 2007, according to the
25 department itself, only nine percent of charter

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2 school students required special education. Nine
3 percent. And only three percent of charter school
4 students were English language learners, ELLs. By
5 contrast, in traditional schools, 14 percent of
6 students require special education, and 14 percent
7 are ELLs, on the average. My offices receive
8 calls from charter school parents who say their
9 schools can't handle children with special
10 education needs. That has got to change before we
11 can fairly compare achievement at charter schools
12 to achievement at traditional schools. It is time
13 for the administration to adopt a new way of
14 working with the communities, especially when
15 closing and opening schools. Divide and conquer
16 is not an acceptable way.

17 CHAIRPERSON JACKSON: Thank you,
18 Madame Public Advocate. For the record, we have
19 received testimony from Deputy Mayor Dennis
20 Walcott, he is the Deputy Mayor for Education and
21 Community Development, for the record.

22 Okay, Mr. Nadelstern, I'm sorry.
23 You left off after introducing your colleagues in
24 front, and saying that you have 38 years
25 experience with the New York City Public Schools.

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2 MR. NADELSTERN: Yes, I was also
3 saying that chief among those accomplishments, I
4 was the first principal of a New York City Public
5 School to convert my school to a charter school,
6 shortly after Governor Patacki signed the charter
7 legislation in 1998, and at that time I wrote: I
8 will not begin the fall semester as an employee of
9 the New York City Board of Education, for the
10 first time in three decades. We will exist
11 outside the orbit of the Board of Ed, free from
12 the influence of the district's rules and
13 regulations. As a principal, I will not need
14 central office approval to attend a conference or
15 schedule a school trip, as I have in the past.
16 Working with the faculty, parents, and the
17 students themselves, we will now make the
18 important instructional decisions that affect what
19 teachers and students do in the classroom. We
20 will decide who should work at the school, how to
21 develop and evaluate them, and how to expend our
22 resources in support of teachers' efforts to
23 promote student learning and the highest levels of
24 student achievement.

25 In other words, I have been given

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2 license to exercise my professional judgment, for
3 the first time in 30 years. The International
4 Charter High School thrived for two years as a
5 charter school. We continued to admit recently
6 arrived immigrant youngsters who all failed the
7 test of English language mastering, as a
8 prerequisite for participation in our state
9 approved lottery. Those students came from sixty
10 different countries, speaking 40 languages other
11 than English, and as a matter of record, during my
12 tenure, 90 percent of them graduated from high
13 school in four years, with 95 percent going on to
14 college. Students were achieving, and being
15 principal of a charter school was the best job I
16 had ever had.

17 And then the world changed. A new
18 chancellor was approved, to date I have worked for
19 13 chancellors. And overnight, the Board of
20 Education support for charter schools in New York
21 City vanished. My school's budget was cut by a
22 third, threatening to decimate services to my
23 students. I was forced to petition the chancellor
24 for reentry into the school system, and he
25 reluctantly welcomed us back, as if we were errant

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children.

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Once again, we were subjected to the myriad of daily distractions generated by a bureaucratic and unaccountable school system. Charter schools are public schools. Their autonomy serves to unleash the talent and commitment resident within the school communities. By providing these principals and teachers with ownership of their professional efforts, they are motivated to do everything necessary to ensure that their students do not fail to succeed. The result has been consistently high levels of student achievement.

These core principles of charter schools, namely rigorous accountability, and strong school-based empowerment, are the same school principles and core principles that we are implementing with respect to our public schools. But there are still lots of rules that tie our schools hands. Success should be measured by outcomes, and schools should not be held accountable—should be held accountable, but we shouldn't try to micromanage schools, which is what the laws and regulations and contracts often

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do.

When I visit schools, as I do regularly each week, I ask myself three questions. Would I want to teach at this school? Would I wish to serve as principal? And most importantly, would I send my own children to this school? As I testify before you today, I can say without equivocation that were I beginning my career all over again, I would want to teach at a charter school in the city, I would aspire to be a principal of a charter school, and more importantly than the previous two statements, I would desire to send my own children to charter schools.

I now turn the testimony over to Deputy Chancellor Cerf, who will provide some additional context for today's discussion.

DEPUTY CHANCELLOR CERF: Thank you very much. Thank you Mr. Chairman and members of the panel, and public advocate, we very much appreciate the opportunity to be with you here today.

Today there are 78 charter public schools that serve 24,000 students and their

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2 families in our city. By this fall, the number of
3 charter schools will have grown to 99, up from 17
4 in 2002, the year the Mayor took office. Charter
5 schools now serve the entire city, this fall we
6 will have 27 in Manhattan, 27 in the Bronx, 38 in
7 Brooklyn, six in Queens, and one, for the first
8 time, in Staten Island.

9 This growth parallels a national
10 phenomenon. The first charter school law was
11 passed in 1991, it happened to be in Minnesota,
12 despite fierce and determined resistance in every
13 state from political forces that feared any
14 effective competition with the status quo. Today
15 40 states and the District of Columbia authorize
16 charter schools, and their numbers have grown
17 exponentially. Today there are 4500 charter
18 schools, serving 1.3 million children across the
19 nation, and that number increases by about 10
20 percent every year.

21 Local authorities, as is well
22 known, and state officials, have put up roadblocks
23 at every turn, often by perpetuating remarkably
24 inaccurate myths, such as that charters are
25 "private" or that they "cream disproportionately

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2 affluent students." The partisan nature of the
3 debate, however, changed dramatically when
4 President Clinton, who I had the privilege to work
5 for, following the recommendation of the
6 Democratic Leadership Council, strongly endorsed
7 charter schools, and asked congress to appropriate
8 several hundred million dollars to support them
9 across the nation.

10 President Obama has now taken that
11 support to a new level, making charter schools a
12 central feature of his education platform, and as
13 he stated in his first major speech on education
14 as president, and you have the full quote in the
15 written testimony before you, but he essentially
16 said that he has long been an advocate of charter
17 schools, and he urged every state in the country
18 to lift the cap on charter schools.

19 President Obama's statement touches
20 on two themes, first as my colleague, Mr.
21 Nadelstern noted, charter schools have served as
22 innovators, teaching us that through autonomy,
23 coupled with strong accountability, we can unlock
24 the potential of educators to push the bounds of
25 what is possible, especially for our most

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2 challenged students. But perhaps, even more
3 crucial than this, we cannot and should not ignore
4 the desires of parents who want high quality
5 options for their children.

6 Indeed, and I must say, I
7 fundamentally disagree with the suggestion that we
8 do not have our eye on all 1500 of our schools.
9 We have a duty to improve every single school, and
10 we work every day to do just that. We believe
11 that providing options, whether charters or the
12 more than 350 new schools we have created since
13 2002, is an effective strategy for improving all
14 schools, in part through the power of competition.

15 But as we pursue the critical goal
16 of improving every school in the system, we should
17 also do our best to respect family's preferences
18 for the schools they want for their children,
19 right now.

20 There is a good deal of focus in
21 the current climate.

22 CHAIRPERSON JACKSON: Excuse me,
23 please.

24 MR. NADELSTERN: Yes, sir.

25 CHAIRPERSON JACKSON: I am asking

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2 you, I do not want any applause in here, and I
3 don't want this to turn into a three ring circus,
4 so if you want applause, go outside, and then come
5 back in. And that is for everyone. Thank you.

6 MR. NADELSTERN: Thank you, Mr.
7 Chairman.

8 There is a good deal of focus in
9 the current climate, as well there should be, on
10 empowering parents, to tell parents that they
11 should wait for the schools around them to
12 improve, is the same as telling them that their
13 considered preference for their own child will not
14 be respected. That is the antithesis of
15 empowering parents.

16 While 70 schools and 24,000
17 children sends a powerful message about what
18 parents want, even more powerful is the reality
19 that there are 30,000 names on New York City
20 Charter waitlists. That is more students than
21 attend all schools in community school districts
22 five and six combined. With 39,000 plus
23 applicants to charter schools, this year for 8500
24 seats, that sad number is sure to grow.

25 It is no wonder that the most

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recent Quinnipiac Poll on the question of whether New Yorkers wanted more charter schools, taken this past February, turned out an answer nothing short of definitive, a full 67 percent of New Yorkers said they want more charter schools. Among parents, the pro-charter stance was even more pronounced, with 72 percent endorsing charter schools. State legislature heard that call, loudly and clearly, and lifted the cap, and we are now well on our way to adding new schools into the system.

Now, let's be clear about what is a charter school. Because here is the biggest myth of all. Charter schools are public schools, in every sense of the word. They are created and monitored by public authorities, they are publically funded, they are open to all in the sense that they are tuition free and have no admissions requirements. They receive progress report grades from the city, and take the same mandated state exams as all other schools. The teachers and employees are free to organize unions, and they are subject to the same federal rules governing title one, IVEA, and

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discrimination as all other public schools.

Unlike traditional public schools, however, each charter school has its own board of trustees, which by law, by the way, must be nonprofit, and is responsible for meeting the standards set out in its charter with the state, and charter schools meeting those terms are maintained, and those not are sanctioned or closed.

Some of the city charter schools are operated by established school managers, such as the Knowledge Is Power, or KIP program, Uncommon Schools and Achievement First schools. Others are affiliated with the United Federation of Teachers, which has started three charter schools in New York City. Some, such as Green Dot, in the Bronx, and St. Hope in Manhattan, are replications of successful schools in other parts of the country. Some address specific high needs student populations, such as Monthaven Academy, which recruits students from our foster care system, and many are the product of community or advocacy groups, such as the Harlem Children's Zone or 100 Hispanic Women.

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2 By overwhelming margins, charter
3 schools serve children whom too often, for too
4 many years, the system did not serve well. Sixty-
5 two percent of charter school students are
6 African-American, compared with 32 percent city-
7 wide. Thirty percent are Latino, compared to 39
8 percent in traditional public schools. Seventy
9 percent of all public charter school students are
10 eligible for free and reduced lunch programs, the
11 proxy for poverty, compared to 62 percent city
12 wide. Moreover, the percentage of children with
13 special needs in charters is much closer to the
14 citywide percentage than is commonly represented,
15 including here. The real number is 10 percent
16 versus 13 percent, and even that modest difference
17 is largely attributable to the fact that charters
18 serve a higher proportion of students in
19 kindergarten through first grade, grades in which
20 special education percentages are lower. The
21 suggestion advanced by charter school opponents
22 that children with special needs are "counseled
23 out" not only conflicts with national studies on
24 the question, but also would violate clear
25 Department of Education policy. If anyone ahs

1
2 specific evidence of such an instance, we want to
3 know about it immediately and deal with it.

4 Finally, the academic starting
5 point of charter school students is far, far below
6 the city average. This year alone, more than
7 39,000 applicants will participate in New York
8 City charter school admissions processes. If past
9 trends hold, about 30,000 of those applicants will
10 qualify for free and reduced lunch. Each of these
11 students will be exercising an option that only
12 the most privileged children in our city have
13 thought of as a right, the right to choose rather
14 than to be assigned a school.

15 Just a word on achievement. Last
16 year, 84.9 percent of charter school applicants
17 met or exceeded grade level standards in math.
18 That rate is higher than the rate at schools
19 across the city and across the state, the same
20 substantial difference exists in mathematics as
21 well. In mathematics and English language arts,
22 the facts are really straightforward and
23 unarguable, that charter schools are beating their
24 peers in the traditional public school system and
25 by wide and growing margins. In three New York

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2 City charter public schools, every single student
3 met or exceeded grade level standards in math, and
4 importantly, importantly, the city's progress
5 reports measure schools in comparison not just to
6 the city or state overall, but to specific subsets
7 of schools with comparable student needs. All
8 charter schools with appropriate grade
9 configuration receive progress reports, like their
10 peers.

11 High poverty schools are measured
12 against high poverty schools. Schools with large
13 groups of students with IEPs are likewise compared
14 to similar schools, and charter schools received
15 consistently higher marks, especially at the
16 middle school level.

17 A few of the most persistent myths
18 about charter schools are that they drain money
19 from the public schools and that they are
20 overfunded relative to them. To begin with,
21 charter schools are public schools. So the first
22 statement is incorrect by definition. In any
23 event, by any economic measure, any economic
24 measure, public charter schools receive less money
25 per pupil than traditional public schools. While

1
2 this is true for operating budgets in their own
3 right, the problem is compounded by the
4 unfortunate fact that charters receive no—let me
5 reiterate—no funds whatever to meet their
6 facilities needs, one of the poison pills that
7 remains in the law. As a result, charters need
8 either to fund their facilities out of their
9 operating budgets, the same budgets that pay for
10 teachers and books, or find an alternative
11 solution.

12 Over a third of charter schools,
13 over a third, serving more than 5,000 students,
14 exist in their own—that is non-Department of
15 Education facilities, a fact rarely mentioned
16 among discussions of citywide school capacity. In
17 fact, of the 35 charter schools that exist within
18 the district lines of the members of this
19 committee, 18 are in Department of Education space
20 and 17 are in private space. Charter schools have
21 added significant facilities capacity to our
22 system, through projects they themselves have
23 financed, sometimes with philanthropic support.
24 While we encourage independent initiatives of this
25 nature, they are clearly insufficient to give

1
2 charters at least some chance at a level playing
3 field. Accordingly, where appropriate, and in the
4 best interest of children, we frequently locate
5 charter schools in Department of Education
6 facilities. Sharing space is not easy, not
7 always. Nevertheless, charters aside, it is also
8 an extremely common feature of our school system.
9 Half of the schools in our city—forget charters—
10 half of the schools in our city share space, and
11 it requires hard work each and every day.

12 The policy of having charter
13 schools and district schools share common
14 buildings is often framed as a problem that always
15 leads to conflict or constitutes, as the public
16 advocate suggested, pitting parents against
17 parents. We disagree. The argument ignores the
18 fact that equitable allocation of resources, in a
19 world of limited resources, by definition,
20 requires some competition, some sharing, and an
21 outcome where no one gets the whole pie. This
22 argument also ignores the many, many instances, in
23 which charter schools and district schools develop
24 real and meaningful collaborative relationships,
25 precisely because they are sharing a building.

1
2 Both Rebecca Mitchell, the principal of the K-8
3 School in P.S. 50, and Julie Fisher, the school
4 leader of the Autism Charter School, are here
5 today, they share space, and can attest to the
6 inspiring cooperation between their schools.

7 As for the siting process itself,
8 hereto it is necessary to address yet another myth
9 that persists in the face of overwhelming facts to
10 the contrary. That sitings occur without
11 community input or engagement. It simply is not
12 the case. As you know, charter school leadership
13 groups propose a school to one of three
14 authorizers, designated by law, and they note one
15 community school district as their intended
16 location. The New York City Department of
17 Education is notified at that time, that an
18 application has been received, and the Department
19 of Education notifies the appropriate CEC, which
20 holds the state mandated public application
21 hearing, a public hearing. In the proposal, which
22 includes the record of the public hearing, if it
23 is approved by the authorizer, and receives a
24 favorable vote from the board of regents, it is
25 eligible for location in the community school

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2 district of record, and the charter applicant team
3 is now approved, submits facilities plans to their
4 authorizers, noting plans for potential private
5 space, and if applicable, intentions to request
6 public space.

7 Based on in-person site visits, not
8 some algorithm, the Department of Education,
9 Division of Planning and Infrastructure,
10 simultaneously assesses capacity across the city,
11 especially in facilities whose numbers of
12 instructional spaces significantly exceeds the
13 number of student groupings or sections. The
14 Department of Education notifies principals and
15 school leadership teams of the result of its
16 survey, and thus of a facility's eligibility to
17 receive a new school in the year to come. At the
18 same time, the Department of Education assesses
19 school recruitment efforts, and if there is an
20 appropriate placement, issues a statement to
21 parents, to school communities, to CEC, community
22 boards, and local CBOs of the intent to hold a
23 public hearing regarding a proposed charter school
24 siting, as all required by state law.

25 Since January of 2008, again

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2 contrary to the impression some people would
3 leave, the department has conducted 150 public
4 hearings on the issues related to charter public
5 schools. The chancellor and his team use input
6 received at these hearings as one among many
7 elements necessarily to make a file determination.

8 We agree with you. We agree with
9 the view that we can do better at notifying and
10 informing all affected parents about siting
11 issues, and we look forward to a collaborative
12 discussion with the committees on ways to improve
13 the process. There have been two instances this
14 year, for example, when we benefitted from your
15 input, and scheduled second hearings because the
16 timing between notice of a hearing and the hearing
17 itself was insufficient and we are grateful that
18 you and your colleagues pointed that out.

19 But providing timely information
20 and an opportunity for spirited debate is for the
21 good, as is a process that yields improved
22 solutions, shaped by that debate. As that public
23 debate unfolds, however, we must also, all of us,
24 do our best to hear both the loud voices of
25 opponents, and the masses who have chosen to speak

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2 through a school application, almost 40,000, for
3 this years slots alone, rather than at a
4 microphone.

5 Community engagement requires due
6 respect for those voices as well. We believe that
7 we struck the appropriate balance in the three
8 schools that have been in the public eye in the
9 recent weeks, P.S. 150, 241, and 194. In each
10 instance, we proposed to gradually close down
11 three failing traditional elementary schools, and
12 to replace them with charter schools that would
13 have given priority to students in that failing
14 zone. These were zoned schools, parents
15 themselves had fled in large numbers. The
16 teacher's union and others filed a lawsuit that
17 would likely have dragged on well into the summer,
18 protesting replacement of the zoned school. The
19 legal questions are complex, we believe we are in
20 the right by the way, but they are indeed complex,
21 and we decided that rather than allow the suit to
22 be a distraction for parents whose job is hard
23 enough, if they don't know the outcome of a
24 lawsuit that would take many weeks or months to
25 resolve, we decided to keep the schools open,

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2 maintain the priority admission we had given
3 families to both the charter school and
4 surrounding Department of Education schools, and
5 allow parents, rather than courts, to decide who
6 should go to which school.

7 So what has happened? In each
8 instance, parents are overwhelmingly choosing the
9 charter alternative for their children, just as
10 they have been overwhelmingly choosing out of zone
11 options for their children for years. For those
12 who are not, however, the traditional alternative
13 remains open to them.

14 In conclusion, perhaps the biggest
15 myth of all, is that the policy makers and elected
16 officials must choose between charters and
17 traditional public schools. Or between improving
18 existing schools and offering parents other
19 options. That sentiment was expressed earlier
20 this morning already. In our view, that is a
21 false choice. Charter schools are one important
22 offering for parents, indeed one that is demanded
23 by parents, but they will always exist in a larger
24 system. We are, and always will be, steadfastly
25 committed to improving every one of our

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2 traditional public schools. We also believe,
3 however, that one clear path to doing so is by
4 giving parents quality alternatives and allowing
5 the forces of competition to drive positive
6 change.

7

8 Finally, we need to be realistic.
9 While we work hard to improve all of our schools,
10 we are not so naïve as to believe that all schools
11 are in fact improved. Or that there will not
12 always be some that defy improvement, despite our
13 best collective efforts. We do not believe it is
14 either fair to parents, or defensible to our most
15 needy students, to ask them to wait patiently
16 while we deprive them of present solutions that
17 give them the best shot at a successful life. As
18 a group, New York City's charter schools are doing
19 just that.

20

21 Thank you very much. We would be
22 pleased to answer your questions.

23

24 CHAIRPERSON JACKSON: Well, let me
25 thank both you Mr. Cerf and Mr. Nedelstern for
26 giving your testimony on behalf of the Department
27 of Education.

28

29 Let me introduce our colleagues

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2 that have joined us. Directly behind me, I didn't
3 see earlier, was Peter Vallone, Jr., of Queens,
4 and to my right is Al Vann, of Brooklyn. Vincent
5 Ignizio, I mentioned earlier, from Staten Island.
6 John Liu, up in front to my right, from Queens.
7 Domenic Recchia, next to him, from Brooklyn. And
8 to my left over here is Dan Garodnick, from
9 Manhattan, and also joining us to his left is Inez
10 Dickens, the majority whip of Manhattan. I'm
11 sorry. And immediately to my left here, is
12 Councilmember Lew Fidler, of Brooklyn.

13 And with that, let me turn to my
14 colleagues for questionings first, and I am going
15 to ask our colleagues with questions and answer,
16 we stick within a five minute time frame, and if
17 you need to get back on the list, we will put you
18 back on. So let's turn to Melinda Katz, of
19 Queens. Council member Katz has the floor.

20 COUNCIL MEMBER KATZ: Good
21 afternoon, gentlemen. I have been a council
22 member for seven years, and elected official on
23 and off for 15, and I have to tell you I have
24 never been as floored with testimony as yours
25 today. I feel like we are living in a different

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2 city, you and I. And it floors me. I guess, just
3 going through what you said, charter schools are a
4 quality option, that there are 30,000 names on the
5 charter wait list, that you would aspire to send
6 your children to a charter school, and that
7 charter schools and out of zone options are a good
8 thing. Maybe they are a good thing, but shouldn't
9 we inspire to have every single school in the city
10 good enough for parents to feel comfortable
11 sending their children? And it seems to me that
12 you can't inspire to both. You need to either
13 inspire for the schools in this city not to be an
14 embarrassment in certain areas and not in others,
15 or you need to inspire to have this other system,
16 with its own board of directors, that people need
17 to lottery to get into, and I am unclear, we are
18 spending, I think 200 million dollars, for
19 instance, in charter schools. My understanding is
20 we are now looking to see whether or not that
21 particular area has a shortage of seats. And I
22 guess I would like you to explain to me why it
23 wouldn't be better to put the assets to
24 restructure, not just give money, but restructure,
25 every single school in the city of New York,

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2 instead of just going in with new schools, and how
3 much money we're spending on these charter schools
4 that we could be spending on public schools, who
5 does the buck stop with on charter schools, who
6 really ultimately is in charge of them, and how is
7 it decided how much money is spend on their
8 schools?

9 But I think the inspiration
10 question is the most important.

11 MR. NADELSTERN: Let me begin the
12 response. As my colleague, the Deputy Chancellor,
13 indicated during his testimony, while we strive to
14 improve all of our schools, including the high
15 performing ones, history has shown in this
16 administration and others, that some school
17 circumstances are beyond repair, and I will give
18 you some concrete examples, but I also want to
19 state that this is not a charter school question,
20 per se, the strategy we have chosen around schools
21 that have failed their students and families for
22 years, is after a reasonable period of changing
23 leadership, providing additional resources,
24 working intensively, if the schools have not
25 demonstrated improvement, we have closed them and

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2 given other teachers and administrators in the
3 system in collaboration with parents and community
4 groups, the opportunity to open new small schools.
5 Three-quarters of all the new small schools we
6 have opened in the last seven years are not
7 charter schools, and I will give you some
8 examples, but—

9 COUNCIL MEMBER KATZ: You addressed
10 this particular issue. My point is that there
11 isn't—you guys don't seem to want to focus and
12 inspire that people are happy with their local
13 schools, what you are proud of is the fact that we
14 have 30,000 people on wait lists for charter
15 schools. And that, to me, seems unacceptable.

16 MR. NADELSTERN: Well, I think it
17 is not proud of, it is we are stating the fact
18 that 30,000 families are looking for other
19 options.

20 COUNCIL MEMBER KATZ: If I can, I
21 am not talking like this in order to create
22 anything in the audience, I really just think that
23 we need a serious answer from the Department of
24 Education as to what our goals are in this city.

25 MR. NADELSTERN: So let me cite the

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2 experiences that I am closest to and give you an
3 example of four schools that we have closed in the
4 last seven years. One of those schools was a
5 failure when I was a high school student in the
6 Bronx. Those of my friends...

7 CHAIRPERSON JACKSON: What school
8 was that, sir? Be specific. Name the school.

9 MR. NADELSTERN: I will. Evander
10 Childs High School in the Bronx.

11 CHAIRPERSON JACKSON: Thank you.

12 MR. NADELSTERN: The year before we
13 closed Evander Childs, there were 900 freshman
14 holdovers. The year before we closed. One
15 student was killed from that school community
16 during the school day, just outside the school.
17 At a second school, only 20 percent of the kids
18 made it to Junior or Senior year, and the people
19 who worked in there didn't see anything wrong with
20 that statistic and it had been the case for
21 decades, not just for years. At a third such
22 school, 1800 kids had 20 or more absences before
23 Christmas, and you couldn't find anyone in that
24 building who understood their responsibility
25 relative to that school. At a fourth high school,

1
2 that we closed in recent years, 1700 kids were
3 enrolled, 1200 were freshman. Year after year
4 after year, decade after decade. We sentenced
5 kids to that school, we sent them hundreds of kids
6 each year, and kids couldn't even get out of the
7 ninth grade, let alone graduate.

8 I mentioned that I worked for 13
9 chancellors. Part of accountability is that after
10 all reasonable efforts have been made, leadership
11 changes, more resources, significant support from
12 outside groups, including the department,
13 intensive on-site support, if a school can't
14 improve, then keeping it open denies the members
15 of that community the opportunities that we would
16 wish for our own children.

17 CHAIRPERSON JACKSON: Ladies and
18 gents, I said no applause, please. If you want
19 applause, go outside. And if you continue to
20 applaud, I am going to have the Sergeant of Arms
21 up there to remove you from this room.

22 DEPUTY CHANCELLOR CERF: I would
23 like to answer your question about inspiration in
24 my own way. Thank you, Eric, for your response as
25 well.

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COUNCIL MEMBER KATZ: Please.

DEPUTY CHANCELLOR CERF: So I actually think there is no space between us at all on this, and I am a little taken aback by your perception that we are in radically different poles.

So let me give my explanation for that. The Chancellor and I, and everyone at this table, and all 135,000 employees of the Department of Education, want every one of the 1500 schools to inspire and want every one of those schools to be a success, and want to work very, very hard to make them a place that could successfully launch every child into life. That is what we want.

We don't think about how a school comes into existence as especially relevant to us. We want 1500 quality schools, some of them come into existence via the charter law, about 350 of them are what we call new schools, new small schools, the balance—some of them are magnets, some of them are exam schools, there are all sorts of schools. Our only question, and what we have taken an oath to do, is to ask ourselves one question and one question only, is it good for

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2 kids? And the question about whether it is a
3 charter school or a new school, is for us, I have
4 to tell you, irrelevant, because we are looking at
5 this as one unified, coherent system that aspires
6 to offer a quality education for others.

7 Now, here is what I have to agree
8 with my colleague about. We have all been
9 watching the enterprise of school reform across
10 the country for decades and decades and decades.
11 For anyone to believe that there has been a
12 shortage of good intentions or resources or
13 extremely thoughtful academic and governmental
14 responses, no one thinks that there has been any
15 shortage of any of those. There have been a
16 subset of schools, typically urban, typically
17 serving poor kids, typically children of color,
18 that have defied all those efforts at improvement,
19 and it is causing a moral and human catastrophe.
20 To tell those parents that today they should wait
21 for another generation of efforts to fix those,
22 when there is an alternative that works for them
23 right now, is something we are not prepared to do.

24 CHAIRPERSON JACKSON: Thank you.

25 Thanks council member, we will come back if you

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have second rounds.

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COUNCIL MEMBER KATZ: Maybe someone else can follow up on the questions of why the only quality option would be charter schools.

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CHAIRPERSON JACKSON: Okay. Maria del Carmen Arroyo, of the Bronx has the floor.

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COUNCIL MEMBER ARROYO: Thank you, Mr. Chair. Just want you to be mindful that there was more than five minutes going on there.

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CHAIRPERSON JACKSON: I am mindful.

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COUNCIL MEMBER ARROYO: Okay. Good afternoon, gentlemen. Thank you for being here. Generally I am a supporter of anything that provides an alternative for parents to send their children to an institution that is going to do right by them, because at the end of the day, that is what we all want for our children.

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I think charter schools provides that alternative for parents, but I have a very serious concern about whether we are setting charters in our city up to fail.

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How many schools have opened in the city since the law went into effect?

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MR. NADELSTERN: Give or take,

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2 ma'am, there are 79 open-charter schools we are
3 focusing on. There are 79 open today, when we
4 arrived there were 17. And there are another 20
5 or 29 or so that will be open this coming fall.

6

COUNCIL MEMBER ARROYO: But how
7 many have opened since the law went into effect?

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MR. NADELSTERN: Ninety-nine.
9 There are ninety-nine that have been open since
10 the law went into effect, in the city, in the five
11 boroughs.

12

COUNCIL MEMBER ARROYO: Today
13 remain open.

14

MR. NADELSTERN: Correct.

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COUNCIL MEMBER ARROYO: Okay. Let
16 me ask the question again. How many opened since
17 the law went into effect.

18

MR. NADELSTERN: Okay, I understand
19 the question now. May I just have a second?

20

COUNCIL MEMBER ARROYO: Mr.
21 Chairman, be mindful that I had to ask the same
22 question three times, okay? Just don't hold the
23 time against me, that is all I want.

24

MR. NADELSTERN: I am advised that
25 three have been closed.

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2 COUNCIL MEMBER ARROYO: Since the
3 law has gone into effect.

4 MR. NADELSTERN: In New York City.

5 COUNCIL MEMBER ARROYO: In New York
6 City. So charter schools fail, too.

7 MR. NADELSTERN: They absolutely
8 do.

9 COUNCIL MEMBER ARROYO: So, why do
10 schools fail?

11 MR. NADELSTERN: Schools fail for
12 any number of reasons. I have my own point of
13 view about that, but I don't want to take more of
14 your time. I believe that schools fail largely
15 for cultural reasons and that is there grows up a
16 sense of low expectations and a belief that it is
17 impossible to get these children to where they
18 need to be. I think that is at the core of most
19 school failures.

20 COUNCIL MEMBER ARROYO: So charters
21 fail at a much lesser rate than public schools?

22 MR. NADELSTERN: We have to define
23 what we mean by failure. The more charter schools
24 in percentage—

25 COUNCIL MEMBER ARROYO:

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2 [interposing] Well, if they close, they failed in
3 my mind. So let's keep it simple.

4 MR. NADELSTERN: Yes, but there are
5 many failing schools that have not failed, too.
6 So I am saying that—

7 COUNCIL MEMBER ARROYO:
8 [interposing] Could we look at—let me go to the
9 other question before my time runs out, but can we
10 look at, looking at that data so that we can feel
11 very confident about when we say charters are more
12 successful that we have the data to prove that,
13 because I don't think any of us have ever been
14 given a report that substantiates the claim that
15 charters are more successful than public schools,
16 although charter is a public school.

17 MR. NADELSTERN: Not only would we
18 be glad to provide that, I believe you are going
19 to hear testimony from others today who do
20 independent audits of those values.

21 COUNCIL MEMBER ARROYO: No, I want
22 to hear it from you, not from somebody else.

23 MR. NADELSTERN: We will happily
24 get you those data.

25 COUNCIL MEMBER ARROYO: Now, my pet

1
2 peeve about charters, or new schools in general,
3 is the siting process, and your testimony
4 indicates that everyone is informed, that we are
5 all aware, and that we are all happy that a new
6 charter school is coming into a school, into a
7 district, into a community. That is not the case.

8 MR. NADELSTERN: Well, I, to be-

9 COUNCIL MEMBER ARROYO:

10 [interposing] No, no, let me finish.

11 MR. NADELSTERN: But I didn't
12 testify that everyone was happy.

13 COUNCIL MEMBER ARROYO: Your
14 testimony indicates that the stakeholders in the
15 process are informed, involved, and participate.
16 And that is what I am challenging you on. That is
17 not the case. And when I get a call from a
18 school, Girls Prep is the last one that I know, is
19 coming into the district that I represent, they
20 have been awarded the charter, they have been
21 awarded the site, they are in their recruitment
22 process, and I and the CEC are clueless about the
23 fact that this school is coming into the district,
24 so I am challenging the facts that you are
25 presenting in your testimony, and I urge you to

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change how you do siting of schools, that makes community stakeholders part of that process. Whether it is a new siting application that you are bringing before this body, for a new facility, a charter school, a new program, whatever it may be, you fail miserably at including the people that have to deal with the fallout of decisions that you make. An example is district three, five, 23, the CEC, the stakeholders in that community, not involved in the closing of the schools, and in my district, four charter schools that have, in my mind, parachuted into my community, from somewhere else, because you had no place else to put them.

MR. NADELSTERN: Thank you. I wonder if it would be helpful if we took the specific examples that you enumerated, Girls Prep in one, and either now, or if you prefer—

COUNCIL MEMBER ARROYO:
[interposing] They are coming into the district. My point to you sir—

MR. NADELSTERN: [interposing] If I may—

COUNCIL MEMBER ARROYO:

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2 [interposing] No, no, my point is—we are not going
3 to go back and forth, because the fact is that you
4 do not consult, you do not include people who have
5 a stake in the communities that you bring these
6 schools into. Very few of these schools are
7 community based providers that develop them, many
8 of them are national model schools, which may be
9 great programs and eventually become a community
10 school, but their assimilation into the community
11 for them is much more difficult, because we are
12 not included in the conversation.

13 MR. NADELSTERN: I don't know, Mr.
14 Chairman, whether I am permitted to respond to a
15 factual assertion I take issue with, or if it
16 would be best not to.

17 CHAIRPERSON JACKSON: Sure. No,
18 you can respond. Go ahead and respond.

19 MR. NADELSTERN: For example, in
20 the case of Girls Prep, it was asserted that there
21 was not any community engagement, and would you
22 like to address that?

23 COUNCIL MEMBER ARROYO: Mr.
24 Chairman?

25 CHAIRPERSON JACKSON: Yes, council

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member?

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COUNCIL MEMBER ARROYO: I don't

want to be difficult here, but I am going to get a little belligerent in a minute. So let's stop the conversation, and just talk amongst yourselves about changing how you do this, because how you do this creates problems in the assimilation process for the new programs that come into the communities, that eventually become very good programs and part of the community, but you put us all through a process that is unnecessary and takes a great deal of energy.

MR. NADELSTERN: Good. Thank you

for your counsel, and we will very much have that conversation and we would be happy to have it with you as well, because as I said in my testimony, we want to find ways to do that better.

CHAIRPERSON JACKSON: Maybe in

closing out her I guess questions and comments on this particular matter, obviously from what you started to say and elaborate, you disagree with I guess her assertions of whether or not communication has occurred in accordance to a timeliness, so forth and so on. I asked you to,

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2 in the examples that she cited, in those four
3 schools, if you can give us the information on
4 that as to the communication and contact, so that
5 we can look at that from a formal point of view
6 after this hearing.

7 MR. NADELSTERN: I would be happy
8 to, but I also want to say where I fundamentally
9 agree with you, and that is there is a lot of
10 unhappiness about this, and sometimes when there
11 is that level of unhappiness, you have to be
12 honest, and we need to be honest that this is a
13 process we need to improve and we would love your
14 ideas about how to do it better.

15 So I am not here telling you we
16 live in nirvana, this is not something that I
17 think we have done uniformly right, however that
18 we can improve.

19 CHAIRPERSON JACKSON: Okay. Thank
20 you. Thank you council member, and if you have
21 additional questions, you can come back on here,
22 okay?

23 Council member Domenic Recchia of
24 Brooklyn has the floor.

25 COUNCIL MEMBER RECCHIA: Yes, good

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2 morning.

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MR. NADELSTERN: Good morning.

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5 sitting here and I am listening to your testimony,
6 and you would think you'd say, "Wow, this sounds
7 great, the charter schools." But let's answer the
8 real question, because when I hear that parents
9 are overwhelmingly choosing charter schools, why
10 is it that charter schools could take kids from
11 all over a district, but a public school can only
12 take kids from an area. In order to go to my
13 kids' school, if they have one or two empty
14 classrooms, and we try to get in another
15 kindergarten, the Department of Education says no.
16 Charter schools can take kids from all over the
17 district, not the schools. Okay? That is so
18 unfair. So when you want to compare charter
19 schools to the public schools, let's put it on an
20 even playing field, okay? My kids' school can't
21 take kids from all over the district, and you know
22 what, if kids were able to go to school in any
23 school they wanted from inside the district, you
24 know what, many public schools would have waiting
25 lists over 30,000 people, so why is it charter

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2 schools are being treated differently?

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MR. NADELSTERN: I have a very simple answer, and that is, as I understand it, a requirement of state law, and I will also surprise you, I think, by telling you that I think that is something we would love to have a serious discussion about changing.

COUNCIL MEMBER RECCHIA: Yeah, because you are killing all the other schools. It is not fair. I mean, it is not fair, what the charter schools are doing. It is just not fair. And so you are saying it is a state law?

MR. NADELSTERN: Yes, it is.

COUNCIL MEMBER RECCHIA: Do you have the exact state law?

DEPUTY CHANCELLOR CERF: State charter law says that priority has to be given to parents who reside in the community school district where the charter is located, and in the lottery that they do, those applicants need to be given preference.

MR. NADELSTERN: It also sounds like an argument, that you are making a strong argument, for consideration of unzoning local

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schools more than you are zoning charter schools.

COUNCIL MEMBER RECCHIA: Right, because what is fair for charter schools should be fair for the other schools in the district.

Listen, you guys are putting a charter school in Coney Island. I am working with the charter school, I am trying to make it work, I am not against it, even though I agree with my colleague, Council Member Arroyo, when the charter school came into Coney Island, the elected officials were not notified, they had the hearing in the end of June, when we were all involved with the budget. Not one elected official got notice about it.

Okay? But all the electeds got together and we said we are going to try to make this work, but there is definitely a process with notification.

And the last thing I just want to question you about is in your testimony, you make no mention of children with special needs, you make no mention of if you are treating kids with 504s, IEPs, what about the children with special needs, are they allowed to go to charter schools, are you bringing them in? Because nowhere do you talk about that in here?

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2 DEPUTY CHANCELLOR CERF: Well, I
3 could point you to the passage, but here is what
4 we do say in the testimony.

5 CHAIRPERSON JACKSON: Chris, speak
6 into the mic, please.

7 DEPUTY CHANCELLOR CERF: I'm so
8 sorry.

9 CHAIRPERSON JACKSON: That's okay.

10 DEPUTY CHANCELLOR CERF: Here is
11 what we do say, that approximately 10 percent of
12 children in charter schools have IEPs, which by
13 definition means they have special needs.

14 COUNCIL MEMBER RECCHIA: What page
15 is that on?

16 DEPUTY CHANCELLOR CERF: It is, I
17 believe, on page five. It is in the paragraph
18 beginning, "By overwhelming margins." One, two,
19 three, four, five. Maybe we don't have the same
20 text. It says, I will read the sentence.
21 "Moreover, the percentage of children with special
22 needs in charters is much closer to citywide
23 percentage than is commonly represented, the real
24 number is 10 percent versus 13 percent," and I
25 also mentioned elsewhere that charter schools are

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2 subject to federal regulations under IDEA and 504,
3 etc.

4 COUNCIL MEMBER RECCHIA: So they
5 are taking, because in the notices that they sent
6 out, parents are calling my office, they are
7 saying, "My child has an IEP, can they still
8 apply?"

9 DEPUTY CHANCELLOR CERF: Yes, they
10 can. They absolutely can, and they do in large,
11 large numbers.

12 COUNCIL MEMBER RECCHIA: Okay.
13 Thank you.

14 CHAIRPERSON JACKSON: Thank you,
15 council member. Council member Al Vann has the
16 floor.

17 COUNCIL MEMBER AL VANN: Yeah, good
18 afternoon. It has been rather interesting sitting
19 here listening to the testimony and the questions.
20 Way back, when I was a much younger man, I was
21 very, very involved in the struggle as it were,
22 the community struggle to try and improve schools,
23 particularly in the black/Latino communities that
24 continue to be the most underserved in our city.
25 And it is that struggle that sort of leg to the

1
2 Ocean-Hill Brownsville, two bridges, the IS 201,
3 so the centralization came as a result or attempt
4 to address those needs that were being raised. It
5 was never a serious attempt by the Board of
6 Education, the centralization could have worked,
7 but there was no commitment from Central Board to
8 really make it work, so that is the old story, but
9 one we need to keep in mind.

10 Well, let me start like this. How
11 do you--what are the studies that have been done or
12 the evaluations that make it clear to you that the
13 charter schools function more effectively or have
14 more success than the public schools? Are there
15 independent studies over a period of time that
16 demonstrate that?

17 DEPUTY CHANCELLOR CERF: There are
18 a number of them, and we would be glad to supply
19 them to the committee. One recent one that came
20 out that is worth noting, it is by a very
21 prestigious independent organization called The
22 Boston Foundation, and what was especially
23 interesting about it, is they were able to do what
24 is called a matched comparison, which is the gold
25 standard. It took children who were admitted to

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2 charter schools, and those simply because they
3 didn't win the lottery, were not admitted, so it
4 was the same pool of children, and then tracked
5 them over time, in reading, English language arts,
6 and math, and so on, and it found that the
7 children in charter schools substantially outpaced
8 the other schools.

9 Two other studies I would mention,
10 there is one by a brilliant economist named
11 Carolyn Hoxby, who I believe is now at Stanford,
12 who again looks at selection bias in charter
13 schools, and another one recently put out by the
14 Rand Corporation, which also talks about—again, it
15 sort of takes on what I hope appropriately
16 referred to as some of the myths about whether a
17 different kind—charter schools are succeeding
18 because a different kind of child is actually
19 attending them than attending traditional public
20 schools, and it rejects that premise.

21 COUNCIL MEMBER VANN: What
22 percentage of New York City schoolchildren go to
23 charter schools?

24 DEPUTY CHANCELLOR CERF: I am not
25 that good. Let's say there are about 1.1 million,

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2 and—two to three percent, there, better. Two to
3 three percent, sir.

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COUNCIL MEMBER VANN: Let's take
5 the highest number, three percent. So to compare
6 what is happening with three percent to what is
7 happening with 97 percent, that is a very
8 difficult comparison, right? It is almost
9 incomparable.

10

DEPUTY CHANCELLOR CERF: It is
11 absolutely incomparable which is why we don't do
12 the comparison that way, we look at schools with
13 comparable populations as measured by things like
14 their starting point on the achievement spectrum,
15 their level of poverty, and that sort of thing,
16 and so we always do as best as we can, because you
17 are quite right, to compare it to all schools
18 wouldn't have much meaning.

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COUNCIL MEMBER VANN: Alright, so
20 given a three percent, have your studies indicated
21 that all of the charter schools are doing well, or
22 are effective, or do they have the same problems
23 as the public schools, are some doing well, some
24 doing not so well, and some doing...?

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DEPUTY CHANCELLOR CERF: There is,

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as in all things, a bell curve, and the distribution—I'm sorry, the distribution again on the national studies, and based on my own experience, is that there are many charter schools that are superb, some charter schools that are just fine, and a handful of charter schools that are complete failures, and one of the things that charter schools—one of the promises of charter schools, is it is much easier to deal with failure by shutting it down, by terminating the charter, than most school districts have found, so indeed that is one of—in my judgment, one of the hallmarks on the positive side of charter schools.

MR. NADELSTERN: If I could just join in for a moment, counsel.

CHAIRPERSON JACKSON: Please.

MR. NADELSTERN: We are not for a moment suggesting that the only high quality option for public education in this city ought to be charter schools. What we are saying is in fulfilling the commitment we have to children and their families, that the chancellor has made repeatedly to get to 1500 high performing schools, charter schools is one important strategy and

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2 option for offering students and their families
3 high quality options, and as we have heard today,
4 out of 99 charter schools, we have closed three.
5 So it is not an infallible option, but it has
6 proven to be a successful strategy for offering
7 high quality options.

8 CHAIRPERSON JACKSON: Just a
9 minute, please. Mr. Nadelstern and Chris, if
10 other members of the panel do speak, just identify
11 yourself for the record first from the tape point
12 of view, okay? Thanks. I am sorry, go ahead,
13 Council member Vann, continue.

14 COUNCIL MEMBER VANN: That is fine,
15 no problem, chairman. Is there any truth to the
16 assertion that charter schools diminish or have a
17 negative impact on other public schools within the
18 same district, within the same community? I have
19 heard that over and over again.

20 MR. NADELSTERN: You know, my
21 experience is to the contrary. Prior to assuming
22 the position of Chief Schools Officer this past
23 February, I have spent the last several years as
24 Chief Executive Officer of Empowerment Schools.
25 We intentionally invited charter schools to become

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2 members of our networks of schools, because our
3 experience has been that many of the charter
4 schools are experimenting with classroom
5 instructional strategies and different kinds of
6 programs that their colleagues in public schools
7 need to hear about or are anxious and hungry to
8 hear about and feel that they could learn a
9 considerable amount from. Similarly, while
10 charter schools have the autonomy that we are
11 hoping to give principals in New York City
12 Schools, because we believe that is the best way
13 to hold them and their school communities
14 accountable, they voluntarily became part of these
15 networks of schools in many instances, because
16 they missed affiliating with other schools that
17 they could also learn things from and share things
18 with.

19 COUNCIL MEMBER VANN: So the
20 primary reasons that you feel charter schools
21 succeed in a community where public schools may
22 not are—what are those three, four, five, six,
23 seven reasons?

24 DEPUTY CHANCELLOR CERF: I will
25 start with one, and I hope you don't mind using an

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2 analogy to another world. Generally speaking, a
3 startup is easier than a turnaround, as a general
4 proposition, that when you have an existing
5 culture, that for whatever reason is not a culture
6 of success, changing that culture is not
7 impossible and an important mission and often
8 successful, but is often more difficult than
9 starting fresh. So one of the things that charter
10 schools, the vehicle of the charter school law
11 enables you to do is a fresh start for children,
12 new folks, new teachers, new leadership, new
13 pretty much everything. I think that is one
14 thing. And I don't mean to take more of your time
15 than you have. A second thing is that I have
16 always believed that the educators on the ground
17 are much, much, much wiser than us bureaucrats at
18 tweed at figuring out what is right for their
19 children, and for too long we have had a system
20 based on, "We know what you need, now do it and we
21 are going to check that you do it." Charter
22 schools are the exact opposite of that. They get
23 a slug of money on a per pupil basis, an
24 accountability to have their school succeed, and
25 then they have wide latitude. Many of them have

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2 lower class size, some of them have higher class
3 size. Many of them invest heavily in technology,
4 some of them don't believe in technology at all.
5 They are finding their own path to excellence, and
6 I think the charter school model enables them to
7 do that.

8 CHAIRPERSON JACKSON: Thank you,
9 Council Member Vann. If you want, we will put you
10 back on the list again. Is that okay?

11 COUNCIL MEMBER VANN: If you would
12 be so kind.

13 CHAIRPERSON JACKSON: Okay, thank
14 you. Council member Jessica Lappin has the floor.

15 COUNCIL MEMBER LAPPIN: Thank you,
16 Mr. Chairman. I will bring this a little bit
17 closer. I wanted to talk, we haven't talked at
18 all today about the resolution that the committee
19 is discussing today regarding a siting process for
20 charter schools. Does the department support this
21 resolution?

22 DEPUTY CHANCELLOR CERF: I can't
23 tell you we have a position on the resolution
24 itself, but what I can tell you is that the
25 sentiment behind it is an important one, and we

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want to work with you towards finding a solution that improves the siting process.

COUNCIL MEMBER LAPPIN: I am not sure what that means.

DEPUTY CHANCELLOR CERF: It means that I am not in a position to say that I support that resolution as it is currently written, but I understand the sentiment behind it and we are eager to work with you to find a way to improve the process.

COUNCIL MEMBER LAPPIN: Well why wouldn't you be in a position? You are a Deputy Chancellor, right?

DEPUTY CHANCELLOR CERF: Well, I am also, if you will ask my children, not infallible, either. So that is a decision that we simply have not reviewed it or made a decision and I am not in a position to judge.

COUNCIL MEMBER LAPPIN: It seems like a no brainer, because I have heard you say today a lot of times in the couple of hours we have been sitting here nearly, that charter schools are public schools just like all other public schools, which they are not, but you keep

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saying that they are.

DEPUTY CHANCELLOR CERF: Well, they are public schools. I didn't say, "Just like all" they are different in some important respects, but they are absolutely--there is a lot of talk about privatizing and private schools and that kind of thing, none of that is true. They are public schools in every important sense of the word. That is my position.

COUNCIL MEMBER LAPPIN: Okay, so I would say, as I chair the land use subcommittee that sites schools, and work very collaboratively with the department and we sited over 14,000 seats since I have been chair of the subcommittee, but when I read the testimony that you provided, the words that I circled are, "We agree that we can do a better job at notifying and informing parents," and I think that is exactly the crux of the problem. The department notifying and informing affected parents is not the way we should be siting schools in this city. And when we have--when we use the process in place now for siting public schools, and these are public schools, we have discussions and often, to your credit, at the

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2 Deputy Mayor level. And we bring—I have worked
3 very hard to bring communities, parents,
4 principals, community board members, and the
5 Department of Education together, so that we can
6 resolve the issues that inevitably arise when you
7 talk about plopping 300, 1000, 2000 children on a
8 city street.

9 So it would seem to me, and I wish
10 you would have the authority or the courage to say
11 today that you would support this resolution,
12 because to me the process that is in place isn't
13 working, and the attitude I think really is what
14 you are hearing from the committee today, isn't
15 working.

16 DEPUTY CHANCELLOR CERF: Well, as I
17 say, I think we absolutely share the same
18 objective, I am not prepared to endorse a
19 particular piece of legislation, I have not had an
20 opportunity to discuss at higher levels in the
21 organization, or to personally review, so I think
22 we can have a productive conversation—

23 COUNCIL MEMBER LAPPIN:

24 [interposing] You are pretty high up.

25 DEPUTY CHANCELLOR CERF: I

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2 appreciate your support.

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COUNCIL MEMBER LAPPIN: Okay.

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Thank you, Mr. Chairman.

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CHAIRPERSON JACKSON: Okay, we will

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turn to Council Member Lew Fidler of Brooklyn. We

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have been joined by our colleague in front,

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Council Member Bill de Blasio, of Brooklyn.

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Council Member Fidler has the floor.

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COUNCIL MEMBER FIDLER: Deputy

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Chancellor, good afternoon. I want to add my

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voice to those who are somewhat skeptical about

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the success, the relative success of charter

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schools. I am a product of public schools, my

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kids are the product of public schools, my mother

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was the president of the PTA of every public

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school I went to, and I have always felt that any

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parallel system which is at best a public/private

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partnership, even though I know you want to

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characterize them as public schools, that serves

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three percent as opposed to the 97 does somehow

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drain a system that needs to be improved for the

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vast majority of students in the City of New York.

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Now, having said that, I think we

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all know and I think we have all agreed that the

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2 two major things that impact on the success of a
3 child in school and therefore of a school, are
4 parental involvement and class size. No matter
5 how many times we come here and debate other
6 nonsense, those are the two things that we know
7 work. So first, I want to go to the first factor,
8 parental involvement. Deputy Chancellor, are you
9 familiar with the term "Creaming"?

10 DEPUTY CHANCELLOR CERF: I am.

11 COUNCIL MEMBER FIDLER: Wouldn't
12 you say that by the mere way charter schools are
13 set up, that parents have to be involved enough to
14 apply that per se, a child in a charter school is
15 coming from a home in which the parents are more
16 involved than the public school parent tends to
17 be?

18 DEPUTY CHANCELLOR CERF: I think
19 there is--there are a lot of ways to measure
20 selection bias, and I think that is absolutely one
21 that is worthy of investigation, just as it would
22 be for children whose parents choose - - or Bronx
23 Science or indeed choose to participate in any of
24 the choices made available. One-hundred percent
25 of our high schools, by the way, are by choice.

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2 COUNCIL MEMBER FIDLER: That is a
3 whole different bone of contention, but go ahead.

4 DEPUTY CHANCELLOR CERF: It very
5 well be, but I think the principle is the same,
6 and I will also tell you that one of the
7 interesting things about the Boston study that we
8 were having a discussion about a moment ago is it
9 in fact took on that very question of whether
10 there is selection bias, and it reached a very
11 hopeful conclusion that was not a significant
12 consideration.

13 COUNCIL MEMBER FIDLER: Deputy
14 Chancellor, I don't see how it could. You can't—a
15 parent who knows that their child is going to P.S.
16 123 because that is their zoned school, has to be
17 involved to the extent that they know where every
18 other kid in the neighborhood is going. A parent
19 who has sought out information about a charter
20 school and made an application has clearly
21 demonstrated a different level of involvement, and
22 so you are comparing apples to bananas.

23 DEPUTY CHANCELLOR CERF: But with
24 all respect, I cannot tell you, as I am sure seems
25 the case, how many thousands of parents I hear

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2 from via email and phone calls and so on, and I
3 deeply believe that the overwhelming percentage of
4 parents, when it comes to choosing the school
5 their children go to, whether it is a charter
6 school or traditional public school, are deeply,
7 deeply involved. I do not think charter schools
8 are at all exceptional in terms of parents trying
9 to make an intelligent decision for their child.

10 COUNCIL MEMBER FIDLER: Without
11 denigrating the involvement of parents in public
12 schools, because some of them are the most
13 committed parents that there are, you still have a
14 larger body of parents, and I just absolutely
15 can't accept your answer. I really think you are
16 in fact taking one of the two biggest variables
17 about the success of a child in school and
18 assuming it for one set and for the other set, it
19 is lacking in some of the parents, at least some
20 of the parents. It is just so obvious, to me, I
21 don't know how you could ignore that.

22 MR. NADELSTERN: Eric Nadelstern,
23 councilman. Just in quick response. A different
24 way of looking at the same point that you are
25 making is that we are giving kids and families in

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2 impoverished neighborhoods, 70 percent of the kids
3 are title one eligible, the same opportunities
4 that families in well to do neighborhoods have,
5 and that is to choose schools, either to remain in
6 their local area or to seek opportunities outside.
7 We are offering the opportunity to people who
8 never have it.

9 COUNCIL MEMBER FIDLER: Mr.

10 Nadelstern, I have a limited amount of time, so I
11 would just say I agree with Council Member Katz,
12 that the answer is to make the schools in
13 impoverished neighborhoods better, so that they
14 don't have to leave their neighborhood to get to a
15 quality education. That would be the point that I
16 think needs to be made.

17 MR. NADELSTERN: And of course we
18 have been at that for more than half a century.

19 COUNCIL MEMBER FIDLER: I think
20 that is the point that I would make. The other
21 question I have for you is on the second measure,
22 can you tell us what class size is at the average
23 charter school versus class size of the average
24 non-charter school?

25 DEPUTY CHANCELLOR CERF: We can get

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2 you some very precise details, but here is what I
3 can tell you right here, right now, and that is
4 that about a third of the charter schools have
5 larger class sizes than the average, and about
6 two-thirds have smaller class sizes than the
7 average in the system.

8 COUNCIL MEMBER FIDLER: Two-thirds
9 of the charter schools have smaller class size
10 than the average?

11 DEPUTY CHANCELLOR CERF: Roughly,
12 yes.

13 COUNCIL MEMBER FIDLER: And does
14 your study factor that in?

15 DEPUTY CHANCELLOR CERF: I don't
16 know that it needs to. They have got less money.
17 They can choose to spend that money any way they
18 want.

19 COUNCIL MEMBER FIDLER: Which gets
20 to my final point, which is that state law, I
21 believe the formula provides about \$14,000-and
22 change to every child for a charter school and we
23 know that public schools get about \$8,000 per
24 child, and I know, I know, that they don't have to
25 pay for their infrastructure, and I guess that is

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2 just a comment on how much we waste in the central
3 administration at tweed, as opposed to sending it
4 directly to the classrooms where we will really
5 work to reduce class size and increase parental
6 involvement, which is what would improve quality
7 education and non-charter schools, I guess that
8 point needs to be made too.

9 DEPUTY CHANCELLOR CERF: With
10 respect, we do not accept your numbers, that is
11 not correct.

12 COUNCIL MEMBER FIDLER: That is not
13 correct?

14 DEPUTY CHANCELLOR CERF: That is
15 not correct.

16 COUNCIL MEMBER FIDLER: Then tell
17 us what the numbers are.

18 CHAIRPERSON JACKSON: Do you have
19 the numbers, Chris?

20 DEPUTY CHANCELLOR CERF: We believe
21 that—and again, I will be happy to give you the
22 spreadsheet, that when you properly take into
23 account that many charter schools don't get title
24 one, they don't get a variety of federal grants,
25 when you properly take into account that many,

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2 many charter schools not only pay their capital
3 budget, which we can leave out of this discussion,
4 but also pay their fringe benefits like pensions
5 and disabilities and so on, charter schools, their
6 operating budget, before you factor in facilities,
7 are absolutely no more than traditional schools,
8 and we believe as much as a thousand dollars less.

9 COUNCIL MEMBER FIDLER: Do you have
10 the actual numbers, can you give us ranges and
11 averages, and can you also, Deputy Chancellor,
12 tell us how much money is raised from
13 philanthropic groups towards some of the charter
14 schools as you have testified to?

15 DEPUTY CHANCELLOR CERF: I do have
16 those numbers and I will happily get them to the
17 committee and to you. In terms of the
18 philanthropic piece, most of the philanthropy that
19 comes in is to solve this missing piece of
20 capital, of facilities. We have raised hundreds
21 of millions of dollars for non-charter schools,
22 philanthropically, that have supported very
23 important initiatives for the Department of
24 Education. I believe there are others who will
25 testify today, who can talk more precisely about

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2 the dollars raised by philanthropy, but it is my
3 firm impression that the overwhelming amount of
4 that goes to meet the capital needs.

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COUNCIL MEMBER FIDLER: I look
6 forward to seeing those numbers.

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MR. NADELSTERN: Councilman, just
8 very quickly, Eric Nadelstern again.

9

CHAIRPERSON JACKSON: Sure, go
10 ahead.

11

MR. NADELSTERN: I want to point
12 out that the class size issue you mentioned in
13 charters is a small schools issue, not a charter
14 school issue. As it turns out, small schools
15 throughout the city, whether they are traditional
16 public schools or not, tend to use a smaller
17 percentage of their resources on things like
18 school safety, on proliferating more
19 administrators, on other out of classroom
20 positions, and tend to put their resources in
21 classrooms so when we say that two-thirds of
22 charters have a smaller class size than the city
23 average, the same thing is true of all the small
24 schools in the city.

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COUNCIL MEMBER FIDER: You know,

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the bottom line is that we know that increasing parental involvement and reducing class size are the two things that work the best, and you sit here and you are trumpeting the success of charter schools and yet it seems to me that on both measures, you have given charter schools an advantage. Let's reduce class size--this is a recurring theme in these hearings of the committee on education. Let's do the things we know work. Why not reduce class size at all schools in the city of New York, instead of diverting money to other things? That is the message. Do what works and stop with the other nonsense.

DEPUTY CHANCELLOR CERF: And the puzzling thing from where we sit is having championed those two issues, class size, and parent involvement, to denigrate them in some of the examples where they happen best.

CHAIRPERSON JACKSON: Thank you.
Council Member Inez Dickens has the floor.

COUNCIL MEMBER DICKENS: Thank you, Mr. Chair, and I want to acknowledge Dr. Annie B. Martin, President of the Harlem Chapter NAACP, the only labor chapter, is here. I want to thank you

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2 for being here. And I want to state that first,
3 this is not about being supportive of charter
4 schools or against charter schools. This is about
5 all of us want the same good quality education for
6 all children.

7 Now, we all talk about choice is
8 good. Well, that means that parents, all parents,
9 should have choice, meaning the choice of a
10 charter school or the choice of a public school,
11 acknowledging, and I put in quotes that charter
12 schools are a public school. Having said all
13 that, I want to thank Michael Lasha [phonetic] for
14 hearing the parents of P.S. 194 and 241, and not
15 closing them yet. Because I am afraid. But in
16 any case, I am upset with Department of Education,
17 and I will tell you why. It is not about the
18 creation of the charter schools, it is about the
19 policy that Department of Education has shown
20 towards the parents for instance, in my district
21 of Harlem. I have a good relationship with
22 several of the Harlem charter schools, such as
23 Village Academy, Children's Own, Democracy Prep,
24 excellent relationships. However, what I find is
25 that Department of Education gives short notice to

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2 the parents of a school that you are proposing to
3 close or bring in the charter school and then at
4 the meetings it becomes adversarial between the
5 parents of charter school children and the parents
6 of the children enrolled in the school that is
7 being impacted. And we all live in the same
8 community, having the same problem of no
9 affordable housing, having the same problem of 50
10 percent unemployment, of having the same problem
11 of looking for quality supermarkets, we have the
12 same problem, and yet when we get to these schools
13 where you come in, your policy has allowed an
14 adversarial position to take place, where we have
15 parents hollering at one another, screaming in
16 hate, unnecessarily, and that pains me, because
17 all of us want the same thing.

18 Now, the state needs to look at
19 reviewing the policy and enacting legislation that
20 would help all parents, not support one against
21 another, that is the siting process. There needs
22 to be a standard in determining how a school will
23 be closed, there needs to be a standard policy
24 that necessitates inclusion of all parents, the
25 principals, and the teachers. There needs to be

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2 proof that Department of Education resources has
3 been exhausted in assisting the public school,
4 because I fail to understand how a school can be
5 rated a B in September of 2007 and by September of
6 2008 it is failing. I don't understand that.

7 And the last thing is, how the
8 students are enrolled. If the parents of the
9 children could enroll their kids in that charter
10 school that was coming in without an enrollment
11 process, since these charter school are public
12 schools, with one major difference, that it is an
13 enrollment process, that chooses the children that
14 will be enrolled, versus a public school where you
15 are accepted to that school because of your
16 address. And the last thing is, I want to ask you
17 a question, and that is about your statement,
18 considering that most of the charter schools are
19 in minority communities, I heard you say that they
20 go in because of the culture for failure. Would
21 you please explain that to me, because maybe I
22 didn't hear it good.

23 DEPUTY CHANCELLOR CERF: Yes, the
24 question—I feel very strongly on this point, so
25 let me try to be more clear. The question I was

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2 answering, from Councilman Vann, was what causes a
3 school to be a persistent educational failure, and
4 my answer, which I think is a very tragic one, is
5 that we all talk about having high expectations
6 for all children and believing that all children
7 can learn, and we all believe that and that has to
8 be the world in which we live, because that is the
9 only way children have any chance of being
10 successful. It is my view, based on considerable
11 observation, that there are educators in this
12 city, not many I hope, but some, who are no longer
13 acting on that belief, and I think that once that
14 gets to be pervasive, in a school community, it is
15 very hard to turn that around.

16 COUNCIL MEMBER DICKENS: If it is
17 what you say it is, it is not many, that it is not
18 pervasive throughout, and then that also means are
19 you saying that that is pervasive within minority
20 communities?

21 DEPUTY CHANCELLOR CERF: No, no,
22 no. I am saying it is pervasive in some school
23 communities, I am not talking about minority
24 communities at all.

25 COUNCIL MEMBER DICKENS: Alright,

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2 and the last thing is I have repeatedly suggested
3 that Department of Education look at the purchase
4 of renting catholic schools that are closing. It
5 would save the catholic school building as a
6 resource within the communities, and would allow
7 sufficient space for charter schools to be moved
8 into.

9 MR. MICHAEL DUFFY: This is Michael
10 Duffy, the Executive Director of the Charter
11 School Office. We have actually reached out to
12 the Diocese of Brooklyn and Queens to have exactly
13 that conversation. As a result, we hope that more
14 charter schools in the future are going to be able
15 to do that and take advantage of that space, which
16 is underutilized.

17 COUNCIL MEMBER DICKENS: Because I
18 received a call from Michael Lasha asking me about
19 just that, and I gave suggestions of catholic
20 schools that are in the district that have closed
21 or have—or are using much less space than
22 originally they were built for, and made
23 suggestions that could be utilized to save the
24 buildings and house the charter schools, because
25 if this is truly about choice, then that means

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2 that yes, charter schools would exist, but so
3 would public schools be created that would be
4 excellent schools for all children.

5 DEPUTY CHANCELLOR CERF: We agree.

6 COUNCIL MEMBER DICKENS: You do?

7 CHAIRPERSON JACKSON: Thank you,
8 councilmember.

9 COUNCIL MEMBER DICKENS: Thank you.

10 CHAIRPERSON JACKSON: We turn to
11 Council Member John Liu of Queens has the floor.

12 COUNCIL MEMBER LIU: Thank you very
13 much, Mr. Chairman. I will say from the outset
14 that you may have some of us with the hook, but
15 not hook, like, and sinker. These numbers that
16 you site are not all that credible. I just want
17 to ask you for some clarification on some of these
18 numbers. You state as proof that charter schools
19 are so successful with the statistic that there
20 are tens of thousands of 30,000 names on school
21 wait lists. How does that compare with wait lists
22 for other non-charter schools? For example, high
23 schools. You had mentioned high school as one
24 basis of comparison.

25 DEPUTY CHANCELLOR CERF: I don't

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2 have a statistical answer to that question. Do
3 you?

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MR. JOHN WHITE: John White. Good
5 to see you again, councilmember. The state law
6 mandates or allows for the maintenance of a wait
7 list in the instance of a charter school, the
8 Department of Education's mechanism for high
9 schools opts instead to send children to the
10 highest ranked choice that we are able to match
11 them with.

12

COUNCIL MEMBER LIU: So you don't
13 have an answer. I will tell you what the answer
14 is, the answer is—

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DEPUTY CHANCELLOR CERF:
16 [interposing] I think he just gave an answer.

17

COUNCIL MEMBER LIU: No, you're
18 saying that the answer is that you don't have a
19 wait list because for high schools.

20

MR. WHITE: You asked how long the
21 wait lists were, I said in one instance they are
22 30,000 long and in the other instance we don't
23 have wait lists.

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CHAIRPERSON JACKSON: Identify
25 yourself, please, for the record.

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MR. WHITE: John White, Mr.

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Chairman.

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CHAIRPERSON JACKSON: Thank you.

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COUNCIL MEMBER LIU: Which is to

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say that you don't really have an idea of what the

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wait lists are for the high schools, and that is

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just one part of the school system. Right now,

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there are tens of thousands of students that are

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high school wait lists. I am sure you are aware

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of that. You could say that while they are not

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technically on wait lists, because they have been

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assigned, or they have been accepted to their

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eighth choice, and therefore they are not on a

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wait list.

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MR. WHITE: I think you are making

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an absolutely good and strong point, what I will

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be glad to do is take your definition of wait

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list, which is a very reasonable one, focus on the

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high schools, and not only get you the raw

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numbers, but raw in terms of in percentage and

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absolute terms, and we will see where it stacks

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up.

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COUNCIL MEMBER LIU: Thank you. So

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you are agreeing with me that this notion of

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2 30,000 kids on wait lists for charter schools is
3 not actually a clear indication of the success of
4 charter schools.

5 MR. NADELSTERN: It is actually not
6 the way we think about it. The way we think about
7 it, councilman--this is Eric Nadelstern--is that
8 families are lining up to get into good schools in
9 this city, traditional public schools and charter
10 schools, and that charters provide yet another
11 option to give them the opportunity to line up for
12 good schools. The shame of it is that despite our
13 best efforts over the course of the last seven
14 years, that not every school yet is as good as we
15 need it to be, but obviously we are all striving
16 to make them all great. If we could, or in the
17 past, if previous chancellors could have made them
18 all great at once, it would have happened.

19 COUNCIL MEMBER LIU: Okay, I am
20 running out of time here, so I have got to get
21 going on this. So, the point that many of my
22 colleagues are making is that as much as you can
23 tout the success of charter schools, actually it
24 has nothing to do with whether they are charter
25 schools or not, that public schools in the

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2 traditional mold, and I support many of the public
3 schools in the so-called traditional mold, that
4 they could be just as successful, if given the
5 resources. So I just wanted to dispel this notion
6 that while just because 30,000 kids are on wait
7 lists for charter schools, that in no way
8 indicates any success or desirability on my part
9 for charter schools. It indicates that kids and
10 parents want to get into schools, but not
11 necessarily charter schools.

12 DEPUTY CHANCELLOR CERF: Just so
13 the record is clear on this. We don't agree with
14 you that the fact that there is now close to
15 40,000 people on waiting lists is not an indicator
16 of demand, and moreover, we do agree with you that
17 there are plenty of non-charter traditional public
18 schools that are superb schools in this city.

19 COUNCIL MEMBER LIU: It would be
20 easier for you to make that contention, Deputy
21 Chancellor, if you knew how many tens of thousands
22 of kids were on the wait lists for traditional
23 schools as well. Let me ask you another set of
24 questions. You said a full 67 percent of New
25 Yorkers said that they wanted more charter

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schools.

MR. NADELSTERN: Councilman, before we abandon that, just one last point.

COUNCIL MEMBER LIU: Mr. Chair, that is on his time, okay?

MR. NADELSTERN: It is on my time. I will make it very quick.

CHAIRPERSON JACKSON: Okay, one second, please.

MR. NADELSTERN: You know, I mentioned a career of close to 40 years in the New York City Public Schools. The tragedy of that four decade experience is as much the failure to make all of our schools great schools as it is the fact that we haven't been able to acknowledge our successes.

COUNCIL MEMBER LIU: You state that 67 percent of New Yorkers said they want more charter schools. How many New Yorkers just want more schools?

DEPUTY CHANCELLOR CERF: I suspect just about every New Yorker would like more schools, yeah.

COUNCIL MEMBER LIU: Yeah, I say

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100 percent.

DEPUTY CHANCELLOR CERF: Yeah.

COUNCIL MEMBER LIU: So 67 percent wanting more charter schools, that is like 33 percent less than all New Yorkers.

DEPUTY CHANCELLOR CERF: Talk about your apples and bananas.

COUNCIL MEMBER LIU: No, you are stating these statistics in support of your charter schools.

DEPUTY CHANCELLOR CERF: And you are coming back with statistics and I don't believe—

COUNCIL MEMBER LIU: [interposing] No, actually I don't have the statistics, because I am not citing the statistics to begin with.

DEPUTY CHANCELLOR CERF: I can tell you that there is an independent organization called the Quinnipiac Poll, we have nothing to do with it, that asked parents and New York citizens whether they wanted more charter schools, I have no idea, let's look, to see if they asked them if they wanted more schools, I didn't ask the question.

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2 COUNCIL MEMBER LIU: If you don't
3 have any idea what statistics you are citing, then
4 just don't cite them in the first place.

5 DEPUTY CHANCELLOR CERF: I know
6 exactly what statistic I am citing, I read it, and
7 I would be glad to get you a copy of the
8 independent poll.

9 COUNCIL MEMBER LIU: The point here
10 is again, I mean, everybody here, every single
11 person in this room is in favor of better
12 education. The question is what, if any,
13 resources or attention are charter schools
14 diverting from traditional schools, and to what
15 extent are we creating a two-tiered system,
16 because even by your own testimony, there are lots
17 of kids who are not able to get into charter
18 schools, if in fact they are more successful. Let
19 me ask you about the success of these charter
20 schools.

21 DEPUTY CHANCELLOR CERF: Well, you
22 asked a question.

23 COUNCIL MEMBER LIU: No, I made a
24 comment. Now I am asking you a question. The
25 question is, what—you cite some statistics that

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2 try to illustrate higher scores emanating out of
3 charter schools than so-called traditional
4 schools.

5 DEPUTY CHANCELLOR CERF: I didn't
6 try to, I did.

7 COUNCIL MEMBER LIU: Okay. Let me
8 ask you, what percentage of charter school
9 enrollees are English language learners?

10 DEPUTY CHANCELLOR CERF: It is
11 approximately five percent.

12 COUNCIL MEMBER LIU: And how is
13 that compared to the proportion of non-charter
14 school enrollees who are English language
15 learners?

16 DEPUTY CHANCELLOR CERF: It is
17 considerably lower.

18 COUNCIL MEMBER LIU: Like, how much
19 lower?

20 DEPUTY CHANCELLOR CERF: I believe
21 the number is about five percent versus 10
22 percent.

23 COUNCIL MEMBER LIU: Alright, so
24 right there, would you not agree that when you
25 cite the English language arts scores that that

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2 would introduce some kind of bias into your
3 numbers?

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DEPUTY CHANCELLOR CERF: I would
5 not agree with that, because the way we look at
6 these, we look with peer comparison schools, and
7 we carefully control for the demographics of the
8 student body.

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CHAIRPERSON JACKSON: Council
10 Member Liu, thank you very much. We will come
11 back to you for a second round.

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COUNCIL MEMBER LIU: Let me just
13 say one more thing, Mr. Chairman. I didn't get a
14 chance to ask, but also special education students
15 are severely under-represented in charter schools
16 as well.

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DEPUTY CHANCELLOR CERF: They are
18 not, and we have gone through those statistics
19 twice. It is about 13 percent versus 10 percent,
20 and if you control for the fact that a far greater
21 proportion of children in charter schools are in
22 K-1, where the identification is much lower, the
23 numbers become very close.

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CHAIRPERSON JACKSON: Thank you.

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COUNCIL MEMBER LIU: It is all a

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2 big numbers game. Thank you.

3 CHAIRPERSON JACKSON: Thank you.

4 Council Member Bill de Blasio has the floor,
5 followed by Council Member Oliver Koppell. We
6 have been joined by our colleague, Helen Diane
7 Foster, in front of me, to my right, from the
8 Bronx. Council Member Bill de Blasio.

9 COUNCIL MEMBER DE BLASIO: Thank
10 you, Mr. Chairman. I hear a lot of voices here
11 today that share the attribute of grappling with
12 how to educate all our children, and I am speaking
13 to you as a public school parent, who has seen the
14 many ways in which our public schools do succeed
15 and also feels the pain of parents for whom they
16 haven't succeeded and kids for whom they haven't
17 succeeded. So to me, the essential question is,
18 how do we make change? The reason we have a full
19 room here today is people are yearning for change
20 in our school system, and I think you, from an
21 ideological perspective, believe you have the
22 model. I am not saying that as derogatory, I am
23 saying that you are true believers in your model,
24 and I think a lot of us are concerned about trying
25 to figure out how we change our schools from the

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2 grass roots, how we engaged parents, how we engage
3 communities and make lasting change, which has
4 evaded all of us. I think there is a natural
5 feeling that we haven't addressed the fundamental
6 problem, in other words, you could see this model
7 that you have, as something that sparks change,
8 but I think the reason that you are hearing so
9 much concern and why again there is a room full of
10 people is I think a lot of us wonder if we have
11 never tried to fix what we have. If we have never
12 tried to actually create equity in our system and
13 really address the problems we have through
14 communities, and this is the central point I want
15 to get at.

16

17 I am looking at your testimony,
18 page four, and in it, you talk about the idea of
19 somehow not giving options to parents, and you say
20 this line, to tell parents that they should wait
21 for the schools around the to improve is akin to
22 telling them that their considered preference for
23 their own child will not be respected. To me,
24 this whole concept speaks to where we are going
25 wrong to begin with. The point is not to tell
parents one way or another, the point is not to

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2 have a system that dictates to parents or works
3 from the top down, the point is to figure out a
4 path to fundamental change that involves parents
5 and communities from the beginning. So my
6 question is, and I have been listening carefully
7 for seven years, and my question is, where is that
8 grassroots solution to the problem? I understand
9 the theory of competition, and I understand the
10 theory of introducing something new into the
11 bloodstream, but I don't see any basic change in
12 the way you are doing business, and I certainly
13 don't see any emphasis on the importance of the
14 district level, the importance of the local level,
15 as the fulcrum through which change is made. So
16 it is almost like, this what I am hearing and I
17 want to see if you will contest this. It is
18 almost like you are saying there is a bad history,
19 we don't really think we can change that history
20 sufficiently, so we are going to introduce this
21 notion of competition or an alternative, and maybe
22 that will force change, as opposed to saying how
23 do you retool this thing from the beginning, and I
24 also don't hear the central role of parents across
25 the board in making this change, how do you

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respond to that?

MR. NADELSTERN: Councilman, here is how I would respond to that. Eric Nadelstern, for the record. We mentioned today that we have opened close to 400 new schools in the last seven years, only about a third of them have been charter schools. If you analyze our new school process, we require each proposal developer to create a school planning team. We require that that school planning team not only include educators, but include parents and often children. We require that every school planning team connect to an institution, or an organization within the community, before we will entertain even receiving a proposal from that group to determine whether or not we are going to open that group as a new small school.

At each school level, principals throughout the city continue to work with their school communities. We support them. I have got staff in each of the 1500 schools through our network teams and the teams in our integrated service centers, on a weekly basis in every school, working closely with principals and

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2 teachers and parent leaders to improve those
3 school communities. We have not, despite any
4 impression given this afternoon, either from our
5 testimony or the input of the council, focused
6 exclusively on charter schools, but the goal is to
7 transform every school and in fact, have given
8 every school community not only additional support
9 and significant additional resources over the last
10 seven years, but a powerful way to evaluate their
11 own efforts, as compared to similar schools within
12 the public school system that have like student
13 populations and that begin in very similar places
14 each year, so that they can see how well they have
15 done as compared to other schools with populations
16 of kids that may be doing better within the
17 system.

18 COUNCIL MEMBER DE BLASIO: But you
19 have taken it away from a broader community view,
20 and I have the bias of having been a community
21 school board member when we had community school
22 boards, in district 15, in Brooklyn, and community
23 school boards and community superintendants were
24 focal points for the whole community to engage a
25 process in deciding what was working and what

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wasn't, and decide what changes were needed.

There was a lot of competition, there was a lot of energy focused on which schools were working and which weren't, and how to bring equity, far from perfect. And some districts did this very well and some did it very poorly. We all understand that. But districts mattered. And your model is so individually school based, that I think what happens is any discussion of how a community is going to address these educational issues, happens from a very narrow, if you will, elite approach that you bring from tweed on down. When you look at the legislation being discussed today, what I like about it is it says, "Bring parents in general and communities in general into the discussion," which in a sense, parallels the same interest in competition you have, because it creates pressure for change. Why would you be here at this hearing today and not embrace the notion of this kind of role for communities in the siting process?

MR. NADELSTERN: So one word about the imagined perfection of the past. I was the Deputy Superintendant in that structure. We had

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2 120 people working out of our office to support 20
3 schools that we supervised. We took \$650,000 off
4 the top of each school budget before sending the
5 schools their budget to support an organization
6 that size. We had more money than we knew what to
7 do with and could spend in a year. Neither I nor
8 the superintendant met with parents on a regular
9 basis, we met with parent leaders on occasion, but
10 if parents came to the district office with
11 complaints, we had 120 people working there who
12 would see them before they got to see the
13 superintendant.

14 Now today as Chief Schools Officer,
15 just a point of contrast, instead of 120 people
16 supervising 20 schools, we have got a team of five
17 people. They cost less than \$30,000 a year per
18 school, much of the difference in cost is now in
19 the school budgets, and I as Chief School Officer
20 see parents every day.

21 COUNCIL MEMBER DE BLASIO:

22 Respectfully, I have to take you to my question.
23 I said very clearly, and I would like it if you
24 guys would acknowledge when someone is trying to
25 have a mature conversation with you. I said some

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2 districts worked and some didn't, okay? I
3 understand that there were models that didn't work
4 at all. But I would like to also hear someone
5 from this panel and from all the panels that we
6 have had here before this committee admit that
7 there were districts where it did work, not
8 because we are trying to create a mythology, we
9 are saying there was a functioning democracy in a
10 lot of neighborhoods, where people actually came
11 to meetings, regularly scheduled, knew they would
12 be there, would have an opportunity to question
13 their superintendant and their school board
14 members, raise concerns, and that created a
15 pressure too, for change. So your model of
16 creating change, I understand it abstractly. I am
17 saying I think its imperfection is it doesn't
18 engage the broader community. I think the
19 legislation we are talking about today says bring
20 the community into the discussion, if you like
21 competition and you like energy for change, why
22 wouldn't you like this too, why wouldn't you like
23 to see communities debating what kind of schools
24 they want?

25 MALE VOICE: Mr. Chairman?

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2 CHAIRPERSON JACKSON: Go ahead,
3 please.

4 MALE VOICE: One thing that seems
5 to be lost in your comment, although maybe I am
6 not hearing it correctly, is that it is hard for
7 us sitting here and knowing, for instance, in
8 district 15, and I am thinking of a particular
9 school that is coming into or proposed to come
10 into a community in Red Hook this year that has
11 organized leaders within both Red Hook tenants
12 associations, that has organized the local PAL,
13 hard for me to understand how there is, to use
14 your words, a more grassroots community focused
15 solution to our educational challenges in that
16 area, than a group of community members organizing
17 to set out a vision for how they want to see
18 schooling done in that community by a process that
19 is open to those community members. How is there
20 something more grassroots than that?

21 COUNCIL MEMBER DE BLASIO: It
22 doesn't mean that process is necessarily bad, it
23 means that it is a handpicked process, to some
24 extent, or it is a top down process. I am simply
25 saying, we are not all seeing things in as

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2 simplistic terms here, where everything you are
3 saying is good or bad, or everything I am saying
4 is good or bad, I am sure there are some examples
5 where the process has gone well and has been
6 engaging in the grassroots. I am saying, from my
7 perspective as a public school parent, the tweed
8 experience has been top down and narrow, and when
9 you engage, you engage on your own terms, and I
10 don't think that is how you change the world. You
11 change the world from the community up. I think
12 it has been proven time and time again, so all I
13 am saying is this resolution, just to finish the
14 point, if I may, Mr. Chairman, this resolution
15 says, engage the whole community. That worked in
16 the old structure in some areas. Not all areas,
17 some areas. Why would you not be open to engaging
18 the broader community in these decisions and
19 giving districts more of a role going forward?
20 Thank you, Mr. Chair.

21 CHAIRPERSON JACKSON: Thank you.
22 Council Member Oliver Koppell of the Bronx has the
23 floor, followed by Helen Diane Foster, of the
24 Bronx.

25 COUNCIL MEMBER KOPPELL: Thank you,

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2 Mr. Chair. Let me first comment that you are
3 awfully defensive when I think that many of those
4 who have been arguing are actually in a sense
5 supportive of many of the things you are doing,
6 because we are saying that the public system can
7 work, and I would say with respect that, that many
8 of the small schools you have opened, within the
9 public school system, not charter schools, have in
10 fact, especially in the high schools, been
11 successful, and some of the smaller and some of
12 that also preceded your administration. I was
13 involved, too. I was also president of a local
14 school board. I know Mr. Nadelstern is familiar
15 with the Ampark School which was created in my
16 district, and I wasn't a particular enthusiast
17 about it, because I was concerned over its impact
18 on a neighboring school, but in fact the Ampark
19 School is an example of a new school that has
20 somewhat of an innovative approach, and it has
21 generated support from parents and a great deal of
22 interest from a lot of parents, even parents who
23 don't live in the immediate neighborhood who want
24 to send their kids to that school. So what that
25 is a great demonstration of is that you can have

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2 new schools in the public school setting that also
3 provide innovation and attractiveness to parents,
4 and I think that the question we have is whether
5 that is maybe a better course than going outside
6 and doing these private schools because I remain
7 concerned, as is Lew Fidler about "cream skimming"
8 and taking the more successful students with the
9 more activist parents out of the public system to
10 these charter schools, and while I know you said
11 you have a study that doesn't show that that is in
12 fact the case, I am a little skeptical about that,
13 and I am wondering whether you are looking at the
14 activism of parents in charter schools as opposed
15 to public schools—I'm sorry, I shouldn't use
16 charter schools or public schools—charter schools
17 as opposed to Department of Education schools,
18 that is to say that I know many, many Department
19 of Education schools have a great deal of trouble
20 recruiting parents to join parent associations or
21 parent-teacher associations. Very few schools
22 have really large, active—in my district anyway,
23 there are a few, but very few, that have large,
24 active parent-teacher associations. Have you
25 compared the activism of parents in charter

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2 schools, as compared to the activism of parents in
3 Department of Education schools, if I can use that
4 term. Have you done any of that?

5 DEPUTY CHANCELLOR CERF: I can say
6 that we have internally compared, not
7 specifically, because I think the impetus to be
8 active would be a hard thing to measure across
9 millions of parents, but we do measure through a
10 learning environment survey, which surveys
11 hundreds of thousands of parents each year, the
12 degree to which schools themselves are behaving in
13 a way that engages parents. And I can tell you
14 our analysis shows that on those surveys, there
15 are, as has been noted, high performing Department
16 of Education schools and high performing charter
17 schools, but it is true, that charter schools, on
18 an aggregate basis, are outperforming Department
19 of Education schools in behaviors that parents
20 find engaging.

21 COUNCIL MEMBER KOPPELL: I would
22 look at two things on that. Number one, I would
23 look at the number of parents who are members of
24 parent associations, or PTAs, and the other thing
25 I would look at, the percentage of parents who

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2 come to school conferences with the teachers,
3 because those are the active parents. If a parent
4 comes in to their child's teacher, that is a
5 parent who is at least to some extent engaged, and
6 I am wondering how those numbers—have you compared
7 those numbers?

8 DEPUTY CHANCELLOR CERF: I don't
9 think we have, and I think we should. You opened
10 with a comment that I heard very carefully, and I
11 am sorry that Mr. de Blasio went—it is good to
12 have a conversation in which people don't stake
13 out extreme positions and get into a world without
14 any grays. There are important questions.

15 Councilman Liu asked several important questions,
16 many of you did, about selection bias, about role
17 of activism, about the role of, is class size an
18 issue, as the gentleman asked a moment ago. You
19 can dissect and analyze these things a million
20 different ways, and we should, because we will
21 learn from the process. We do know that if you
22 look at the things that schools are most typically
23 compared on, by the way, by every other federal
24 measure, which is demographics and so on, charter
25 schools are doing really well.

1
2 Now one of the reasons that you
3 have charter schools is to learn lessons from
4 them, and it is my distinct impression that
5 charter schools, as a group, take the business of
6 parental engagement, they put a higher premium on
7 that than many traditional public schools, and I
8 agree, that is a good thing, and maybe there are
9 models that we can cross-fertilize on.

10 COUNCIL MEMBER KOPPELL: And just
11 to finish up, Mr. Chairman, it is not a good thing
12 if it doesn't—if it discourages activism in the
13 Department of Education schools, if I can use
14 that. That is the problem. Because all the
15 active parents are going to the charter schools
16 and the ones left over are in the Department of
17 Education schools and that is a recipe for the
18 Department of Education schools to be less
19 successful.

20 MR. NADELSTERN: Councilman, there
21 are two ways to look at it. One is the way you
22 have just suggested, and that is when you offer
23 this particular choice, the activist parents drain
24 from the system. The other I think, and we need
25 to explore it further and gather some data, but

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2 another way of looking at it, is when you give
3 families choice, they tend to be more active and
4 committed, when they exercise that choice, and
5 maybe what we ought to be working toward is giving
6 more families more choices in public education.

7 COUNCIL MEMBER KOPPELL: I agree
8 with that, but choices within a real public
9 setting is my concern.

10 CHAIRPERSON JACKSON: Thank you,
11 councilmember. Council Member Helen Diane Foster
12 has the floor, followed by Council Member Dan
13 Garodnick of Manhattan.

14 COUNCIL MEMBER FOSTER: Thank you.
15 I apologize for being late. I was running from
16 the Bronx. I have a couple of questions, but let
17 me start off with, as everyone stated they are
18 products of public school, I am not. My mother
19 retired in 1993 after 25+ years in district nine.
20 Right away, she understood that given my dyslexia,
21 I needed to go to a private school. And I have
22 said all along in former education chair council-
23 you know, Eva, Moskowitz, I have said I believe
24 that the commitment to public education not only
25 in this country but in this city changed when the

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2 color of the students changed, and I stick by
3 that. And I have charter schools I love, Jabali
4 Sawicki, what he is doing at Excellence Charter
5 School, and of course Girl's Prep, Miriam Rocca, I
6 haven't been to Eva's. My concern though, and my
7 question is, I think the commitment from
8 Department of Education is very different, and I
9 think whether we call it Department of Education
10 or the Board of Education, I heard someone say we
11 need to implode 110 Livingston Street when we were
12 doing the—whether there should be mayoral control,
13 and I think there are some people that are
14 thinking that now we need to implode the tweed
15 building, because we really just changed addresses
16 in terms of the bureaucracy that is going on. But
17 I have a couple of questions, number one, how
18 much—we hear that charter schools get less money
19 than public schools. What percentage of private
20 dollars go to charter schools?

21 MR. DUFFY: Each charter school—
22 this is Michael Duffy, Director of Charter Schools
23 for the Department. Each charter school has the
24 ability, Miriam, Jabali, have the ability to go
25 out there and make the case to donors to raise

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2 money. Jabali's case is a good one. At
3 Excellence, I would venture to say that probably
4 90 percent, if not 95+ percent of the private
5 dollars he has raised, went to go to pay for that
6 building, and if you have been to excellence, you
7 know it is a terrific building, it went to go to
8 pay for the refurbishment of that building, and
9 that cause is pretty typical across the board,
10 where charter schools are raising private dollars,
11 they are really using it to be able to pay for a
12 facility so they could be on a level playing
13 field.

14 COUNCIL MEMBER FOSTER: Exactly, so
15 my point in that is that I think that we are kind
16 of misleading the conversation when we say charter
17 schools get less, because while they get less from
18 Department of Education, they have the ability and
19 in many cases have the boards that can bring in
20 money. I went to a great breakfast, great, the
21 kids were great, we had a tour, but the fact of
22 the matter, the bulk of the kids are black and
23 Latino, and myself and three other people were
24 people of color in the room. Now, there is always
25 a concern, and will go back to councilman Liu,

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2 where we are creating a two-tier system. I am
3 actually going to a lottery tonight and the
4 concern, the parents that get into the school are
5 going to be great, but those that don't, there is
6 going to be that concern of that crunchy, earthy,
7 white liberal, "we're coming to save you black and
8 Latino young children from yourselves and now we
9 are going to educate you." And my concern is if
10 we have the same commitment to charter schools,
11 not taking one from the other, not pitting one
12 from the other, but the same commitment, we can
13 see the success that we have with charter schools,
14 with public schools. The problem, as I see it, is
15 we are arguing the wrong point. It is not
16 whether, as a parent, I have choice. It is as a
17 parent, do I have good choices, and I have a
18 stepdaughter right now, 12-years-old, her father
19 and I are looking into high schools, and I will be
20 honest, being on this committee, and seeing what
21 is happening with Department of Education, I am
22 very concerned as to what we can do. And if it
23 means cutting back severely to either send her to
24 a private school, or finding one that works, that
25 is the reality, because we know that education is

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2 the key, and my concern is, as I look at you fine
3 looking gentlemen, all four white men sitting up,
4 talking to us about charter schools, that are
5 educating black and Latino kids, and I would be
6 just—just throw me a token. Have someone up there
7 that at least reflects the kids you are educating.

8 CHAIRPERSON JACKSON: Ladies and
9 gents, please. Thank you.

10 COUNCIL MEMBER FOSTER: My last
11 question has to do, we talk about the special
12 education breakdown, and based upon this, I would
13 be special education. My question is, we have the
14 13 percent versus 10 percent. Do we have the
15 breakdown in terms of the resources privately in
16 these charter schools that are going to identify
17 kids either earlier or give them better supportive
18 help if that is grammatically correct, than they
19 do in public schools that don't have the necessary
20 resources, in terms of identifying their special
21 needs, and then creating a plan for their special
22 needs and not sending them out of the system so
23 they don't reflect on our numbers.

24 MR. NADELSTERN: So I don't think
25 you had yet arrived when we had a little

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2 discussion about the resources, but it is our
3 view, and we are going to submit documents to
4 provide some detail on this, that the charter
5 schools on an operating basis have to do more with
6 less, their operating dollars are in fact less.

7 COUNCIL MEMBER FOSTER: More with
8 less from public dollars.

9 MR. NADELSTERN: From public
10 dollars, and more importantly, to your point about
11 the private philanthropic dollars which is an
12 entirely fair question, is the single biggest
13 differentiator between public charter schools and
14 traditional public schools is traditional public
15 schools have a capital budget that comes with a
16 package and charter schools have exactly zero
17 dollars devoted to meeting their facilities needs,
18 and so very often, not only do charter schools
19 need to pay their teachers, serve their special ed
20 kids, and so on with their operating dollars, they
21 also have to pay a lease or a mortgage on a
22 building, so the private dollars are a modest
23 offset for that tremendous handicap.

24 COUNCIL MEMBER FOSTER: Do you have
25 a breakdown, I'm sorry for cutting you off—a

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2 breakdown of the private dollars that go to
3 capital and the private dollars that go to
4 operational?

5 MR. NADELSTERN: I think we can get
6 that for you, I certainly don't have it with me
7 today.

8 COUNCIL MEMBER FOSTER: Thank you,
9 and you can go on with...

10 MR. NADELSTERN: Yes, I believe I
11 am right, that the IDEA applies—I know I am right
12 about that—with equal force in charter schools as
13 section 504 and so on, so all the requirements
14 about identification and certification and so on
15 apply with equal force in charter schools. And so
16 whatever the differential is in the economics of
17 the situations, they must follow federal law, in
18 regards to special education.

19 COUNCIL MEMBER FOSTER: Thank you,
20 and I will just wrap up. When we can get the
21 breakdown of the private going to expenses, I
22 think that would be interesting and then those
23 versus the breakdown of the charter schools for
24 the little ones, versus the big ones, because I
25 think when we identify the issues in terms of

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2 learning disabilities early enough, we can address
3 them early enough that they get the necessary
4 resources so by the time they go to middle and
5 high school they have the tools by which they can
6 thrive and succeed. Thank you.

7 CHAIRPERSON JACKSON: Thank you,
8 councilmember. Council Member Dan Garodnick has
9 the floor.

10 COUNCIL MEMBER GARODNICK: Thank
11 you, Mr. Chairman. And I will be very brief,
12 since I know that the hearing has been long and
13 there are many people here to testify today. But
14 I wanted to understand one point. Since this was
15 specifically a hearing called to address
16 resolution 1889 and the siting procedures, I just
17 wanted to make sure that I understand, as a legal
18 matter, what you set forth in page seven of your
19 testimony, which goes through what happens, or
20 what is supposed to happen. Is that what is
21 prescribed by state law, or is that something that
22 has been established by internal rule and
23 procedure by the department of education?

24 MR. WHITE: Council member, John
25 White. It is good to see you again.

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2 COUNCIL MEMBER GARODNICK: Good to
3 see you.

4 MR. WHITE: There are components of
5 what the Deputy Chancellor said that are
6 specifically pursuant to state statutes, so the
7 hearing, for instance, regarding the initial
8 application, in the community school district, to
9 which the charter school has been proposed. The
10 hearing that is made necessary by law subsequently
11 regarding a siting and Department of Education
12 facilities, but I think it is important to
13 emphasize, and I would be happy to talk through a
14 specific instance, that discussions with members
15 of communities go on as you allude to outside the
16 bounds of just those that are defined, those
17 events that are defined by state law through
18 conversations with CECs, through conversations
19 with district leadership teams, through
20 conversations with specific school communities,
21 and in each instance, where we have located a
22 charter school, there have been those tangential
23 conversations as well.

24 COUNCIL MEMBER GARODNICK: Okay,
25 well it seems to me then from page seven of the

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2 testimony and what you just said, there is the
3 prescribed public hearing at the beginning and at
4 the end, it is the part in the middle where it is
5 sort of an as you go, depending on the
6 circumstance, if that is accurate.

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MR. WHITE: Yes, other than the—and
8 I think this speaks somewhat to the discussion
9 that Council Member de Blasio raised, other than
10 the fact that just by virtue of being a charter
11 school, there is the necessity to be in the
12 community discussing the proposed charter school
13 and the proposed charter siting with people, yes.

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COUNCIL MEMBER GARODNICK: But the
15 problem I am hearing, and I expect we will
16 probably be hearing it more as the evening wears
17 on, is the fact that people feel that they perhaps
18 are not being included until that second hearing,
19 where an actual site is being proposed, it seems
20 to me, and from what I am picking up, I have not
21 experienced this in my own district, is that
22 people feel that at that point they have not
23 really been adequately part of the process to a
24 level of satisfaction in a community.

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MR. WHITE: What makes this—I'm

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2 sorry to cut you off.

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COUNCIL MEMBER GARODNICK: That's
okay, go ahead.

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MR. WHITE: What makes this
discussion hard is it is very important to
differentiate between folks who are concerned that
their input did not, in the end, prevail in the
decision, and those who feel they were not given
an opportunity for input at all, and I grant you
that, that is a very difficult thing to sort out
when you hear the kind of discontent that I
understand, and you have been hearing.

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So we genuinely believe, and if we
need to do this better, or find ways to do this
better, we are absolutely open to it. That we
should not be arriving with a fate accompli and
getting input after the deed is done in everything
but name only. We get that, and we are eager to
find ways to do that. We believe we are closer to
the right point, than I think you are hearing or
many of your folks are hearing, but the goal is
really the same. We understand there needs to be
meaningful community information sharing,
engagement, consultation, and we are for that.

COUNCIL MEMBER GARODNICK: Good.

Well, I think that is precisely the point, and whether that is formalized through state law with the addition of the new hearings in the process, or whether it is through department regulations, which actually address that concern, because I think you have got it right when you say that, that people want to be included in the process, it is not just about people who feel that they are on the losing end of a dispute, but rather people who truly and constructively want to be part of the process and deserve to be part of the process, we want to make sure that those voices are heard, and we also welcome those opportunities to find some collaborative solutions with you. And Mr. Chairman, thank you. I also wanted to recognize, I would be remiss if I did not say hello and welcome Eva Moskowitz, who is my predecessor in the council. It is good to see you back.

CHAIRPERSON JACKSON: Thank you, councilmember. I am going to ask a couple of questions before I turn to some of my colleagues who had additional questions beyond their limit.

My understanding is that for the

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2 purpose of local zoning and land use regulations
3 and building code compliance, a charter school is
4 deemed to be a nonpublic school and my own, lease
5 or rent its space. Is that true?

6 DEPUTY CHANCELLOR CERF: They
7 certainly own—

8 CHAIRPERSON JACKSON: [interposing]
9 Could you speak into the mic, please?

10 DEPUTY CHANCELLOR CERF: Yes, Chris
11 Cerf speaking. Yes, indeed, they may. I don't
12 know about the regulation, but they may own, rent
13 or lease space.

14 CHAIRPERSON JACKSON: And so my
15 question is, and that is in our briefing
16 documents, it says, quoting I guess from the state
17 education law in reference to charter schools, how
18 much rent is paid by charter schools that use
19 space in existing school buildings, if anything at
20 all? Do any charter schools pay for lease space
21 in New York City Public Schools?

22 DEPUTY CHANCELLOR CERF: I believe
23 it is either nonexistent or nominal. We do not
24 charge rent.

25 CHAIRPERSON JACKSON: So

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2 nonexistent. Not nominal, nominal means that
3 there is a fee, but it is small, is that correct?

4 DEPUTY CHANCELLOR CERF: I believe
5 there is a very, very small fee, more symbolic
6 than real. I will let you know the answer to
7 that.

8 CHAIRPERSON JACKSON: Okay. It
9 could be a dollar.

10 DEPUTY CHANCELLOR CERF: Yes,
11 exactly.

12 CHAIRPERSON JACKSON: Like
13 sometimes when I give a family member an old car,
14 you charge them a dollar.

15 DEPUTY CHANCELLOR CERF: Right, for
16 all intents and purposes, it is nonexistent.

17 CHAIRPERSON JACKSON: And what is
18 the reason for that, if in fact the law says they
19 are treated like nonpublic schools and may own,
20 lease, or rent.

21 DEPUTY CHANCELLOR CERF: Well, as
22 we have talked about on several occasions today,
23 in the most important sense of all they are not
24 treated as equal partners, because they not only
25 are not given facilities, they are not given a

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2 nickel in their budget to solve their facilities
3 problem, so we again don't view this as a two tier
4 system or a separate system, we view them all as
5 public charter schools and if they are high
6 quality schools, we want them to have an
7 appropriate space in which to educate children.

8 CHAIRPERSON JACKSON: And I can
9 understand that, and as staff is pointing out, if
10 you look at the actual New York State Charter
11 School Law in reference to that, and I am reading
12 here from our briefing document, "A charter school
13 may contract with the school district or public
14 college or university for the use of a school
15 building and facilities at cost." So basically
16 you are not charging charter schools anything
17 whatsoever, even though it says at cost.

18 DEPUTY CHANCELLOR CERF: That is
19 correct. It says we may, not that we must.

20 CHAIRPERSON JACKSON: Now the
21 Mayor, Mayor Bloomberg, has announced that the
22 Department of Education intends to convert
23 catholic schools into charter schools in Brooklyn,
24 and in a recent article, the mayor stated that the
25 Department of Education will guarantee seats in

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2 the charter schools for students currently
3 enrolled in parochial schools. Now I ask you, how
4 can the Mayor make this promise, when my
5 understanding is charter schools are required to
6 hold a lottery and give preference to children in
7 the surrounding school districts?

8 DEPUTY CHANCELLOR CERF: Well, we
9 will obviously follow the law and that is
10 prescribed by state law. There are discussions
11 underway as to how we could achieve everybody's
12 objectives while of course conforming to state
13 law, so I am sure that was not...

14 CHAIRPERSON JACKSON: That is
15 contradictory.

16 DEPUTY CHANCELLOR CERF: Well, I
17 don't take everything the Daily News writes as
18 accurate.

19 CHAIRPERSON JACKSON: If the Mayor
20 says that he guarantees that the students in
21 catholic school would have preference in these
22 charter schools, that clearly goes against what
23 the requirement for lottery is, you agree with
24 that, right?

25 DEPUTY CHANCELLOR CERF: I agree

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2 that, yeah Mike.

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MR. WHITE: Yeah, Mr. Chairman, if I might, I think the Mayor was talking in the context of a change to the statute that he might seek in order to allow that to occur.

CHAIRPERSON JACKSON: So that is a change that he may seek, but currently my understanding is that every admission is by lottery, is that correct?

MR. WHITE: You are absolutely correct. Yes.

CHAIRPERSON JACKSON: Okay, now you are clear. Now, I want to talk about public school conversion for a second. My understanding is that public school conversion should take place with the approval of the district and affirmative vote of the parents, and an existing New York City Public School may convert to a public school with that understanding, am I right or am I wrong in that respect? Just identify yourself for the record before you give your response.

MR. WHITE: John White. And that is what the law reads, noting Mr. Chairman, that it is referring to a school organization rather

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2 than a specific facility, it is referring to a
3 school organization.

4 CHAIRPERSON JACKSON: Okay, I am
5 unclear. I am unclear, and I know if I am
6 unclear, many people are unclear. What do you
7 mean by a school organization. Give me an
8 example. Let's be specific. P.S. 194 in Harlem,
9 there were hearings there, and as my colleague
10 Inez Dickens said, it was very divisive, very
11 combative, and you were there, I believe you were
12 there, I was there, there were about 600 parents
13 there at each other's throat. And I subsequently
14 spoke to some CEC, Community Education Council
15 Members for District Five, and they didn't know
16 about it. They didn't know about that Department
17 of Education had made the decision to shut the
18 school down, even though I asked you at the
19 hearing, was the decision made and this was just a
20 formality, and you said, no a decision had not
21 been made as of yet, even though many people had
22 said a decision had been made.

23 [crosstalk]

24 CHAIRPERSON JACKSON: Go ahead, I'm
25 sorry.

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2 MR. WHITE: Then we must have been
3 confused in terms of the time. The decision, and
4 I believe I clarified this when you were asked at
5 the hearing the decision that was in front of the
6 public that day, and for which the Department of
7 Education was taking testimony was with the
8 respect to the closure of P.S. 194. It was with
9 respect to the location of a charter school in
10 that facility, irrespective of what other
11 organizations are in that facility.

12 MALE VOICE: Right. And I think
13 you did clarify, that was the purpose of the
14 hearing.

15 MR. WHITE: Correct.

16 MALE VOICE: But with respect to
17 closure of a school, and basically the decision,
18 and correct me if I am wrong, the decision has
19 been made to shut down P.S. 194, and closing down
20 a school, and then turning the school over to a
21 charter school, can you explain what legal
22 technically process must take place in order for
23 that to happen, as far as notifying the community,
24 as far as consultation or notification to the CECs
25 of that particular district, as far as

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notification and/or consultation with elected officials and all other stakeholders. So can someone explain that?

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MR. NADELSTERN: Yeah, councilman, just to clarify for a moment. Part of the statute that you site refers to the school, not the building. At no time did we ever attempt to convert P.S. 194 the school into a charter school. That would have required...

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CHAIRPERSON JACKSON: Let me argue with you for one second.

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MR. NADELSTERN: Okay.

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CHAIRPERSON JACKSON: If you are going to shut down the public school and a charter school is going to come in there, then basically that is shutting it down and replacing it with a charter school.

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MR. NADELSTERN: Technically, in terms of the way the state statute is read, that is still not a conversion to charter status.

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CHAIRPERSON JACKSON: Alright, what do they technically call that.

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MR. NADELSTERN: But let me go on to say-

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CHAIRPERSON JACKSON: [interposing]

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Okay, go ahead.

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MR. NADELSTERN: As a result of objections raised by you and others, as a result of the fact that some filed legal suit, as a result of wanting to provide clarity to the parents and families and children of that community without risking a lengthy legal process that would have clouded where they go to school next September, we did make the decision to keep P.S. 194 open and what I would like to say about that is accept it as an example of an instance where the department was listening.

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CHAIRPERSON JACKSON: Was what, I'm sorry?

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MR. NADELSTERN: Was listening.

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CHAIRPERSON JACKSON: Yeah, well, Mr. Nadelstern, I appreciate the fact that you say the department was listening. But as my colleague has said to me, and I have heard this from so many colleagues, that the department most of the time is not listening. And the fact is, that is why, in my opinion, as the chair of the education committee, that is why so many people are upset,

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2 annoyed, emotional, and angry. And I am not
3 talking about just the average parent, I am
4 talking about elected officials, at the city
5 council level, and at the state level. So I say
6 to you, and the department, I am glad that you
7 cleaned the wax out of your ears, because you need
8 to listen better, and in fact, I have said loud
9 and clear, and I am going to give you the
10 opportunity to respond, and you or Mr. Cerf or
11 whoever needs to respond, the word "consultation"
12 means that you talk to people in advance before a
13 decision is made, and not after the fact, and that
14 is what has occurred on many occasions, in my
15 opinion, based on the experience that I have seen
16 with the Department of Education, and so I say to
17 you that I hope you are listening, and I hope you
18 truly consult and work hand in hand with the
19 community with respect to either if the decision
20 is made, that a school should be closed, that you
21 consult and let's work this together, and if there
22 is need for space for a charter school, then you
23 need to talk to people and I think the Department
24 of Education has been, as I said in my opening
25 statement, has been very poor at this particular

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2 process of trying to increase the number of seats
3 for those children that are in need.

4 So I am sorry. You can respond,
5 you Mr. Nadelstern or Mr. Cerf, or anyone else.

6 MR. NADELSTERN: No, I think we
7 have said repeatedly that we are committed to
8 consultation, that we think we can improve the
9 consulting process, and we are looking forward to
10 working with the council and others, to figure out
11 better ways of doing that.

12 CHAIRPERSON JACKSON: Okay, I
13 appreciate that. Let me go back to my question.
14 Can somebody explain to us, what is the process
15 when the Department of Education wants to close
16 down a school and then in its place have a charter
17 school go into that school? Somebody explain to
18 us what is the process that must take place?
19 John White, right?

20 MR. WHITE: Mr. Chairman, yes. I
21 would say that first, and I am going to take a
22 walk through it methodically, step by step.
23 First, to go to Mr. Nadelstern's point, it is
24 essence, although there are a couple of layers
25 added on by virtue of the complexities of the

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charter law, but it fundamentally shouldn't be a different question from when a school needs to be transformed, needs to be phased out, and a Department of Education school is placed into a facility to replace the services that school was providing. The fundamental question is the same, and that is, which school is going to ensure that its students have the best shot at moving on to the next level with the appropriate skills? So it starts with the system's public and transparent assessment of how well the school is doing. Let's take the two instances that you raised, one of them has roughly 20 percent of its kids reading on level, one of them has less than 40 percent of its kids reading on level.

CHAIRPERSON JACKSON: Be specific.

MR. WHITE: P.S. 241 has roughly 21 percent, P.S. 194 has roughly 38 to 39 percent. That was one piece of what went into those schools being among the roughly 65 schools in the system that received failing grades this year, Ds or Fs, etc., the process of internal deliberation involves in person assessment at the school level, at the school's capacity to respond to that, and

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2 it involves the superintendant in that community
3 school district raising the fact with the
4 community education council, that specifically,
5 schools in that district have received failing
6 grades. Subsequent to that, in these instances,
7 it was in the first couple of weeks of December
8 the Department of Education, subsequent to making
9 those public and known to the CEC, went to school
10 communities and went to parents, and said that it
11 was our believe that at that time, the school,
12 because of its repeated patterns of the inability
13 to guarantee parents that its children can be
14 promoted to the next level with the requisite
15 skills, that the schools would begin the process
16 as you alluded to a phasing out, and then the
17 question comes, as I said before, what is the best
18 school to replace? And we raise these questions
19 repeatedly with district leadership teams, with
20 CECs in both the instances that you discussed,
21 directly with parents who are in the school, and
22 facts come to light, Mr. Chairman. Facts like out
23 of 55 zoned kindergartners to P.S. 241 this year,
24 seven went to this school. Out of 44 at P.S. 150
25 in Brooklyn, 28 attended. Similar numbers

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2 reflected parents are not only not seeing their
3 students attain the levels they need to attain,
4 but they are simply responding by not sending
5 their children to the school. And so the question
6 actually became, with those district leadership
7 teams, with CEC representation, what schools,
8 Department of Education schools or not, could most
9 effectively replace those schools by both ensuring
10 that their students would gain the requisite
11 skills, and ensuring that parents would be served
12 locally. Now, in the instance that I see Council
13 Member Foster is no longer with us, but in the
14 instance of her district, there were a couple of
15 schools closed, and the decisions that those
16 groups came to, along with the Department of
17 Education, was that the schools that would best
18 replace in those instances were not charter
19 schools, although the prospect was raised. The
20 decision in this instance was that the schools
21 that would do such, after significant discussion,
22 and I am just counting here, I see eight such
23 discussions, was that the school that would best
24 replace was a charter school. Subsequently, there
25 is a charter school process as mandated by state

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2 law, I think it is important to raise, Council
3 Member Garodnick raised it.

4 CHAIRPERSON JACKSON: Now you are
5 saying that with respect to the P.S. 194, which
6 is in district five, and P.S. 241, which is in
7 district three, you are telling me that the
8 district leadership teams discussed the
9 possibility based on the fact that Department of
10 Education could not guarantee that students could
11 reach their whatever the objectives are of that
12 particular grade, that the decision was made to
13 possibly close the school and looked at options of
14 what schools, if any, would replace. You are
15 telling me those discussions took place at the
16 district leadership team level, that is what you
17 are saying.

18 MR. WHITE: Yes, I am. Yes.

19 CHAIRPERSON JACKSON: Okay, I am
20 going to ask you subsequent to this hearing to
21 provide the dates and information of that.

22 MR. WHITE: I could actually give
23 them to you right now, if you prefer.

24 CHAIRPERSON JACKSON: Fine, go
25 ahead.

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2 MR. WHITE: The closure was
3 announced on December 8th at P.S. 194. Parent
4 meetings were held later that week. The district
5 five district leadership team, and I know, because
6 I participated in the meeting, met at P.S. 125 on
7 December 16th. Later in January, on January 23rd,
8 there was a meeting to discuss the considerations
9 with 194 parents at P.S. 194, Martine Garieau
10 [phonetic] led that meeting with Santiago Terraras
11 [phonetic].

12 District five DLT meeting was again
13 held February 5th, led by superintendant Reeves,
14 the 194 parent meeting again February 24th, to
15 discuss the final considerations in advance of a
16 charter school hearing, there was a hearing held
17 March 3rd, in response to some of your comments and
18 the comments of other elected officials of not
19 enough notice having been provided in advance of
20 that, a second hearing was held March 10th.

21 CHAIRPERSON JACKSON: Is that the
22 one I attended, the March 10th?

23 MR. WHITE: Yes, it was, sir. Yes
24 it was.

25 CHAIRPERSON JACKSON: Okay.

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2 MR. WHITE: Subsequent to that, the
3 department went ahead with fairs to in essence
4 promote the idea of the charter school option and
5 to inform parents of the charter school option.
6 There has been, on a daily basis, flyering and
7 calling of patients to make sure they are aware of
8 their options and then recently as you alluded to,
9 the department made a decision not to move forward
10 with the closure.

11 CHAIRPERSON JACKSON: Okay.
12 Staying on the pubic school conversions. How many
13 public schools have conversions to charter schools
14 during this administration?

15 MR. WHITE: We have not converted
16 public schools into charter schools during this
17 administration.

18 CHAIRPERSON JACKSON: Okay, so in
19 essence, you have not converted, but schools have
20 been closed down and have charters going in their
21 particular locations?

22 MR. WHITE: Schools have been
23 closed down, and in the facilities in which those
24 schools existed, there have been charter schools
25 placed, just as there are charter schools placed

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2 in facilities where the schools have not closed
3 down.

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CHAIRPERSON JACKSON: But in the
schools that have closed down, where charter
schools have gone in, have they gone into the same
space in which the school has closed down, so in
essence, the space we are talking about.

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MR. WHITE: Are you literally
asking, are they using the same classrooms as was
the former classrooms?

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CHAIRPERSON JACKSON: Yeah, are
they using the same space that the public schools
were in?

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MR. WHITE: Let me make sure I am
understanding you.

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CHAIRPERSON JACKSON: My question
to you was, how many public schools have converted
into charter schools during the administration,
your response was none. Schools have been phased
out. And my question is, how many of those
schools where schools have been phased out, did
charter schools go into those locations where
schools have been phased out, in essence, have
charter schools replaced those schools that have

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2 phased out?

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MR. WHITE: In the instance that—I think the enrollment and facilities are probably two different factors at which you are aiming, and I want to take each one on separately.

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To the question of whether there have been zoned elementary schools, and rather than there being a Department of Education zoned elementary school, a charter school, which by law, in spite of this years instance in which charter schools were written to give priority to the zone, is not, by Department of Education regulation, the same as a zoned school, has it ever happened that that is the one sole school serving the zone? No, it has not happened. Have there been—

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CHAIRPERSON JACKSON: [interposing]

When you say zone, what do you mean by zone?

MR. WHITE: As you are familiar with, but to define the term, Mr. Chairman.

Around many elementary schools, not all, there is a geographic area, and the students in that area have admissions preference to that school. The same was true of the charters, by the way, and let me give you a couple of facts while I have the

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2 mic. One, in the instance of P.S. 241, where less
3 than 15 percent, less than 15 percent of zoned
4 students chose to attend last year, already, and I
5 can't give you the final numbers because the
6 lottery is actually ending today, but already four
7 times, and what we anticipate will be five to six
8 times, as many zoned students, will apply for the
9 kindergarten at Harlem Success Academy Four, which
10 is also, like P.S. 241, giving priority to the
11 P.S. 241 zone, so I do want to make sure that the
12 members of the committee are clear, that just
13 because a school technically is assigned to its
14 zone, does not mean that it actually serves the
15 zone with any level of excellence or efficiency.

16 CHAIRPERSON JACKSON: Right.

17 MR. WHITE: But second to your
18 question about whether or not, when schools have
19 been closed, has the Department of Education in
20 collaboration with communities, elected to place a
21 charter school in the building, it has happened on
22 a number of instances, it has not been the sole
23 provider, Mr. Chairman, in any of those instances.

24 CHAIRPERSON JACKSON: Going back to
25 my colleague Al Vann, followed by Inez Dickens.

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2 COUNCIL MEMBER VANN: Yes, thank
3 you Mr. Chairman. Gentlemen, I will try and be
4 brief. I have stayed behind, I am late for a very
5 important meeting, but there is nothing more
6 important than education for our children, so I
7 stayed because there is a point that needs to be
8 made clear to me.

9 In the history of public education,
10 in this country, I am not aware that the schools
11 systems have ever successfully educated the masses
12 of children who attend there who happen to be
13 poor. Is that correct or incorrect?

14 MALE VOICE: I actually completely
15 agree with you. One would have to look very long
16 to find an urban school system in which the urban
17 poor are being successfully educated at levels
18 that you and I would find acceptable.

19 COUNCIL MEMBER VANN: Right, thank
20 you. We agree on that.

21 MALE VOICE: Obviously, lots of
22 counter examples of individuals, but as a whole,
23 yeah.

24 COUNCIL MEMBER VANN: Agree.
25 Secondly, a successful school, in my judgment,

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2 would have to have these things and you can
3 probably add some others: parental involvement,
4 decent small class size, a prepared and dedicated
5 teacher, and some system of accountability. Now
6 you may add some things, but do you agree that
7 these things should be present, yes or no?

8 MALE VOICE: I would qualify it in
9 two ways. I would like to talk about effective
10 teachers as opposed to prepared and dedicated,
11 meaning teachers who are actually successful at
12 causing the students in their care to learn.

13 COUNCIL MEMBER VANN: Well, if you
14 are not prepared and dedicated, I question how
15 effective you could be.

16 MALE VOICE: That is true, but to
17 be prepared and dedicated doesn't necessarily make
18 you effective.

19 COUNCIL MEMBER VANN: Being
20 effective without it is almost an impossibility.

21 MALE VOICE: I agree with that.

22 COUNCIL MEMBER VANN: Alright,
23 okay. Now, the one element within that category,
24 parental involvement, that is the one that comes
25 from the community, that the community can

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2 control. We may not be able to control the
3 teachers, we may not be able to control those
4 other factors, right, and what has been clear
5 about all this discussion here as we deal with
6 parental involvement, we are saying the active
7 parent, that the schools that have been successful
8 are the schools where you have the presence of
9 "active" parents. Active may only mean that they
10 are engaged in their child's education, that is
11 good. The problem is, that society has affected a
12 significant member segment of that society who
13 happen to be poor, complicated because
14 disproportionate number of poor are now black and
15 Latino, if you will, alright? If the system
16 didn't serve poor communities when they were not
17 black and Latino, it has been even more
18 complicated and less successful since we have
19 expanded that poor population.

20 So the key that we keep talking
21 about, parental involvement, becomes a very
22 critical point, because it is easy to teach
23 children who are coming from homes where there is
24 parental involvement, but when you have society
25 where we have created circumstances and an

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2 attitude where people are not always acting in
3 their best interest, for a lot of reasons, and
4 they may not have—they don't see the value, or are
5 able to see, "I must be involved in my school
6 education." There are a lot of things they are
7 concerned about. So what I want to see, is a
8 system that can educate children who are not
9 coming from the good situation, that strong
10 parental background. That is why it is almost
11 insignificant that three percent is having a
12 fairly decent education, except for those involved
13 in it, of course, when we are talking about an
14 entire system where that is not happening.

15 So I think it seems to me that the
16 purpose of a charter school is to indicate what is
17 possible, so that if you find something that is
18 mildly successful, that we could inculcate it and
19 make it a systemic change, to make all the schools
20 work. If that is not the role of it, then three
21 percent, that is good, it is okay, but it doesn't
22 mean a hell of a lot in the total scheme of the
23 public school system in this country, indeed in
24 New York City.

25 MALE VOICE: Councilman, we are in

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2 agreement, where our commitment is no less than
3 100 percent of the students succeed, that is what
4 we are working toward, and what we have done in
5 that regard, is we have taken what we think is the
6 essence of what makes effective charter schools
7 successful, and that is accountability, and school
8 based empowerment for principals and teachers and
9 parents, and attempted to apply them to all of our
10 schools, in the hopes that more kids can be more
11 successful, and the preliminary results have been
12 encouraging.

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COUNCIL MEMBER VANN: I think you
14 are probably doing a good work, and I think there
15 will be other programs that can be successful when
16 you are dealing with a small segment, what I am
17 looking for is someone to tell us how do you
18 educate children who come from a less than stable
19 home or less than stable environment where their
20 guardian or parent shows that activism that people
21 say is necessary to educate kids, that is what I
22 think we see.

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MALE VOICE: Thank you.

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CHAIRPERSON JACKSON: Thank you
25 council member, Al Vann. Next we are going to

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2 hear from council member Maria del Carmen Arroyo,
3 of the Bronx, followed by council member Dickens.

4 COUNCIL MEMBER ARROYO: Thank you,
5 Mr. Chair. I will behave. And he didn't skip me
6 on purpose. Are charter schools sited based on
7 where space is available? What kind of thinking
8 goes into what site a charter school is going to
9 be assigned?

10 MALE VOICE: First, council member,
11 the charter school applies and is approved for by
12 an authorizer that is for the most part separate
13 and apart from the Department of Education, and
14 part of that application is that they are approved
15 for a specific community school district. Now
16 that, they can have that application revised, if
17 they are looking for instructional space and there
18 is none available, but I think it is important to
19 say that there are instances where there simply is
20 no space available, the Department of Education is
21 not looking to make the kinds of changes that the
22 chairman was mentioning regarding school closures
23 and that kind of thing, and thus it simply has to—
24 we simply have to say to them, "We are not going
25 to be able to provide you space, your involvement

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2 in the system necessitates you procuring your own
3 space."

4 COUNCIL MEMBER ARROYO: Right, but
5 if a charter school is going to come into P.S.
6 123, because that is what has been deemed will be
7 the site for the school, is it because P.S. 123
8 has the capacity to house that school in the
9 facility?

10 MALE VOICE: Well, it is that, but
11 it is also one, feedback from members of the
12 community in a reasonable vicinity to that site,
13 and in particular, most evidenced by the number of
14 parents who are applying to send their child to
15 that site, in other words, we can see the level of
16 interest by the number of parents and by where
17 those parents live who are actively seeking that
18 service. Second, as has been mentioned, we are,
19 be it with a state mandated and official hearing,
20 or be it through the other meetings that I have
21 discussed, actively seeking comment from perhaps
22 people who aren't applying to the school but are
23 community members, we are actively engaged in
24 discussions with the SLTs and the PTAs of the
25 school community into which the school will be

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2 placed, and not all opinions, ever, in any
3 instance line up. But all of that goes into, yes,
4 the base assessment of whether or not there is
5 space, and then is it an appropriate location.

6 COUNCIL MEMBER ARROYO: So if P.S.
7 123 has capacity, and there is under enrollment in
8 that school, are you more apt to encourage a
9 charter school to site, to accept that location
10 for their program?

11 MALE VOICE: No. Well, let me take
12 a couple of steps back. One, I do think that many
13 charter school applicants are more apt to apply to
14 be located in a community school district where
15 they notice through data displayed online, a
16 significant number of underutilized buildings,
17 yes.

18 COUNCIL MEMBER ARROYO: And they do
19 so without consulting the Department of Education.

20 MALE VOICE: They do it either with
21 consulting Department of Education, but many of
22 them do it just on their own.

23 COUNCIL MEMBER ARROYO: Okay, do we
24 have any situations in the city where a charter is
25 sharing space with a Department of Education

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school and one of the two are over capacity?

MALE VOICE: We do have those instances, yes.

COUNCIL MEMBER ARROYO: Could you tell, maybe not today, you probably don't know it off the top of your head, but if you could provide for the committee a report on where those situations are occurring in the city, that would be helpful.

MALE VOICE: I would be happy to.

COUNCIL MEMBER ARROYO: And Mr. Chair, if you will allow me, Deputy Chancellor, you will not comment on whether or not Department of Education supports or not the resolution before us, and you have agreed on a lot of points that members of the committee have made today, one of the ones you agreed with is that the siting process is not perfect, so how does Department of Education begin to change the process, and when can we expect to see a new practice or new process being rolled out?

DEPUTY CHANCELLOR CERF: I think you can expect something in the next several months, and we also look forward to having

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2 continued conversations with you and others about
3 what that process might look like.

4 COUNCIL MEMBER ARROYO: Thank you.

5 CHAIRPERSON JACKSON: Thank you.

6 Council member Inez Dickens of Manhattan has the
7 floor.

8 COUNCIL MEMBER DICKENS: Thank you
9 so much. John, I failed to mention your name
10 earlier, I thank you for meeting with me, and
11 receiving the letter that helped you to listen to
12 the parents of 194 and 241, to keep them both
13 open.

14 Question, what is the policy, or
15 how is it determined that Department of Education
16 would put in a high school in the same building
17 that houses Pre-K through Sixth Grade?

18 MR. WHITE: Council member, I think
19 in any circumstance, the questions of allocating
20 resource in accordance with student need are
21 complex, and I would just say this, that while it
22 is not as common as say locating a middle school
23 next to schools that are K-6, we have tremendous
24 examples of collaboration of secondary schools
25 with elementary schools across the city. And many

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2 of the issues that are commonly raised, regarding
3 security, regarding the different needs of
4 students instructionally at those ages, they need
5 to be raised and they need to be surfaced,
6 however, more often than not, we see where those
7 issues are going wrong in particular safety and
8 security, having much more to do with the quality
9 of particular schools and the quality of
10 particular leaders and staffs, than we do with
11 grade levels. The least secure situation is the
12 product of the quality of that school as is the
13 most secure situation, not a product of the grade
14 levels.

15 COUNCIL MEMBER DICKENS: Alright,
16 so you are saying that you, in your estimation or
17 Department of Education's estimation, putting high
18 school students in the same building with pre-K
19 through Sixth Grade poses no problems?

20 MR. WHITE: I think that the
21 question of locating a school next to one another
22 should first start with the quality of those
23 schools and the ability of a school leader to
24 ensure the safety of all students, no matter the
25 age and the facility.

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2 COUNCIL MEMBER DICKENS: John, are
3 you talking about—excuse me just a minute, please.
4 When you say quality, are you talking about
5 quality as it relates to Pre-K through Sixth or
6 quality as it relates to high school, because it
7 would seem to me there would be a difference.

8 MR. WHITE: There are numerous
9 examples throughout the city, the Julia Richmond
10 Educational Complex, for one, where the department
11 has successfully sited Ella Baker Elementary
12 School in a building with four high schools and a
13 special ed program for autistic youth, and each of
14 those schools and programs continues to thrive,
15 and to learn from each other.

16 COUNCIL MEMBER DICKENS: Now as I
17 recall, when that was done with Julia Richmond,
18 because I attended and graduated from Julia
19 Richmond, there was significant complaints and
20 problems with the parents, what have you done in
21 relation to meeting with the parents of P.S. 125?

22 MR. WHITE: In fact, council
23 member, you will be pleased to know I am going to
24 P.S. 125 tomorrow night. My staff has been
25 meeting with parents at P.S. 125 for the last

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2 three months, and in some periods during that time
3 on an almost weekly basis, and that has been part
4 of the consultative process that as council member
5 Garodnick mentioned, somewhat between the lines,
6 so to speak, and I say that because no decision
7 has been made regarding future programming at 125.

8 COUNCIL MEMBER DICKENS: Well, I am
9 glad to hear that, because I hope you will listen
10 to the parents. One last question. Did I hear
11 you say, and please clarify this, that in the
12 public school conversion, an affirmative vote of
13 the parents is necessary? Did I hear that?

14 MR. NADELSTERN: Yes, important to
15 differentiate the building from the school. That
16 is, when a public school organization, the
17 principal, the teachers, the parents, the kids,
18 the organization—not the building—makes a
19 determination to convert to charter status, as my
20 school did, the International High School at
21 LaGuardia Community College, in 1999, became a
22 charter school for a couple of years, it required
23 a majority of the parents to vote in affirmative
24 support of that decision.

25 COUNCIL MEMBER DICKENS: Now what

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if the parents vote against?

MR. NADELSTERN: Then that school organization cannot become a charter school.

COUNCIL MEMBER DICKENS: And one last question. District leadership. Who serves on the district leadership, are they appointed, are they elected by the parents, and if they are appointed, who appoints them?

DEPUTY CHANCELLOR CERF: The CC President sits on the district leadership team, as does the president of the President's Council, which is made up of a set of PTA presidents throughout the district. Union leadership including UFT, DC 37, and CSA, which is typically a principal, sits on that team as well, and the superintendant sits on and typically coordinates and leads the team. So the district leadership team is across the spectrum of parent leadership, which is elected, and educator/union leadership.

COUNCIL MEMBER DICKENS: Now the CEC, you said the CEC president, would that be a parent that is elected by the parents of the district or how do you become the president of the CEC?

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2 DEPUTY CHANCELLOR CERF: The
3 president of the CEC is elected by a vote among
4 CEC members.

5 COUNCIL MEMBER DICKENS: And the
6 CEC members are made up of whom? I am just trying
7 to get an understanding, because maybe I have—I
8 don't know anybody on the district leadership
9 team, except maybe some of the principals and some
10 of the union members, so I want to have a clear
11 understanding of this, and maybe you need to give
12 me a 101 class on a one on one basis.

13 DEPUTY CHANCELLOR CERF: I would be
14 happy to do that, and it somewhat of a labyrinth
15 in process that much of which is actually taking
16 place this week with respect to the second or
17 another round of voting for CEC leadership, but it
18 is fair to say that CECs or CEC members are
19 elected in a way that uses representatives of
20 parent groups to do the election.

21 COUNCIL MEMBER DICKENS: So the
22 parents themselves really don't elect the CECs.

23 DEPUTY CHANCELLOR CERF: There are
24 parents who are part of the election process, and
25 this year there is a straw vote in order to

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2 attempt to ensure greater parent voice in the CEC
3 election.

4 COUNCIL MEMBER DICKENS: Alright,
5 well would you share that information with me
6 please, and also I never did get to the full
7 ending and the answer to the question of my
8 colleague and the chair of this committee on the
9 legal process in both the public school conversion
10 and when a school is closed down, so would you
11 share that information, because I would like to
12 know.

13 DEPUTY CHANCELLOR CERF: We would
14 be happy to, council member.

15 COUNCIL MEMBER DICKENS: And one
16 last thing, I noticed you had one, two, three,
17 four, five, six, seven—you cited seven meetings at
18 194, beginning December 8th, of '08 and ending
19 March 10th of '09, is that correct?

20 DEPUTY CHANCELLOR CERF: The area
21 where we might have had some discrepancy between
22 seven and eight is that there were two parent
23 meetings in the second week of December. I
24 mentioned parent meeting, you might have just been
25 counting that as one, it is two.

1
2 COUNCIL MEMBER DICKENS: Alright,
3 so then it was a total of seven meetings you had?

4 DEPUTY CHANCELLOR CERF: It was a
5 total of eight.

6 COUNCIL MEMBER DICKENS: A total of
7 eight meetings that you met with the parents,
8 before you determined or you had already
9 determined that you were going to close the school
10 and then met with the parents?

11 DEPUTY CHANCELLOR CERF: There were
12 discussions led by the superintendent about
13 failing grades that had been received in the
14 district, and this year there was one such school
15 in district five, that was P.S. 194, the same is
16 true of P.S. 241, those discussions were held in
17 advance of the decision and the announcement to
18 close the school, which as you know has since been
19 reversed.

20 COUNCIL MEMBER DICKENS: Thank you
21 so much, and share with my chair please also how a
22 school can be rated a B in September of '07 and
23 then by September of '08, it is failing, in one
24 year's time?

25 DEPUTY CHANCELLOR CERF: Well, I

1
2 think the difference from one year to the next in
3 terms of how that happened should be something
4 that we walk through with you and it literally
5 gets down to a student by student analysis in
6 terms of how much progress one student makes from
7 one year to the next, and I would say this: in a
8 school that is as small as P.S. 241 is, and do
9 recall that this school only has 11
10 kindergartners, only 19 first graders, the change
11 in one teacher can be the change from one of those
12 grades to another such grade. However, the fact
13 remains, in one year the school had 23 percent of
14 its kids reading at a proficient level or above.
15 The next year, it was 21 percent. Call it a B or
16 a D, those numbers are deplorable.

17 CHAIRPERSON JACKSON: Thank you.

18 COUNCIL MEMBER DICKENS: Alright,
19 thank you.

20 CHAIRPERSON JACKSON: Last but not
21 least, Helen Diane Foster of the Bronx.

22 COUNCIL MEMBER FOSTER: Thank you.
23 Quickly, I am interested in knowing the process by
24 which elected officials are involved in the
25 charter school process, just like parents, and the

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2 reason I ask that is because my colleague, council
3 member Arroyo, who is very committed, and we share
4 constituents, mentioned about Girls Prep and not
5 meeting with the educational committee and the
6 community board and all that. When in fact, that
7 did happen, but for whatever reason, the same way
8 parents are connected, neither was the council
9 member, and I only know it because I have
10 relationship maybe outside of my council role, and
11 I end up finding out about charter schools after
12 the fact and then have to kind of be, robbing
13 Peter to pay Paul and smooth everything over. If
14 there is not a process by which elected officials,
15 especially the city council members, are involved
16 prior to, it needs to be, and if in fact I have
17 just missed it and all of us have just missed it
18 maybe then you can tell us what that process is.

19 MALE VOICE: I don't think you have
20 missed it. I think that is one of the things we
21 can really do better on. It is certainly our
22 expectation that elected officials get advanced
23 notice of meetings and get private opportunities
24 to discuss these matters, and we do that a great
25 deal more I think than sometimes is recognized in

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2 the public discourse, but I tend to agree with you
3 that we need to find ways to make that not only an
4 expectation but that it is an expectation that is
5 realized 100 percent of the time, and so that is
6 something that is a good conversation to have.

7 MALE VOICE: One thing I would flag
8 for you and for your colleagues on the council is
9 there is a deadline for the submission of
10 applications, for those who want to open a charter
11 school, that will come in June. The State
12 Education Department requires that we hold a
13 hearing in the community where that school is
14 proposed for within 30 days of the application
15 being filed. So later in June and July we will be
16 holding those hearings, we would love to get your
17 input through those hearings and during that time,
18 into the strength of the application.

19 COUNCIL MEMBER FOSTER: I think
20 what you are seeing though is that there is no one
21 here on the education committee or on the council
22 that wants to see schools be a charter or
23 otherwise fail, and I think that one thing you—as
24 in Department of Education—probably have 51
25 members agreeing on and I think to some extent

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2 former council member Moskowitz will agree with
3 it, with Department of Education the cart is
4 always put before the horse, and that we find out
5 after the fact and end up having to play catch up
6 or clean up, and so while it is good to know that
7 these are the deadlines for June and 30 days
8 afterwards, it would be something as simple as
9 contacting us, we could assist you in where to
10 hold it, where you will get the most parent
11 involvement, and we all—I have five council
12 meetings a month in my district. I need to know
13 this prior to so we have these conversations and I
14 think a lot of the resistance is because we are
15 caught off guard, and then have to say, "No one
16 wants to look like an idiot in their district and
17 not know things and have Department of Education
18 have given out information and then we are the
19 last to know."

20 MALE VOICE: This is a topic that
21 has been a source of some frustration for us,
22 there are certainly many examples where we have
23 been remiss in getting you and your colleagues
24 advanced notice. There have also been many, many,
25 many examples where we have given advanced notice,

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2 and then there was not any follow up or not an
3 engagement, and then we hear that we didn't give
4 advanced notice, so I think maybe on a little bit
5 on all of us, on that, but be that as it may, this
6 seems to me to be a solvable problem.

7 COUNCIL MEMBER FOSTER: I think it
8 is absolutely solvable, and I think that the
9 notion of—I think it is very different when you
10 are dealing with one council member who has a
11 constituency of 157,000+ and four of you, plus
12 some, so if you don't hear back from us right
13 away, you keep calling or you aggravate Aaron, you
14 can equally aggravate us and that is not against
15 you, Aaron. So I think there is a real difference
16 with one versus a number, and if in fact after
17 many calls and many conversations and all of us
18 have emails, many of us that probably plug in next
19 to us when we sleep, if in fact then you are not
20 hearing back, then you can say, "They are not
21 responding," but I can tell you for a fact that I
22 am finding out about schools as well as
23 colleagues, very much after the fact. And that
24 leads to some of the problem. Thank you.

25 CHAIRPERSON JACKSON: Thank you.

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2 And finally, let me just say that Mr. Cerf, when
3 you were reading in your statement, you said loud
4 and clear that there are more students, about
5 30,000, on the waiting list for charter schools,
6 than the total combined districts of public
7 schools, district six and district five. Now you
8 know I represent part of district six and district
9 five. So I said, "Let me get the statistics on
10 that." So I called my executive assistant, Sarah,
11 in my office, and let me read to all of you, her
12 response. I said, "Sarah, I need to know the
13 number of students in district six and district
14 five, because I believe that there are more kids
15 in district five and district six than Mr. Serf
16 alleges are on the charter school waiting list."
17 Okay, that is what I asked her. That is what I
18 wanted, I wanted the numbers. And that was around
19 the time when you read your statement, you know
20 how long ago that was, right? Let me read you
21 this. And in case you think this is easy, here
22 are the calls that I made: Community school
23 district five memo for superintendent does not
24 recognize, Reeves-Gail Reeves is the
25 superintendent—does not recognize Reeves.

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2 Eventually I get through and I am told that I need
3 to call the office of student enrollment at 212-
4 342-8300. This office advises that I need to
5 speak to the chancellor's office at 212-374-2363.
6 This office advises me I need to speak to Kim
7 Cobb, and transfers me. I leave a voicemail and
8 return to the operator, the operator transfers me
9 to Sandy Ferguson, 212-374-7636, where I leave a
10 voice mail. Meanwhile, I am checking out the
11 website where I get the enrollment figures as of
12 June 30th of 2008, which I then copy and email to
13 you. She did. I call back Gail Reeves' office
14 and reach the same individual who insists that
15 Gail herself has no way of knowing how many
16 students are attending the schools for which she
17 is the superintendant, and must obtain this
18 information from Tweed. She does give me the name
19 of Joann Miller and says she is the enrollment
20 specialist for SD5. I called Miss Miller and left
21 a voice message. Her recorded message says that
22 she is a special education placement office, and I
23 call Tweed's chancellor's office from the green
24 book and I am connected to Aaron Stevens, where I
25 leave a voice mail. I call the office of

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2 enrollment and I reach someone named Dorothy who
3 is sympathetic but doesn't have the information,
4 although she pledges to call back. Meanwhile,
5 Sandy Ferguson, call number six that she made,
6 returns my call and explains that they don't have
7 that information at their fingertips, that I need
8 to calculate—it needs to be calculated and
9 reviewed. There is some discussion about the
10 particulars of the request. Do I mean high
11 school, charter schools, etc., etc. I explained
12 that I want the most current enrollment figures
13 for students of community school districts for
14 five and district six, and I explained the urgency
15 and she does not believe that he can provide the
16 data in a timely manner. In essence, I am no
17 closer than when I started at 2 p.m., the only
18 thing I can start doing is adding up sections from
19 the class size report by district.

20 Now mind you, this is my executive
21 assistant calling Department of Education offices
22 to try to determine the number of students in
23 District Five and District Six so I can hopefully
24 dispute what you said. Mind you, I still don't
25 have an answer. And I has asked earlier, way

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2 earlier, Regina - - Ryan, our finance policy
3 analyst and she said, "I will go downstairs and
4 get that information off the computer." "I
5 couldn't find the student registries data on
6 Department of Education's website, I may have been
7 looking in the wrong place, I told Aaron that you
8 want District 5 and 6 total student enrollment."
9 So even now that you finished your complete
10 testimony, my staff could not get the information
11 in order for me to refute what you allegedly
12 state, that there were more students on the
13 waiting list for charter schools than schools in
14 District 5 and District 6.

15 Let me just say, I am concluding by
16 saying you know one thing, the individuals that I
17 asked to try to get that information are people
18 that have been involved in education advocacy for
19 a long time. And not getting that information
20 within an hour and a half is a problem.

21 MALE VOICE: I am sorry for your
22 frustration and I certainly agree with the folks
23 who were asking those questions are highly
24 competent veterans of the system. Several of the
25 people they did ask have been sitting right here

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2 in this room for that entire time, and that is the
3 reason some of those voice mails didn't get
4 returned. We do, however, have the information
5 for you, and we would be glad to give it to you.

6 CHAIRPERSON JACKSON: Thank you.
7 Well, let me thank you all for coming in and
8 giving your testimony and responding to the
9 questions of all of my colleagues and myself
10 concerning this issue of charter schools and I
11 thank you and I look forward to working with you
12 to make sure that every child in this city, not
13 only two percent, but 100 percent of the students
14 in New York City public schools get the best
15 quality education that we can provide, so thank
16 you very much.

17 And I ask you, can you make sure
18 that someone from your office or someone stays to
19 listen to the testimony of the unions and the
20 advocates on both sides of the fence, it would be
21 really good. Thank you very much.

22 Now next, we are going to hear from
23 some unions and then we are going to hear from
24 advocates on both sides of the fence and members
25 of the public.

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2 First we are going to hear from Leo
3 Casey who is the Vice President of High Schools
4 for the United Federation of Teachers. Mr. Casey,
5 please come forward. Mr. Casey, please identify
6 yourself and... ladies and gents, please have a
7 seat, thanks. Identify yourself and the person
8 that is with you and you may begin your testimony.
9 Testimony is limited to three minutes, so I am
10 going to ask you to not read your testimony,
11 submit it for the record, summarize it, I will try
12 to be a little flexible, the buzzer will go off
13 and I will give you another minute so you have got
14 four minutes, okay?

15 MR. LEO CASEY: Okay. Good
16 afternoon, Chairman Jackson, members of the
17 committee. My name is Leo Casey, I am Vice
18 President of Academic High Schools and sitting
19 with me is Karen Alford, who is Vice President for
20 Elementary High Schools at the UFT.

21 Twenty years ago, the late UFT and
22 AFT President, Al Shanker laid out a compelling
23 vision for a new and different type of public
24 school, freed from self-defying bureaucracy and
25 micromanagement, this public school would be an

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2 educational laboratory, an incubator of innovative
3 approaches to teaching and learning. The men and
4 women who worked in this school would be empowered
5 as educational professionals to use their skills
6 to provide the highest quality education for their
7 students. Shanker called this new type of school
8 a charter school.

9 Today, we in the United Federation
10 of Teachers remain deeply committed to this
11 original Shanker vision of a public charter
12 school. And when it comes to this vision of
13 charter schools, we don't simply talk the talk, we
14 walk the walk. We have started two charter
15 schools of our own in East New York, and we have
16 partnered with Green Dot to start a third charter
17 school in the south Bronx.

18 The original Shanker concept of a
19 public charter school was not ideological and
20 political, but educational. In recent years,
21 however, political ideologues, opposed to public
22 education, and to teacher unions, have sought to
23 turn the charter school concept into its opposite,
24 using it as a vehicle to privatize public
25 education and undermine teacher voice and

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2 professionalism. To this end, these political
3 ideologues, divisively pit school against school,
4 parent against parent, charter against district,
5 using the politics of conflict and division. That
6 we will always oppose as educators and as
7 citizens. Our democracy depends upon public
8 schools, both district and charter, which unit us
9 as Americans.

10 In my testimony, I go through six
11 pillars that we think are essential for charter
12 schools to realize their promise. I will simply
13 refer those to you, given the problems of time. I
14 want to use my remaining time to talk about recent
15 developments with respect to New York charter
16 schools which raise serious concerns for many in
17 the public education community.

18 An increasingly obvious strategy is
19 being used to concentrate the placement of charter
20 schools in just three New York City communities,
21 Harlem, the South Bronx, and Central Brooklyn. Of
22 the 18 charter schools which opened in New York
23 City in September 2008, 14 went into these three
24 communities, five in Harlem, five in the South
25 Bronx, and four in Central Brooklyn. Of the 79

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2 charter schools now operating in New York City,
3 nearly three quarters of them have been located in
4 these three targeted communities. This strategy
5 has been undertaken in a coordinated fashion by a
6 number of influential charter school
7 organizations, by conservative philanthropies that
8 are playing an increasingly prominent role in the
9 private funding and development of charter
10 schools, and by the New York City Department of
11 Education. There are charter organization
12 documents which discuss this strategy in
13 considerable detail. The Walton Family
14 Foundation, established by the founder of Wal-
15 Mart, has funding guidelines designed to promote
16 it. And the New York City Department of Education
17 has placed the vast majority of the 58 charter
18 schools located in these communities within
19 district school buildings and buildings built with
20 Department of Education capital funds.

21 This strategy breaks radically with
22 the original concept of charter schools, in which
23 they complimented and enhanced district schools in
24 a more expansive and diverse system of public
25 schools. The new concept is to create charter

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2 districts, in which district schools are replaced
3 with charter schools, a policy which actually
4 reduces real choice for families. In the pursuit
5 of this strategy, the Department of Education
6 recently announced an unprecedented scheme to turn
7 over entirely to charter schools the buildings of
8 three district schools, P.S. 194 and P.S. 241 in
9 Harlem, and P.S. 150 in Central Brooklyn. In
10 taking these steps, the Department of Education
11 would have unilaterally eliminated the attendance
12 zone for these three schools, leaving the families
13 living in them without a guaranteed seat in a
14 neighborhood public school.

15 CHAIRPERSON JACKSON: Can you
16 conclude, if you don't mind?

17 MR. CASEY: Okay.

18 CHAIRPERSON JACKSON: Thank you.
19 We have the written testimony, so you don't need
20 to read it.

21 MR. CASEY: Okay, there are a few
22 more points that we need to make.

23 CHAIRPERSON JACKSON: You have been
24 provided four minutes already, so you have to
25 conclude within 30 seconds, Mr. Casey, I am sorry.

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I am trying to keep you to the same standard I have to keep everyone else to. Just summarize, if you don't mind, at the end.

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MR. CASEY: There is a situation regarding P.S. 811 in Harlem which is addressed in the testimony. Let me say in summation, that what we need to do is to put the public back into the public charter school. The policy that we have discussed here is a policy that would change the very constitution of public education in New York City. But when has it been raised for public discussion? Where has it been proposed on editorial pages? Where has it been brought before the panel for educational policy? When has the Chancellor or members of his administration brought it to this committee or to the appropriate committees of the state legislature? It has been a policy made and executed behind closed doors, without any public oversight or review. That needs to change.

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CHAIRPERSON JACKSON: Well, let me thank you and your colleague for coming in and giving testimony, on behalf of the United Federation of Teachers.

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2 My question to you is this, I
3 believe you sat through most of the testimony if
4 not all, of the Department of Education. Was
5 there anything in listening to the testimony,
6 regarding the questions and answers that were here
7 this afternoon and this morning, that you disagree
8 with, with respects to any specifics that you may
9 want to comment on?

10 MR. CASEY: Yes, there are many
11 issues. There is the issue of the numbers of
12 English language learner students, and the numbers
13 of special education students that are being
14 served by many of the charter schools. The only
15 charter schools in New York City that are serving
16 their fair share of those students are the union
17 charter schools and the small mom and pop charter
18 schools. Of the 56 charter schools for which
19 there is data, 36 of them, including charter
20 schools in places like East Harlem, do not report
21 a single English language learner in their school.
22 Of the special education, almost all of those
23 special education students are students with the
24 least disabilities.

25 Secondly, regarding the issue if

1
2 funding. There is one comprehensive report on
3 funding for charter schools in New York City. It
4 was published by NYU five years ago, it was
5 written by Robin Jacobowitz [phonetic] and a
6 colleague of mine, Jonathan Gerko [phonetic] when
7 he was working for the New York City Department of
8 Education. At that point, they identified a
9 funding gap of about five percent. Currently,
10 given a number of factors, including the factor
11 that you discussed here, which is the great
12 majority of charter schools are receiving their
13 space free of charge from the Department of
14 Education, that public money, we are not even
15 talking about private money, that public money
16 differential is negligible.

17 So the testimony here that there is
18 as significant difference is not one that is
19 sustained by the facts.

20 CHAIRPERSON JACKSON: Council
21 member Arroyo has a question. Council member
22 Arroyo?

23 COUNCIL MEMBER ARROYO: Thank you.
24 Thank you for your testimony, and I apologize for
25 the trumping of the full testimony, but you used a

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2 term that raises a question for me. You have
3 defined three categories of charter schools, you
4 have T charter schools, you have mom and pop
5 charter schools, and the other category, that you
6 didn't identify. What is that other category?

7 MR. CASEY: These are charter
8 schools that are run by large, what are sometimes
9 called CMOs or charter maintenance organizations.

10 COUNCIL MEMBER ARROYO: And what...?

11 MR. CASEY: And so when you look at
12 the schools that don't report English language
13 learners, they are in schools overwhelmingly from
14 those charter maintenance organizations.

15 COUNCIL MEMBER ARROYO: Would those
16 be the ones that I referred to as parachuting into
17 communities?

18 MR. CASEY: I believe that you may
19 have some of those in mind, yes.

20 COUNCIL MEMBER ARROYO: So how do
21 you define a mom and pop charter school, what does
22 that mean?

23 MR. CASEY: These are charter
24 schools where they have come out of grass roots
25 community initiative, they don't have a large

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2 organization behind them, they don't have a lot of
3 philanthropy, they are not taking lots of money
4 from Wal-Mart and other conservative
5 organizations. And they do a really stand up job
6 of doing what the original concept of a charter
7 school was supposed to be.

8 COUNCIL MEMBER ARROYO: Do you know
9 what the mix is of the three different categories
10 that you have identified?

11 MR. CASEY: I think that there are
12 growing numbers of the large charter maintenance
13 organizations. They have not made a secret about
14 the fact that they would like to open up as many
15 as 20 or 40 schools, and the ones that have been
16 opening in September, you will see very heavily
17 represented some of those charter maintenance
18 organizations.

19 COUNCIL MEMBER ARROYO: Okay, thank
20 you. Thank you, Mr. Jackson.

21 CHAIRPERSON JACKSON: Let me thank
22 you for coming in. If you have any additional
23 information, please forward it to us. Thank you
24 very much.

25 Next we are going to hear from

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2 Santos Crespo, the Vice President of Local 372
3 DC37. The following is DC37, we will hear from
4 Noah Franklin, Council of Supervisors and
5 Administrators, and following Mr. Franklin, Eva
6 Moskowitz, formerly a city council colleague of
7 ours, speaking on behalf of Success Charter
8 Network.

9 Mr. Crespo, you may begin your
10 testimony.

11 MR. SANTOS CRESPO: Thank you,
12 chairman. We are having a little technical
13 difficulty trying to get the original testimony
14 before you, so I just want to highlight some of
15 the areas in that testimony.

16 Local 372 does oppose the Mayor's
17 plan to expand the number of charter schools,
18 because we believe that charter schools are
19 inherently divisive to the population of New York
20 City. The addition of charter schools establishes
21 two districts or two distinct school systems, one
22 is the system of public schools, usually the lower
23 income neighborhoods, which are stripped of vital
24 support services for which they have the greater
25 need, and the other is small academies with catchy

1
2 theme names and charter schools, which siphon off
3 an ever increasing amount of the Department of
4 Education budget.

5 Let's face it, charter schools were
6 a fallback when the public outcry defeated the
7 school vouchers. New Yorkers would not accept
8 using taxpayer funds to give parents vouchers to
9 support private and religious schools. That is
10 when the fallback plan kicked in. Now that the
11 state and the city are using taxpayer funds to
12 support what they are calling charter schools,
13 which are actually private schools run by
14 nonprofit organizations and entrepreneurs, they
15 even go as far as to tell everyone that they are
16 in reality public schools. We contend that the
17 effect of charter schools is no different from
18 that of school vouchers. School vouchers lead to
19 greater segregation of pupils by socioeconomic
20 status, race, and therefore are in contradiction
21 to the spirit of the unanimous decision delivered
22 by the United States Supreme Court Justice Earl
23 Warren in Brown Vs. Board of Education of Topeka,
24 Kansas, in which he stated separate education
25 facilities are inherently unequal. Let me repeat

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2 that. Supreme Court Justice Earl Warren in Brown
3 Vs. the Board of Education in Topeka, Kansas, in
4 which he stated separate education facilities are
5 inherently unequal. Charter schools siphon off
6 the higher performing students from their
7 neighborhood schools and prevent our public
8 schools from being academically and racially
9 diverse.

10 Now, I would say that there is not
11 one parent that is not attracted to the idea of
12 small classrooms and in many cases some
13 individualized teaching, I believe there is not a
14 parent in this audience that does not want to see
15 their child succeed. But we need to take a look
16 at the fact that the charter schools that are
17 being talked about are damaging every other child
18 that comes to the public school system, because
19 they are not going to be afforded those
20 opportunities. In fact, the board of education
21 has been cited that though they have been getting
22 additional funds from the state, the size of the
23 classroom has ballooned and it continues to
24 balloon.

25 And I just want to close with the

1 following. It is no accident that there is a lack
2 of communication between the Department of
3 Education and parents and even this body. This
4 gives them the opportunity to do what it is that
5 they initially want to do, and I have said it
6 before, that the Department of Education runs
7 their operation as though it was CIA. If you are
8 not part of that circle, and apparently you guys
9 are not part of the circle, you reported—look how
10 long it took you to get information that should be
11 public, and you still have yet to get it.
12

13 CHAIRPERSON JACKSON: I don't have
14 it yet.

15 MR. CRESPO: Yeah, and you still
16 don't have it. There is a struggle right now in
17 Cypress Hill, regarding a school, P.S. 65, that I
18 just learned about. Apparently they are not
19 listening to the parents who are telling the
20 Department of Education, "We don't want this
21 charter school here." Something has got to give,
22 what is going on? And there is no sincerity.
23 They keep saying and telling us, "yes, we know
24 there is a problem with communication, yes we can
25 make that better, yes we will make this better,"

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2 the chair of this committee, Councilman Jackson
3 and I were up in Albany giving testimony, or
4 actually laying out our views on a panel. And
5 yet, as parents and students would speak to the
6 chancellor, he was too busily engaged playing with
7 his Blackberry. How does he register?

8 CHAIRPERSON JACKSON: Can you
9 conclude if you don't mind?

10 MR. CRESPO: That in and of itself
11 was my conclusion. What does he listen to? What
12 does he hear? What changes is he really going to
13 make when he is too busy fiddling with his
14 Blackberry?

15 CHAIRPERSON JACKSON: Now, thank
16 you. You have heard the testimony, I don't know
17 if you sat through all or most of the testimony of
18 the representatives from the Department of
19 Education. Was there anything that you heard that
20 you disagree with specifically that you want to
21 comment on?

22 MR. CRESPO: Yeah, the comment that
23 was made regarding the school leadership teams and
24 they claimed that the unions, UFT and DC37 have
25 representation on these school leadership teams.

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2 I can tell you that we, in some of the schools we
3 do have representations, and some other schools we
4 do not. And the reason for that is the principals
5 are still confused as to whether or not we should
6 be part of a school leadership team. That
7 confusion, I would attribute to yet the Department
8 of Education letting the principals and
9 superintendents fully know that the entire school
10 community has a right to have at least one
11 representative on those school teams.

12 We still are in a struggle trying
13 to make sure that that does happen.

14 CHAIRPERSON JACKSON: Well, let me
15 thank you for coming in, representing DC37,
16 obviously this is a subject area that is going to
17 be continuous dialogue and discussion, and we look
18 forward to working wit DC37 and local 372, in
19 shaping this for the future. Thank you very much.

20 And next we are going to hear from
21 Noah Franklin, of Counselors, Supervisors, and
22 Administrators, which represents Principals,
23 Assistant Principals, and School Administrators.
24 After that, Eva Moskowitz, and then after that we
25 are going to hear from Michelle Boden, UFT Charter

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2 School Leaders, Annie B. Martin, Head of Harlem
3 NAACP, and Matt Borden, representing Assembly
4 Member Glick.

5 So with that, Mr. Franklin, please
6 identify yourself and your position with CSA, and
7 you may begin your testimony.

8 MR. NOAH FRANKLIN: Good afternoon,
9 Chairman Jackson and distinguished members of the
10 City Council committee on education. My name is
11 Noah Franklin, I am the director of Government
12 Affairs for the Counselors, School Supervisors,
13 and Administrators.

14 CSA represents over 6,000
15 principals, assistant principals, supervisors,
16 education administrators, daycare directors and
17 assistant directors in New York City.

18 In particular, the CSA represents
19 union members in the following charter schools:
20 Wildcat Academy Annex in the Bronx, Beginning with
21 Children in Brooklyn, Kip Academy Charter School,
22 John Lindsay, Wildcat Academy, the Renaissance
23 Charter School, and Future Leaders Institute of
24 Manhattan. These schools represent a population
25 of 2,000 students across the city.

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2 Now I will briefly go through some
3 of the points in the testimony, but since you have
4 it I will just highlight some of the key points.
5 Children are our top priority, in every classroom
6 across New York City, we believe that to make sure
7 that every child is treated fairly, and provided
8 all possibility opportunities to grow and excel,
9 this concept of fairness is essential in public
10 education, and must be at the center of the
11 discussion of charter schools and their possible
12 expansion. Correspondingly, the expectations
13 placed on charter schools must be fair and
14 equivalent to those placed on traditional public
15 schools. Let's not forget that charter schools in
16 New York City are public schools, after all,
17 charter schools serve students who do not pay to
18 attend and are funded with public money.

19 During the past decade, several New
20 York City charter schools have made notable
21 contributions to improving education. However, in
22 regard to today's hearing, we strongly believe
23 there are several important issues of fairness
24 that need to be addressed before the number of
25 charter schools is expanded in New York City.

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2 These issues include increasing funding for
3 existing charter schools, expanding more diversity
4 in charter school locations, encouraging greater
5 charter school involvement in the community, and
6 ensuring equal evaluation and accountability for
7 charter schools.

8 At the top of the list of issues,
9 fairness and state funding must be considered.
10 Presently charter schools in New York City are
11 facing a severe financial challenge due to the
12 fact that their public funding has not kept pace
13 with operating costs. In the recent New York
14 State Budget agreement between the governor and
15 the assembly and the State Senate, charter school
16 funding for next year was frozen at the level two
17 years ago.

18 When considering fairness in terms
19 of expanding charter schools, we must look at
20 where these new schools will be placed across the
21 city. If charter schools truly provide a quality
22 education alternative to traditional public
23 schools then they should be distributed more
24 evenly across different neighborhoods in the city,
25 not clustered in certain communities. Today the

1
2 vast majority of charter schools in New York City
3 are located in Harlem and the South Bronx

4 Historically, charter schools have
5 been isolated from the communities that they
6 serve. In contrast, traditional public schools
7 are often a community resource. In recent years,
8 the isolation has begun to break down as charter
9 school administrators thought that in order to
10 succeed in educating children they need to build
11 strong relationships with parents of children and
12 need to be connected to the communities they
13 serve.

14 We should encourage or even require
15 charter schools to explicitly make community
16 involvement part of their objectives. They must
17 function like every other public school that
18 receives public school students and public money.
19 Charter schools must also be treated fairly in the
20 way they are evaluated and held accountable for
21 success.

22 To that extent, we should ensure
23 that charter schools are evaluated by the same
24 standards as traditional public schools. Although
25 charter schools are not allowed to discriminate

1
2 against students in their selection and acceptance
3 process, they can encourage parents to have their
4 children leave and attend a traditional public
5 school.

6 We must fully investigate the
7 practice and procedures the charter schools use to
8 counsel parents and students out of schools.

9 In conclusion, charter schools are
10 a relatively new addition to the New York City
11 education system, therefore it is not surprising
12 that there are still critical issues that need to
13 be addressed in the funding, geographic
14 distribution, and evaluation of charter schools.
15 As a result, it would be irresponsible and hasty
16 to rapidly expand the number of charter schools in
17 New York City without addressing the challenges
18 inherent in existing charter schools. To that
19 end, we urge the city council to carefully
20 evaluate and address the fundamental issues facing
21 the existing charter schools today before
22 supporting the further expansion in New York City.

23 In this time of economic
24 difficulty, we must ensure that every dollar of
25 public money that we spend on charter schools and

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2 traditional public schools are truly working to
3 improve the education of our children. Thank you.

4

CHAIRPERSON JACKSON: Well, thank
5 you, Mr. Franklin, on behalf of the Council of
6 Supervisors and Administrators. You are the
7 Director of Government Affairs for the Council, is
8 that correct?

9

MR. FRANKLIN: Yes.

10

CHAIRPERSON JACKSON: Did you sit
11 through the entire testimony of the Department of
12 Education questions and answers?

13

MR. FRANKLIN: I did, but at this
14 time we are not prepared to make any comment. I
15 would like to review the testimony with the
16 President, Earnest Logan, before we comment on it.

17

CHAIRPERSON JACKSON: Okay. Well,
18 let me thank you for coming in and representing
19 your union and obviously as Director of Government
20 affairs you sat through, so we look forward to
21 hearing your comments as to any things that were
22 said during the testimony, so you can contact and
23 send it to us in writing.

24

MR. FRANKLIN: Thank you.

25

CHAIRPERSON JACKSON: Thank you.

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2 And next, our former colleague, the former Chair
3 of the Education Committee, Eva Moskowitz.

4 Welcome, Eva.

5 Ms. EVA MOSKOWITZ: Good afternoon,
6 council member Jackson, Chair of the Committee,
7 and all of the members. It is very, very nice to
8 be back in this chambers that I have so much
9 respect for, and I hope to have contributed to the
10 city during my seven years.

11 Chair Jackson, I can recall very
12 fondly when I was in your seat, that in addition
13 to your line of questioning, you were always very
14 helpful in holding Hannah, who attended more
15 hearings than probably any newborn should, but
16 while I was asking the Department of Education
17 fairly tough questions, you were always willing to
18 lend a hand, and I will always be incredibly
19 grateful.

20 Hannah is now about two enter
21 public school next year. She will be five. I
22 think this represents part of my long and deep
23 commitment to public education, my two older
24 children are also public school students, I grew
25 up in Harlem, in District Five, going there to

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2 public schools. My parents are graduates of the
3 New York City Public School System, my
4 grandmother, both attended and taught in the New
5 York City Public School System. But it has been
6 three years since I served on your committee, and
7 I want to tell you briefly about my own
8 experiences in education, because I now run four
9 schools and took time away from writing and
10 science five days a week and geography, and making
11 sure the kids have recess and visual arts and so
12 forth, because I thought it was so important to
13 participate in this debate.

14 We have four schools and we serve
15 approximately 1,000 children. I have also had the
16 opportunity to see the incredible work of the
17 pioneers in the charter school movement who came
18 before me, whether it is Jeff Canada and the
19 Promise Academies in Harlem, or Dave Leven of the
20 Kip School, or Harlem Village Academy, Deborah
21 Kenny, there are many many people in this movement
22 who have thought about how do we educate kids at a
23 higher level.

24 There are currently 23 public
25 charter schools in Harlem, and they are

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2 transforming public education there. There have
3 been a lot of characterizations today about what
4 that is really about, and I want to give you my
5 characterization, which is parents are finally
6 being given control over their children's
7 education. For the first time, Harlem parents
8 have meaningful choices and parents are choosing
9 high performing public charters over failed zone
10 schools.

11 Now, however, a backlash is taking
12 place. The system is having an immune response.
13 It is fighting against innovation and parent
14 choice, because the spread of charter schools is
15 causing parents to flee failed zone schools.
16 There is, I would argue, a union political
17 educational complex that is trying to halt the
18 progress and put the interests of adults above the
19 interests of children. Chancellor Cline decided
20 to shut down two schools that are failing students
21 and that were already shrinking rapidly due to the
22 competition from public charter schools. These
23 school deserved to be shut down. At P.S. 241,
24 only 10 percent of 8th graders passed the reading
25 test in 2008. Ten percent. That is an astounding

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2 statistic. At P.S. 194, only 37 percent of 5th
3 graders passed the reading test in 2008. These
4 zone schools are destroying the lives of children.
5 You heard me right, destroying the lives of
6 children.

7 Now Chancellor Cline has backed off
8 from the plan to shut down those failed schools.
9 This happened because the United Federation of
10 Teachers brought a suit to prevent these failed
11 Harlem zone schools from being shut down. There
12 was a rally, which many politicians and union
13 representatives attended, to oppose shutting down
14 these schools with dismal academic results and I
15 frankly don't understand that.

16 Council member Jackson, you and I
17 both live in Harlem, we don't send our children to
18 schools like this. Let's be honest. No one on
19 this committee would send their child to a school
20 where only 10 percent of the students read on
21 grade level. None of the elected officials in
22 Harlem would send their children to failed zone
23 schools. One way or another, we always find
24 something better for our own children. It may be
25 a private school, or a parochial school, or a

1
2 gifted and talented program, but we always find a
3 way. It is wrong, it is wrong to keep open failed
4 schools to which we wouldn't send our own
5 children. Why do these schools stay open?
6 Frankly, it is low expectations for kids of color.
7 These schools would be shut down in a moment if
8 they were on the Upper East Side or Upper West
9 Side. They would never be tolerated.

10 In the last two weeks, we have seen
11 a new demonstration of the union political
12 educational complexes power and influence. First,
13 Albany recently raised zone school funding while
14 cutting charter school funding, even though
15 charters are already under funded. Just so you
16 know, because this question has come up a lot, the
17 check I get is \$12,500. The check that P.S. 194
18 gets is \$22,000. Second, the council is
19 considering a resolution that would make it harder
20 to place charter schools in public school
21 buildings. Both are anti-competitive practices.
22 We all know where this is coming from, the
23 teacher's union, the union doesn't want to compete
24 on the quality of education it's members provide.
25 That is what is happening. The union doesn't want

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2 us moving into these school buildings, because it
3 doesn't want parents having a choice between the
4 education that its members are offering at failed
5 schools and the education offered at successful
6 charter schools.

7 CHAIRPERSON JACKSON: Eva, can you
8 wrap up, if you don't mind?

9 MS. MOSKOWITZ: I will, but I
10 waited very patiently. The union wants to shut
11 down...

12 CHAIRPERSON JACKSON: One second,
13 one second. Ladies and gents, please. I am
14 chairing this meeting. I have the authority to
15 allow anyone to exceed their time limit. That is
16 within my prerogative. This is my former
17 colleague, I am asking her to summarize and wrap
18 up. I realize that I allowed her to go a little
19 bit more. That is my prerogative. Please
20 understand that. Eva, if you don't mind, please.

21 MS. MOSKOWITZ: Yes, I will go as
22 quickly as possible. The union wants to shut down
23 the competition rather than compete on the merits
24 of what it offers, but we can't afford the status
25 quo any longer. We can't permit children's lives

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2 to be destroyed by failed schools. I have brought
3 with me data from the zone schools in Harlem. It
4 is on this sheet, every member of the committee
5 should have it. Was that passed out? You have
6 it, great. Thank you.

7 Now I think we can all agree that
8 if a school fails to teach at least half of its
9 students to read at grade level, it is a failed
10 school. There are 37 zone schools in central
11 Harlem, 14 of these schools contain gifted and
12 talented programs or have selective admissions.
13 If you look at the remaining 23 zone schools,
14 there are only four that have more than half of
15 their schools reading at or above grade level. So
16 19 out of 23 zone schools in Central Harlem are
17 failed schools. Why should we be fighting against
18 the closing of these failed schools? This is what
19 I don't understand. I get that charter schools
20 are important and worth your attention, and I am
21 very appreciative of your focus on them, but where
22 is the hearing about how we can shut down these 19
23 failed schools in Central Harlem? Why is there so
24 much concern about the spread of public charter
25 schools? Remember, parents voluntarily send their

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kids to charter schools and nearly all of these schools are performing at a much higher level than zone schools.

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I am almost done. President Obama says we need more public charter schools, but from our local government, we are hearing the opposite, it is let's slow down this change, let's slow down parent choice. I think that is wrong, because every year we wait to offer parents the choices they deserve, is a year in which children's futures are destroyed. We cannot wait, we have waited too long, we have to say no to the union political educational complex that is fighting against parent choice. Thank you, and I am happy to answer any questions.

CHAIRPERSON JACKSON: Well thank you, Eva, coming in on behalf of the success charter network. Let me just state, based on information I have, that under the state budget, they did not raise zone school funding. Albany delayed to see the contract for excellent increases for two years, and the foundation aide was held flat, just as charter school aid was held flat. The city schools are facing a \$551 million

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2 dollar cut next year. And as you know or if you
3 don't know, they are expected to hopefully none,
4 but there may be layoffs to the tune of maybe
5 2,000 employees in the Department of Education.

6

MS. MOSKOWITZ: I disagree, council
7 member Jackson, with all due respect. The news
8 that was reported was that the districts were
9 getting \$1.2 billion dollars, and the charter
10 school monies were frozen, even though we are a
11 year behind, which in essence would be a cut. If
12 you are wrong, and the charter school monies are
13 not being frozen, or the money is being equally
14 distributed, then that is terrific, but that is
15 not my understanding.

16

CHAIRPERSON JACKSON: Okay, then
17 you know, I would like for you to supply us with
18 your numbers, if you don't mind, and I guess we
19 both can check into that with respects to it, but
20 clearly Albany had delayed the CFE, the governor
21 has said that, the foundation aid was held flat,
22 and city schools are facing a \$551 million dollar
23 cut next year, so with that, and if you have
24 information that is contrary, I would appreciate
25 you sending that in to us so that we can determine

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who is right and who is wrong as far as
information and facts are concerned.

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MS. MOSKOWITZ: Sure, I'd be happy

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to.

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CHAIRPERSON JACKSON: So let me

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turn to my colleague, Maria del Carmen Arroyo of

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the Bronx.

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COUNCIL MEMBER ARROYO: Thank you,

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Mr. Chair. Eva, you and I didn't serve in the

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council together very long, I don't really have a

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relationship with you, so I am going to feel very

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free to have this conversation with you here. You

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in your testimony said, "Council Member Jackson,

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we both live in Harlem." For the record, do you

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live in Harlem?

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MS. MOSKOWITZ: I grew up in

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Harlem, and I live in Harlem.

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COUNCIL MEMBER ARROYO: You live in

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Harlem currently?

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MS. MOSKOWITZ: I do.

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COUNCIL MEMBER ARROYO: Would you

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share with us a street?

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MS. MOSKOWITZ: I have three young

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children, so I would prefer not to. Are you

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2 questioning that I am telling the truth?

3

COUNCIL MEMBER ARROYO: Yeah, I am.

4

Okay, so I am going to go on to the next question.

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MS. MOSKOWITZ: That is a little

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offensive. I am happy to take the oath.

7

COUNCIL MEMBER ARROYO: Take

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offense, it is okay. I don't have a problem.

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MS. MOSKOWITZ: I am happy to take

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an oath as to where I live.

11

COUNCIL MEMBER ARROYO: Mr. Chair?

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CHAIRPERSON JACKSON: Wait, I can

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handle this. One second please.

14

COUNCIL MEMBER ARROYO: I will move

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to the next question.

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CHAIRPERSON JACKSON: One second.

17

I know for a fact that Eva lives in Harlem, but

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clearly, I represent part of Harlem, but I live in

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Washington Heights. Let me just say that. I know

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she lives in Harlem, I have been to her residence,

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but I clearly in Washington Heights, on 183rd

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Street and Forth Washington Avenue. And I

23

represent constituents in Harlem.

24

COUNCIL MEMBER ARROYO: But I am

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not questioning where you live.

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2 CHAIRPERSON JACKSON: I know that,
3 I understand. Go ahead.

4 COUNCIL MEMBER ARROYO: So your
5 statement about the schools deserving to be shut
6 down, I think you represent for me, the one thing
7 that I have a great deal of concern about charter
8 schools. Because the choosing one system over the
9 other is I think what we are trying to ensure we
10 have some kind of balance in. And your arrogance
11 about what the system should do and that charter
12 schools are the answer is exactly what drives the
13 conflict in a community, and something you need to
14 be very sensitive about how you represent that,
15 because we have parents in this room who are
16 affected by the decision that Department of
17 Education has made, although has delayed, to shut
18 down some schools, but you come in here and say
19 they deserve to be closed down, and then we, those
20 of us who remain in this body, have to navigate
21 the conflict that comes out of the arrogance that
22 comes when you make a statement like that. You
23 need to be mindful of that and hopefully come
24 around to a different way to presenting how we
25 should engage in this dialogue moving forward,

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because if not, the conflict will always be there.

MS. MOSKOWITZ: I appreciate and if I have come off as arrogant then I apologize.

COUNCIL MEMBER ARROYO: You have.

MS. MOSKOWITZ: But I would like an opportunity to explain what I think you are mistaking, because I don't think it is arrogance, I actually think it is my own personal experience with District Five schools. I went to them as a child, I had to figure out what to do as a mother, and it is my experience of the pain of wanting your kids to get a phenomenal education and being told it is that zone school or nothing, that is what you have been assigned to and you better like it or you are done. And I think that is an experience as a parent that is just awful. You bring these kids into the world, it is your obligation to do right by them, and when you are forced to send your child to a school where 10 percent of the kids can read, you know there is something wrong, and I have seen reforms. I have been through Chancellor after Chancellor after Chancellor. I sat where you are sitting and I asked the toughest questions of the Department of

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2 Education and I think Council Member Jackson can
3 vouch for the fact I didn't let them off the hook
4 whether it was a hearing on toilet paper or
5 special ed, or science education, we saw
6 everything from the keystone cops in the
7 Department of Education to a lack of genuineness.
8 It is not arrogance, it is the experience of
9 holding a hundred and twenty-five hearings, asking
10 every conceivable question, plus my own experience
11 going through the New York City Public School
12 System, and then as a mother, and then meeting
13 with hundreds, thousands of parents, who want a
14 good school. They can't wait until the system
15 improves itself.

16 COUNCIL MEMBER ARROYO: But Eva,
17 what I am referring to here is the approach that
18 comes into a community, with coming into a
19 community and setting up the dynamics for there to
20 be conflict.

21 MS. MOSKOWITZ: But how did I come
22 in? I was raised there.

23 COUNCIL MEMBER ARROYO: We are
24 talking in general terms here. You are sitting
25 there now and you are one of the examples that is

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2 always given when the site selection process is
3 completed and a school is identified to come in,
4 and parents on the other side of the issue,
5 whether they agree or disagree, not engaged in the
6 process. So that is what we are here discussing
7 and whether or not everyone is involved in the
8 discussions and that that process be handled in a
9 way that opens up for not very productive
10 conversations.

11 MS. MARKOWITZ: I think you are
12 right to look at the process, and I think that is
13 an important aspect of things. I would urge you
14 though to not only think of the process from the
15 point of view from the parents in a zone school,
16 but from the point of view of trying to open and
17 run excellent schools. It is very, very
18 difficult. Council Member Koppell was talking
19 about the involvement of parents. We have to
20 involve our parents in just getting a building.
21 There is space in Harlem and yet it is such a
22 struggle. We are not allowed to just focus on
23 reading, writing, and arithmetic. We have to
24 fight tooth and nail just to be considered a
25 public school, just to have a room for our

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2 children, why put us through that process? Why
3 not, if you determine that the charter school is
4 good and I think it is very important to make a
5 distinction between high performing and less well
6 performing and make that decision on the front
7 end, but if you decide that the charter school is
8 worth being authorized, then to put obstacle in
9 front of obstacle in front of obstacle, I almost
10 feel like we are being worn down with the hopes
11 that we'll go away, and it is very, very difficult
12 for our parents to want to have a school and to
13 have these obstacles continually put in our path.

14 COUNCIL MEMBER ARROYO: One last
15 question, Mr. Chair.

16 CHAIRPERSON JACKSON: Go ahead.

17 COUNCIL MEMBER ARROYO: Have you or
18 your peers, your colleagues in the charter school
19 movement offered the Department of Education any
20 suggestions on how they can handle that siting
21 process better, or do you agree that the siting
22 process is problematic?

23 MS. MOSKOWITZ: I do think that it
24 could be better, any process can be better, I
25 think that the Department of Education, most

1
2 everything it touches, it doesn't do very well, so
3 I am no fan of the Department of Education. But I
4 think that it is easy to sort of say that, "If
5 only we had improvements in the process," when, as
6 you said, there is a conflict here.

7 COUNCIL MEMBER ARROYO: Not all the
8 time, but the question is, have you and your peers
9 in the charter school movement offered a
10 suggestion or ideas to the Department of Education
11 on how they can make the assimilation process for
12 charter school into a school community easier?

13 MS. MOSKOWITZ: Yes. I have always
14 been bigger on more lead time for notification
15 purposes, we find out about the meetings last
16 minute just like everybody else, and then we have
17 to kind of drop everything we are doing and
18 scurry, and this is not a totally transparent
19 process, to say the least. But I don't think at
20 the end of the day that that is going to take
21 away--you know, why this is so controversial. I
22 think there is competition and that's not--people
23 don't like that. They're not totally comfortable
24 with the notion that, you know, another entity is
25 coming in, the DOE is much more comfortable with

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2 monopolistic practices than when there's actual
3 competition between public charters and zone
4 schools.

5

6 And I don't view that as bad thing.
7 I don't even view competition with other charter
8 schools as a bad thing. I think it's terrific
9 that the UFT started a charter school. I think
10 it's terrific that I have to look over the
11 shoulder at the KIPPS and the Harlem Village
12 Academies and the Promise Academies. And I have
13 to say to myself, boy are they doing science
14 education better than I am or are they doing, do
15 they have a better physical ed program than I'm
16 doing? You know, I welcome that. I don't think
17 it has to be negative and somehow bad. I think it
18 keeps all the players honest if we're constantly
19 looking out for our parents and our students.

20

21 COUNCIL MEMBER ARROYO: could go
22 on but I'm going to stop. Okay.

23

24 CHAIRPERSON JACKSON: Thank you.

25

26 Council Member Inez Dickens has the floor.

27

28 COUNCIL MEMBER DICKENS: Thank you.

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30 Thank you so much Mr. Chair. And hello Ms.

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32 Moskowitz, how are you?

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MS. MOSKOWITZ: Hello Council

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Member Dickens.

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COUNCIL MEMBER DICKENS: Your son

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attends school with the son of one of my

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colleagues. Do your children attend public school

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in District 5?

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MS. MOSKOWITZ: No they don't.

9

District 3.

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COUNCIL MEMBER DICKENS: In

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District 3, um-hum. Is it a charter public school

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or a public school--I don't want to know which one

13

or where.

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MS. MOSKOWITZ: I have three

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children and they go to three different schools.

16

I'm really looking forward to one morning schedule

17

and one holiday schedule--

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COUNCIL MEMBER DICKENS:

19

[Interposing] Um-hum.

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MS. MOSKOWITZ: --but that's not my

21

fate at the moment.

22

COUNCIL MEMBER DICKENS: Um-hum.

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MS. MOSKOWITZ: My oldest son goes

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to a gifted and talented downtown; my middle son

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goes to a public charter school; and my little one

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will go to a public school next year.

COUNCIL MEMBER DICKENS: All right.

Because what has been the problem here, it's not about being against charter schools. It's about the policy the DOE has in the siting of schools.

And I have a question. Do you think it's fair for DOE to give testimony that they had eight meetings with the parents of PS 194 between December and March, eight meetings, and think that that was sufficient time in order to have open discussion and dialog and public hearings with the parents that are impacted upon this? And it's not about being against charter schools. That's what you--I keep hearing. Not only from you but from your supporters and the parents who attend your school who are very happy.

But I witnessed the adversarial situation between the parents of your charter school and the parents of PS 194 at a meeting. I witnessed it myself. And it became so heated that my colleague called for the police.

And at the initial or I shouldn't say the initial, but the meeting just before that one, there had to be at last 150 parents and

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2 children from Harlem Success and there were about
3 20 parents from PS 194. And they had received
4 notice from DOE on a Friday night at 5:00 o'clock
5 and Monday was a snow day and the school was
6 closed. And the meeting was on Tuesday. Do you
7 think that that is indeed fair?

8

MS. MOSKOWITZ: No. And the
9 meeting, I mean we went to that and we got
10 notification the same time so we went. But DOE I
11 think appropriately scheduled a second meeting.
12 And I--there's no point in short-changing notice,
13 giving people too little notice. I just--I don't--
14 --I never support that. It's got to be, obviously,
15 reasonable.

16

But I think, I would challenge a
17 little bit 'cause I was at those meetings too.
18 And I don't think the police was necessary. I
19 think the meeting was emotional. And I think it
20 was emotional both for PS 194 parents who I think,
21 you know, were feeling like they were losing their
22 school. And I think it was emotional for our
23 parents because we are constantly being called a
24 private academy the way the language was used
25 here. We're called taking over.

1
2 We're from the outside. And I
3 think my parents are really sensitive to that. My
4 parents, many of them, we have parents from the
5 Bronx, about 20% of our parents are from the
6 Bronx, but most of our parents are from Harlem.
7 And they're saying to themselves, how can I be an
8 outsider. And since when did I get to be an
9 outsider? I come from the Drew Hamilton Houses.
10 How does that make me an outsider? I shop here.
11 I work here.

12 So, you know, there was tension,
13 I'll admit that. I don't know if it, you know, is
14 something that is so terrible. I do think people
15 need to be able--I mean that's in effect the
16 purpose of a hearing is for people to strongly
17 express--

18 COUNCIL MEMBER DICKENS:

19 [Interposing] Um-hum.

20 MS. MOSKOWITZ: --their views and
21 for someone to take it in. So I don't know. I
22 don't view that as, you know, a totally negative
23 thing. And in terms of notification, I think we
24 just have to be really clear. Are we talking
25 about the siting of charter schools? Or are we

1
2 talking about closing down schools? And whose job
3 is it to close down schools? And I think it is
4 never easy to close down a school, right?

5 You've got to look some parents in
6 the eye who, through no fault of their own, right,
7 if a school's not working it's not, you know, I
8 would view, I would view that if we got closed
9 down, I would view it as our fault as school
10 leaders and teachers and the people running the
11 school. We didn't do a good enough job and we can
12 get shut down as a public charter--

13 COUNCIL MEMBER DICKENS:

14 [Interposing] Um-hum.

15 MS. MOSKOWITZ: --school. I think
16 you have to leave that to the Administration. I
17 don't think you can have a democracy where you
18 kind of put it up for a vote. Okay, how many
19 parents want the school closed? How many people
20 want it open? I think you need leadership of some
21 sort to look at the academic results and make a
22 judgment. I don't think, frankly, on the two
23 schools, and that--there's much of a judgment. I
24 mean from an academic results point of view, these
25 results are so terrible that they're incontestable

1

2 it seems to me--

3

COUNCIL MEMBER DICKENS:

4 [Interposing] Eva, thank you so much but I beg to
5 differ with you on the importance of the input
6 from the parents who are being impacted and
7 affected by this. It's their children and they
8 have a right to have input. I did meet several of
9 your parents today from the Bronx that were here
10 to give testimony that go to a Harlem Charter
11 School. It's 100% of the children at PS 194 and
12 241 that come from the surrounding area. And I am
13 concerned.

14

And I do feel that choice is good.

15 But choice meaning that parents absolutely have a
16 choice. Not that they must go to a zone school or
17 they must go to a charter school, but that there
18 is a choice. Meaning that this administration,
19 meaning that this government, meaning that this
20 body has a responsibility to all parents to ensure
21 that all of our children, regardless of whether
22 they have the choice to go to a public charter or
23 the choice to go to a public school--

24

MS. MOSKOWITZ: [Interposing] I

25

would agree with that. We don't--

1
2 COUNCIL MEMBER DICKENS: --and so I
3 disagree about the shutting down. I think that
4 this Administration has been totally remiss in not
5 educating our children and putting in the
6 necessary resources to allow choice for all of our
7 children, for every one of them--

8 MS. MOSKOWITZ: [Interposing] Um-
9 hum.

10 COUNCIL MEMBER DICKENS: --because
11 that's what the parents are fighting about.

12 When you go to these meetings, Eva,
13 it's not about fighting against Eva, or fighting
14 against Harlem Success, they're fighting against
15 the policy that has for decades not educated our
16 children in minority communities, for decades.

17 And I attended school, public
18 school in District 5 because I too was born and
19 raised in Harlem. And I know the problems and I
20 attended public school. Not parochial, not
21 private, but public schools in Harlem, so I know
22 the problems that may be inherent in it. And I
23 also know the lack of resources that were put into
24 the schools in which I attended.

25 And I think if the Administration

1
2 would put the necessary resources to allow choice
3 so that if parents want to choose any charter
4 school, be it Harlem Success, be it the Democracy
5 Prep, be it the Harlem Children's Own Promise
6 Academy, Harlem Village, because all of those are
7 also charter schools that provide choice.

8 MS. MOSKOWITZ: I agree with you
9 Council Member Dickens but I--there's one point on
10 which I don't agree. And the point I agree on is
11 that I would never want someone to be forced to go
12 to a public charter or a zone school. It seems to
13 me that we should always give parents the option
14 so I completely agree with that. But on the
15 resource question, I really think we have to talk
16 about that. Because if you look at the resources
17 at PS 194, it's \$22,000 a child. PS 194 is--

18 COUNCIL MEMBER DICKENS:

19 [Interposing] Well my Chair said that he disagreed
20 but in any case go ahead.

21 MS. MOSKOWITZ: Well I'm happy--
22 we've spent a lot of time on this. And I'm--

23 COUNCIL MEMBER DICKENS:

24 [Interposing] Um-hum.

25 MS. MOSKOWITZ: --happy to hand

1
2 out--we've done very detailed comparisons of every
3 zone school that we're co-located with. I just
4 think if we're going to say if only we spent
5 \$23,000, if only we spent \$24,000, if only we
6 spent \$25,000, somehow this problem is going to go
7 away, I just think that in the end is going to
8 mean that children are never going to get the
9 education that they deserve.

10 I'm all for in general spending
11 more on education. I don't think society values
12 education as much as it should by any stretch of
13 the imagination. And I think Council Member
14 Jackson can vouch for the fact that I would have
15 walked with him to Albany. I started the walk but
16 I was pregnant and I had a 16-month old. So I
17 kind of had to get off at northern Manhattan.

18 But I have supported the CFE
19 lawsuit my entire career. I deeply believe that
20 society insufficiently values education but the
21 flip side of that is we can't always say that
22 somehow if only we had more money the schools on
23 this chart would succeed. PS 194 was failing when
24 I was a kid.

25 COUNCIL MEMBER DICKENS: Hum.

1
2 MS. MOSKOWITZ: And we've had
3 reform after reform after reform after reform.
4 And I think parents deserve in real time something
5 better. You know, if you've got a Kindergartner,
6 you can't wait five years. Your kid will already
7 have not learned to read. And that's the
8 situation that I have devoted my career to trying
9 and avoiding.

10 And I think the answer is to have
11 more competition among schools. I don't think
12 it's--it doesn't have to be nasty competition. It
13 has to be honest competition. Let's see, you
14 know, there are zone schools who are--that are
15 high performing. You've got a number in District
16 3, 4, and 5. Those obviously should not be shut
17 down. But when you have a school that for five
18 decades has not performed for kids, it's time to
19 say enough is enough. And we don't do that--

20 COUNCIL MEMBER DICKENS:

21 [Interposing] I have--

22 MS. MOSKOWITZ: --we don't do that.

23 COUNCIL MEMBER DICKENS: I have one
24 last question. That meeting that was held at 194,
25 where the parents were noticed on a Friday night.

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2 You said that you got noticed on Friday night
3 also?

4

MS. MOSKOWITZ: I don't have my
5 notes in front of me. I don't--

6

COUNCIL MEMBER DICKENS:
7 [Interposing] 'Cause that's not what DOE told me--

8

MS. MOSKOWITZ: [Interposing] Oh.
9 COUNCIL MEMBER DICKENS: --so

10 that's why I'm questioning. They said that they
11 didn't notice me until Monday. But they said--

12

MS. MOSKOWITZ: [Interposing] I
13 definitely knew before the snow day. I can tell
14 you that--

15

COUNCIL MEMBER DICKENS:
16 [Interposing] Um-hum, um-hum.

17

MS. MOSKOWITZ: --my memory is that
18 it was about 2:00 o'clock on a Friday--

19

COUNCIL MEMBER DICKENS:
20 [Interposing] Um-hum.

21

MS. MOSKOWITZ: --but I'm happy to
22 go back to my office and--

23

COUNCIL MEMBER DICKENS:
24 [Interposing] No I don't want to know the exact, I
25 was just--just because of what--

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2

MS. MOSKOWITZ: [Interposing] It was--it's always short notice--

3

4

COUNCIL MEMBER DICKENS: --I asked them specifically, um-hum.

5

6

MS. MOSKOWITZ: --it's always short notice and we're like scrambling to, you know, drop everything and figure out, you know--

7

8

9

COUNCIL MEMBER DICKENS:
[Interposing] How do you get bus loads of parents there--

10

11

12

MS. MOSKOWITZ: [Interposing] You know, we didn't have--

13

14

COUNCIL MEMBER DICKENS: --and--

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16

MS. MOSKOWITZ: --bus loads. This is like--

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18

COUNCIL MEMBER DICKENS: --no, well I'm just saying--

19

20

MS. MOSKOWITZ: --rumor, we walked from PS 123 'cause I know I walked with them. We walked with our parents from PS 123--

21

22

COUNCIL MEMBER DICKENS:
[Interposing] Bus load does not necessarily mean a bus. It just means the number of parents that came. It doesn't mean a bus load--

23

24

25

1
2 MS. MOSKOWITZ: [Interposing] Yeah
3 we have a lot of parents and--

4 COUNCIL MEMBER DICKENS: --and by
5 the way I just want to say that--and my colleague
6 was not there, Council Member Jackson, the Chair,
7 but when I walked, also to PS 194 to the meeting,
8 the police were lined up and the pol--I spoke to
9 the 32nd Precinct and they had received prior
10 notice that there was going to be a meeting, that
11 Harlem Success and you were going to be there and
12 DOE was going to be there.

13 And there were police starting back
14 at Adam Clayton Powell Boulevard, the school is in
15 the middle of the block for those of you who may
16 not know of 144th Street. Police were lined up,
17 lined up from Adam Clayton Powell Boulevard all
18 the way up to the school, car loads of them,
19 standing around and then when you get inside the
20 school, they were lined up. Lined up as if we
21 were going to attack. As if we did not know how
22 to maintain ourselves even if the parents had
23 something to say.

24 And I objected to that then and I
25 objected to it this time. And when they had the

1
2 second meeting, there--they didn't--I ask that
3 they not bring the police in like that to our
4 school meetings. So I just wanted you to know
5 that the whole atmosphere of the policy that DOE
6 has in bringing the charter schools in--and it's
7 not--my--the reason I question is because it never
8 appears to be somewhat so with Democracy Prep,
9 Promise Academy, Harlem Village Academy, it only
10 seems to be centered around Harlem Success. And
11 that's why I questioned it. I questioned DOE.

12 MS. MOSKOWITZ: Okay. Well you
13 have to know that--I mean the UFT was there in
14 force. You have to know that I held five days of
15 hearings on the contracts. I have a red X on my
16 back. This is not the first time that the UFT has
17 kicked us out of a building. Remember we were
18 supposed to go into 154. We didn't pick 154. I'm
19 not--I don't pick buildings. I am at the mercy of
20 this process where--

21 COUNCIL MEMBER DICKENS:
22 [Interposing] Well I'm glad you said that because
23 DOE--that's what they said under testimony today.

24 MS. MOSKOWITZ: That I picked 154?

25 COUNCIL MEMBER DICKENS: No not

1
2 you, not you, didn't say, no not you, I'm not
3 saying you definitively--

4 MS. MOSKOWITZ: [Interposing] Okay.

5 COUNCIL MEMBER DICKENS: --I'm just
6 saying that the charter schools--

7 FEMALE VOICE: Select the sites.

8 MS. MOSKOWITZ: [Interposing] No
9 we--

10 COUNCIL MEMBER DICKENS: Yes.

11 MS. MOSKOWITZ: Well we don't--
12 [chuckling]. I wish we did. No we don't. We
13 don't select--

14 FEMALE VOICE: [Interposing] Can I
15 help? Can I help with--okay.

16 MS. MOSKOWITZ: --we're constantly
17 doing research on where, I mean I don't know if
18 you're aware but I am--

19 COUNCIL MEMBER DICKENS:
20 [Interposing] Like you said in your testimony.

21 MS. MOSKOWITZ: --I promoted and it
22 was controversial then, I promoted when I was
23 Chair of the Education Committee, the idea, and
24 it's funny 'cause the DOE, you may recall Chairman
25 Jackson, was opposed [chuckles] which shows you

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how things come full circle.

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I said look there are underutilized seats in the City of New York. You know what they said? Absolutely not. There's overcrowding. There's no underutilization. There goes Council Member Moskowitz finding underutilization. But I went on their stats and their site and I listed by District all the underutilized seats.

And I said why are we expending all this money on a capital budget? Let's build seats in neighborhoods where there aren't any seats, not in neighborhoods where there are seats. So at the time, Council Member Jackson, you and I worked together to add seats to District 6, to Corona-Queens, there were very clear neighborhoods that needed seats whereas there are other areas which for demographic reasons, you know, I don't know all the reasons, there is underutilization.

So I look at that information. Mostly because when the Department of Education tells me there's nowhere for me to go, I want to be able to say, well actually there is somewhere for me to go, what about this building? What about that building? But that's all I can do.

1
2 I don't get to say I want to go
3 here. And I don't particularly--I don't have any
4 sort of horse in that race. For me it's important
5 to be able to have a building. I would prefer to
6 go where there's more room. And to speak to your
7 point, I would prefer not to have a pre-K program
8 in a high school.

9 I don't know why they didn't give
10 you a straight answer. If you had asked me I
11 would have said my absolutely preference, and I
12 think it's good policy, to not do that. Now does
13 that mean you can't ever coexist? Of course you
14 could coexist. But in general I don't think
15 that's a good idea. I think you want children of
16 the same age, if you can make that work, in the
17 same building. But I don't pick the sites. I
18 don't have any influence over that--

19 CHAIRPERSON JACKSON: [Interposing]
20 Thank you.

21 COUNCIL MEMBER DICKENS: I'm sorry
22 just one more thing. Have you--

23 CHAIRPERSON JACKSON: [Interposing]
24 Have--

25 COUNCIL MEMBER DICKENS: --

1

2 attempted to purchase a building?

3

4 CHAIRPERSON JACKSON: Say that
again. What's the question?

5

6 COUNCIL MEMBER DICKENS: Has, I was
7 asking Eva had she attempted to research into
purchasing a property?

8

9 MS. MOSKOWITZ: I mean I get
10 \$12,500 a kid. I raise private money to make up
for the under funding. Charter schools on average
11 get \$.75 on the dollar. So I raise the additional
12 \$.25. A) I can't afford a building and b) I
13 frankly don't believe that I should have to
14 because I'm a public school. And why not, why
15 should I have to build a building?

16

17 I mean you were asking earlier
18 about rent. And I'm like well wait a second, does
PS 194 pay rent? Why should a charter school pay
19 rent when they're not paying rent? I mean I think
20 we've got to figure out a way, if we really
21 believe, which I do that public charter schools
22 are public school, then we have to treat everyone
23 evenly. Otherwise we're not putting our money
24 where our mouth is.

25

COUNCIL MEMBER DICKENS: Well

1

2 correction--

3 CHAIRPERSON JACKSON: [Interposing]

4 Thank--

5 COUNCIL MEMBER DICKENS: --I didn't

6 ask about the rent though.

7 CHAIRPERSON JACKSON: Thank you.

8 COUNCIL MEMBER DICKENS: --that's

9 not my--

10 MS. MOSKOWITZ: [Interposing] Oh

11 I'm sorry--

12 CHAIRPERSON JACKSON: --thank you.

13 MS. MOSKOWITZ: --someone else did.

14 CHAIRPERSON JACKSON: --Council

15 Member Lew Fidler.

16 COUNCIL MEMBER FIDLER: Good

17 evening Councilwoman. And I know we did serve

18 together and I know that you've always expressed

19 and spoken your mind pretty clearly and forcefully

20 and I think that you know that I do too and in not

21 the most touchy-feely way. So. I just--

22 MS. MOSKOWITZ: [Interposing] I'm

23 ready for the gloves, go ahead.

24 COUNCIL MEMBER FIDLER: Yeah. I

25 just want to say that I found one thing in

1
2 particular--I mean I disagree with you in general.
3 But I found particularly objectionable your
4 demonization of the teachers in the City and their
5 union. And I think that, you know, I, you know,
6 it strikes me that they are the same mind as many
7 members of this Committee are which is that if a
8 public school is failing it ought to be fixed.

9 And I know that Randi Weingarten
10 came to Tilden High School, my alma mater, and
11 stood with me when that school had passed its
12 progress report card but DOE wanted to close it
13 anyway. So I know their intentions are to improve
14 schools that are failing. And I don't think
15 they're afraid--it's an issue of being afraid of
16 competition. I think your characterization of
17 their motives is very, very, very unfair. So I
18 just wanted to first say that.

19 Now I want to ask you some
20 questions about your schools because I think
21 they're relevant. How many students are enrolled
22 in your four schools?

23 MS. MOSKOWITZ: About 1,000.

24 COUNCIL MEMBER FIDLER: How many of
25 them are English language learners?

1
2 MS. MOSKOWITZ: A very small
3 percentage, under 5% and let me explain why
4 because that has come up a lot. I don't know if
5 you know how you become an ELL student. You
6 actually have to go through a process. You're--
7 the parent has to sign something called a Home
8 Language Survey.

9 And if the parent puts down that
10 the native language that they speak at home is not
11 English, then the child automatically becomes an
12 ELL student and certain prescriptions kick in. We
13 can't force our parents to sign that piece of
14 paper. And many of our parents do not want to
15 sign this piece of paper--

16 COUNCIL MEMBER FIDLER:

17 [Interposing] Councilwoman--

18 MS. MOSKOWITZ: --paper.

19 COUNCIL MEMBER FIDLER: --I'm going
20 to stop you 'cause my purpose wasn't to impugn the
21 integrity of your process but was to underscore
22 the points that I was making with Deputy
23 Chancellor Cerf which is that running four schools
24 in Harlem, you have a very small percentage of
25 English Language Learners. How many of your

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students are special ed?

MS. MOSKOWITZ: Well I--

COUNCIL MEMBER FIDLER:

[Interposing] And have IEPs?

MS. MOSKOWITZ: I want to go back to the point because ELL is a government term. If you want to know how many of my parents are, for example, Latino or African, I can give you--

COUNCIL MEMBER FIDLER:

[Interposing] That's not what I'm asking--

MS. MOSKOWITZ: --that.

COUNCIL MEMBER FIDLER: --you know, there are many, many Latino and African American parents in the City of New York for whom English is their primary language.

MS. MOSKOWITZ: Well the--

COUNCIL MEMBER FIDLER:

[Interposing] I'm not--that's not the question I'm asking. I'm going to this, you know, you know, the statistics or the argument that was made by the Deputy Chancellor about how wonderfully charter schools do compared to the rest of us.

So I'm, you know, and Mr. Nadelstern sat here and gave me an explanation for

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2 why two-thirds of their class sizes are beneath
3 City averages. That wasn't relevant. What was
4 relevant was that you're comparing apples to
5 bananas if you're going to look at the factors
6 that are most important in a quality education and
7 compare them, I didn't ask why your class sizes
8 were smaller--

9 MS. MOSKOWITZ: [Interposing] But
10 why matters.

11 COUNCIL MEMBER FIDLER: --I just
12 aspire to having my class sizes smaller too--

13 MS. MOSKOWITZ: [Interposing] Okay
14 well you wouldn't like our schools very much
15 'cause our class size is very big. In
16 Kindergarten we have about 27 kids in
17 Kindergarten.

18 COUNCIL MEMBER FIDLER: All right.
19 So your class sizes are higher than the average.

20 MS. MOSKOWITZ: Correct. In the
21 buildings where we're co-located--

22 COUNCIL MEMBER FIDLER:
23 [Interposing] All right so--

24 MS. MOSKOWITZ: --they are higher
25 by about--our co-located schools have about 16

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kids in a Kindergarten class.

COUNCIL MEMBER FIDLER: Okay. So your class sizes are larger--

MS. MOSKOWITZ: [Interposing] Correct.

COUNCIL MEMBER FIDLER: --but you have fewer English Language Learners. How about special ed and IEPs--

MS. MOSKOWITZ: [Interposing] We have a higher than the zone schools than we're co-located with. We have about 18% on average of the 4 schools. I have 1 school where it's higher. It's about 23% and at my other schools it's about 16%.

COUNCIL MEMBER FIDLER: And could you tell me how much money you raise from private sources in a year?

MS. MOSKOWITZ: I raise the \$.25 on the dollar. So I'm given \$.75 from government--

COUNCIL MEMBER FIDLER: [Interposing] Well can you give to me in raw numbers as opposed to giving it in percentages--

MS. MOSKOWITZ: [Interposing] Well it's \$12,500 that I'm given per kid. And I--

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2 COUNCIL MEMBER FIDLER:

2

3 [Interposing] How much do you raise from private
4 sources? That's a--

5

MS. MOSKOWITZ: [Interposing] I

6

raise--

7

COUNCIL MEMBER FIDLER:

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[Interposing] I can't believe you don't know that
9 Councilwoman.

10

MS. MOSKOWITZ: I'd have to do the

11

math but I raise the \$.25 for--on the dollar for
12 each school.

13

[Audience background noise]

14

CHAIRPERSON JACKSON: Quiet please.

15

COUNCIL MEMBER FIDLER: \$.25 on the

16

dollar--you're telling me that you don't--you... as
17 I mean as efficient as I know you are, you're
18 telling me you can't tell me what your annual
19 private fundraising total is?

20

CHAIRPERSON JACKSON: Somebody

21

please--I don't want to hear a response from the
22 audience. Please. You're not up there

23

testifying. You want to say that she's lying, not
24 telling the truth, when you get up there, I'll ask

25

the question, do you disagree with anything that

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2 was said. And you can comment during the period
3 of time that you have. But please, I don't want
4 to hear responses to the questions being asked by
5 saying no or yes, she's lying, whatever. That's
6 inappropriate. And I'm not--

7 MS. MOSKOWITZ: [Interposing] You
8 know, we--

9 CHAIRPERSON JACKSON: --going to
10 tolerate that. Please. For anyone, just as I
11 said earlier, I--and I, as the Chair I take the
12 prerogative in saying I was at the 194 hearing and
13 it was so volatile that I asked the Sergeant of
14 the Safety Officers there how many officers to you
15 have here. They had eight.

16 In my opinion that was not enough
17 because it almost got to a fight. And if a fight
18 broke out, eight Safety Officers was not enough to
19 deal with that 600 people in that volatile
20 situation. That was my opinion. And I really
21 asked the question because it was that volatile.

22 Now I'm sorry and I wanted to say
23 that but I just come back to please keep your
24 comments to yourself. And if you have comments
25 about Evan Moskowitz' testimony or anyone else,

1
2 when you get up, then you can testify. I'm sorry,
3 Lew can you ask the question again--

4 COUNCIL MEMBER FIDLER:

5 [Interposing] Yeah. And Councilwoman, I'm not
6 suggesting that you're not telling the truth
7 anyway. I just, I just know, having served with
8 you for four years and how on top of things you
9 are, and you run four different schools here. You
10 run them. I mean you don't--you can't tell me
11 what your total private money raised was?

12 MS. MOSKOWITZ: You know, I know
13 the percentages because my--I'm so focused on
14 apples to apples for the very reason that you
15 mentioned. So even if I could philanthropically
16 go out and raise more for the schools I don't
17 because I don't think that that would give a fair
18 comparison. So we're very, very focused on the
19 \$.25--

20 COUNCIL MEMBER FIDLER:

21 [Interposing] Oh. So you hit a point and you stop
22 fundraising because it would be unfair for you to
23 raise more. Is that what you're--

24 MS. MOSKOWITZ: [Interposing] I, I
25 do.

1
2 COUNCIL MEMBER FIDLER: --asking me
3 to accept?

4 MS. MOSKOWITZ: You know, I'm
5 getting a little frustrated. First my address is
6 questioned--

7 COUNCIL MEMBER FIDLER:
8 [Interposing] I'm not questioning your address--

9 MS. MOSKOWITZ: --then my--yes.
10 That--

11 COUNCIL MEMBER FIDLER: --I would
12 never do that.

13 MS. MOSKOWITZ: --yes I mean I
14 served in--

15 COUNCIL MEMBER FIDLER:
16 [Interposing] Okay.

17 MS. MOSKOWITZ: --this body. I
18 think that I would be owed the respect--

19 COUNCIL MEMBER FIDLER:
20 [Interposing] I, I--

21 MS. MOSKOWITZ: --I'll testify
22 under oath. I have--

23 COUNCIL MEMBER FIDLER: --you know,
24 I--

25 MS. MOSKOWITZ: --no problem doing

1

2 so.

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COUNCIL MEMBER FIDLER:

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Councilwoman, I, you know, I'm not trying to be

5

disrespectful. All right? I mean I can very

6

quickly in my mind, you know, based on the numbers

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that you gave before, \$12,500, \$.25 on the dollar

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and 1,000 students come to the conclusion that

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you've raised at least \$325,000. Would that?

10

Would you say--

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MS. MOSKOWITZ: [Interposing] Yeah.

12

COUNCIL MEMBER FIDLER: --it's more

13

or less?

14

MS. MOSKOWITZ: No I would say

15

that's, that's about right.

16

COUNCIL MEMBER FIDLER: That's

17

about it.

18

MS. MOSKOWITZ: Yeah--

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COUNCIL MEMBER FIDLER:

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[Interposing] Okay.

21

MS. MOSKOWITZ: --it gets less as

22

the years go on. And in other words, it's not

23

equal, meaning that my schools are at different

24

stages of their life as it were. And as you get

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more students, the, you know, you're not carrying

1
2 the same costs over, you know, you have the
3 principal's salary and whether you have a small
4 number of students or a large number of students
5 you have to pay the teacher's salary. So as the
6 school gets bigger, you get more efficient. And
7 the, you know, need to supplement gets less which
8 is why I can't sort of come up with a figure quite
9 off the top of my head.

10 COUNCIL MEMBER FIDLER: Well I
11 would ask if you--when you go back to your office
12 if you could send Chairman Jackson the figure. I
13 would be--

14 MS. MOSKOWITZ: [Interposing] Sure.

15 COUNCIL MEMBER FIDLER: --be
16 interested in knowing it. And just one last
17 question and then I don't know if you were in the
18 room or not when I was questioning Deputy
19 Chancellor Cerf, would you agree that the level of
20 parental involvement in the parents of your school
21 exceeds that of the average public school non-
22 charter public school, simply by the fact that the
23 parents that had to seek admission to your school?

24 MS. MOSKOWITZ: I would disagree in
25 terms of the seeking. I have both applied to

1
2 Kindergarten in a New York City traditional public
3 school. And I have applied to a charter school.
4 And a charter school, the flyer comes under your
5 door. They come to you. There are posters in all
6 the stores. They're in the, they're, you know, in
7 the housing complexes and so forth. When I
8 applied to Kindergarten for my child, I was told
9 that I had to come on March 31st and I had to
10 bring 3 documents. Then I brought the 3 documents
11 and the lady wasn't there. So I came back the
12 next--

13 COUNCIL MEMBER FIDLER:
14 [Interposing] But you applied to your locally
15 zoned--

16 MS. MOSKOWITZ: [Interposing] This
17 was my zone school--

18 COUNCIL MEMBER FIDLER: --
19 Kindergarten, right?

20 MS. MOSKOWITZ: --but I still had
21 to bring my 3 documents--

22 COUNCIL MEMBER FIDLER:
23 [Interposing] So you knew where to go--

24 MS. MOSKOWITZ: [Interposing] I
25 still had to take off work--

1
2 COUNCIL MEMBER FIDLER: --if you
3 lived in a cave you would know what school to go
4 to. Right? I mean that's the point.

5 MS. MOSKOWITZ: Yeah but you
6 couldn't--and I think Council Member Jackson and
7 Council Member Dickens can confirm that access is
8 not a problem. We're everywhere. You couldn't
9 live in Harlem and not know that one opportunity
10 you had was the Harlem Success Academy. We knock
11 on doors. We help fill out the application for
12 people. It is unbelievably easy.

13 I would argue much easier to apply
14 than it is to a zone school where you have to make
15 an appointment, you have to know the number.
16 They're not always there. The documents they tell
17 you to bring are not the right documents. And
18 it's a back and forth and back and forth, not too
19 dissimilar from Chairman Jackson's attempt to get
20 information--

21 COUNCIL MEMBER FIDLER:

22 [Interposing] Oh--

23 MS. MOSKOWITZ: --it's actually
24 hard to--

25 COUNCIL MEMBER FIDLER:

1
2 [Interposing] Councilwoman, you know, just, I
3 would never be the one to argue that the
4 bureaucracy of the Department of Education is,
5 huh, you know, less than any private institution
6 or other institution.

7 The point is that in order to know
8 to apply to you a parent has to be a little bit
9 more involved and aggressive than if they know
10 that they have to--that they go to the default
11 option which is their local school. I think
12 that's the point is that the parent begins, the
13 parent begins by being a more involved parent.
14 And so--

15 MS. MOSKOWITZ: [Interposing] I
16 would--I would disagree--

17 COUNCIL MEMBER FIDLER: --you can
18 disagree--

19 MS. MOSKOWITZ: --with that.

20 COUNCIL MEMBER FIDLER: --you can
21 disagree with that but I'm sorry, you know, I
22 think that's an absolutely postulate to this.
23 That, you know, that that and the fact that two-
24 thirds of charter schools have smaller class size
25 than their non-charter school counterparts I think

1
2 speaks to the numbers that I was debating with
3 Deputy Chancellor Cerf.

4 And that's what I was trying to get
5 at. And I think you probably--you've indicated,
6 you've equalized the playing field as far as the
7 money even though we don't agree that the money
8 situation is exactly as you've portrayed it. But
9 you've equalized the money field. So. That was
10 the point of the analysis. And that's--I'll leave
11 it at that.

12 CHAIRPERSON JACKSON: Thank you
13 Council Member Fidler. Council Member Moskowitz
14 [chuckling] Eva, let me just say to you that, you
15 know, I know you. I know your husband and your
16 children and I respect you and your family. But
17 clearly as a leader of the Harlem Success Network,
18 in my opinion, the type of leadership that, in my
19 opinion or the lack thereof, concerning the
20 parents from the Harlem Success Academy or the
21 Network, leaves a lot to be desired with respects
22 to communicating to them how to be involved in the
23 community with respects to trying to get space for
24 their children.

25 And in my opinion that the whole

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2 situation at PS 194 was so volatile and so nasty
3 that it was terrible. And it's very difficult,
4 very, very difficult, as you know, in electoral
5 process, when you make things personal. And I'm
6 not saying you made things personal but you know
7 in an election when you attack one another, when
8 the election is over, it's hard to come back
9 together when it's personal. And in the situation
10 that my--that I experienced at 194, it's very,
11 very difficult for parents to come back together
12 because it was so volatile.

13

14 I think as a leader I share with
15 you, you have to work on that. I think that you
16 have an obligation as the leader of that network
17 to educate and teach the parents in your network
18 how to approach things a little differently as my
19 colleague Inez Dickens said. Not to say that the
20 parents don't deserve a right to have space for
21 their children but I think the way things are
22 done, absent of the craziness within the
23 Department of Education, in my opinion. So I
24 share that with you as a former colleague and as
25 someone that I respect.

25

MS. MOSKOWITZ: Well thank you. I

1

2 certainly believe that graciousness is always
3 appropriate. I've always tried to conduct myself
4 personally that way. And I would certainly hope
5 that we teach our scholars to behave respectfully
6 towards one another. You know, I think it was an
7 emotional night and, you know, the parents may
8 have felt that they were blamed for something that
9 was not of their own making and that led to
10 emotions.

11 But I would hope that we could sit
12 down and talk more about the public charter school
13 movement and how to go forward in a way that kids
14 are getting the opportunity. And I would welcome,
15 of course, everyone on the Committee to come
16 visit, but particularly the Chair, Council Member
17 Jackson, and Council Member Dickens. I think if
18 you came to the school to see the quality of the
19 learning and the quality of the teaching and what
20 kids can accomplish.

21 I know we all know it on some level
22 and we all believe in it otherwise you wouldn't be
23 doing the jobs that you're doing. And I certainly
24 believed in it. But before I did the schooling
25 and I was a former teacher, but when you see an

1
2 entire school, when I came this morning, I saw the
3 first graders studying physics, they were doing an
4 aerodynamics lesson where they were studying how
5 the speed of the ramp affected the distance with
6 which the ball traveled. And the notion that
7 first graders are studying aerodynamics, why
8 shouldn't every kid get that.

9 And if the child doesn't succeed
10 the first time, you know, we don't blame the
11 child. We look at ourselves as adults and we say
12 what can we do differently to make sure that every
13 single child in our school succeeds. So I would
14 welcome that opportunity to give you a tour of our
15 school or any other--I'm sure there are other
16 charter leaders who would love to have you visit
17 their schools.

18 CHAIRPERSON JACKSON: Thank you.

19 MS. MOSKOWITZ: Thank you.

20 CHAIRPERSON JACKSON: Thanks for
21 coming in.

22 MS. MOSKOWITZ: Thank you.

23 CHAIRPERSON JACKSON: Our next
24 panel is, which ones, all of those?

25 [Discussing next panel composition]

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[Pause]

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CHAIRPERSON JACKSON: Michelle

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Bowden and UFT Charter School Leader and Annie B. Martin the head of the Harlem NAACP. Please come forward.

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[Pause]

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CHAIRPERSON JACKSON: Oh all of

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them. I'm sorry. Along with--there's so many of them: Gregory Mendez, Parent of PS 150 representing himself; and Rose Laney a parent from PS 150 representing herself; and David Grinage, President of CEC District 23. And Ellen McHugh, New York City Coordinator for Parent to Parent of New York State.

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And when I left the podium about 20 minutes ago, some people may have heard some noise in the restroom. I was having a conversation with the Second Vice President of District 23 and he said he's been waiting five hours to give testimony and what have you. And I said I understand that. But, you know, what am I supposed to do? We have a hearing and I'm hearing testimony. And I've said all along that if you planned on coming to this hearing on this volatile

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2 issue, you'd be better to be ready to come in for
3 the long haul because it was going to be a long,
4 long day.

5 And clearly, and he also said, you
6 know, but Council Members have gone. And I said
7 well I can't force them to stay. You know, and
8 you need to contact your Council Member and ask
9 them where were they if they're not here. So
10 that's just part of the way it is. So with that,
11 it was nothing but just communication between us,
12 that's all. And you can decide who goes first.
13 Let's go with Michelle Bowden, the UFT Charter
14 School Leader. And let me just remind all of you
15 again--

16 SERGEANT AT ARMS: [Interposing]
17 Quiet please.

18 CHAIRPERSON JACKSON: You have
19 three minutes to give testimony. And if you have
20 written testimony I ask that you not read it but
21 stay within the guidelines of the time. So Ms.
22 Bowden.

23 MS. MICHELLE BOWDEN: All right.
24 Yes? Good afternoon Chairman Jackson and members
25 of the Committee. I'm Michelle Bowden and I lead

1
2 the UFT Elementary Charter School. I've very
3 proud of the work we're doing.

4 CHAIRPERSON JACKSON: Push your mic
5 up a little bit to your mouth. There you go.

6 MS. BOWDEN: Is that better?

7 CHAIRPERSON JACKSON: Yeah, just
8 bring it down there--

9 MS. BOWDEN: [Interposing] All
10 right.

11 CHAIRPERSON JACKSON: --good.
12 Good.

13 MS. BOWDEN: I'm very proud of the
14 work we're doing at the school. I'm very proud of
15 being a part of the charter school movement. And
16 I am especially proud of my affiliation with the
17 United Federation of Teachers. This school was
18 started a few years ago for the union to be able
19 to demonstrate and really put our money where our
20 mouth is in terms of quality education for
21 children. And we're doing that. And we're
22 proving that. And we're demonstrating that every
23 day in the work that we do with the students, 375
24 students in my campus, grades K through 4. Next
25 year we'll be adding 5th grade.

1
2 I believe and the UFT believes that
3 we all need to be working together to find
4 solutions that work for our communities. And we
5 all need to make sure that parents have a voice in
6 the process and not allow the DOE or anyone else
7 to bypass the Community Education Councils. Our
8 school is co-located with a middle school in East
9 New York. And we have a wonderful working
10 relationship with the principal of that school and
11 the PTA and the entire community. We work
12 together as one.

13 If we attempted to work
14 independently or to be disrespectful of the school
15 community that already existed that would, in
16 itself, be a failure of our school. Never mind
17 scores, never mind anything else that we might
18 accomplish. Because we are all part of the East
19 New York community and that's how we view
20 ourselves and that's how we function.

21 Solutions, when schools are
22 failing, can and should involve discussions about
23 charters which can provide great options for
24 families. Those solutions should also involve
25 support plans for struggling schools. Everyone

1
2 has to be held responsible for supporting schools.
3 You don't give up. You go in, you figure out what
4 the problems are and you fix them. I know
5 potentially treacherous issues such as shared
6 space and competition can be overcome when people
7 work together, communities work together and
8 everyone respects each other.

9 When you come in and respect people
10 and you commit to working with others to improve
11 the community you can accomplish anything.

12 CHAIRPERSON JACKSON: Thank you.
13 And next Annie B. Martin, the head of the Harlem
14 NAACP.

15 DR. ANNIE B. MARTIN: New York
16 Branch.

17 CHAIRPERSON JACKSON: I'm sorry,
18 press the button Annie--Ms. Martin--

19 DR. MARTIN: [Interposing] New York
20 Branch, NAACP.

21 CHAIRPERSON JACKSON: New York
22 Branch.

23 DR. MARTIN: Uh-huh.

24 CHAIRPERSON JACKSON: Okay.

1
2 DR. MARTIN: And I think I'm the
3 only person from the NAACP so before I start my
4 remarks and they're not too long, I would like to
5 complete them. My name is, Chairman Jackson, and
6 members of the New York City Council Education
7 Committee, my name is Dr. Annie B. Martin, and I
8 am President of the New York Branch, NAACP.

9 As a concerned resident and
10 activist in Harlem, I have fought hard for quality
11 schools in our area. Our children and our entire
12 Harlem community need them desperately. The NAACP
13 has labored and litigated to ensure that public
14 education is accessible, equal and open to all.
15 We have dedicated our lives to these issues,
16 because we deeply believe that every school should
17 exemplify excellence, and every child deserves a
18 quality education.

19 I came out to speak with you this
20 afternoon, because I believe that our Education
21 Department in its commendable efforts to set
22 standards of excellence and improve the quality of
23 New York City schools in general and Harlem
24 schools in particular, has lost its way. I have
25 serious concerns about the DOE's plan for charter

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school expansion in Harlem.

That's not to say I'm against charter schools, I'm not. But, I'm for open, transparent community discussion and true input from the parents whose children's future depends on these policies. Understandably, I am very concerned that these decisions to put charters into existing public schools, or to close public schools, are being done without community input.

More and more, I worry that the Harlem community, whose parents want quality schools so badly, is being used as a pawn by the charter movement. Some parents and their children are selected for public education benefits and parental engagement, while other parents and their children are overlooked. Children are competing for placement in schools right in their neighborhoods and parents are made to feel like standing up for their rights equates with denouncing higher quality school choice.

I never like to see parents pitted against parents, but more and more, that's what I'm seeing being done; and sadly it is being quietly instigated by our City's own Education

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2 Department. When that happens and the community
3 isn't consulted, we don't get a chance to ask
4 about the collateral damage that moves--through
5 this making.

6 How neighborhood parents will deal
7 with losing their zoned school, for example or
8 questions like how will the changes affect the
9 already overcrowded schools in the area? Or what
10 types of services will English Language Learners
11 and students with special needs have, if they are
12 not selected in the charter school lottery
13 admissions process?

14 Chairman Jackson, please help make
15 the DOE follow State and City guidelines on
16 community and parental input, those into these
17 critical decisions. Let us not in the name of
18 quality education, undermine the public trust and
19 one type of public school operate in our
20 communities without oversight than the other
21 public schools in our neighborhood.

22 What happened to Brown v. Board of
23 Education? Parents that could afford went to
24 private schools. Now they have come to bombard
25 the community with charter schools. And our kids

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cannot get into those schools. I went to that hearing. I was at that hearing. It was not an overwhelming amount of UFT there. I sat there and I was appalled at what happened and what the people here today testified. It is ridiculous and I think that something has to be done somewhere along the line because our children in our neighborhood deserve better than this. Thank you for your listen--for listening.

CHAIRPERSON JACKSON: Thank you.

And next we're going to hear from Mr. Gregory Mendez, parent at PS 150.

MR. GREGORY MENDEZ: Yes. Good afternoon.

CHAIRPERSON JACKSON: Good afternoon.

MR. MENDEZ: My name is Gregory Mendez and I'm a parent of two children that's attending PS 150. One is in pre-K and the other in second grade. I have four children that graduated from PS 150. One is in college right now. I have two in middle school, Kappa Five; and one in high school. I live right across the street from PS 150 which is convenient.

1
2 CHAIRPERSON JACKSON: Where is that
3 located please?

4 MR. MENDEZ: In Brooklyn, Sackman
5 Street--

6 CHAIRPERSON JACKSON: [Interposing]
7 Okay very good. Thank you.

8 MR. MENDEZ: Where was I--okay.
9 This school is always and has been a neighborhood
10 school of ours. Me and my wife, we are very
11 involved parents.

12 And now I ask the question why does
13 DOE, why don't they work with us, the parents of
14 these students or these failing schools as we call
15 them? I feel that the decision that was made
16 about closing our schools was something that was
17 already made. It was not a decision that was,
18 that the parents of these schools that--we didn't
19 have no decision, in other words in DOE plans for
20 whichever schools they're phasing, in other words.

21 [Pause]

22 I'm sorry but I'm kind of
23 overwhelming here but... please bear with me.

24 CHAIRPERSON JACKSON: You mean
25 you're a little nervous, you mean?

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MR. MENDEZ: Yes Sir.

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CHAIRPERSON JACKSON: It's okay. I
get nervous too.

4

5

COUNCIL MEMBER FIDLER: We'll be a
lot nicer to you than to the--

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7

MR. MENDEZ: [Interposing] Okay--
[chuckling].

8

9

[Audience chuckling]

10

MR. MENDEZ: Okay. First of all
our schools, PS 150, we need better computer labs.
We had after school tutoring programs before and
they were cut out. So in other words we are
looking for improvements opposed to getting closed
down. You know, whatever help we need for our
children, that's what we are here asking for.

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Our children, as I sit down here,
listening to conversations after conversation, the
importance of this whole meeting was about our
children. And so far DOE haven't been doing a
good job, in other words. And we are here to ask
for everyone's help, or opinions or whatever could
make our children's' educations number one in
America. After all this is the United States of
America. We entitled to the best education that

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2 money has to offer, that money can buy, in other
3 words.

4 And in conclusion I would like to
5 say that we are receive a letter from DOE recently
6 telling us that they will give us this year to
7 complete or to complete this year without being
8 phased out. And I think that's not enough time
9 for a school to be, to be tested in other words.

10 This is how I look at it because in
11 this paper they were saying that the school will
12 stay open for one year. If you are a school
13 that's not doing so well, I don't think having
14 less than a year is the appropriate time factor
15 for a school to do better. You know. We need
16 fundings and we need public officials to help us
17 and our childrens. And I'm here to ask for help.
18 Thank you.

19 CHAIRPERSON JACKSON: Thank you.
20 Thanks for coming in. Rose Laney, parent of PS
21 150. Your last name is Laney?

22 MS. ROSE LANEY: Yes it is--

23 CHAIRPERSON JACKSON: [Interposing]
24 Okay. Pull the mic up please if you don't mind.

25 MS. LANEY: Yes it is and good

1
2 evening ladies and gentlemen. My name is Rose
3 Laney and I am the President of President's
4 Council, also the PTA President. I am the
5 grandmother of two children that attend there.
6 And my children also attend there.

7 Our schools serve a higher need
8 student populations. And we owe them better than
9 what the DOE is offering. We currently have seven
10 special ed classes at our school and many children
11 who attend our schools live in the shelter area.
12 This is a high poverty school, 97% of our children
13 are eligible for free lunch.

14 According to the State,
15 academically yearly process, we are in good
16 standing. Yet our school was given an F on the
17 DOE report card and is being closed down. For
18 years we have asked for additional help for our
19 special need children and never received it. The
20 children did not fail yet the system failed them.

21 This process has been an--this
22 process of bringing in a charter school to replace
23 our schools was lousy. We first heard about it at
24 the District Leadership Team Meeting. We prepared
25 a proposal to break up our school into small and

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smaller schools.

If I'm not mistaken ladies and gentlemen, you have a proposal that says Ocean Hills. I gave a proposal that should be on your-- with you. As parents and educators we know what the community. We want to go back from--back to pre-K, from K to 6th grade instead of K to 8 like we are now. We never got a response to the proposal.

The next thing we heard, parents got a letter from the school telling us that our school would be phased out and replaced with two charter schools. The parents object, losing the zone school at that meeting. But it was a done deal. 100 parents protested and the faculty heard that the DOE was already, and the DOE was already handing out applications.

We have now temporarily saved our zone school from closing. In the letter we received from the Chancellor, we are encouraged to apply for charters and other public schools. It is--they're not... it would have been nice for the Chancellor to tell us what his plan is to support PS 150 and help our zone school improvement.

1
2 Applying to the charter schools is
3 not the answer. That does not serve our pre-K or
4 special ed public population. And all our schools
5 (sic) who currently attend PS 150 will not
6 guarantee--will not be guaranteed seats in the
7 charter schools. And we will not be.

8 We have, in conclusion, I'm just
9 not going to read any more, in conclusion I'm
10 going to tell you we have first grade, a first
11 grade class that most of our children are special
12 ed. We service all of the area shelters in our
13 area. We serve three housing projects.

14 One street cannot cross to the
15 other street. Parents are aware if the charter
16 school or the DOE had did taken care and went
17 through the community they would have known there
18 were gang rivals. And that public school 150 is
19 right slap in the middle of it. Thank you.

20 CHAIRPERSON JACKSON: Thank you.
21 David Grinage, President of the Community
22 Education Council of District 23.

23 MR. DAVID GRINAGE: Good afternoon.
24 My name is David Grinage and I am the President of
25 the Community Education Council. First I want to

1
2 be very clear that as an advocate for our
3 children, all of our children are entitled to an
4 equitable education. And no I am not opposed to
5 charter schools whatsoever.

6 However it is not about charter
7 schools that I sit here. It is about the policy
8 and the way that the Department of Ed treats
9 parents and parent leaders. We have most recently
10 the Department of--PS 150 that is slated to be
11 closed out. At no time in spite of what the
12 testimony was given earlier, did the Department of
13 Ed in fact have any discussion about the closing
14 of 150 until they in fact announced that they were
15 closed.

16 The first meeting that they
17 announced that I was present, Ms. Laney was,
18 however in January, they did have a meeting, a
19 District Leadership meeting where they, in fact,
20 told us that they were closing. They were unsure
21 in terms of what they were replacing now. And
22 what they in fact did was bring members of the
23 charter school, again an attempt to make the
24 meeting inflammatory. I wasn't up at the meeting
25 up in Manhattan but it certainly was an equally

1
2 emotional in this District Leadership meeting. It
3 sounds like it is a ploy to in fact continue to
4 play parents against each other which is extremely
5 regrettable.

6 The Department of Ed in spite of
7 what they say, they do not know what charter
8 schools are doing. Most recently I was in a
9 meeting, again with Ms. Laney and others, and we
10 were talking about the admission process in which
11 students would be admitted into the Department of
12 Ed.

13 According to the Department of Ed
14 all of our students are supposed to go and be
15 admitted into the charter schools. However the
16 charter schools places a percentage of students
17 that will be accepted into the schools. Other
18 students will have to go to other zone schools
19 which is partly the basis of the lawsuit because
20 these students going out of their zone school to
21 another school is now transferring out of the
22 zone, a responsibility of the CEC.

23 What Ms. Laney was alluding to just
24 now is we have students who can only attend 150.
25 Crossing the street, there are clearly gang

1
2 territories that once they leave, they are in a
3 gang's zone and will be targeted and assaulted.
4 The Department of Ed, if they had had a
5 conversation with us, they certainly would have
6 had--known about this.

7 Some of the other issues that are
8 unknown about the charter schools, you know as you
9 compare apples to apples and oranges to oranges,
10 that is not what the Department of Ed is doing at
11 all. You have for example the special needs
12 students who hve to go to traditional public
13 schools. They don't have to get accepted into the
14 traditional public schools. In fact if the
15 charter schools cannot handle the needs of the
16 students, they are not accepted there.

17 Students with disciplinary problems
18 cannot--will not be dismissed from a traditional
19 public school. In a traditional public school
20 they have to be accepted. Charter schools they
21 can be removed. In charter schools parental
22 involvement may be a condition for their continued
23 admission in these schools. That is not the way
24 it is in our public schools.

25 Unfortunately we are not measuring

1

2

apples--the Department of Ed is not measuring

3

apples to apples and oranges to oranges and what

4

they are presenting to us is a farce. Thank you.

5

CHAIRPERSON JACKSON: Thank you.

6

Ellen McHugh, New York City Coordinator, Parent to

7

Parent of New York State.

8

MS. ELLEN MCHUGH: Just so we get

9

titles right--

10

CHAIRPERSON JACKSON: [Interposing]

11

Put the mic, pull the mic a little closer.

12

MS. MCHUGH: Just so we get titles

13

right, since it seems to be an issue for

14

everybody, I'm the appointee from Betsy Gotbaum's

15

office to the Citywide Council on Special

16

Education and the Deputy Director of New York

17

State Parent to Parent.

18

One of the reasons I'm here is

19

because it's very hard to watch what happens to

20

the children we work with. The parents of the

21

children we work with all have children who have

22

profound disabilities. I'm going to quote from a

23

DOE letter that was sent 6/20/2007 on page 5,

24

Section B, placement of new schools: "DOE will not

25

place a new or program in a building at the

1
2 expense of those schools and programs already
3 operating within the building."

4 In late 2007 at a meeting of
5 parents who have children with disabilities, Eric
6 Nadelstern informed us that it was DOE policy not
7 to include any child with an English Language
8 issue or a special education issue in the first
9 two years of the new smaller schools. When asked,
10 he said yes it included charter schools 'cause
11 they were new, small schools.

12 After an uproar, I guess is the
13 only way to describe it, that policy was
14 rescinded. Since that time in those schools that
15 are not considered charter schools there has been
16 an increase in the placement of students with
17 disabilities. Most of them being students in what
18 are called Collaborative Team Teaching classes,
19 meaning there are two teachers in a classroom.

20 Currently the issue for us on the
21 CCSE is Public School 149 in District 3. At that
22 site we have 16 classes of children who are
23 profoundly disabled, mentally retarded, autistic
24 or otherwise disabled. That building is a tandem
25 building with the Harriet Tubman building around

1

2 the corner.

3

4 The students in the school that we
5 represent, P 811 have been moved three times to
6 provide room for the Harlem Success Academy. In
7 2007 the same time that this letter went out and
8 Mr. Nadelstern was telling us that students who
9 had English Language issues or special education
10 issues would not be admitted, Ms. Moskowitz came
11 to P 149 811 and asked if she could share the
12 building. The principal at 811, being a generous
13 person, said sure, why not, we have space.

14

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As of today we have been told that
we will be moved one more time into a building
around the corner, that's a K-12 building. These
children are all K to 3. I don't know. I had
three kids in public schools and I know the junior
high school kids can be very frightening and high
school kids can be even more frightening. And I
don't think that any of these children are
inherently bad.

The difficulty is creating a
collaborative and innovative program for kids who
have profound disabilities in a school building
where Ms. Singeltary the principal has made it

1
2 very clear that she does not want those kids in
3 the building nor has she cooperated when people
4 have walked through the building to look and see
5 where there might be appropriate placement.

6 In conclusion it has not been my
7 experience that the DOE has been very outgoing or
8 welcoming of students with disabilities in public
9 charter schools.

10 You once asked, Councilman Jackson,
11 what people disagreed with in this, in this
12 statement that the Board of Ed may have made. Mr.
13 Nadelstern said that he was a Deputy
14 Superintendent in a School District and that he
15 never spoke to parents because he was so distant
16 from them. That only means he never went to a
17 Community Council meeting. That only means he
18 never went to the School Board meeting. That only
19 means he was never available.

20 I come from District 20 which was
21 always an active School District. At times I
22 think the Superintendent and the Deputy
23 Superintendent would have run around with a shield
24 rather than [chuckling] have as many parents as
25 they did have approach them.

1
2 And I just wanted to say one thing
3 and I'll be quiet. You see many people, people
4 going like this in the audience, that's the sign
5 language way of saying [chuckling] that they're
6 clapping. So we may be going around your
7 restriction on clapping or applauding.

8 [Audience laughing]

9 CHAIRPERSON JACKSON: Well thank
10 you. Well thank you all for coming in and giving
11 testimony concerning this very, very important
12 subject matter. And next we're going to hear from
13 Peter Murphy from the New York State Charter
14 Schools Association and James Merriman, the New
15 York City Charter Schools Center, please come
16 forward. [Talking to someone off mic] I'm sorry.
17 Huh. Sorry. No. I'm sorry--

18 [Pause]

19 CHAIRPERSON JACKSON: He's what?

20 [Pause]

21 CHAIRPERSON JACKSON: Is Kevin
22 Riley here? Please come up. And Peter and James,
23 we're going to have Kevin Riley to testify first,
24 okay? 'Cause he must leave and so I'm giving him
25 an opportunity to testify before you guys, all

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2 right? Kevin?

3

MR. KEVIN RILEY: Yeah.

4

5 yourself, who you are, and you may begin your
6 testimony.

7

MR. RILEY: Yeah. Good evening.

8

9 My name is Kevin Riley. I have a child in Harlem
10 Success II Charter School up in Harlem. Now I'm
11 basically trying to stress a point here. I heard
12 throughout the course of the afternoon on special
13 education. I have a child in special education
14 with a disability.

15

16 When I won a lottery for Harlem
17 Success, I thought that was the best thing that
18 happened to me. I was discouraged from Harlem
19 Success for not allowing my child to enter the
20 school. That's number one. Number two, I had to
21 fight that he's in the school as we speak. He has
22 an IEP, of course. His IEP has been interrupted
23 from the time he started to as we speak now. I'm
24 currently going for an Impartial Hearing. I had
25 to hire a lawyer. Speaking on the IEP, if it's
interrupted, how is the child supposed to meet his
goals? If he doesn't meet his goals, then either

1

2 you're going to put him back or kick him out of
3 the school.

4

5 I told a member from Harlem Success
6 today that I'm going to speak on this issue. No
7 problem Mr. Riley, blah, blah, blah. Now I have a
8 cell phone. I had to hire a lawyer. The lawyer
9 called me and said I knew you were at a rally,
10 please do not speak. You can take this cell phone
11 and you can check his number on this cell phone.

12

13 Harlem Success is great but when it
14 comes to disabled children, I don't know where the
15 breakdown is. I don't know if they want that in
16 their school. I don't know if it's a thing of
17 passion. Sometime I have to ask myself at night
18 do I have the GIG virus? What's the GIG virus?
19 It's the Grass is Greener, did I believe all this
20 of Harlem Success. Did I think that charter
21 school, did I put them up here? I don't know. I
22 ask myself that.

23

24 I said well I spent all this money
25 on the lottery but then turn around, I said you
26 know what? All I had to do was fill out an
27 application, get my child in a great school. I
28 don't want to speak a lot but the issue is that

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2

Harlem Success is not fair when it comes to disabled children. They distracted me from coming in. I wouldn't let that happen.

5

Also they distracting his IEP, interrupting his services. The child cannot move forward. He's doing good. He can do a whole lot better in the charter school. Like I said I did tell Eva Moskowitz' staff, they all ran up out of here. I was encouraged not to speak from--this is an attorney that I pay. He said do not speak there.

13

This week I have to go for an Impartial Hearing. Obviously I have to go by myself now. I have to pretty much represent myself. Now. You--someone might say well do you have proof about this? Yes. I've written a letter. Everything is proof. I had to call 311, the hotline that was set up to get Harlem Success to do what they have to do.

21

They responded. I had calls from the District Office. They called me, courtesy calls, is everything okay. When I called them back to tell them everything's not fine, I never heard from them again. I had--I went on voice

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1
2 messages. They leave me a message, I leave them a
3 message.

4 But the issue is that--and I'll
5 close on this, that I'm asking anybody if you have
6 influence, if you have power, if you're an
7 official, please be brave and do something about
8 this discouragement as far as special ed kids.
9 Please be brave when it comes--set up some kind of
10 system if you're discouraged. Set up a system
11 where things are not going right, set something
12 up. Be brave about fighting this thing here--

13 CHAIRPERSON JACKSON: [Interposing]
14 Thank you.

15 MR. RILEY: --now. Is there
16 anything bad about charter school, no?

17 CHAIRPERSON JACKSON: Thank you.
18 I'm sorry, can you conclude please?

19 MR. RILEY: Yeah. I'll conclude on
20 this. Please be brave about the issue of special
21 needs children.

22 CHAIRPERSON JACKSON: Okay.

23 MR. RILEY: Please--

24 CHAIRPERSON JACKSON: [Interposing]
25 Okay.

1

MR. RILEY: --I'm asking--okay.

2

Thank you.

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CHAIRPERSON JACKSON: Well I just think that--I don't think the attorney's going to abandon you as far as the, your hearing, and if in fact he does, that seems problematic--

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6

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MR. RILEY: [Interposing] Yeah.

9

10

CHAIRPERSON JACKSON: --even though he advised you not to speak--

11

MR. RILEY: [Interposing] Yeah.

12

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CHAIRPERSON JACKSON: --bottom line is, you know, you're entitled to, if your son or your daughter has an--

14

15

MR. RILEY: [Interposing] Um-hum.

16

CHAIRPERSON JACKSON: --IEP.

17

MR. RILEY: Yeah.

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19

CHAIRPERSON JACKSON: They're obligated to follow it. And if not then you have to speak up as a parent. Because that's what's best for your child--

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MR. RILEY: [Interposing] Well that's what I'm doing.

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CHAIRPERSON JACKSON: So. And I think that Ellen McHugh, where's Ellen, she still

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here? The lady that last spoke, she works with a lot of people to assist parents. And there's a lot of other organizations--

MR. RILEY: [Interposing] Um-hum.

CHAIRPERSON JACKSON: --so Parent to Parent and what have you. And some other people will talk to you when you leave--

MR. RILEY: [Interposing] Okay.

CHAIRPERSON JACKSON: --to give you some information and who to contact, just in case it doesn't go in a direction you feel.

Mr. RILEY: Okay.

CHAIRPERSON JACKSON: And if not, Jan Atwell is our Policy Analyst--

MR. RILEY: [Interposing] Yes.

CHAIRPERSON JACKSON: --give her your--take her name and number so if things don't work out, there's people that will give you contact information to assist you. Thank you very much.

MR. RILEY: Thank you.

CHAIRPERSON JACKSON: Okay. Next we hear from Peter Murphy, New York State Charter Schools Association.

1
2 MR. PETER MURPHY: Yes Sir. Thank
3 you Mr. Chairman. My name is Peter Murphy--

4 CHAIRPERSON JACKSON: [Interposing]
5 I'm sorry. Mr. Riley, you don't have to say if
6 you don't want.

7 MR. RILEY: No I don't want to be
8 disrespectful--

9 CHAIRPERSON JACKSON: [Interposing]
10 No you're not being disrespectful I thought you
11 had to leave that's why I let you come up.

12 MR. RILEY: I'll let them finish.

13 CHAIRPERSON JACKSON: Okay. So you
14 weren't in so much of a hurry--

15 MR. RILEY: [Interposing] No I'll
16 let them finish.

17 CHAIRPERSON JACKSON: Okay. Jan.
18 Okay. I thought you were in a hurry, that's why I
19 called you up. Okay. Go ahead Sir, I'm sorry--

20 MR. MURPHY: [Interposing] Okay.
21 Thank you. My name is Peter Murphy. I'm with the
22 New York--I am Policy Director with the New York
23 Charter Schools Association. We're a Statewide
24 membership organization of charter schools.

25 I submitted a cover letter and a

1
2 study that we had done on the charter school
3 facility, challenges that they face, and that's
4 before you now. We support charter school
5 expansion. They are--it's good for students and
6 families. It is in strong demand. There's 40,000
7 applications for 8,00 available seats roughly.
8 And it's supported by the public, right here in
9 the City especially.

10 Charter expansion is desirable
11 because the--it was striking to me that watching
12 the President speak last month, he outlined, he
13 talked about charter schools but he outlined a
14 number of facets of his educational vision which
15 are very common in charter schools: longer days,
16 accountability by teachers and administrators; and
17 data systems. All these kinds of things that are
18 very much a part of what charter schools are.

19 And so that to me was an example of
20 what you find in charter schools being very
21 important to have system wide. And I--that struck
22 me about his speech. So charter school expansion
23 can bring more of those characteristics in the
24 public system.

25 They are typically smaller schools

1

2 of several hundred students and which makes for a
3 very responsive and involved community of parents
4 and faculty. And also what we've seen here in the
5 City is you have educational entrepreneurs within
6 the City and from without that come here that
7 bring their talent here, that bring their
8 resources here, and that to me is a very good
9 thing. And the New York City is a dynamic and
10 magnetic place. It attracts people and that to me
11 should be encouraged.

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The space issue is a real problem.
It's a real thorny issue because real estate,
especially here in New York is very expensive.
And it's very difficult to get adequate space when
you're not getting the same funding because
charters don't get building aid. So you have this
real problem of the space issue. And charter
schools are forced to fundraise to make up the
difference. They can't levy taxes. And that's--
we go into that with the study I gave you.

And I think the Bloomberg
Administration has tried to address the space
problem, and it's actually gone pretty well from
what we can tell. There's been bumps. There's

1
2 been problems. There's been tension. But there's
3 a lot of schools that have been involved in this
4 process and it's actually working quite well. And
5 there were a number of people that I know were
6 going to testify to talk of how actually quite
7 congenial the relationships are in many, many
8 charter schools and District schools sharing
9 space.

10 So I think the solution frankly is
11 that if there are things to improve upon and there
12 clearly is. I stipulate that. Process at the
13 State level, at the City level, very difficult. I
14 think the improvements are administrative in
15 nature. I think what you're doing here as a
16 Council to call them on the carpet like you did
17 this morning, that should make things better.

18 That, to me, it's a local
19 administrative resolution it's not a legislative
20 one, it seems to me. And in fact the resolution I
21 think that would really go a long way is for the
22 Council to advocate with the State legislature to
23 provide a facility funding stream for charter
24 schools.

25 'Cause what that will do is if

1
2 charter schools get that State funding stream they
3 can do one of two things. They can get their own
4 space. They can afford their own space and not
5 have this District space issue nearly to the
6 degree it is now. And secondly if they do get
7 District space they can actually pay some real
8 revenue to the City. So it's a way of getting
9 State funding steered toward New York City
10 children, public school children. So I would hope
11 that the council would get behind an amendment
12 like that. It's a win/win it seems to me.

13 And finally I did just want to
14 mention the issue of the funding freeze came up a
15 little while ago, and it is accurate to say that
16 State foundation aid was frozen and charter
17 funding was frozen. The problem with that is that
18 State foundation aid is about a third of what
19 finances District schools here in the City,
20 whereas the charter funding is about 90%.

21 So if you freeze both, you really
22 are disabling charter schools. You're really
23 making it much more difficult to make ends meet
24 for them because it's such a--much larger portion
25 of their budget. They can't make it up raising

1
2 taxes. The City has other revenue sources they
3 can tap into. So that's just one thing I wanted
4 to mention.

5 Then as far as CFE, and this is my
6 last point, as far as CFE goes, you have District
7 children have started to really benefit from that.
8 Now it's been put on hold but they've already
9 reaped enormous resources the last two years. And
10 that is now on a lag basis supposed to be flowing
11 to charter kids and it's not because it's been
12 frozen next year. So I think that's a real
13 injustice with this whole funding freeze.

14 And then just--I'm sorry, just one
15 more quick thing. Two years ago the legislature
16 looked at the Charter Schools Act and made a
17 number of revisions, two of which involved process
18 issues. 'Cause a lot of this stuff was very--was
19 assessed two years ago. They made changes to--

20 CHAIRPERSON JACKSON: [Interposing]
21 Nicky. Nick. Thank you.

22 MR. MURPHY: The legislature made
23 two quick--two changes. They required mandatory
24 hearings about public space and about when they
25 got the charter in the door, when they go the

1
2 application in the door, and then they lengthened
3 the period by which the application comes in and
4 when a school can open from about 11 months to
5 about 14.

6 So there's lots of time and there's
7 lots of mandatory hearings and things. It just
8 seems to me that maybe we solve this by the City
9 doing a much better job going the extra mile to
10 make sure everybody knows. When something comes
11 in the door.

12 CHAIRPERSON JACKSON: Thank you.
13 Thank you. James Merriman, Merriman, right?
14 Okay. New York City Charter Schools Center.
15 What's the difference between the two?

16 MR. JAMES MERRIMAN: The center is-

17 -

18 CHAIRPERSON JACKSON: [Interposing]
19 Press the mic if you don't mind.

20 MR. MERRIMAN: The Center is a
21 Citywide organization for charter schools--

22 CHAIRPERSON JACKSON: [Interposing]
23 And that's Statewide.

24 MR. MERRIMAN: Statewide.

25 CHAIRPERSON JACKSON: Okay. Got

1

2 it.

3

4 MR. MERRIMAN: Thank you for
5 allowing me to testify. Thank you for staying,
6 Chairman and Council members. The New York City
7 Charter School Center was started in 2004. In
8 full disclosure it's a public-private partnership
9 between the charter supportive philanthropy and
10 the DOE. Chancellor Klein sits on my board
11 however we are an independent entity. We have
12 nine board members. We're not controlled by the
13 DOE.

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There has been a lot of talk about
the danger of creating two systems of public
schools. And what I would argue with you is you
have two systems of public schools and you have
had them for a very long time. There is one
system for parents who are able to navigate it and
one system for parents who are able to move out of
zones and into zones where schools are successful.

That is a system in which we have
lived very, very comfortably with people who have
money, having good schools or sending them to
private schools. And people being trapped in
zones where there are no choices. This is the

1
2 system we've had. And in fact it's a system so
3 prevalent that we treat as illegal immigrants
4 those who dare move across borders if they don't
5 live in the District and try and place their
6 children in schools.

7 Charters are simply providing for
8 some parents, and admittedly a very small number,
9 mostly in Central Harlem, South Bronx and Central
10 Brooklyn, better schools. As for their academic
11 excellence, there really is no dispute.

12 I won't go over the number but
13 there are two red herrings, actually three. ELL
14 and whether they affect the numbers of students.
15 Most ELL students don't take the ELA. Therefore
16 the fact that charters outscore, even though they
17 have low ELL's, is irrelevant. Also if you
18 disaggregate the data, take out the SPED, take out
19 the ELL, charter school students are still way
20 outperforming. It really is beyond debate.

21 In terms of class size, the fact
22 is, while I don't have exact figures and I will
23 get them Councilman, the fact is class size,
24 unless you get it down to approximately 17 which
25 most charter schools do not have, they have lower

1
2 class sizes, the two-thirds, but not at that low
3 level, most of the studies nationally have shown
4 no real change in academic performance.

5 I used to be an authorizer of
6 charter schools. I had to close five schools that
7 didn't perform academically. It is no fun. And
8 those were schools I recommended be approved.

9 Yes. There is a better way to do
10 it. There is always a better way. I never felt
11 that we did it well, no matter the number of
12 meetings we held with parents. Two and three
13 years before we reached a potential decision to
14 close. It is hard to do.

15 My sense is that yes given the
16 almost unanimous anger at DOE that it has not done
17 a good job. It would be foolish to suggest that
18 if it has alienated most of the elected officials
19 in a city that it's done a good job of being
20 inclusive and holding a participatory process.

21 Finally there is one possible
22 solution in terms of charter schools. It's noted
23 that they give preference to those students
24 residing within the CSD. We would certainly look
25 to work with you if you would like to come with

1
2 us, hand in hand, to the State legislature and
3 look to create a charter school preference that
4 could be one option that they take students from
5 the zone exclusively. We would be happy to work
6 with you on that. Thank you very much.

7 CHAIRPERSON JACKSON: Thank you all
8 for coming in. Our next panel is Pat Boone from
9 ACORN, Jennifer Freeman, CEC District 3, Charles
10 Latson, CEC 23, Bijou Miller District 3
11 President's Council and Olaiya Deen, CEC District
12 3, please come forward. Okay, Pat Boone, pull up
13 the mic and you may begin your testimony. Just
14 identify yourself and you may begin.

15 MS. PAT BOONE: Okay. My name is
16 Pat Boone, I'm New York ACORN President from
17 Brownsville, Brooklyn, a member of ACORN and CEJ.
18 I'd like to first say good afternoon and thank you
19 Councilman Jackson as well as your peers for
20 holding this important hearing.

21 I am talking about something that
22 is worrying ACORN and CEJ members, the achievement
23 gap. While 41% of all students graduate with a
24 Regent's Diploma in four years, less than a third
25 of Black and Latino students and less than a

1
2 quarter of Black and Latino males graduate with a
3 Regent's Diploma in four years.

4 This matters even more now that
5 there will be no more local diplomas, and
6 beginning with this year's ninth graders all
7 students will need a Regent's Diploma to graduate.
8 Unless something dramatic is done to support all
9 students in charter schools and zone schools then
10 the graduation rate is likely to plummet. And it
11 is the children in neighborhoods like mine that
12 will suffer.

13 When the Mayor and Chancellor talk
14 about an increase in graduation rates, they are
15 talking mostly about an increase in local
16 diplomas. These are the graduation rates that
17 have gone up to 62%. But Regent's Diplomas have
18 risen very little to, like I said, above only 41%
19 total. So despite all of the hype about the
20 dramatic achievement gains in New York City there
21 has not been any significant change in the racial
22 achievement gap and the vast majority of students
23 are not prepared to earn a Regent's Diploma which
24 will be the only diploma available soon.

25 There needs to be greater

1
2 transparency so that we know what is hype and what
3 is real in terms of how children are doing and
4 what the numbers mean. If you visit the schools
5 in ACORN neighborhood you would realize that this
6 has not been any education miracle.

7 There needs to be more emphasis
8 placed on improving the already existing zone
9 schools in New York City. These schools make up
10 the overwhelming majority of schools in New York
11 City. The solution should be to invest in all of
12 our schools to make them all good schools. We
13 cannot just emphasize charter schools. We cannot
14 continue to leave our zone schools behind and the
15 DOE cannot make plans that do not include our zone
16 schools.

17 The DOE decided to keep schools
18 like PS 150 open next year but it shouldn't take
19 lawsuits and rallies to get the DOE to listen to
20 parents. Parents need a voice in what is
21 happening to our zone schools in this City. The
22 DOE continually talks about parents needing more
23 choice but without parental voice there is no
24 legitimate choice.

25 No parent voice equals no parent

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2 choice. What our schools really need are longer
3 operating hours, quality after school programs,
4 qualified and diligent teachers that stick around,
5 principals that are instructional leaders and
6 enforce policies. Schools that are safe. And the
7 DOE needs to listen to parents and should try
8 these things before trying to shut down our
9 schools.

10 And you ask what we--I find, you
11 know, discrediting about what the DOE said before.
12 I would like to know why it took the Brooklyn
13 Education Collaborative to fight for labs in the
14 middle grades. And why the CEC 9 had to fight for
15 these schools and that now the DOE has even
16 eliminated parental influence even in that sector.
17 That ends my testimony.

18 CHAIRPERSON JACKSON: Well thank
19 you for staying the course and testifying on
20 behalf of ACORN. Jennifer Freeman, CEC District
21 23.

22 MS. JENNIFER FREEMAN: In the past
23 few months I've been shocked at the way the DOE
24 has steamrolled over the State law in a rush to
25 give public school real estate away to charter

1
2 schools without any proper process. And what I
3 want to talk about today is the lack of a proper,
4 legal process and I hope that the DOE can change
5 that. And I actually didn't know that the Council
6 is introducing legislation on the siting process.
7 And so I'm really pleased to know that you
8 identified that as the crux of the problem
9 because--

10 CHAIRPERSON JACKSON: [Interposing]
11 It's a Resolution, not legislation. Legislation--

12 MS. FREEMAN: [Interposing] Okay.

13 CHAIRPERSON JACKSON: --has to be
14 done in Albany.

15 MS. FREEMAN: Okay. Well I see
16 that as the crux of the problem as well. On
17 February 25th, as many of you know, the CEC
18 stumbled into a rally held by the Harlem Success
19 Academy at Charter School at PS 241 that was
20 masquerading as a hearing for the SUNY Charter
21 Institute which had authority to approve the
22 siting of the Harlem Success Academy in the 241
23 building.

24 There were two members of the SUNY
25 Charter Institute sitting in front of that room

1
2 asking no questions, taking few or no notes and
3 they did not appear to be making a serious effort
4 to conduct a hearing that any intellectual
5 integrity. The Charter Institute's mission
6 statement says that it strives to become a
7 nationally recognized repository and disseminator
8 of research, training and best practices, but the
9 spectacle of that rally being used as the basis
10 for siting decision-making at PS 241 casts that
11 mission into doubt.

12 The suppression of public
13 discussion about what the community wants from
14 charter schools is another problematic area.
15 Charters serve some children well, just as other
16 special programs, such as dual language or more
17 progressive alternative public schools, each serve
18 some portion of children well. Children have a
19 variety of learning styles and charter schools in
20 Harlem do seem to be serving some families who
21 were not satisfied with their previous options.
22 But that does not mean we should turn our school
23 buildings over to charter schools or expect that
24 they will meet the needs of all students.

25 I would like to know why it is that

1

2 one particular charter franchise seems to be given
3 preference over other charter schools in the real
4 estate that they're being handed by the DOE. I
5 would like to see a process--I would like to hear
6 on what basis that those decisions are being made.
7 There are successful charter schools that do try
8 to be good neighbors. Ms. Dickens mentioned this
9 earlier. And I wonder why those are not given
10 preference in the school siting.

11 I think that the--a charter
12 franchise that is being insulting and causing a
13 lot of division in the neighborhood would be given
14 less preference in the siting. And I think if you
15 had a community, an open community process, you
16 would hear that parents prefer successful charter
17 schools that also listen to the community.

18 I think I'll just close there.

19 Thank you.

20 CHAIRPERSON JACKSON: So were you
21 alluding to Harlem Success Network?

22 MS. FREEMAN: Yes I was.

23 CHAIRPERSON JACKSON: Okay. I
24 don't know why you didn't say it directly,
25 everybody knew what you were talking about.

1

[Audience laughing]

2

3

CHAIRPERSON JACKSON: Just say it.

4

Say it like it is. Anyway. Next, Charles Latson,

5

CEC 23.

6

MR. CHARLES LATSON: Okay. Thank

7

you Mr. Jackson, Chairperson. Before I even make

8

a statement I would like to give honor to my Lord

9

and Savior Jesus Christ who is the head of my life

10

and I thank God for being here and I thank you for

11

allowing me to get a chance to speak.

12

But when I mentioned about the

13

hours that--in the bathroom to you, I want to let

14

you know that I'm a diabetic, I got two kids who

15

go to high school and public school. I didn't eat

16

breakfast, lunch or nothing but I try--I didn't

17

even take my medicine because if you take diabetic

18

medicine before you eat, it could mess you up.

19

So I know one thing that water runs

20

sugar out your body. And if I didn't love New

21

York City children and if I didn't love my

22

daughter and son, because it's not about my

23

daughter and son, it's about everybody's child in

24

New York City. Okay. Now I'll make my statement.

25

Hello my name is Charles Latson. I

1
2 am a District 23 CEC Second Vice President. I'm a
3 parent of children who attend public schools and
4 ACORN member and also on the UFT Outreach for
5 Parents. I want to tell District 23 being
6 targeted by the DOE and MIR [phonetic] who wants
7 to see our children, who want to see our schools
8 close and charter schools put in their place.

9 This is a problem because they will
10 be lots of neighborhood jobs lost, like PTA jobs,
11 Parent Coordinator, to teachers, principal, all
12 who have close ties with our children and parents
13 of District 23. Furthermore when they phase out
14 our schools parents are left wondering if their
15 child will get into a charter school. Coming in,
16 many children zone for schools do not get in and
17 that means they have to be bussed further away to
18 other public schools that are already overcrowded.

19 Charter schools need certification
20 teachers 'cause I heard that they don't have it
21 and then I heard also that they don't have to be.
22 They need to accept all our neighborhood children
23 regardless of grades and they need to have special
24 education programs in place.

25 On that note I would like to make a

1

2 quick comment that in our District, our schools
3 always did house District 75, our special needs
4 and special education children. Also we had
5 inclusion in our District that special education
6 children be in mainstream. And if you don't--if
7 you notice it, sometimes you don't even know who
8 is in special education children or mainstream
9 children. So I always fight for them to give them
10 a chance. Every children deserve a quality
11 education, a chance to get degrees and go off to
12 college.

13

14 Why does the DOE and Mayor should
15 make our schools better instead of phasing them
16 out? Our schools need after school enrichment
17 programs, technology, training programs. They need
18 to have safety from gang violence, and more
19 crossing guards and more schools safety and at the
20 beginning and ending of every day. Our schools
21 need working elevators to accommodate children in
22 disability, seniors, investment in the future.

23

24 Most of all we need more community
25 parent's control over what happening in our
District schools where they are closed down and
charter schools move in. On that note I know that

1
2 the principals had a budget that they deal with,
3 smaller classroom size is in their budget already
4 and they have tried to do that. But sometime they
5 might use the money in other areas. Also they get
6 money for furniture and the whole nine.

7 But what I'm concerned about,
8 you're putting charter schools in without letting
9 any parents know, without any vote, without any
10 input. And I'm against Mayor control because I
11 feel that Michael Bloomberg shouldn't make all the
12 decisions for everybody in New York City, it's
13 like a dictatorship.

14 I'm against Chancellor Klein. I've
15 been in many meetings in Queens Building.
16 Chancellor Klein will tell you e-mail me, fax me,
17 call me, and runs out the building. Okay? And
18 that's our Chancellor.

19 But then you can put everything in
20 a District, our District had Read 180, our kids
21 need more libraries, more computer labs, more
22 science labs, okay. And also when we was dealing
23 with Dr. Cashin [phonetic] as a Superintendent,
24 she used to have meetings with the parents in the
25 morning. We made sure that we had meetings at

1
2 night for parents that went to work and
3 everything. Now we don't know who's doing what,
4 when they going to do it, where they going to do
5 it and when it's--and the buck stops there, for
6 one man for the--control everything--

7 CHAIRPERSON JACKSON: [Interposing]
8 Can you conclude Mr. Latson, please?

9 MR. LATSON: --okay. I'll come
10 down to the conclusion too that we need AC in our
11 schools for summer programs 'cause the kids be
12 hot, frustrated, be mean. We need surveillance
13 cameras around all our schools because sometimes
14 our kids fight. They don't make that up.

15 Let's start the day is high as 55,
16 175, fighting, the kid got stabbed. Then the next
17 time by my daughter's high school 'cause I'm well
18 known in the community, Senator Samson,
19 Assemblyman Boilin [phonetic] and Major Owens,
20 Yvette Clark, and whether I got honored by 13
21 politicians, with proclamations and everything
22 'cause I fight for the childrens. I fight for
23 their life. I fight for everything. I was on the
24 corner--

25 CHAIRPERSON JACKSON: [Interposing]

1

2 Thank you Sir.

3

4

MR. LATSON: --breaking up a fight
and fall down--

5

CHAIRPERSON JACKSON: [Interposing]

6

Thank you.

7

MR. LATSON: --calling police,

8

telling the school to call the police--

9

CHAIRPERSON JACKSON: [Interposing]

10

Right.

11

MR. LATSON: --and they say well,

12

they say--

13

CHAIRPERSON JACKSON: [Interposing]

14

Right.

15

MR. LATSON: --the principal say,

16

well you know Mr. Latson, 4:00 o'clock, we're not

17

a babysitting service. But well--

18

CHAIRPERSON JACKSON: [Interposing]

19

Mr. Latson. Mr. Latson.

20

MR. LATSON: --they're our kids.

21

They're our kids.

22

CHAIRPERSON JACKSON: --I got--I

23

got it brother. Now I think that on April 30th,

24

we'll be holding a hearing on Mayoral control and

25

you can come back and talk at that time on Mayoral

1

control but I've got your testimony. I heard--

2

3

MR. LATSON: [Interposing] Yes.

4

CHAIRPERSON JACKSON: --you loud

5

and clear.

6

MR. LATSON: Yeah because I'm here

7

because I'm concerned--

8

CHAIRPERSON JACKSON: [Interposing]

9

No I understand.

10

MR. LATSON: --I'm deep--deep in my

11

heart--

12

CHAIRPERSON JACKSON: [Interposing]

13

I understand. Make sure you eat breakfast though.

14

MR. LATSON: --you know who--yeah,

15

but I'm sorry about all this shooting and killing.

16

I'm tired of that--

17

CHAIRPERSON JACKSON: [Interposing]

18

I'm tired too--

19

MR. LATSON: --I'm tired of kids--

20

CHAIRPERSON JACKSON: --but you

21

know one thing, wait, wait, wait--

22

MR. LATSON: --dressing with their-

23

-

24

CHAIRPERSON JACKSON: --Mr. Latson.

25

MR. LATSON: --pants hanging down.

1

2 Our women's showing--

3 CHAIRPERSON JACKSON: [Interposing]

4 Mr. Latson.

5 MR. LATSON: --everything. I'm
6 tired.

7 CHAIRPERSON JACKSON: My brother.

8 Mr. Latson. I'm tired of it too. But quite
9 frankly, you know, we, when I say we, parents in
10 our community must get our act together to educate
11 our children not to be violent towards one
12 another. And that starts at home. Let me go to
13 the next witness--14 MR. LATSON: [Interposing] All
15 right.16 CHAIRPERSON JACKSON: --Olaiya
17 Deen, CEC 2, just CEC District 3.18 MS. OLAIYA DEEN: Good afternoon.
19 My name is Olaiya Dean. I'm in CEC 3 and--20 CHAIRPERSON JACKSON: [Interposing]
21 Pull the mic up a little closer, please.22 MS. DEAN: --okay. And most of the
23 things on my little list you guys have covered
24 having been here for a while. So I'm going to
25 start with some refuting of what the DOE said.

1

2 They don't--they didn't talk to you about the
3 insidious behavior in which they phase out
4 schools--

5 CHAIRPERSON JACKSON: [Interposing]

6 Okay. Just talk into the mic a little closer--

7 MS. DEAN: [Interposing] I'm

8 talking in the mic--

9 CHAIRPERSON JACKSON: --a little
10 closer--

11 MS. DEAN: --it's not on? Oh.

12 CHAIRPERSON JACKSON: --yeah bring
13 it a little closer. I need to hear you. I'm hard
14 of hearing--

15 MS. DEAN: [Interposing] Oh okay.
16 All right. All right.

17 CHAIRPERSON JACKSON: Okay.

18 MS. DEAN: So. The insidious
19 behavior and which John White did not address, in
20 which they use to sabotage schools being able to
21 do proper enrollment or their letter grading.

22 And I would suggest three schools
23 in particular. One, we'll start with 194. 194
24 got a new principal one year ago. She has one
25 year's tenure, a school that was already a

1
2 troubled school and then they say they're going to
3 phase her out though she's making great inroads.
4 It takes more than a year to turn a school around.
5 208 185, they said to 208 185, you will no longer
6 be able to--now 185 was an excellent school, goes
7 from pre-K to 2nd grade--

8 CHAIRPERSON JACKSON: [Interposing]
9 Where's that at, 185, where?

10 MS. DEAN: It's on 5th Avenue and
11 112th Street--

12 CHAIRPERSON JACKSON: [Interposing]
13 Okay, go ahead.

14 MS. DEAN: --okay. It goes from
15 fifth--un-hun, pre-K 'til, I'm speaking very fast
16 aren't I. From pre-K through 2nd grade, okay.
17 The school has a lot of extra enrichment programs
18 incorporated in the curriculum. They said to
19 them, they have a gifted and talented program.
20 They shut down the gifted and talented program,
21 said they would refer kids from downtown to the
22 gifted and talented program. They then told them
23 they could only recruit from their catchments
24 area, all right.

25 Now this resulted in their having a

1
2 little, a smaller enrollment, okay. And they
3 never sent anyone for the gifted and talented
4 program. They then came and said to them, there's
5 space in your school, we're going to move a
6 charter school in which meant that their science
7 lab, their art studio, their music lab--and this
8 principal had these things there for these
9 children who are primarily Black and Latin, okay,
10 was going to be phased out in order to make space
11 for a charter school.

12 All right, now that's all about the
13 D--and then the other thing is 194, the evening
14 that Ms. Dickens was speaking about that they had
15 the meeting, Harlem Success kids came down in
16 their uniforms, coming down the street yelling
17 give us this space. Give us this space. Give us
18 this space. If that's not aggressive behavior I'd
19 like to know what is. I was there. I was a
20 witness. Now that's all the refutal part. Do I
21 have time to read a little bit of my thing?

22 [Off mic] One minute.

23 MS. DEEN: One minute, okay. Okay.
24 I'm... okay. My burning--okay. My burning question
25 which was answered in part already, is that if

1
2 charter schools are not to receive public monies
3 for facilities how do they come to reside with
4 public schools? Does the DOE donate the space to
5 them and if so would this not be an in-kind grant,
6 meaning they're being supported by public money?

7 Are they paying the DOE rent, if
8 so, where does this money go? Should it not go
9 into the troubled schools so that they might
10 purchase the tools to be competitive with the
11 charter schools? Some believe that charter
12 schools would force traditional schools to improve
13 academically. But how can they, when the tools
14 needed to compete aren't provided? And more times
15 than not the needy school is phased out or closed.
16 I don't see how we can make very much change with-
17 -under Mayoral control of the same Mayor.

18 CHAIRPERSON JACKSON: Council
19 Member Dickens.

20 COUNCIL MEMBER DICKENS: Thank you
21 so much. And thank you for all of you that came
22 down to give testimony and staying so late. I'm
23 not a member of this Committee. So I thank my
24 colleague and my Chair for allowing me--

25 CHAIRPERSON JACKSON: [Interposing]

1

2

I thought you were. I mean you've been here longer than anyone else, so. I mean, but go ahead.

4

5

6

7

8

9

COUNCIL MEMBER DICKENS: Well I stayed because of my community being impacted so. The first thing that--and I think this gentleman, and I'm sorry because I don't remember your name, please forgive me.

10

11

CHAIRPERSON JACKSON: Latson, Mr. Latson.

12

13

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COUNCIL MEMBER DICKENS: Mr. Latson, you know, hit it on the head. The creation of charter schools is through the State legislature not New York City Council. And it's done through SUNY and the Board of Regents, New York State Board of Regents. And they, through the State legislature, has given the mandate for the creation of charter schools to the Mayor, for Mayoral control.

21

22

23

24

25

And so we're--that's why--and I'm addressing your issue that you brought up about the legislation, that's why the City Council, we cannot do legislation on it, we can merely do Resolutions asking our State electeds to support

1
2 this or reject it, whatever the case is. So I
3 just wanted to clarify so that all would
4 understand why we do Resolutions on this and not
5 legislation.

6 CHAIRPERSON JACKSON: Okay. Well
7 thank you. Council Member thank you and--but, you
8 know, I forgot one more--I'm sorry. I forgot one
9 panelist.

10 MR. LATSON: I would just like to
11 ask--

12 CHAIRPERSON JACKSON: [Interposing]
13 Go ahead--just pull the mic over and just quickly
14 respond.

15 MR. LATSON: I would like to ask
16 you a question because they said something, the
17 principals in charter schools, the buck stops
18 there. I know a parent. I'm a liaison to four
19 schools, 327, 323 with my son, and 284 and EBC,
20 all so I'm currently deal with PAC, Parent
21 Advisory Council in my daughter's school. You
22 know, nobody talk about the good things that the
23 public schools have done and the hard work that we
24 have done as parents and everybody stick together.
25 Okay--

1

CHAIRPERSON JACKSON: [Interposing]

2

Okay.

3

4

MR. LATSON: --now they say the

5

principal, one of my ex-board members, her name is

6

Ms. Boone, and she's the President of Chilton

7

Projects and her grandson was getting ready to get

8

kicked out the school and she had to go up there,

9

talk to the principal and the principal told her

10

that this buck stops here. I put your son out.

11

And you out and whoever else out.

12

Okay. And, you know, again the

13

teachers do what they want to do, say what they

14

wan tot say, you mean that they have no

15

accountability, no boss over their head, nobody

16

can say nothing, only her.

17

CHAIRPERSON JACKSON: Thank you.

18

MR. LATSON: I don't understand--

19

CHAIRPERSON JACKSON: [Interposing]

20

Thank you. I'm sorry there was one panelist that

21

did not have an opportunity to speak and that's

22

Bijou Miller.

23

MS. BIJOU MILLER: Hi. My--

24

CHAIRPERSON JACKSON: [Interposing]

25

District 3 President's Council.

1

MS. MILLER: Hi. I'm Bijou--

2

CHAIRPERSON JACKSON: Bijou.

3

MS. MILLER: --Miller. And--that's

4

okay.

5

CHAIRPERSON JACKSON: Bijou.

6

MS. MILLER: And I am Co-President

7

of District 3 President's Council and I'm also a

8

member of the District Leadership Team. And I was

9

very interested to hear John White's testimony

10

about the timeline of the DLT meetings for PS 194.

11

I have a timeline, a very specific

12

timeline that I wrote of all of our meetings that

13

I will send to you because he made it sound like

14

the DLT had a major input on the results of what

15

schools went into our buildings. And PS 241, when

16

we discussed the school, we were never ever given

17

more than one choice. There was just one choice.

18

There was supposedly a public

19

school option that we were supposed to be looking

20

at. And at every meeting we asked to see that

21

option. We asked to see a lot of options. We

22

were only told about Harlem Success. And the very

23

last meeting we kept saying we are going to have

24

another meeting and we are going to hear about

25

1

2

more options.

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And even the Superintendent said it would be a shame to have a charter put in and no public school replacing 241 because there already is a charter school in there, a middle high school called Opportunity Charter, and so that would just be one public school building that had only charters in it. So the next thing we heard was Harlem Success was going in and that was that.

What is becoming clear to me as a result of all of this because I felt that the whole process was somewhat of a sham, John White would dispute that, but I really do feel that they knew from day one that they were going to put Harlem Success into 241. What is clear to me is that the DOE does not seem to be prepared or willing to save existing public schools that are struggling. They would rather let them fail and replace them with charters.

Maybe the DOE has become so filled with policy wonks and business people that they are incapable of figuring out how to give the support to our struggling schools. I know that in the case of PS 241 which was a successful school

1
2 until the DOE meddled with its curriculum, they
3 are letting it fail. Yes they are keeping it open
4 for another year but they announced this on the
5 Friday before the Monday deadline for families to
6 decide on a school choice.

7 In other words, most if not all
8 parents zoned for PS 241 had already registered
9 their child at another public school for the fall
10 of 2009 because they thought PS 241 was being
11 phased out. The DOE will use this as a reason to
12 close it and probably PS 194 and PS 150 next year.
13 They will say well we gave them another chance to
14 improve their rolls and their education and they
15 didn't do it. Parents just don't want to put
16 their children there.

17 So I think it is appalling that it
18 had to take a lawsuit to finally get the DOE to
19 listen to us. Hopefully you will be able to hold
20 them accountable to our communities in the future.

21 And I would also just like to say
22 that, you know, Eva talks about accountability and
23 she talks about the UFT, you know, not wanting to
24 deal with this competition but, no, the DOE
25 doesn't want to deal with it. And I would like to

1

2 say that Harlem Success is such a new school that
3 they have not yet had any data to show that they
4 are actually successful.

5 MR. LATSON: Okay [chuckling]

6 CHAIRPERSON JACKSON: Well let me--
7 thank you all for coming in. Thank you.

8 MR. LATSON: Thank you very much.

9 CHAIRPERSON JACKSON: Carlton
10 Richardson, CEC 16--

11 MR. LATSON: [Interposing] God
12 bless you all.

13 CHAIRPERSON JACKSON: Thank you.
14 God bless you. Please come forward. I understand
15 you've got a--whatever a meeting, CEC meeting.
16 Also, Seth Andrews, Democracy Prep Charter School,
17 Daniel Clark, Democracy Prep Charter School, Ada
18 Elisia Gonzalez, Democracy Prep Charter School,
19 Melian Do Youn, Democracy Prep Charter School and
20 Lay Von McClean, Democracy Prep Charter School.
21 And Nicholas Tishure. Huh? T-I-S-H-U-K or
22 something like that--

23 MR. NICHOLAS TISHUK: Tishuk.

24 CHAIRPERSON JACKSON: Tishuk is a
25 Renaissance Charter School. So Mr. Carlton

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Richardson, CEC 16, identify yourself and you may begin.

MR. CARLTON RICHARDSON: Hello.

Good afternoon, good evening. My name is Carton Richardson. I am a CEC member for District 18. I cover Connarsee [phonetic] and East Flatbush section of Brooklyn.

CHAIRPERSON JACKSON: Speak up a little louder Sir.

MR. RICHARDSON: Good afternoon, good evening. My name is Carlton Richardson. I am a CEC member, District 18--[Timer going off] I'm done already?

[Audience laughing]

CHAIRPERSON JACKSON: Man you kind of slow. No I'm joking. Go ahead man, I'm just trying to work this clock that's all.

MR. RICHARDSON: Okay.

CHAIRPERSON JACKSON: [chuckling]

MR. RICHARDSON: Well my testimony's definitely under three minutes I already tested it so. All right. Again my name--good afternoon, good evening. My name is Carlton Richardson. I

1
2 am a CEC member of District 18. I cover East
3 Flatbush and Connarsee Section of Brooklyn.

4 And this is my statement. First I
5 would like to say greetings to all Honorable
6 members of the City Council of New York City and
7 all other distinguished guest. I would like to
8 talk you about communication today or I should say
9 this evening. Communication is a very important
10 concept in all our lives. There would be chaos in
11 this world if there was no communication. As a
12 CEC member, I cannot do my job if there is no
13 communication.

14 To my knowledge, all DOE's
15 decisions came from the Chancellor's Office with
16 no communication from the CEC. Yes, I have no
17 authority in the decision making--I'm sorry in the
18 decision making process for the parents I
19 represent. The DOE is creating charter schools
20 all through New York City and not involving the
21 member of the CEC or parents living in these
22 Districts.

23 The parents do not take the CEC
24 seriously, because they know we have no authority
25 in the DOE. I have a DOE I.D. card, but the

1

2

principals, parent coordinators, and PTAs do not take the CEC serious. They already know the CEC are more like puppets than elected parent leaders.

5

6

7

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9

The reason why I am bringing this information to light is because I have lost all trust in the DOE. All decisions from the DOE whether it is good or bad has no parental involvement. I cannot do my job as a CEC member.

10

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17

These so-called failing schools do not have a chance to succeed. When the DOE's mind is made up for a charter school to replace that school that is so-called failing, there is nothing anyone can do to change it. This is where the communication comes in. Charter schools are a good idea when everyone is at the decision making table.

18

19

20

21

22

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24

25

Now who should be at this decision making table? Well here are the people I think should be at the decision making table. First the DOE, principals, teachers, parents, and students. This makes sense. Why is the DOE making decisions without the input of the CEC, teachers, or parents that live in the District in question? I cannot answer that one, but can you please ask the DOE.

1
2 Charter schools or so-called public
3 schools and public schools cannot work without the
4 cooperation of the teachers, parents, and
5 students. The DOE must humble themselves and give
6 back the authority to the CEC so we can truly be
7 the leaders of the parents that we were elected to
8 do.

9 The CECs are right now a rubber
10 stamp and puppets for the DOE. And for example,
11 we discussed about charter schools and
12 unfortunately with these charter schools and the
13 public schools, parents are divided. I was just
14 talking to Ms. Eva and ended up finding out that
15 parents that's on the charter school cannot be on
16 the CEC.

17 Thank you for listening to me. May
18 God bless and keep you all. Thank you. Hey I
19 made it in three minutes. All right.

20 CHAIRPERSON JACKSON: Excellent
21 testimony. Right on time. Thank you. Have a
22 good meeting--

23 MR. RICHARDSON: [Interposing]
24 Thank you.

25 CHAIRPERSON JACKSON: --do you have

1

2 a CEC meeting tonight?

3

MR. RICHARDSON: Yes Sir.

4

5 good. Thank you. And next, Seth is not here but
6 Daniel Clark, where's Daniel?

7

[Off mic] He's not here.

8

9 is here?

10

[Off mic] [Negative responses]

11

12 not here either?

13

14 only people from Democracy Prep.

15

16 we identify yourselves and you may begin your
17 testimony.

18

19 McClean--

20

21 Okay.

22

MR. MCCLEAN: --and--

23

24 the mic up to you young man.

25

MR. McCLEAN: I would--

1

CHAIRPERSON JACKSON: [Interposing]

2

And just identify yourself and you may begin.

3

4

Mr. McCLEAN: My name is Lay Von

5

McCLean and I would like to thank you Council

6

Member Jackson and all members of the Council. I

7

just want to say that this is--

8

CHAIRPERSON JACKSON: [Interposing]

9

What grade are you in?

10

MR. MCCLEAN: I'm in the sixth

11

grade and--

12

CHAIRPERSON JACKSON: [Interposing]

13

Okay.

14

MR. McCLEAN: --and at Democracy

15

Prep Charter School. And I just want to say that

16

this is very important to us 'cause we were

17

willing to stay here from 12:30 in the morning to

18

now--

19

CHAIRPERSON JACKSON: [Interposing]

20

I know. We came in together. Remember that?

21

Right?

22

MR. MCCLEAN: [Interposing]

23

Afternoon.

24

CHAIRPERSON JACKSON: That's right.

25

Go ahead.

1
2 Mr. MCCLEAN: I'm in a college
3 class of 2019 at Democracy Prep Charter School in
4 Central Harlem. After just six months in
5 Democracy Prep I know that good charter schools
6 are better than zone schools and need your full
7 support. They are not popular but they work and
8 help students. And students need their education
9 all over the City. If not, it won't be fair.

10 There will be lots of arguments
11 about procedures, about zone schools, and I'm sure
12 that you'll argue about who gets to decide to
13 close schools and make Districts. For me, sixth
14 grade--for me a sixth grader, the only thing that
15 matters is that my zone school kids can't read or
16 do math on grade level. The bottom line is this,
17 having a zone school is a bad thing if there's
18 not--if it's a bad school.

19 That said, I was sad to read about
20 PS 194 and 241 in Harlem won't be closed down and
21 replaced with charter schools because this means
22 that even more of my friends and neighbors won't
23 have a chance to get the education that they
24 deserve.

25 I know how frustrating it is to go

1
2 to a school where you can't learn. Before
3 Democracy Prep I attended my school zone
4 elementary school CS 214. It was horrible.
5 Teachers couldn't teach because students were
6 acting up. It wasn't safe. And I hated going to
7 school. So I just have to--the right to go to CS
8 214, that's just crazy.

9 It wouldn't be my mom's right to
10 send me to a school. Any other way I--any other
11 way I strongly object. This isn't about charter
12 schools versus zone public schools. It's about
13 good school places that are safe and teaching us
14 well so that we can go to college and change the
15 world.

16 Really this is simple. My charter
17 school is good and we need space. It's terrible
18 that a zip code could determine whether you go to
19 college or jail.

20 Democracy Prep has changed my life.
21 I feel safe. And I am [chuckling] learning a lot
22 and I love my school. If all parents have a
23 choice between charter schools and zone schools,
24 they will pick charter schools.

25 Your job as my representative on

1

2

the City Council is to make sure that families like mine have good schools like charter schools.

4

5

This is simple. Close all the bad schools and give the good ones space so that they can do--and do it as fast as you can.

7

8

9

10

11

I hope you will be giving us more space to public charter schools instead of calling us the bad guys. All we're going to work hard-- we're going to work hard so we can go to college and change the world.

12

13

14

Maybe in the future I'll even get to run for City Council against one of you guys. And I would like to thank you for your time.

15

16

17

18

CHAIRPERSON JACKSON: Well thank you for coming in. and I tell you, you've said mouthful there and if you were a little older I'd challenge you. But I will not--

19

[Audience laughing]

20

21

22

CHAIRPERSON JACKSON: I will leave that unchallenged. Good job young man. Good job. Okay, next please.

23

MR. McCLEAN: Thank you.

24

[chuckling]

25

CHAIRPERSON JACKSON: You're

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2 welcome. [chuckling]

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MS. MELIAN DO YOUN: Good evening, my name is Melian Do Youn and I am in the college class of 2'17 and in the Amherst College Advisory at Democracy Prep Charter school. Like Lay Von I am disappointed that we don't have enough choice or voice in public schools except for in charter schools.

I learned at our town hall meeting last Friday that charter schools in New York State will lose \$40 million in funding money they were promised. As, even as the bad zone public schools down the street will gain \$1.2 billion in new funding. This is ridiculous. We worked too hard and already get less money.

Why would elected officials do this? I think it's because you don't know what you're really talking about. How many of you have visited my school or another good charter school? People often say that building new charter schools reduce parents' voice. They're just wrong.

Parents have more voice and choice in Democracy Prep than in anywhere else. They get to come to teacher conferences. They all have the

1
2 principal's cell phone number when they don't like
3 something. But the most important voice they can
4 have--they can do is choosing the school for their
5 child and not being told where they have to go to
6 school.

7 Choice is the real parent input.
8 My own story proves it. I live in Brooklyn. My
9 mom didn't like my zone school so the guidance
10 counselor told her to apply to a charter school
11 lottery. We got in and now I commute every day to
12 Harlem. It's a long day since Democracy Prep
13 School day is from 7:44 A.M. to 5:30 P.M. but I
14 know it's worth it because Democracy Prep has put
15 me on the path to college.

16 Some people say that my mom and I
17 are some of the lucky few who get in. And they're
18 right. But the solution is to give schools like
19 mine more space to grow so there can be a
20 Democracy Prep in Brooklyn and I don't have to
21 travel two and a half hours every day.

22 My mom works hard at her job and
23 lives far away from Democracy Prep. So she can't
24 be as involved at school as she'd like. But she
25 knows I'm safe and going to college.

1

2 The problem is not the parents.

2

3

The problem is the politicians. The problem is

4

the politicians who don't trust parents like my

5

mom to choose the best schools no matter what it's

6

called. And who allows bad schools to stay open

7

even when kids aren't safe and can't read.

8

Because you didn't let those bad schools close and

9

charter schools open, hundreds of families will

10

lose a choice and voice in their education.

11

And like Lay Von, maybe one day in

12

the future I'll even get to run for City Council

13

against one of you guys.

14

COUNCIL MEMBER DICKENS: Thank you

15

so much. Thank you. I look forward to that. And

16

hopefully someone a little bit older will take the

17

seats of those of us that are sitting here now.

18

May the next one please?

19

MS. ZAIRE TAYLOR: My name is Zaire

20

Taylor and I'm filling in for Ada Alicia Gonzalez.

21

And good evening. My name is Zaire Taylor and I'm

22

in the college class of 2017 at--

23

CHAIRPERSON JACKSON: [Interposing]

24

Diane, Diane can you sit over there so--

25

MS. TAYLOR: --Zaire.

1

2

CHAIRPERSON JACKSON: I'm sorry

3

what's your name?

4

MS. TAYLOR: Zaire.

5

CHAIRPERSON JACKSON: Zaire, can

6

you turn around and let him sit on the other side

7

so that the camera can see and everyone can see.

8

Okay. You may begin. I'm sorry.

9

MS. TAYLOR: Good evening. My name

10

is Zaire Taylor and I am in the college class of

11

2017 at Democracy Prep Charter School. I want to

12

thank Council Member Jackson and the Committee for

13

letting me speak to you today.

14

You've already heard from Lay Von

15

and Melian and so I don't want to take too much

16

more of your time. I just want to remind you

17

about two things in the hopes of convincing you

18

that the City needs to do everything it can to

19

support parents' abilities to choose great schools

20

for their children.

21

First I want to tell you on behalf

22

of Lay Von and Melian and all students at

23

Democracy Prep that we know how lucky we are.

24

Democracy Prep is a great school. It has changed

25

our lives for the better. Democracy Prep's

1
2 admissions policy as Mr. Andrew, our principal,
3 likes to say, is a bingo drum.

4 It was chance that we were picked
5 to be able to attend Democracy Prep. That's the
6 only thing that separates me from a lot of my
7 classmates at my zone elementary school. My mom
8 got to have a real parent input and thousands of
9 others didn't, simply because they weren't chosen.

10 That brings me to my second point.
11 Before we talk any further about procedures and
12 laws regarding school zoning consider Mr. Andrews'
13 statistics. 1,500 people applied to Democracy
14 Prep's college class of 2020 and tonight at our
15 lottery the bingo drum will only select 80 of
16 them. When I hear that statistic I know that
17 something is wrong with our system.

18 We are here talking about things
19 like Community Education Councils and their right
20 to be informed about policy changes. I want to
21 ask you which parents do those councils stand up
22 for when they talk about being informed? If the
23 point of being informed is to stand up for
24 parents, are those councils going to stand up for
25 the thousands of parents eager to choose great

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2 schools for their children?

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How about the 1,400 parents whose children won't get into a great charter school tonight because that school is faced with a budget cut and so can only accept 80 kids? Who will stand up for them? If the result of this whole thing is that even more kids will be locked in zone schools and parents' chance of real input will be thwarted again, then the answer to my question seems to clearly be no one.

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My mom was lucky to have input in my education. Please let other parents have the same chance. Give charter schools the resources and support they need to be able to serve more students. Don't cut their budgets. Help them get space in public school buildings. And when you find a school that can't teach its kids to read, close it. All kids and families deserve better. Thank you.

21

22

CHAIRPERSON JACKSON: Well thank you. And young man do you have a testimony?

23

MR. NICHOLAS TISHUK: I do.

24

25

CHAIRPERSON JACKSON: Identify yourself and you may begin.

1
2 MR. TISHUK: Esteemed City Council
3 members my name is Nicholas Tishuk. And I'm the
4 Director of Programs and Accountability at the
5 Renaissance Charter School. Our small school has
6 served the Jackson Heights community in Queens for
7 15 years and currently serves 530 students grades
8 K-12 just like Melian and Zaire and Devon.

9 I think when I see them I really
10 think these are our kids too. And when they had
11 to leave, when their principal had to leave to go
12 do their lottery, I actually saw some trust in
13 them. They said will you stay with my kids 'cause
14 they want to testify. And our mission is very
15 similar to their mission. So I'm proud to be up
16 here with them.

17 We are a school that works: we have
18 happy kids, a dedicated and respected staff, and
19 an involved parent body. We received A ratings on
20 our most recent K through 8 and high school
21 progress reports from the Department of Education
22 and have K through 8 Regents scores that
23 outperform similar schools and the City averages.
24 We are, in the very best sense, a community school
25 serving the needs and families in Jackson Heights,

1
2 District 30 and Queens in general. We have a
3 couple of Brooklyn and Manhattan people too.

4 As a conversion school, we are one
5 of the oldest charter schools in New York City.
6 Our message here today is clear: charter schools
7 are public schools and our 530 students and their
8 families deserve to be treated with respect.

9 The recently passed budget from
10 Albany has been called a freeze, but we had
11 already received a preliminary allocation from the
12 Department of Education and this freeze has
13 slashed our expected budget by over \$500,000 for
14 the 2009-2010 school year. That's over \$1,00 for
15 every kid, so these 3 kids right here, that's
16 \$3,000 less.

17 This catastrophic budget cut has
18 forced us to come together as a community. I
19 invite all City Council Members to visit our
20 student developed website, which I have linked
21 below in my written testimony, which documents the
22 rallies and march that our students participated
23 in to let elected officials know how these cuts
24 affect our small school in Queens.

25 Councilmen Dilan's New York City

1
2 Resolution 1889 is a step backward in my view. By
3 making access to facilities and space more
4 difficult, the City Council will be making a grave
5 mistake. I am an absolute believer and advocate
6 for public education in New York City and, whether
7 foes like them or not, charter schools are public
8 schools, full of public school children just like
9 these guys.

10 To cut the funding for these
11 children, as Albany has done, or to restrict their
12 access to buildings, as Resolution 1889 proposes,
13 is an injustice against the civil rights of our
14 students to a have great education. Thank you for
15 you time. I'm Nicholas Tishuk.

16 CHAIRPERSON JACKSON: Well let me
17 thank you all for coming in and giving testimony.
18 My comments are this. The youngsters, I
19 appreciate all of you coming in and giving
20 testimony. But as I said when the first young man
21 testified, if you were an adult I would challenge
22 you a little bit more on what you said. But I'm
23 not going to do that.

24 I say to you that I am so happy to
25 hear from all three of you in what your opinions

1

2 are about charter schools versus some zone
3 schools. I say to you, if you're not aware, that
4 I wrote a letter on behalf of your charter school
5 before it was even a charter school. In order--
6 Seth Andrews, I've known him for a while and I
7 know his father is very active politically. And I
8 think many elected officials in Harlem, I think,
9 wrote a letter on behalf of Seth when he was
10 making the rounds of the Community Boards and CECs
11 soliciting support for that charter school.

12 I say to all of you that this is
13 about educating 1.1 million school children and
14 trying to make sure that every one of them receive
15 a great education. But some of the impressions
16 that you give is that all of the charter schools--
17 all of the charter schools are great and they're
18 not. Some of you state that all the zone schools
19 are bad and they're not.

20 So you just need to be a little
21 more open-minded overall and I think that as
22 someone that has been involved in education for,
23 as a parent-activist for, oh since 1980, I fought
24 for education funding for all children and
25 probably even before you entered that charter

1
2 school, you received some of the positive benefits
3 of the fight for funding for education.

4 So I just think that you need to
5 know that. And I wanted to share that with you
6 and I'm sure that you will go back and tell Seth
7 that and I hope that you do. Because I want him
8 to know that. So I thank you all for coming in.
9 And I thank you for staying the entire course.

10 And young man I hope you had
11 something to eat because I know I've gotten a
12 little hungry since I got here at 12:30. And I
13 don't--I haven't seen you eating anything but I
14 had a piece of candy here. I had a tiny piece of
15 pizza that I brought in the door with me. I had
16 two cups of coffee. And I know I'm ready to eat
17 again. So. Thank you and have a good evening.
18 And thank you for staying the course in
19 representing your school.

20 COUNCIL MEMBER DICKENS: I just
21 wanted to--

22 CHAIRPERSON JACKSON: [Interposing]
23 Council Member Dickens.

24 COUNCIL MEMBER DICKENS: I just
25 wanted to thank the students for staying because

1
2 part of democracy is disagreeing. We may not
3 agree on all points but the fact that you came
4 down and gave testimony in support of your school
5 is commendable. I have spoken to many of your
6 students and I too know Seth Andrews for a number
7 of years and his family.

8 So although we may not always
9 agree, I think it's great that you came down to
10 participate in a process in which you expect to
11 maybe represent the community in this house, maybe
12 on the State level and maybe on the Federal level.
13 So thank you all so much.

14 CHAIRPERSON JACKSON: And just
15 finally, as far as, the young man, I'm sorry I
16 don't have--I don't have your name in front of me--

17 MR. TISHUK: [Interposing] Mr.
18 Tishuk.

19 CHAIRPERSON JACKSON: Mr. Tishuk.
20 As far as the resolution, the resolution calls on
21 the New York State legislature to amend the State
22 Education Law in relationship to charter schools
23 by establishing siting procedures for charter
24 schools or alternatively to pass legislation
25 allowing New York City to enact such a law

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2 locally.

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You disagree with that? You don't think there should be siting procedures? And you don't believe if they don't do that, then you don't believe that allowing the State--the City legislature to enact such a law, you don't believe in that either?

MR. TISHUK: With all due respect I feel that this measure will be used to block or to slow down charter school expansion in New York City. And that even if the language of the law, of the resolution is such that it doesn't say that, there is proponents against--opponents of charter schools who will use this as a way to slow down schools like Democracy Prep and Renaissance. We're the mom and pop schools that you're hearing about.

CHAIRPERSON JACKSON: Okay.

MR. TISHUK: and these are the schools that were started by community members.

CHAIRPERSON JACKSON: Um-hum.

MR. TISHUK: and families. And in Renaissance it was started by teachers and parents in Jackson Heights. I think that in this big

1
2 process we're losing sight of the fact that it's
3 the kids and the teachers and the administrators
4 who are truly on the ground level working. This
5 is not about the UFT versus NYCHA versus NYSSA
6 versus the Center. This is not about the
7 Department of Education. This is--

8 CHAIRPERSON JACKSON: [Interposing]
9 Well what is it about?

10 MR. TISHUK: This is about giving
11 access to great schools to the kids in
12 communities. And if this measure does anything to
13 stop charter schools--good charter schools from
14 going into communities, that's why I'm against it.

15 CHAIRPERSON JACKSON: Okay. So--
16 but it--but do you agree or disagree that siting,
17 siting of schools, and then communicating with
18 people, did you sit here for the entire testimony--
19 -

20 MR. TISHUK: [Interposing] I've
21 been here since 1:00 o'clock Sir.

22 CHAIRPERSON JACKSON: --then you've
23 heard what DOE said and you've heard what Council
24 Members said as far as communication, as far as
25 the divisiveness--

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MR. TISHUK: [Interposing] Um-hum.

CHAIRPERSON JACKSON: --was
discussed.

MR. TISHUK: Yes.

CHAIRPERSON JACKSON: And so you
think--

MR. TISHUK: [Interposing] I'm not--
-

CHAIRPERSON JACKSON: --that's
okay?

MR. TISHUK: I did not think it's
okay--

CHAIRPERSON JACKSON: [Interposing]
Well--

MR. TISHUK: --and I'm not here to
represent the Department of Education. I'm
representing the Renaissance Charter School. Our
position's really simple. These siting procedures
definitely should be enacted in such a way that
parents have more voice, that no one is
steamrolled, that no one feels left out. But if
the net result is such that charter schools get
locked out because of ideological battles that
have nothing to do with kids, then we're against

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it.

CHAIRPERSON JACKSON: And if the net result is that there's a fair and equitable process of siting in order to make sure everyone is heard, you're in favor of that?

MR. TISHUK: If siting, if this siting process does not allow these schools to exist and it's used as a way to keep schools out of communities then I am against it. So--

CHAIRPERSON JACKSON: [Interposing]
Okay.

MR. TISHUK: --I don't know in the-

-

CHAIRPERSON JACKSON: --I'm not--
not - - --

MR. TISHUK: --hypothetical you've given, I'm not sure.

CHAIRPERSON JACKSON: That's not the question that I asked you. The question that I asked you is that if in fact the siting procedures and law was established--

MR. TISHUK: [Interposing] Right.

CHAIRPERSON JACKSON: --to make sure that parents and everyone had a voice in the

1

2 process and everyone got a fairer opportunity to
3 be heard--

4 MR. TISHUK: [Interposing] Um-hum.

5 CHAIRPERSON JACKSON: --and the
6 decision was made, let's say, based on everything
7 that was inputted--

8 MR. TISHUK: [Interposing] Sure.

9 CHAIRPERSON JACKSON: --would you
10 agree that's okay or disagree?

11 MR. TISHUK: I'm not an expert at
12 the law but my understanding--

13 CHAIRPERSON JACKSON: [Interposing]
14 No I know you're not an expert--

15 MR. TISHUK: [Interposing] I'm
16 sorry, my understanding--

17 CHAIRPERSON JACKSON: --you can
18 give you opinion though.

19 MR. TISHUK: --my understanding is
20 that two years ago when the Charter Schools Act
21 was renewed that there were extra provisions put
22 in to give more community voice. The news went
23 out quite before our school's actually up for its
24 third charter right now, and this is the first
25 time that we'll have to go to our community and

1

2 tell them why we have to do this.

3

4 We're very happy to do that because
5 we have great ties in our community. So we have
6 no problem with the charter law as it's written
7 right now. And if this was simply to reinforce
8 what's already law in New York State law, I don't
9 think that's a problem. I do have a problem with
10 it being used as a club to stop kids from getting
11 great education.

12

13 CHAIRPERSON JACKSON: Okay. I hear
14 you loud and clear.

15

16 MR. TISHUK: Thank you.

17

18 CHAIRPERSON JACKSON: And I think
19 if you heard the testimony today, don't sit idle
20 by at the Renaissance Charter School, but make
21 sure that you communicate with everyone involved
22 what you feel, based on your hearing today, what
23 you heard, what is necessary to bring people
24 together in order to move forward overall to
25 educate 1.1 million school children. And I know
you heard it.

26

27 MR. TISHUK: And I can tell you,
28 being a member of a school, you heard the CSA
29 speak, I'm a CSA member.

30

1

CHAIRPERSON JACKSON: Um-hum.

2

3

MR. TISHUK: We're a union school.

4

You heard the UFT speak. Our teachers are UFT

5

members. Did you hear what DC 37 had to say about

6

charter schools? Every single member of our

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office is a DC 37 member. I'm not sure you heard

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that their view was advocated here today. So I

9

would like to put my view out there. I know it

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might not be in agreeance with you or other

11

members of the Council but I feel that these kids

12

are really why we're here. And I didn't hear a

13

lot of talking about kids, I heard a lot of

14

politics today.

15

CHAIRPERSON JACKSON: Thank you.

16

MR. TISHUK: Thank you.

17

CHAIRPERSON JACKSON: Thank you all

18

for coming in. Our next panel--

19

MR. McCLEAN: No thank you.

20

CHAIRPERSON JACKSON: So yeah?

21

Zakia, I'm sorry, New York City Coalition for

22

Educational Justice. Dettering Hamilton, ACORN,

23

PS 194. Kim, woof, Kilkennedy? Kilkenny?

24

Kilkenny? Is that how you pronounce your last

25

name?

1

[Off mic]

2

3

CHAIRPERSON JACKSON: Okay. I'm

4

just trying--Flatbush, Brooklyn, PS 246. And Skip

5

Roseboro, ACORN. Susan Crawford, District 3, The

6

Right to Read Project and Carlton--we did this

7

already. Okay. Okay. Zakari, I'm sorry, New

8

York City Coalition for Educational Justice.

9

MS. ZAKIYAH ANSARI: He called me

10

Zakari. Hello, okay. Yeah. Good evening--I was

11

going to say good afternoon. Good evening

12

Council. As you know, my name is Zakiyah Ansari,

13

I reside in East Brooklyn, East Flatbush,

14

Brooklyn. I am the mother of eight children, four

15

currently attend schools in Districts 13, 19, 22

16

and 23 in Brooklyn.

17

I'm here today as a parent leader

18

representing the New York City Coalition for

19

Educational Justice, a Citywide parent led

20

collaborative working to make real reforms in the

21

education of all children. CEJ parents are

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responsible for creating the lead teacher program

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that has gone Citywide, bringing \$444 million for

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science labs to schools with middle grades by 2010

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and bringing the middle school initiative to our

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schools in addition to negotiating resources for it.

While CEJ has not taken an official position on charter schools, many of our parents do have children in both charter and traditional public schools. CEJ's message has always been that all schools have to be great schools.

Chancellor, have you given up on public schools? Because that is clearly the message that has been portrayed in the media as well as from him.

Mayor Bloomberg at the rally in Harlem last month boasted about how 30,000 students are on waiting lists for charter schools and used that as a rally cry for lifting the cap and building more charters. Instead shouldn't we be asking about what that means for the majority of public schools under his watch? What is being offered to parents who have no alternative but to send their children to traditional public schools? Who is looking out for the education of traditional public schools?

Those are the questions we have to make sure we get answered. Charter schools may be

1
2 a part of the answer but only a part. Right now I
3 believe only 3% of students are in charter
4 schools. And even if those 30,000 on the waiting
5 list all had charter schools to go to, it would
6 only be 5% or 6% of all New York City students.
7 There is no way, no way there ever will be enough
8 quality charters for all children who need them.

9 So what do we do? While CEJ is not
10 disputing the data that many regular public
11 schools are failing, we have been documenting that
12 for years, where we disagree is in the thinking
13 that charter schools are the solution to the whole
14 situation. They can be part of the solution but
15 they are not the answer.

16 Perhaps the answer could be in the
17 extended learning time or maybe the rigorous
18 curriculum. Perhaps it's the music, art and
19 hands-on learning that charter schools as well as
20 successful public schools do to keep children
21 engaged. We know that all of these things
22 together work to engage and educate children.

23 I ask the Chancellor, are you
24 creating a plan to ensure that these things are
25 happening in all public schools? Don't we want

1
2 great schools for all children? If you do, I
3 implore to him, you're not saying it loud enough.

4 As most people know, CEJ has been
5 working collaboratively with the DOE specifically
6 around middle schools. And as a result have
7 brought resources and support to some of the most
8 struggling schools in the City. This is a small
9 example of focusing on traditional public schools
10 that need help. It is not okay to give up on our
11 schools like the Chancellor suggested last week.

12 It is not okay to blame all of the
13 problems on the teachers union or on any one
14 person or entity. We need all stakeholders to
15 come together and figure out once and for all how
16 to clean up this mess for all children. CEJ
17 parents want to know if more than 90% of children
18 in New York City are not attending charter
19 schools, what is being done for them?

20 And I just wanted to quickly say
21 that, you know, again, like people said, it's not
22 about charter schools against traditional public
23 schools, it's about ensuring that all schools are
24 working for all children. And as soon as we--as
25 soon as the conversation starts gathering around

1

2

one or the other, we do a disservice to all children and all parents everywhere. Because everyone should have the right entitlement to speak up for their children, not just some.

6

CHAIRPERSON JACKSON: Thank you.

7

Dettering Hamilton--

8

MR. DETTERING HAMILTON:

9

[Interposing] Yes. Thank you.

10

CHAIRPERSON JACKSON: --ACORN.

11

MR. HAMILTON: Chairman Robert

12

Jackson and Ms. Inez Dickens, everyone up on the

13

panel. My name is Dettering Hamilton. I'm a

14

parent from PS 194, also an ACORN member. I was

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there. I seen what happened. And I seen what was

16

going on. I did attend three meetings, DOE was

17

not very truthful in letting us know exactly what

18

was going on. And--

19

CHAIRPERSON JACKSON: [Interposing]

20

When you say there, where?

21

MR. HAMILTON: At PS 194.

22

CHAIRPERSON JACKSON: Okay. Go

23

ahead. I'm sorry.

24

MR. HAMILTON: Okay. I'm sorry.

25

The second meeting, it was like a lynch mob that

1
2 was going on there and I got a chance to speak and
3 I asked the parents who accompanied me by leaving.
4 I asked all the parents to leave at that
5 particular time because we'd have been lynched in
6 there. There was no respect. There was a lot of
7 things going on. But. We could let that go. But
8 at this point it's not about us, it's about the
9 children getting their proper education.

10 The way I feel about it is this.
11 Everyone has their rights to their opinion.
12 Everyone has their rights to where they want to
13 send their children. But as far as I'm concerned
14 and as far as the charter schools are concerned,
15 the charter schools can find their building, find
16 themselves a home and if the parents feel that
17 they want their children to go to the charter
18 school, they know where the charter schools are
19 located.

20 If they feel they want their
21 children to go to a public school, they know where
22 the public schools are located. These public
23 schools that coexisted for several years, I have
24 seven children, all my children has graduated
25 except two, that's still in PS 194 right now.

1

I have children that's in college.

2

I have children that's lawyers and doctors. Okay.

3

They went to the public school. Okay. I would

4

take any of my children any time and challenge

5

them against any child in a charter. Okay. And

6

we'll see where who stands and who knows what, you

7

know, because there's no way we call can tell

8

where our child really stands. You know?

9

There's a--unless there's a

10

situation where there's a lot of issues where

11

children are special needs. You understand? And

12

they don't accommodate that. I have heard, you

13

know, if charter schools move in a particular

14

building and they phase out a school, we're not

15

even allowed to walk on that block 'cause we have

16

no business near that location. You know, and

17

that's totally wrong. You know, so but as far as

18

I'm concerned, you know, everyone has a voice for

19

their opinion.

20

We have a good principal in PS 194.

21

We have a new PS 194 and it's doing great. So I

22

don't see what the big issue or big problem is and

23

people getting brainwashed because Obama mentioned

24

that he was favorable for the charter schools.

25

1
2 Once that was stated and said this
3 thing just went haywire. Everybody just lost
4 their minds and went crazy. You know? But it
5 doesn't make any sense but people have the rights
6 to their opinion. Thank you very much.

7 CHAIRPERSON JACKSON: Well thank
8 you for your opinion.

9 MR. HAMILTON: Thank you.

10 CHAIRPERSON JACKSON: Kim Kilkenney,
11 is that--did I pronounce your name correctly?
12 Help me out here.

13 MS. KIM KILKENNY: Kilkenney.

14 CHAIRPERSON JACKSON: Kilkenney.

15 MS. KILKENNY: You're good.

16 CHAIRPERSON JACKSON: That's what I
17 thought. Flatbush, Brooklyn, PS 246.

18 MS. KILKENNY: Yes. MS. good
19 evening Council Member Jackson. Thanks for
20 hearing my testimony. My name is Kim Kilkenney and
21 I'm the President of Walt Whitman Middle School
22 Parent Teachers Association. And my testimony
23 today is that the New York City Department of
24 Education is not giving New York City public
25 schools that are demonstrating success a chance to

1
2 continue their success, increase student
3 population and restore magnet programs.

4 The Department of Education's focus
5 appears to be on increasing charter schools and
6 putting them inside of our public schools without
7 regard for the community or the school. They do
8 not utilize availability in schools slated to be
9 closed. There is close political maneuvering and
10 public hearings conducted after decisions have
11 been made.

12 Parents in the school community are
13 not consulted. While espousing to one) to empower
14 parents, the Board of Education has repeatedly
15 disregarded their input in installing charter
16 schools in their community. These charter schools
17 offer the same programs as the schools they are
18 being put into. In many cases the New York City
19 public school loses programs and students even
20 though charter schools have dubious success rates.
21 This has taken place throughout the City and
22 parents are outraged.

23 It is now happening at our school,
24 Walt Whitman Middle School, which brings me to a
25 personal story. The Board of Education made a

1
2 decision to place a charter school in MS 246
3 without the parents' knowledge. This has been
4 ongoing from 2007 and they only gave us the
5 announcement on March 9th.

6 Now they held a public hearing
7 which they initiated and they didn't bring a
8 translator. Now 40% of our population are ELL.
9 Now if you're going to have a meeting, you should
10 at least have an interpreter. Ms. Miller's answer
11 to my question was let the parents who don't
12 understand English send me their names in the mail
13 and we'll send them the information in Haitian-
14 Creole. My answer to her was no way. It can't
15 happen here and it would not happen. So the
16 meeting had to be ended abruptly.

17 Now. 246 isn't an excellent
18 school. We have a great principal school. We're
19 off of the SER [phonetic] list and we're doing
20 great. Why not enhance what we have already
21 instead of putting a charter school in that
22 building? Now we had a--set to open an ELL
23 program on March 24th. On March 17th, the DOE
24 said they couldn't hold--have the GED nor the ELL
25 program because the charter school that's supposed

1

2 to be in the building, they didn't want to give
3 us--give them the space.

4

5 Now my response to this was how
6 could a charter school decide what's supposed to
7 be in this building when our parents decided what
8 they wanted in the building? And it was a GED and
9 ELL program. This school belongs to the taxpayers
10 of New York City not to the charter school.

11

12 Now my parents and I deem this as a
13 hostile takeover because if you supposed to put a
14 charter school in there and you said it wasn't
15 already a done deal, how come the charter school
16 is making the decisions for us prior to them being
17 in the building?

18

19 Now coming back to the CEC, my CEC,
20 District 17, so not... oh, so corrupted that they
21 had a Network Leaders Conference and the leader
22 for the charter school was a speaker at the
23 conference. Now me being the one that's always
24 talking, how could you invite her to speak at the
25 Network Leaders Conference when she's not part of
the community as of yet? Now his response was she
have a right to speak and I have a right to
object.

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Now this--all our politicians have gone into hibernation right now. None of them has responded to my faxes or e-mails in regard to the charter school being placed here. Now they were elected for the people, by the people, and so far, all of them have run out of town. I don't know where they went. If they went to launch a rocket in North Korea or wherever, but you know. Thanks for hearing me and listen to my cry.

CHAIRPERSON JACKSON: Well thank you for coming in and voicing your opinion. And next we're going to hear from Susan Crawford, District 3, Right to Read Project. And then from Skip Roseboro thereafter.

MS. SUSAN CRAWFORD: Thank you Chairman Jackson. And I too have been here since 1:00 o'clock. So [chuckling] but having been here this long, there's a very interesting frame to what--to the testimony I want to give.

Some of which is to share a few paragraphs from a book that I will leave the reference to, with you. And the other is to share from the testimony I heard earlier to give you feedback on that. This book is called The

1
2 Emancipatory Promise of Charter Schools, Toward a
3 Progressive Politics of School Choice. And it
4 talks about how charter schools began as a
5 progressive education movement. So the young man
6 you just heard from, from Renaissance Charter
7 School that began 15 years ago is an example of
8 something that grew out of that progressive
9 movement.

10 In the ensuing years the whole
11 movement has been adopted by the Republican Right
12 to help it get hold of what it refers to as The
13 Big Enchilada. The Big Enchilada is public school
14 funding. And so relatedly we need to study the
15 political and educational impact these
16 partnerships, of these partnerships that have
17 developed around charter school funding.

18 One study found that most charter
19 schools in California cannot remain financially
20 solvent on public money alone. Most charter
21 schools must rely on private money to supplement
22 their insufficient public support. Given public
23 school funding structures this is particularly
24 true for charter schools in low income
25 communities.

1
2 Another study I'm not spelling out
3 names and dates of the studies, found that access
4 to funding depends on cultural and political
5 capital and the ability of charter school leaders
6 to make connections with those who could supply
7 funding or information about it. Charter schools
8 with leaders who are able to tap political and
9 financial connections tend be those that remain
10 financially healthy. This means that there is a
11 market for private donations and thus the
12 involvement of large foundations that choose to
13 support charter schools.

14 These findings regarding the
15 inequity in charter school political and economic
16 capital is absolutely critical to the charter
17 school debate particularly as it relates to the
18 capacity for self-determination for charter
19 schools in low income neighborhoods. They then
20 cite funding from the Walton Foundation which you
21 heard about earlier and the various Right Wing
22 organizations that support the charter school
23 movement.

24 They're also citing the mixed
25 findings on charter schools but the bottom line is

1
2 in all this--if you add up all the studies that
3 have been done there really is not much
4 difference, if any at all, between charter school
5 and the surrounding District schools.

6 The data are also quite mixed on
7 the impact of charter schools on their Districts.
8 While charter schools may have spurred some impact
9 on District practices it is not clear that they
10 have generally spurred significant or systemic
11 change in their Districts' public schools as
12 proponents have argued they would. Any real long
13 term and sustained influence on the broader system
14 are likely to emerge very slowly. Some Districts
15 are making important adaptations but these have
16 not reached core District operations.

17 One final thought from here is we
18 have reached a curious pass when inner city
19 parents look to Right Wing billionaires and well-
20 heeled corporations for help.

21 And then this is from a review of a
22 book called Reading Against Democracy which as you
23 know is my concern, ongoing concern. And we first
24 have a chapter called "A Process of Elimination."
25 It makes clear in one section titled Children as

1
2 Waste, that the goal of current efforts is in fact
3 to leave behind a certain set of children, those
4 whose languages, customs, backgrounds and values
5 are different from those privileged by the
6 official State version of what school ought to be
7 and do.

8 Only workers who meet the
9 legislative prototype are valuable to employers
10 determined to dominate the world economy. The
11 fate of the others, no longer beneficiaries of a
12 promise to be educated for democratic life is
13 their own fault and of no concern. Already
14 technical schools that will remove failing
15 students which we are seeing here in New York City
16 now had their grades from NCLB reporting systems
17 are growing. I should add those technical schools
18 are tuition, students have to pay tuition and
19 often become--

20 CHAIRPERSON JACKSON: [Interposing]
21 Susan can you wrap up please?

22 MS. CRAWFORD: Yeah. The
23 stranglehold of conformity and increasing
24 marginalization of the relatively powerless are
25 antithetical to any notion of education for

1
2 democratic life. I can give you feedback from the
3 testimony or I can send it to you.

4 CHAIRPERSON JACKSON: Thank you.
5 Send it to us please.

6 MS. CRAWFORD: Okay.

7 CHAIRPERSON JACKSON: Thank you
8 very much. Thank you all for coming in. Oh I'm
9 sorry. Sorry, Skip Roseboro--

10 MR. SKIP ROSEBORO: [Interposing]
11 Yeah.

12 CHAIRPERSON JACKSON: --
13 Williamsburg, Brooklyn, ACORN.

14 MR. ROSEBORO: Okay. If I could
15 I'd just like to make a quick comment on Ms.
16 Moskowitz' testimony--

17 CHAIRPERSON JACKSON: [Interposing]
18 Sir you have three minutes to make comments on
19 anything--

20 MR. ROSEBORO: [Interposing] Okay.
21 All right. I think that the tact that Ms.
22 Moskowitz took earlier and the danger that it--
23 that runs through some of the comments that are
24 going on with our hope to move education is very
25 dangerous.

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So I just wanted to say these quick lines. It's a horrible example that we're setting when we begin to accept that it's acceptable to close low performance schools rather than providing them with resources needed to succeed. Not a single solitary person that is proposing shutting down low performing schools would ever be willing to shut down their low performing child. This rhetoric is callous. It is not wise. And it is not acceptable.

Okay. So let me go with my actual testimony here. I'd like to thank the Committee here for allowing debate on charter schools and therefore on the future education of our children. Over the past 16 years and under 2 different Mayors our educational system has been a bit different but just as unsatisfactory.

The system has also become more and more enrichment deprived and for some strange reason has moved parents further and further from the decision-making process. In fact other than in a few local School Leadership Teams, parents and involved citizens are relegated to voice their concerns at a few powerless committees that appear

1

2 to be little more than shams meant to diffuse and
3 confuse concerned individuals. The fact is that
4 neither the current system described above or the
5 former system with or without charter schools has
6 worked as desired.

7

8 Any planning or changing in our
9 schools must include parents and accountability
10 because there can be no parent choices when you
11 take away parents' voices. Schools are being
12 closed without community involvement. And some
13 are being handed over to charter schools without
14 classroom parity.

15

16 Our discussion today and in the
17 future should not be on charter schools versus
18 District schools but it's not only a battle that--
19 because it's not only a battle that cannot be won
20 but also one that will never solve our schools'
21 issues. A relatively small handful of charter
22 schools won't give any--won't have any effect on
23 the other million plus students in the system and
24 can promote feelings of resentment, elitism,
25 favoritism and unfair distribution of services.

26

27 The current, excuse me, the
28 Campaign for Better Schools, the United Federation

1

2 of Teachers, New York ACORN and a number of other
3 organizations believe that all schools should be
4 good schools. And if so there need be no argument
5 or competition regarding charter versus District
6 schools. Charter schools, charter school parents
7 and District school parents should be able to
8 stand together in the common goal that they have
9 always shared, a good school for good education
10 for the children.

11 If all schools are good schools
12 then parents needn't seek out alternative schools,
13 students need not leave their neighborhoods or
14 Boroughs, and we can prepare--we can begin to
15 prepare all our youth for self-sufficiency and
16 leadership in industry, government, and other
17 pursuits.

18 I just have a little bit more here
19 if I could. If children are our future then we
20 owe it to them and ourselves to provides these
21 students with substantially better education than
22 they've been receiving. Many will say that we
23 can't afford to make all schools good schools.
24 The truth is that we can't afford not to. Yes we
25 are living in difficult economic times but to

1
2 leave our future leaders ill-equipped to guide us
3 through the tough times is irresponsible and
4 indicative of the mismanagement and lack of
5 planning that has put us in this financial crisis.

6 So let me just end with this. If
7 our Governor, Mayor and City Council have the
8 will, wisdom and passion to join parents,
9 students, community leaders and use the available
10 resources that are apparent now and will be coming
11 down the pipe, our schools will be transformed and
12 our youth and City will prosper and be prepared
13 for a great future.

14 CHAIRPERSON JACKSON: Well let me
15 thank you all for staying the course and coming in
16 and giving your opinion on this very important
17 topic. Thank you.

18 MR. ROSEBORO: Thank you.

19 CHAIRPERSON JACKSON: And next,
20 Stephanie Blanco, Williamsburg Charter High
21 School; Jo-Ann Barrett, Parents DREAMS Charter
22 School; Julie Fisher and Rebecca Mitchell, New
23 York Autism Charter School; and Vito Badamo,
24 Williamsburg Charter School. If you're here
25 please come forward. And after this panel is

1
2 Julius Tajiddin, Christina Serrano after this and
3 Mano Aguila and Rosalea Watkins. So. Are you
4 Stephanie or Julie?

5 MS. JULIE FISHER: Julie.

6 CHAIRPERSON JACKSON: Hello Julie.

7 MS. FISHER: Hi.

8 CHAIRPERSON JACKSON: Is Stephanie
9 here? No? Okay. And Jo-Ann Barrett? No.

10 MR. JOSH KLARIS: No she can't be
11 here but I'm the principal of DREAM Charter School
12 and happy to represent on her behalf--

13 CHAIRPERSON JACKSON: [Interposing]
14 You'll be representing, okay. And let me put it
15 for the record, what's your name?

16 MR. KLARIS: Josh Klaris.

17 CHAIRPERSON JACKSON: Josh Harris?

18 MR. KLARIS: Josh Klaris, K-L-A-R-
19 I-S.

20 CHAIRPERSON JACKSON: K-L-A-R-I-S.

21 MR. KLARIS: I have a sheet in
22 there somewhere.

23 CHAIRPERSON JACKSON: Okay. Okay.
24 Julie go ahead.

25 MS. FISHER: Sure.

1

CHAIRPERSON JACKSON: Julie, right-

2

3 -?

4

MS. FISHER: [Interposing] Yes.

5

Julie--

6

CHAIRPERSON JACKSON: --I'm sorry.

7

Go ahead.

8

MS. FISHER: I'm Julie Fisher and I

9

am the Executive Director of the New York Center

10

for Autism Charter School. We opened our doors in

11

2005 and we currently serve 28 students, all of

12

who are diagnosed with autism. Our students range

13

from moderately involved to more severely

14

challenged, reflecting the wide range of the

15

autism spectrum. So 100% of our students are IEP

16

students.

17

I was here this afternoon with

18

Rebekah Marler, who is the principal of PS/IS 50,

19

the host school in which the NYCA Charter School

20

is housed and she stuck it out until about 5:30

21

and then had to leave, unfortunately. But it's

22

too bad because I think we're a great illustration

23

of a partnership that is working so well between a

24

public school and a charter school. Ms. Marler

25

has been nothing but gracious and cooperative with

1
2 respect to the logistical issues that are just
3 inevitable when two entities share space.

4 But beyond that, we have, over the
5 course of our four years together, developed some,
6 I think, truly innovative and creative programming
7 that has proven mutually beneficial to both NYCA
8 Charter School students as well as PS/IS 50
9 students. One such collaboration is in the area
10 of inclusion. Some of our students who are on the
11 less involved end of the autism spectrum are able
12 to benefit from inclusion opportunities in less
13 restrictive classrooms, even regular education
14 classrooms, in some cases, for varying amounts of
15 time.

16 When we feel one of our students
17 might be ready to benefit from such an experience,
18 Ms. Marler has worked with us to identify an
19 appropriate classroom and a teacher who would be
20 open to and comfortable with our students and
21 staff. We have, to date, had eight students
22 participate in PS 50 classrooms, six currently,
23 some for just minutes as a means of desensitizing
24 them to being in larger groups of kids, and some
25 for almost half of their day. In fact, inclusion

1
2 experiences in PS 50 classrooms helped two of our
3 students graduate from our program and move to
4 less restrictive special education settings.

5 Another collaboration involves our
6 Peer Mentoring program. This program involves
7 taking PS 50 7th and 8th grade students, typically 4
8 per session, and offering them a 10-week course on
9 autism that helps them understand the nature of
10 the disorder and how one effectively teaches and
11 interacts with an individual with autism. These
12 IS 50 students abbreviate their lunch and recess 3
13 or more days per week in order to participate in
14 this program.

15 They get to observe in our
16 classrooms, they themselves identify a skill or
17 skills that they would like to teach one of our
18 students, and they actually work on that skill
19 directly with the student with whom they've been
20 paired. The NYCA Charter School students
21 participating in this program are often our more
22 impaired students, not those who would necessarily
23 be able to benefit from a traditional inclusion
24 experience.

25 At the end of their 10 weeks, the

1
2 IS 50 students prepare a presentation about what
3 they've learned and present it to their class, at
4 which point we've gotten large numbers of
5 additional IS 50 students interested in
6 participating in future sessions.

7 The direct benefit to our students
8 is clear, right now we have peer mentors working
9 on teaching NYCA Charter School students how to
10 play board games, how to play basketball, how to
11 engage in simple conversations. What we didn't
12 expect was the benefit to our whole school
13 population, through greater awareness and
14 acceptance. And even more than that, benefit to
15 the larger autism community, these young IS 50
16 students are spreading awareness and sensitivity
17 in ways we, as adults, simply couldn't.

18 I think the IS 50 students have
19 benefited as well, in that they can take pride in
20 learning a new skill, developing a goal and
21 accomplishing it. And I think it may even--the
22 program may even inspire some to consider special
23 education as a career path. In fact we have one
24 student who was a Peer Mentor who graduated from
25 IS 50 last year and is now in high school, who

1
2 will be working for us as a paid assistant during
3 the summer.

4 These collaborations have become
5 hallmarks of both of our respective programs, and
6 would not have been possible if we were not able
7 to share space in the way that we do. Thank you.

8 CHAIRPERSON JACKSON: Thank you.

9 And Josh.

10 MR. KLARIS: Good evening.

11 CHAIRPERSON JACKSON: Good evening.

12 MR. KLARIS: It's my pleasure to be
13 here. My name is Josh Klaris and I am the
14 founding principal of an East Harlem public
15 charter school, DREAM Charter School, and actually
16 I'm really excited to be a principal of a school
17 and not having heard from very many school leaders
18 today, if not any before Julie, I'm very happy to
19 represent. I'm also representing our affiliation,
20 which is Harlem RBI, a not-for-profit youth
21 organization in East Harlem. The Executive
22 Director Richard Berlin could no longer be here
23 and my--and one of our family members Jo-Ann
24 Barrett also had to heave.

25 Harlem RBI is a community based

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youth development organization that serves over 700 low-income families and children year-round with comprehensive out of school time services. The vast majority of Harlem RBI's youth attend a District public school in East Harlem. And Harlem RBI has intentionally over the years worked closely both in and with public schools throughout East Harlem to ensure that our youth grow up healthy, happy and strong.

I personally started with Harlem RBI as a volunteer in the summer of 1994 as a baseball coach and a teacher and also have a teacher and school leader in the New York City public school system in a District public school starting in 1993. I was a teacher at P.S. 124 in Chinatown, an assistant principal of PS 65 in the South Bronx, one of the original Chancellor District schools, as well as an assistant principal in PS 158 in Manhattan, and for five years served as the principal of PS 183 with the great help of Council Member Lappin on Manhattan's Upper East Side

Needless to say I've had a front row seat in many of the changes and challenges

1
2 that the New York City school system has faced
3 through the past 15 years. And while Harlem RBI
4 and I have had numerous successful and been
5 witness to some extraordinary work in some
6 individual public schools, the organization and
7 the families we serve have been continually been
8 frustrated by the District public school's
9 consistently low levels of student success and
10 academic achievement.

11 It was this frustration that
12 motivated Harlem RBI to plan, fund and found DREAM
13 Charter School. We opened this past September in
14 East Harlem with 100 Kindergarten and first grade
15 students and we have 50 in each grade.
16 Approximately 25% of our students have IEPs and we
17 have a full inclusive program and are really happy
18 to join other well-established successful, albeit
19 all to scarce public schools in the neighborhood.

20 Currently DREAM is incubating in a public
21 school building that is at 50% capacity, meaning
22 parents who live in the densely populated area in
23 and around the school building are choosing not to
24 send their children to school there. The
25 placement of DREAM in this building was supported

1
2 by the local Community Education Council of
3 District 4, which wrote an explicit resolution in
4 favor of housing the school in this building.

5 Satisfaction with DREAM Charter,
6 Charter's extended day, extended school year model
7 is very high. We had plenty of parents here
8 before, they're no longer here unfortunately
9 'cause they had their children to take care of.
10 And it also is represented by the fact that 100%
11 of our families have indicated that they will be
12 returning.

13 We also continue to have a great
14 relationship with Community Education Council 4
15 and their full support. At the heart of DREAM's
16 decision to open DREAM was a decision to join the
17 few other high quality educational opportunities
18 that currently existed for the families in East
19 Harlem. The heart of our families' decision to
20 enroll and keep their children in DREAM is a
21 desire to choose the best possible education for
22 their child.

23 Harlem RBI's DREAM Charter School
24 has a lot going for it. We have strong leadership
25 and a great board; the backing of a trusted

1
2 community based organization; and the deep and
3 growing commitment to the families looking for a
4 better chance for their kids.

5 In my more naive moments, I guess I
6 would expect that a school like this and like the
7 others that are doing the same type of work that
8 we're doing would be welcomed with open arms by
9 everyone who has a stake in public education.
10 Clearly from what we've heard today this is not
11 the case.

12 In the last week I have seen DREAM
13 - and other public charter schools like it lose
14 nearly 10% of its projected funding for next
15 school year, this despite the fact that charter
16 schools currently get something in the ballpark of
17 70% of what other public District school get. I
18 have heard that Federal stimulus money for capital
19 projects will not be available for public charter
20 schools in New York City. And today I am learning
21 about the possibility of yet another level of
22 public review for schools that already undergoing
23 enormous public scrutiny from the moment they are
24 conceived, let alone once they are in operation.

25 Trust me I truly understand and

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appreciate the history of public charter schools in the City of New York and elsewhere, and I know that charters are often a controversial and politically complex issue. But schools like DREAM are not an issue. They are real places that parents trust and where children thrive. And you heard some of it tonight. And we did not exist and could not have existed a year ago.

We are making a measurable impact in the lives of families who have all but lost hope in an educational system that has failed them for decades. The families and leaders who are here today have taken brave action and spoken loudly, those that understand what their children deserve. These actions and these voices deserve your support: political, financial and in any way. Thank you. And I'm also happy to answer any of your questions.

CHAIRPERSON JACKSON: Thank you. Did--I believe towards the end of your testimony you may have alluded to the resolution, is that correct?

MR. KLARIS: Yes.

CHAIRPERSON JACKSON: Okay. And I

1
2 don't know if you heard what the resolution calls
3 for. Do you have an opinion on that? As far as
4 whether or not that the State legislature should
5 provide an appropriate, I guess, law with regards
6 to siting of schools, charter schools in a
7 District and it should be one that is fair and
8 objective?

9 MR. KLARIS: Um-hum.

10 CHAIRPERSON JACKSON: I mean, like
11 the other gentleman that we had the questions and
12 answers and dialog, he said--

13 MR. KLARIS: [Interposing] Um-hum.

14 CHAIRPERSON JACKSON: --that well
15 if it denied charter schools any of the right,
16 he's opposed to it. But were you here for the
17 entire?

18 MR. KLARIS: I have been.

19 CHAIRPERSON JACKSON: So you heard
20 the dialog.

21 MR. KLARIS: I did.

22 CHAIRPERSON JACKSON: What's your
23 opinion about it, if you have one. And you don't
24 have to if you don't want to. Believe me. I do
25 know how DOE is. With respects to what you've

1
2 heard about the lack of communication, the lack of
3 consultation and some of the--in my opinion,
4 tactics and strategies by being employed with
5 respects to siting of some charter schools, either
6 in other public school buildings.

7 MR. KLARIS: Um-hum. I definitely
8 have opinions on the whole thing. And first and
9 foremost I think that one thing that has gotten
10 terribly lost in today is the sense of the
11 responsibility from the individual schools
12 themselves and in school leadership of which I
13 thoroughly represent.

14 And I think that when it's done
15 right, and you have a couple of examples sitting
16 up here right now, all the processes and
17 procedures and legislation that is already in
18 effect is completely adequate. We do not need
19 more legislation to, in any way, and I agree with
20 my colleague from Renaissance Charter School, that
21 this legislation will just get in the way of new,
22 of putting in new, good schools in the City of New
23 York.

24 So it would be my opinion that the
25 processes that are already in place are

1

2 sufficient, whether or not there are mistakes that
3 are made, and it sounds like what happened the
4 other day or the other week with PS 194 and PS
5 241, that it was not a great situation. But the
6 situation that I came from what that we had done
7 our due diligence, that it was communicated, you
8 know, to a degree necessary that we had the full
9 support of our community, both the education
10 council. And we were, you know, welcomed with
11 open arms.

12

And we followed the letter of the
13 law and did what we needed to do and had the due
14 diligence and it was, you know, it was handled
15 properly. There, you know, there was a mistake
16 but I do not think the charter schools, as a
17 general, need to be blamed for it and I do not
18 think that more legislation is in any way going to
19 fix it.

20

CHAIRPERSON JACKSON: Hum. Well I-
21 -let me tell you I appreciate, I've never gone to
22 East Harlem with respects to RBI, is it RBI?

23

MR. KLARIS: Harlem RBI, yes. But
24 I've--as a City Council Member I've received all
25 of the literature and it seems as though that over

1
2 the past several years as far as your after school
3 programs, that you were doing a great job in
4 there, raising monies and engaging hundreds and
5 hundreds of kids in baseball and sports and all of
6 the things that they need as far as tutoring and
7 stuff like that. And it seemed as though this is
8 just an extension. And it seems as though
9 whatever you, the collective you, did, you did
10 what had to be done right.

11 MR. KLARIS: Thank you.

12 CHAIRPERSON JACKSON: And you heard
13 me say earlier that when Seth Andrews was going
14 around--

15 MR. KLARIS: [Interposing] Um-hum.

16 CHAIRPERSON JACKSON: --I wrote a
17 letter on behalf of the charter school. But it
18 clearly appeared to me that, that some of the
19 students, the way I do believe that they were
20 influenced by either their parents and/or other
21 adults as to some of their thoughts and thinkings--
22 -

23 MR. KLARIS: [Interposing] Um-hum.

24 CHAIRPERSON JACKSON: --not
25 necessarily, there may be writing helping to

1
2 writing that, or if not, just all along. And as I
3 said [chuckling] when the first young man spoke
4 that if he was an adult I would challenge him to
5 some of what his facts that he threw out--

6 Mr. KLARIS: [Interposing] You can
7 challenge me on his behalf if you'd like.

8 CHAIRPERSON JACKSON: Say that
9 again?

10 MR. KLARIS: You can challenge me
11 on his behalf if you'd like.

12 CHAIRPERSON JACKSON: Well the fact
13 is that you and I know that all local schools are
14 not bad schools. Okay. And just like you and I
15 know that all charter schools are not good charter
16 schools.

17 MR. KLARIS: Um-hum.

18 CHAIRPERSON JACKSON: I mean it's
19 clearly that some charter schools have closed
20 down. And you've heard my testimony when I gave
21 my opening statement about my daughter's
22 experience--

23 MR. KLARIS: [Interposing] Um-hum.

24 CHAIRPERSON JACKSON: --she taught
25 at three charter schools in Buffalo, New York.

1

2 And let me tell you it was not easy.

3

4 MR. KLARIS: And I would argue that
5 it probably had a lot to do with school
6 leadership. Not legislation.

6

7 CHAIRPERSON JACKSON: Yeah. I
8 would agree with that. But the bottom line of it
9 all, the bottom line, people are coming away with
10 experiences from their environment that they're
11 in. And so the environment that Erik Martin Dilan
12 who is a sponsor of Resolution 889 in Brooklyn,
13 came out of Brooklyn based on what occurred out in
14 Brooklyn.

14

15 MR. KLARIS: Um-hum.

15

16 CHAIRPERSON JACKSON: And not
17 necessarily the children, like you said, the
18 children are not involved in these arguments and
19 debates. It's the adults. Do you know what I
20 mean? And it's about, you know, process. I say
21 to you I had a meeting about three weeks ago or a
22 month ago with parents that are looking to open a
23 French-English charter school.

23

24 MR. KLARIS: Yes.

24

25 CHAIRPERSON JACKSON: And I met
with them in my District Office uptown as a--and

1
2 so after about an hour of meeting with them and
3 some of their young children were in there also,
4 two or three years old, so I said okay, now where
5 do you live at and where do you live at? And
6 where do you live at? And where do you live at?
7 And none of them lived in my District. But they
8 were meeting with me as the Chair of the Education
9 Committee.

10 MR. KLARIS: Um-hum.

11 CHAIRPERSON JACKSON: And I guess
12 as someone that has been involved in education
13 from a parent-activist point of view. And the
14 bottom line of the meeting afterwards, what they
15 were asking me was for a letter of support.
16 Because it was going to be located in Harlem
17 somewhere. And in the letter, they did get their
18 letter of support, but it also started with saying
19 I am not a--I am not sold on charter schools.

20 MR. KLARIS: Um-hum.

21 CHAIRPERSON JACKSON: But. The
22 bottom line is when it comes down to this or the
23 other and parents in their quest for the best
24 education for their children, I'm going to come on
25 the part of parents with--looking for the best

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2 education for their kids. And so they got that
3 letter of support.

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5 I also met with some other people
6 concerning a charter school in Harlem that they're
7 looking to establish. And they're looking for a
8 letter of support. And I said to them, you know,
9 you have your own site. You want to open up a
10 school. You go right ahead. But when it comes to
11 thinking that you can come in, and in my opinion
12 these are my words--

12

MR. KLARIS: [Interposing] Um-hum.

13

CHAIRPERSON JACKSON: --and take
14 over a public school where parents and their
15 children are going to school, what happens when
16 that happens is you stand up and fight back. You
17 have an automatic natural instinct to defend. And
18 that's what I talked about when we talked about
19 with Eva Moskowitz as far as, you know, as a
20 leader of that network, she was there during that
21 whole situation. You heard other parents describe
22 how--

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MR. KLARIS: [Interposing] Um-hum.

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CHAIRPERSON JACKSON: --volatile
25 that situation was. It was not good at all. And

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I just think that she needs to effectively communicate to them how they need to handle themselves so that they can have the type of transition that you spoke about with District 4.

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MR. KLARIS: I, and I don't disagree with that. My point is simply that, and I've been to plenty of other hearings, and again I was a principal of a school on the Upper East Side with, you know, one of those really successful schools in New York City that, you know, has predominantly white, middle-class population, and had had, you know, to be told to control them as well.

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You know, like I mean it's an issue of good school leadership. And it's an issue of making sure that you're not punishing the whole for the actions of a few and you're making sure that you're making decisions. And this is why, you know, we entrust you is in order to make sure that you're making decisions that is right for the children.

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And in many ways I think that that's gotten lost today. You know, the decision is the matter of opening good schools for families

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2 that don't have the schools to send their children
3 to. Whether or not it's a community like East
4 Harlem or Central Harlem or any place else in the
5 City, and charter schools offer that solution
6 immediately.

7

8 And as part of my testimony the
9 idea for DREAM is that it's an idea but we got to
10 do it and got to do it immediately. And it's not
11 a matter of me going in as a school principal and
12 spending ten years turning a school around. But
13 it's able to do it immediately in terms of the
14 creation of a school. And that's a big
15 difference.

16

17 CHAIRPERSON JACKSON: And I hear
18 you loud and clear. And I think that one of the
19 things, the testimony that was given earlier by
20 some other people is that when you look at the
21 majority of all the charter schools, they're in
22 Black and Latino neighborhoods and poor
23 neighborhoods--

24

25 MR. KLARIS: [Interposing] Right.

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27 CHAIRPERSON JACKSON: --and the
28 fact is, you know, they're not in District 26.
29 They're not on the Upper East Side.

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MR. KLARIS: Correct.

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CHAIRPERSON JACKSON: Okay. And when it comes to, you said you've been in meetings in the Upper East Side where, you know, basically middle class, white parents had to be put in check also as far as their, I guess, their emotions and what have you and so fort.

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MR. KLARIS: Correct.

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CHAIRPERSON JACKSON: As you see here today, one thing I did not want to happen was applause and boos--

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MR. KLARIS: [Interposing] Um-hum.

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CHAIRPERSON JACKSON: --for this crowd to get out of check. I know that from my experience in witnessing events like that. And believe me I've been in School Board meetings where people were throwing chairs.

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MR. KLARIS: Um-hum.

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CHAIRPERSON JACKSON: And what have you. And so I know that when I chair this meeting, everyone, no matter who you are is going to get respect and be heard. And I didn't want that to get out of control or people to start booing and responding as a--you know, as they

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2 were. Some of them were, not loudly, but I wanted
3 to make sure that everyone got heard and be
4 respected. Let me thank you both for coming in--

5 Mr. KLARIS: [Interposing] Thank
6 you.

7 CHAIRPERSON JACKSON: --and let me
8 turn to my colleague Council Member Inez Dickens--

9 COUNCIL MEMBER DICKENS:
10 [Interposing] Just--

11 CHAIRPERSON JACKSON: --and I
12 didn't mean to go on but I enjoyed the dialog with
13 the both of you.

14 COUNCIL MEMBER DICKENS: Thank you,
15 both of you for coming down and Mr. Klaris, do you
16 believe in choice?

17 MR. KLARIS: Yes.

18 COUNCIL MEMBER DICKENS: You do.

19 MR. KLARIS: Yes.

20 COUNCIL MEMBER DICKENS: So having
21 said you believe in choice, does that mean that a
22 parent has a right to choose whether their child
23 goes to a public school or a charter school?

24 MR. KLARIS: One of the choices.

25 COUNCIL MEMBER DICKENS: I'm sorry?

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MR. KLARIS: It's a choice.

COUNCIL MEMBER DICKENS: Well if there's two systems offered, one charter, public charter, and one public school, then do you believe that the parent has--should have that right to choose? Or there should be no right?

MR. KLARIS: I believe that charter schools should be an option for all families, yes.

COUNCIL MEMBER DICKENS: So then that option means choice, is that correct? No--

MR. KLARIS: [Interposing] Ye--

COUNCIL MEMBER DICKENS: --it doesn't?

MR. KLARIS: --yes it does.

COUNCIL MEMBER DICKENS: All right. So then if there is a choice, then should not the two choices available, both be excellent education for all children?

MR. KLARIS: Um-hum. I think ideally, absolutely. I think currently it's not the reality--

COUNCIL MEMBER DICKENS:
[Interposing] I didn't say that.

MR. KLARIS: I mean we can have--I

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2 mean, the answer to you is yes. All the choices
3 should be excellent choices, absolutely. Does our
4 public--does our current District public school
5 system offer excellent choices to all families?
6 Currently, it does not. We've all heard that loud
7 and clear--

8

COUNCIL MEMBER DICKENS:

9 [Interposing] So because of that, then you're
10 saying that there should be no choice then, is
11 that what you're saying? 'Cause--

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MR. KLARIS: [Interposing] That

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there--no.

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COUNCIL MEMBER DICKENS: --now

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we're conver--

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MR. KLARIS: [Interposing] I am not

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saying that charter schools should be the only

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choice, no I'm not saying that--

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COUNCIL MEMBER DICKENS:

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[Interposing] So then with choice, then that means

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that the public schools--

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MR. KLARIS: [Interposing] Um-hum.

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COUNCIL MEMBER DICKENS: --should

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offer good quality education--

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MR. KLARIS: [Interposing] And

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without--

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COUNCIL MEMBER DICKENS: --to the children as well as charter schools.

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Mr. KLARIS: I, I absolutely agree.

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And without sounding, which would be ironic for me

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in many cases as a defender of Chancellor Klein's

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initiatives and everything that's gone on with the

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Department of Education, I would argue that

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currently and in the last seven or so years there

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has been an incredible amount of effort to make

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all our schools excellent public schools.

13

One initiative that I lived

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through, trust me, closer than anybody here as a

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principal of a New York City public school for the

16

five years during the transitional period, is this

17

idea of empowering and giving autonomy to New York

18

City public school principals, of all principals.

19

It is what led me towards charter schools because

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the fact is that autonomy is exactly what I

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believe creates excellent schools for all public

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schools.

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In order for it to be effective and

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successful, you have to have effective and quality

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school leaders to do it. And I have tons of

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2 colleagues who are wonderful and who run fabulous
3 public schools. And we need more of them. And
4 until we get more of them, it's not going to
5 happen.

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COUNCIL MEMBER DICKENS: So that
means that only charter schools offer that is
that--

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MR. KLARIS: [Interposing] That's
not what I said.

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COUNCIL MEMBER DICKENS: --correct,
is that what you're saying?

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MR. KLARIS: No.

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COUNCIL MEMBER DICKENS: Well I'm
trying to get an understanding--

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MR. KLARIS: [Interposing] I have
colleagues who are principals in the New York City
public school, the traditional New York City
public school system as well as in charter
schools. I have plenty of colleagues who I have a
high level of respect for and some who I do not.

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COUNCIL MEMBER DICKENS: Well the
same could be said in charter schools as well.

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MR. KLARIS: That--I--that's what I
implied. Yes.

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COUNCIL MEMBER DICKENS: Um-hum.

And also legislation becomes necessary when abuse come about. And that's what the siting resolution is about where there is abuse by DOE that means that resolution because we cannot enact legislation at this time.

MR. KLARIS: Um-hum.

COUNCIL MEMBER DICKENS: It means that we have to put in a resolution asking for the State legislature to indeed enact legislation that would protect all parents. It's not about being against charter schools. It's about supporting all parents to have good education for all children.

Because I was born and raised in Harlem, and I was a product--I am a product of the public school system. So I probably could tell you about it a whole lot better than you can tell me because I am a product of it, not as a teacher, not as a principal--

MR. KLARIS: [Interposing] Um-hum.

COUNCIL MEMBER DICKENS: --but as a child that attended it. But thank you so much for coming and staying so late.

MR. KLARIS: My pleasure. Thank

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2 you--

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CHAIRPERSON JACKSON: [Interposing]

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Josh and Julie, thank you very much.

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MS. FISHER: Thank you.

6

CHAIRPERSON JACKSON: And next

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Julius Tajiddin, a position of public schools;

8

Lenore Brown, CHAFE; and Yolanda Matthews, a

9

parent. Please come forward.

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And then we have a lot more slips

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but we're going to ask whoever else hasn't spoken

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just please come forward, you'll be the next and

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hopefully the last panel, after this panel. Okay?

14

Just speak to Jan, anyone else that needs to

15

speak, please speak to Jan Atwell. Julius, just

16

identify yourself and you may begin.

17

MR. JULIUS TAJIDDIN: Yes, Julius

18

Tajiddin, I'm a Harlem resident.

19

CHAIRPERSON JACKSON: Press the

20

button please. Go ahead.

21

MR. TAJIDDIN: Julius Tajiddin.

22

I'm a Harlem resident. This is about due process.

23

This is about my suggestion to you, to enable you

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to guarantee due process. I offer you a proposal

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to enact a law, a Local Law, to amend the

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2 Administrative Code of the City of New York in
3 relation to school lands, leasing of, granting any
4 such permit, license or authorization to charter
5 school or other private organizations, for
6 educational purposes. This would amend Title IV
7 by adding a new section, Section 4-110(a). Be it
8 enacted by the Council as follows:

9 Section 1. Background and
10 declaration of legislative intent. The Council
11 finds that based on a finding by the Department of
12 Education School Construction Authority Committee
13 of the New York City Council, studies by
14 authorities in education and historical precedent,
15 the New York City Department of Education has
16 unfairly closed or phased out public schools
17 and/or placed charter schools in such school
18 buildings thereby replacing the standard public
19 school with the charter school.

20 The Department of Education has
21 also placed charter schools inside of standard
22 public schools while keeping the standard public
23 schools opened. However the classroom size in the
24 standard public schools more often than not
25 increases, making such classroom overcrowded. The

1
2 charter school tends to need more space in such
3 school building where as a result of this kind of
4 situation the charter school more often than not
5 succeeds in getting such school space, and such
6 standard public school is forced to cut programs
7 due to lack of space or not having enough
8 equipment or supplies to meet the needs of the
9 entire class.

10 This kind of situation threatens
11 the very operation of a successful standard public
12 school and such schools' very existence. While
13 the DOE under the current education law has the
14 appearance of justification to close down a school
15 or make a school share its space on its side due
16 to an allegation that such school is failing or
17 such school space is not being fully utilized,
18 oftentimes if not all the time, the DOE has
19 decided such standard public school's fate solely
20 within an internal department process.

21 The parent/student is just informed
22 that the school will be closed, phasing our or
23 shared with another school. And usually such
24 information is given to the parents at the end of
25 the school year. In particular standard public

1
2 schools in Harlem have been unusually targeted
3 with such practice. Parents in these
4 neighborhoods have expressed that such practice in
5 their school zones eliminate their neighborhood
6 school zones without them having a fair
7 opportunity to voice their concerns or the right
8 to petition the government for a redress of
9 grievances.

10 Parents and Harlem community
11 advocates have alleged that charter schools coming
12 into Harlem are being used as a tool for
13 gentrification. It is a fact that charter schools
14 operate under a dual system. The education laws
15 of the New York system and charter school act
16 system which the latter allows a charter school to
17 select its enrollment. Although the DOE has
18 granted an opportunity for a sounding board forums
19 for parents and community who find themselves in
20 such situations, such forums pit parent against
21 parent, one belonging to the standard public
22 school, the other wanting the charter school.

23 Ultimately these parents and
24 children simply want a decent education. However
25 what' missing from this procedural process is an

1
2 honest fact-finding mission. Such forum doesn't
3 allow the facts to come out to render a fair
4 decision on the merits of a particular case.
5 Additionally the forum only addresses whether the
6 charter school should or shouldn't come into the
7 school property and not whether the standard
8 public schools should or shouldn't have been
9 closed or slated to phase out in the first place.

10 Then there is the question of
11 whether the DOE can deliver true fairness in the
12 matter. Although it appears that the DOE can be
13 neutral in deciding which schools should get the
14 school building, it can't be honestly stated that
15 the DOE can be fair in deciding whether it should
16 or shouldn't close or phase out a standard public
17 school when being challenged by a parent in a true
18 Constitutional due process context.

19 Another important factor in this
20 equation not properly addressed which adds to this
21 hodgepodge is who should decide the fate of City
22 property. Public school property is still City
23 property. Although our City's education laws are
24 State legislated, does that give the DOE under the
25 authority of its CEO the power to decide the fate

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of the actual school building?

And look at Article 52-A, Section 2590(h)(31) of our State Education Law answers such question in the negative. What is absent from the language of the statute is the Chancellor's authority to decide the fate of the school building itself or how the school building shall be managed if not managed 100% by the DOE or its CEO.

Charter schools are not 100% funded by public dollars nor are they operated under the DOE within the structure of Article 52-A. There are two authorities that state who ultimately decides the fate and use of a building if it is not being fully used as a standard public school. They are Article 4, Section 410 of the New York City Administrative Code, and the Supreme Court of the United States. That Supreme Court case, Board of Estimate of City of New York v. Morris is the Supreme Court case. In Board of Estimate, the Supreme court outlines the Board of Estimate's duties which include but are not limited to the Board of Estimate exclusively determining the use, development and improvement of property owned by

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2 the City, granting leases of City property, and
3 enters into leases of property for City use, and
4 holding public hearings on any matter of City
5 policy within its responsibilities whenever called
6 upon to do so by the Mayor, or in its discretion
7 for the public interest.

8 CHAIRPERSON JACKSON: Julius, can
9 you conclude please if you don't mind?

10 MR. TAJIDDIN: Okay.

11 CHAIRPERSON JACKSON: Thank you.

12 MR. TAJIDDIN: So ultimately
13 basically, what I'm saying is that.. Section 2--
14 well, right. This is--this is what the actual
15 language in that amendment would read like.

16 Upon the application of an
17 aggrieved parent or other such person having a
18 genuine interest in a City-owned property
19 designated for a public school purpose, the Board
20 of Estimate shall hold a hearing or authorize the
21 Commissioner of Citywide Administrative Services
22 upon such terms and conditions as the Commissioner
23 may determine, consistent with Federal due process
24 guidelines to hold a hearing prior to the leasing,
25 granting or licensing to any charter school

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2 organization, private or having public school
3 status, of any public school property controlled
4 by the New York City Department of Education.

5 What this does, essentially, is
6 makes it where it's giving the City more power,
7 because everyone's like looking to the State
8 legislature, you know, to empower them. And I
9 feel that based on what I've proposed here the
10 City Council can enact this legislation and create
11 the forum now where they control how the City
12 property is being used. So I think that would be...

13 CHAIRPERSON JACKSON: Well thank
14 you. We'll take that under consideration. We
15 appreciate you coming in. Lenore Brown. CHAFE.

16 MS. LENORE BROWN: Okay.

17 CHAIRPERSON JACKSON: From
18 Brooklyn.

19 MS. BROWN: Thank you for staying.
20 I really appreciate your staying. I know it's
21 kind of late. My name is Lenore Brown--

22 CHAIRPERSON JACKSON: [Interposing]
23 Well we knew it was going to be a long hearing,
24 so--

25 MS. BROWN: [Interposing] Okay,

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right.

CHAIRPERSON JACKSON: --I've been here for the long haul.

MS. BROWN: I appreciate it anyway.

CHAIRPERSON JACKSON: Okay.

MS. BROWN: I am a community activist, a lead member of Cyprus Hill Advocate for Education, which is CHAFE, and a founding member of CEJ, New York City Coalition for Educational Justice. I have five grandchildren who attend public schools, 290 in Brooklyn, 127 in Queens and Boys and Girls High School in Brooklyn. I am also a great-aunt of two twins, one nephew has special needs and the other nephew does not.

The nephew with special needs can't go to a charter school. Charter schools do not have to accept children with special needs which includes learning disabilities, emotional disturbed children, and ELL children.

Also in my community the DOE is planning to move an already existing charter school, which is Achievement First, into an old building once used by Public School 65. This charter school will have no seats open for Cyprus

1
2 Hill children in the neighborhood. Instead if our
3 children get accepted through the lottery, they
4 will have to be bussed out. This is unfair and it
5 really doesn't even make sense.

6 Our other community public schools
7 are already overcrowded and the presence of a
8 charter school will not relieve the problem.
9 Instead we should use the old PS 65 building for
10 the community to relive overcrowdness in the
11 neighborhood school.

12 And I have a question for the
13 Mayor. Why is the Mayor promoting charter schools
14 that leave so many children out of these schools?
15 Does he not realize that all children need a great
16 education? Is it not his job to make sure that
17 all students be treated equally and that no child
18 is left behind? Does he not--does he want to
19 destroy our public schools? Is it his intention
20 to pit parents against one another? Why is the
21 Mayor's agenda?

22 What is the Mayor's agenda? It
23 appears to me that the Mayor wants a two-tiered
24 education system. I heard about that, you know,
25 today. One tier will have all of the resources

1
2 needed which is the charter school. And the other
3 tier will have special needs and limited resources
4 which is the traditional public school.

5 I am not against charter schools.
6 I'm not. I am against charter schools being the
7 be-all, end-all solution to problems in our
8 failing schools. All schools need to be great
9 schools. And I'm saying to parents, whether you
10 are for charter schools or against charter
11 schools, we all want our children to have the best
12 education.

13 And it is our children's right.
14 Let's have an open and rational debate to discuss
15 both views. Because our goal is the best
16 education for our children. Thank you.

17 CHAIRPERSON JACKSON: Thank you.
18 Yolanda Matthews. She's a parent.

19 MS. YOLANDA MATTHEWS: Good
20 evening.

21 CHAIRPERSON JACKSON: Good evening.

22 MS. MATTHEWS: Chair Robert Jackson
23 and the Honorable Inez Dickson, thank you--
24 Dickens, thank you for having me speak. I was
25 here from the beginning. I'm a parent. I sat

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here and observed everything that was being said about the charter schools.

CHAIRPERSON JACKSON: Which school for, are you a parent at?

MS. MATTHEWS: I'm a parent, a grandmother for Dominic Fuller which was PS 183 that is no longer existing in Brownville District 23. It is now Chapman 66, School for Science and Math, that's their specialty is--

CHAIRPERSON JACKSON: [Interposing] Okay.

MS. MATTHEWS: --it's not neither a charter school or--it's still a public school but they--this is how they do it. They come in and they say they specialize in certain schools. And also I was observing IS 55 that is becoming a charter school.

CHAIRPERSON JACKSON: Okay.

MS. MATTHEWS: And it's another school, PS 150 and 158 in Brownsville.

CHAIRPERSON JACKSON: um-hum.

MS. MATTHEWS: I also took the trip on my access-a-ride [phonetic] to certain schools in Benson Hurst which doesn't exist, charter

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2 schools. And I went up to the Bronx last month.
3 And the upper like Westchester areas that do not
4 have charter schools.

5

And I'm wondering are only charter
6 schools being put in Brownsville, East New York
7 and, you know, low income parts where the
8 Hispanics and Blacks are living at? And no one
9 seems to care.

10

I had a nephew that went to a
11 charter school, Explorers, that was downtown
12 Brooklyn. He was a special need child. And my
13 sister went to a hearing and I'm sorry that the
14 young man that was here earlier who left, who has
15 a special need child in a school, once you go to
16 the hearing your child is automatically put out
17 the school.

18

It's like the parent doesn't have,
19 you know, no rights after they take them to a
20 hearing 'cause in other words, you were being
21 challenged. My sister have wrote letters to her
22 Councilorman, and her name is Susan Matthews. And
23 my nephew's name is Brandon Perry who was in a
24 charter school.

25

So I would like to really, who is

1

2 it, the DOE, something.. the DOC who said he wanted
3 to know. She wrote letters to them and they did
4 not back her up. He was going to Explorers which
5 was downtown Brooklyn on J Street. My nephew was
6 removed from the school which he was, you know, a
7 student with special needs. They didn't give it
8 to him and at that time I was on crutches. She's
9 a single parent. She works for a living. One of
10 the teachers there told her to go on public
11 assistance. Okay.

12

I had to take cabs there to take
13 him out of the school every day at 3:00 P.M. and
14 this was a charter school that was supposed to
15 stay open to 5:00 P.M. Due to the fact that he
16 had special needs and they didn't have the time to
17 put with him, he was like stereotyped all the
18 time. One of the teachers hit him. He told his
19 mother the teacher hit him. Every day my sister
20 was being harassed on the telephone. Now this is
21 supposed to be a school for children.

22

Now. And I'm not saying that all
23 the public schools are great. I went to Catholic
24 school and also the public high school, graduated
25 from James Madison High School. And I'm listening

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2 to some of the parents. I did go to their meeting
3 because I had a grandson that went to the school
4 up in Harlem, PS 194. I was at that meeting
5 'cause my girlfriend told me, you need to come up
6 here and observe what's going on. She has a child
7 there now. And she says the school is being
8 phased out. So I specifically told her what I
9 did. I said write to your Councilor people, call
10 311 and, you know, complain.

11 They come in the neighborhood. The
12 kids in the neighborhood are not allowed to come
13 to their school unless they get in through the
14 lottery. I have a niece who have two twin
15 daughters. They told her they lost her
16 application at IS 55 which is a charter school.
17 It's funny. She has twins. So why neither one of
18 her twins are in that school. That's my question.

19 Are our children in Brownsville and
20 East New York being pushed out of their
21 neighborhood schools? When I went to high school
22 I was able to go to any high school I wanted to go
23 to. And I feel that a child has the right to go
24 to any education school, you know, to better their
25 self. And I'm wondering what is going on today

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2 because it seems to me that the Mayor is not for
3 "our children". And why are our childrens being
4 pushed out of their schools in the neighborhood.
5 It don't seem fit--it doesn't seem fair at all.

6 CHAIRPERSON JACKSON: Well I want
7 to thank you for coming in--

8 MS. MATTHEWS: [Interposing] Um-
9 hum.

10 CHAIRPERSON JACKSON: --and giving
11 testimony. I can't answer your questions. But
12 based on what I heard, I do believe though that
13 charter schools, and you heard the various
14 testimonies and various charter schools, certain
15 percentages of their children do have special
16 needs and do have IEPs.

17 I mean we've heard testimony from
18 you and from another parent that the situation as
19 far as their children with the IEPs, it was a
20 little difficult. But I do think--I know for a
21 fact there's difficulty even in the public school
22 with IEPs and people are challenging DOE all the
23 time. So I'm not saying that that's any different
24 in charter schools but from my understanding that
25 they do accept all.

1
2 Obviously I don't know whether or
3 not all of the needs, based on, you know, I guess
4 the severity of the needs, whether or not that can
5 be met in all the charter schools. But. I'm
6 sorry to hear that you had problems with your
7 grandson at the charter school in which he was in
8 and had to be--was he--did you pull him out or did
9 he--was he kicked out--

10 MS. MATTHEWS: [Interposing] No
11 they told my sister she had to come to a hearing.
12 Once she went to that hearing--

13 CHAIRPERSON JACKSON: [Interposing]
14 Who? Who told your sister that?

15 MS. MATTHEWS: The board of the
16 charter school--

17 CHAIRPERSON JACKSON: [Interposing]
18 The board of the charter school?

19 MS. MATTHEWS: --once she went to
20 that--

21 CHAIRPERSON JACKSON: [Interposing]
22 A hearing, I'm sorry, I'm trying to get
23 clarification. A hearing on a, on his IEP with,
24 what is that, Jan, called with the...

25 MS. JAN ATWELL: Impartial Hearing.

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CHAIRPERSON JACKSON: Impartial

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Hearing? Or was it a hearing at the charter

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school, by the board?

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MS. MATTHEWS: It was a hearing by

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the board. And then when she tried to get

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information to have another hearing, she is

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waiting, her son was nine years old then. He

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stayed in, I believe until he was ten, he started

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in the school form when he was in the third or

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second grade. And she's still waiting for answers

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from that hearing which her son was put out of the

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school. Now the school is closed up and now they

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are under the name of Achievement First.

15

CHAIRPERSON JACKSON: The school

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closed down?

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MS. MATTHEWS: The school moved

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from off of J Street. They changed the name.

19

They are Achievement First--

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CHAIRPERSON JACKSON: [Interposing]

21

Achievement First--

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MS, MATTHEWS: --those are the

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schools--

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CHAIRPERSON JACKSON: --a charter

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school?

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2 MS. MATTHEWS: Yes. Those are the
3 schools that are coming in Brownsville, East New
4 York and they come to the Community Board because
5 I'm also a Community Board member for 16, and they
6 sell their dreams to the parents there who, 90% of
7 us on that board are--they are, like I say, a good
8 90% of most of the people on that board are older
9 than myself--I'm 54 years old. And all my kids
10 are grown. I have grandkids, nieces and nephews
11 in the public school system.

12 So therefore if you don't go to a
13 school every day, you don't know what's going on
14 in that school. And like they just--like the
15 school ain't even closed yet, they already have
16 applications for 150 and 158.

17 CHAIRPERSON JACKSON: Right. Now
18 where did your--your son got kicked out of that
19 school--

20 MS. MATTHEWS: [Interposing] No
21 grand--my nephew--

22 CHAIRPERSON JACKSON: [Interposing]
23 Your grandson, I'm sorry--

24 MS. MATTHEWS: --nephews.

25 CHAIRPERSON JACKSON: Your

1

2 grandnephew.

3 MS. MATTHEWS: Yes.

4 CHAIRPERSON JACKSON: Your

5 relative.

6 MS. MATTHEWS: Yeah.

7 CHAIRPERSON JACKSON: So where did

8 he go to?

9 MS. MATTHEWS: Public school.

10 Right back where he started from in public school.

11 CHAIRPERSON JACKSON: Okay. Then

12 did you go up to--someone called you because, I

13 think you said your grandson or somebody was

14 attending PS 194--

15 MS. MATTHEWS: [Interposing] Yeah.

16 I went up--

17 CHAIRPERSON JACKSON: --and someone

18 called you and you went--

19 MS. MATTHEWS: --I went to the

20 school.

21 CHAIRPERSON JACKSON: Did you go to

22 one of those hearings?

23 MS. MATTHEWS: The only hearing

24 that I was at was the hearing when the police was

25 out there. And the first thing that came to my

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2 mind was what's going on. Why do they need, you
3 know, all these officers--

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CHAIRPERSON JACKSON: [Interposing]

5

Well that must have been--

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MS. MATTHEWS: --and stuff here.

7

CHAIRPERSON JACKSON: --that must

8

have been the same--

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MS. MATTHEWS: [Interposing] Yes she

10

was there.

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CHAIRPERSON JACKSON: --time that

12

Inez was there--

13

MS. MATTHEWS: [Interposing] Yes.

14

CHAIRPERSON JACKSON: --they had a

15

whole lot of police--

16

MS. MATTHEWS: [Interposing] Yes.

17

CHAIRPERSON JACKSON: Okay. Yeah.

18

I wasn't there at that one. Okay.

19

MS. MATTHEWS: And I was very

20

disappointment, because it like what type of

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effort are you showing the kids. Are--the first

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thing came to mind is the Bloods and the Crypts up

23

in the school, you know, is it that bad that they

24

need all these officers there.

25

CHAIRPERSON JACKSON: How many

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2 officers were there in your opinion?

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MS. MATTHEWS: Let me tell you something. It was more than one police department there, believe you me.

6

CHAIRPERSON JACKSON: Okay.

7

COUNCIL MEMBER DICKENS: Excuse me.

8

It was approximately about 60 to 70--

9

MS. MATTHEWS: [Interposing] Yes.

10

CHAIRPERSON JACKSON: [Interposing]

11

60 to 70.

12

MS. MATTHEWS: It looked like--all

13

they needed was riot gear.

14

CHAIRPERSON JACKSON: Okay. Well

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let me thank you both--

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MS. MATTHEWS: [Interposing] Um-

17

hum.

18

CHAIRPERSON JACKSON: --for coming

19

in and giving your testimony--

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MS. MATTHEWS: [Interposing] You're

21

welcome.

22

CHAIRPERSON JACKSON: Thank you.

23

MS. MATTHEWS: Thank you.

24

CHAIRPERSON JACKSON: Okay. Last

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but not least, is that correct?

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[Off mic]

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CHAIRPERSON JACKSON: Oh my good--
last but not least, Steven Wilson from Brooklyn...

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5

MR. STEVEN WILSON: Ascend.

6

CHAIRPERSON JACKSON: Ascend?
Charter school and Geoff Abbas from La Cima
Charter School. Anyone else that wants to
testify? Well please come...

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[Pause]

11

CHAIRPERSON JACKSON: Please come
forward. Last but not least. Steven, just
identify yourself and you may begin.

12

13

14

MR. WILSON: Thank you Sir. Is
this on? thank you Chairman Jackson. My name is
Steven Wilson. I'm the founder of the Brooklyn
Ascend Charter School and the Brownsville Ascend
Charter School, and also a Senior Fellow at
Education Sector which is a nonpartisan, nonprofit
organization dedicated to urban education policy.

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As with charter schools throughout
the City, the waiting lists at our schools testify
to the community's demand for the new schools. We
have more than 1,100 students waiting a seat at
our first school, which opened in September, and

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23

24

25

1
2 over 900 students are enrolled in tonight's
3 lottery for our second. For everyone student we
4 enroll we obliged to turn away 8 others who would
5 also like attend the schools. Parents choose our
6 schools like other charter schools because they
7 share our single-minded purpose: to send every
8 child to college.

9 Despite the demand for charters by
10 parents in New York City as elsewhere, when the
11 history of school reform in our time is written,
12 most City governments will be remembered for their
13 hostility to charter schools; the relentless
14 obstacles they placed in the path of the new
15 schools; their callous disregard for the urgent
16 call by parents for schools that work; and at
17 times, their unabashed favoring of adult interests
18 over schoolchildren's.

19 But New York City, alone among big
20 cities, courageously welcomed the new schools. It
21 was the first city to take advantage itself of the
22 power to charter new schools, seeing them not as a
23 threat but as an unprecedented tool for reform.
24 It was the first to ensure that charter schools,
25 charter public schools, have access to public

1
2 space alongside traditional District schools. And
3 that bold leadership has paid off.

4 Today, the city boasts a portfolio
5 of game changing schools that are redefining what
6 is possible in urban education with today's
7 resources. Schools like KIPP Infinity in Harlem,
8 where 99% of sixth graders are proficient on the
9 State's math test, and 84% in English. Schools
10 like Girl's Prep, that we heard about earlier
11 today where 100% of third graders are proficient
12 in Math and 80% in English. That is not cherry
13 picking.

14 The charter school sector as a
15 whole in this City is dramatically outperforming
16 District schools today, with average proficiency
17 levels 10 percentage points higher in both Math
18 and English, even though the schools are mainly
19 located in the school's most underserved
20 communities.

21 These are not minor differences in
22 outcomes. And you know it's been suggested
23 repeatedly today that charter schools succeed
24 because they cream the most capable students or
25 because they benefit from the most involved

1

2 parents. But there is a very striking piece of
3 new research which you may be aware of done by
4 Harvard and MIT and the Boston Foundation, hardly
5 the Right Wing backers that we heard about
6 earlier, which found that for students that were
7 enrolled by lottery, compared to students who
8 didn't make it in the lottery, in the Boston
9 charter schools, there was a dramatic difference
10 in performance. So it was not due to the more
11 involved parents.

12

13 So I believe we, policymakers and
14 the public often confuse our commitment to the
15 ideal of public education with our allegiance to a
16 particular institutional arrangement. And the
17 harsh fact is that our current educational
18 institutions don't work very well and haven't for
19 a long time. Each year, they fail hundreds of
20 thousands of students. If another structure,
21 charter public schools, shows promise, we should
22 embrace it as a renewal of our national commitment
23 to public education.

24

25 So finally I urge you to stay the
course, to help write the next chapter in school
reform in this city. Don't please erect new

1
2 barriers, masquerading as fair process, to the
3 establishment of these new schools. Rather, I
4 urge you to do everything in your power to create
5 more seats in gap-closing charter schools in your
6 Districts. Thank you for allowing me the
7 opportunity to testify.

8 CHAIRPERSON JACKSON: Thank you for
9 coming in and giving your opinion. And Geoff
10 Abbas, La Cima Charter School in Brooklyn, right?

11 MR. GEOFF ABBAS: Yes that's
12 correct.

13 CHAIRPERSON JACKSON: Okay.

14 MR. ABBAS: Yeah, my name is Geoff
15 Abbas. I'm one of the co-chairs of our Family
16 Congress at the school. Our principal wanted to
17 be here today but due to illnesses of several of
18 the staff members, she was unable to attend.

19 First of all I'd like to commend
20 Councilman Jackson on his call of the students who
21 were up here about their open-mindedness. And
22 that, pointing out that obviously not all
23 traditional schools are bad and not all charter
24 schools are good. Of course, that goes both ways,
25 not all charter schools are bad and not all--you

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know, etcetera, etcetera.

And I really, it really discourages me when I hear these conversations go to the extremes. And that it's either or. It's--charter schools can't solve all our problems. I would agree that's true. The traditional schools are also not solving al our problems currently. You know, I think it's a disservice to our students to do anything less than use every possible tool at our disposal to meet our students' needs.

As I've listened to the talk about the resolution that's really what this [chuckling] hearing is supposed to be about--

[Off mic]

MR. ABBAS: --no okay.

CHAIRPERSON JACKSON: The expansion of charter schools in New York City, that's one part--

MR. ABBAS: [Interposing] Okay.

CHAIRPERSON JACKSON: --and another part is the resolution. They're two separate things.

MR. ABBAS: Okay. All right. My apologies--

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CHAIRPERSON JACKSON: [Interposing]

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But and quite--I'm not going to hold--I mean the

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resolution was submitted at the last stated

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meeting and since we were holding a hearing on

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charter schools it was clearly appropriate to have

7

that resolution heard today since we were holding

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a hearing. And we're not voting on it today. But

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we'll vote it probably at the next meeting. But

10

that's why. But so it's two different things.

11

One--

12

MR. ABBAS: [Interposing] Okay.

13

CHAIRPERSON JACKSON: --is the

14

expansion of charter schools in New York City

15

public schools and two, the resolution. But

16

continue please--

17

MR. ABBAS: [Interposing] Okay.

18

CHAIRPERSON JACKSON: --if you

19

don't mind. I'm sorry.

20

MR. ABBAS: Thank you, yeah, no

21

it's all right.

22

CHAIRPERSON JACKSON: Okay.

23

MR. ABBAS: And I guess as I sort

24

of hear the talk about the resolution what I'm

25

hearing and correct me if I'm wrong is that a lot

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2 of it is coming out of a lot of this dissention
3 and the pitting of families against families and
4 splitting communities which, of course, is, you
5 know, is terrible. And I wonder if it isn't--
6 wouldn't also be appropriate toward that same end
7 to also offer resolution clarifying the closing of
8 schools and that procedure for closing of the
9 schools.

10 Because as I hear the testimony
11 that came up--out today, it seemed like this real
12 strong emotions and the real passionate,
13 emotional, you know, was really coming out of why
14 are they closing my school. How come they ripped
15 the school out from under me and then a new
16 charter school gets placed in there? And they
17 become the bad guys because, you know. This is
18 my--what I feel like I've heard.

19 I, obviously, you know, I'm a
20 parent form a school. I don't know all the in's
21 and out's of all these situations. I do know that
22 our school is placed in another school. We
23 haven't had problems. We haven't had riots. It
24 hasn't been a problem in the community.

25 So I would just put that forward as

1
2 maybe another, another way in to resolving this
3 same core issue of not wanting to split up these
4 communities and, you know, drive people apart.

5 And I guess that's sufficient. I think everything
6 else has been said over and over. Thank you.

7 CHAIRPERSON JACKSON: Let me thank
8 you for coming in. I think that, let me just say
9 that I do think that, I don't know if you were
10 here in the beginning with respect to my position
11 on charter schools--

12 MR. ABBAS: [Interposing] Yes I
13 was.

14 CHAIRPERSON JACKSON: --and believe
15 me I have, I've gone to visit charter schools. In
16 fact, not this September but last September the
17 first day of school I went to an opening of a
18 brand new charter school in my District. I think
19 it was called the Heights Charter School.

20 And I expressed my personal
21 opinions based on my daughter's experiences with
22 charter schools in Buffalo. And she's now an
23 educator down in Virginia in a public school
24 system.

25 But I think that it's more of

1
2 approach on how things are done 'cause as you
3 indicated, that you and the charter school and
4 you're sharing space in a public school building.
5 You heard the gentleman from District 4 talk about
6 RBI--

7 MR. ABBAS: [Interposing] Um-hum.

8 CHAIRPERSON JACKSON: --and their
9 process that they've gone through. And I've--
10 you've heard me say earlier that I met with people
11 that wanted a French charter school in Harlem--

12 MR. ABBAS: [Interposing] Um-hum.

13 CHAIRPERSON JACKSON: --and also
14 another group that wanted to make a charter school
15 for intermediate school children and they had
16 their own space already that was part of, I guess,
17 some property of a church. So. And in my opinion
18 them opening a school without, you know, I guess,
19 infringing on the space in a public school, not
20 even talking about whether or not the school is
21 good, bad or indifferent, okay? I think it's
22 easier when that occurs. And people will accept
23 that.

24 But when, you may have been here
25 when I, when I said to Eva Moskowitz at the end, I

1

2 don't know if you were here when I--

3 MR. ABBAS: [Interposing] Yes I was
4 here the whole time.

5 CHAIRPERSON JACKSON: --said to her
6 that the approach and as the leader of a network,
7 as she--'cause she marched with those parents that
8 were yelling and demanding their space. She was
9 there at the hearing on I think it was March 10th
10 or whenever it was 'cause I was not at the first
11 one when they marched and Inez was there but I was
12 there at the second one.

13 And I just think that as a leader
14 of the network, I think that she has an obligation
15 to communicate that their--the methodology could
16 be much better overall in order to have a better
17 transition to what is needed because clearly in my
18 opinion and other peoples' opinion, parents that
19 were there, it was a volatile situation. Not good
20 at all. I'm telling you. And even I questioned,
21 if somebody--a fight would have broke out there,
22 it would have been chaos in that auditorium 'cause
23 it was jammed packed. And eight security guards
24 would not have been enough.

25 And my colleague, you know, as she

1
2 indicated, Inez, I guess the hearing before that
3 which was not enough notice, there must have been
4 60 police and security where, you know--and she,
5 she disagreed with me that I--I thought that it
6 needed to be more of it. I'm not saying 60 or 80,
7 you know? But I do know about situations where
8 something could happen and you need enough in
9 order to quell the situations.

10 But I say to, I say to both of you
11 that the resolution, as I said earlier, that my
12 colleague Erik Martin Dilan put forward, I think
13 has come out of the lack of communication, the
14 lack of following what has to be followed, the
15 emotional aspects of it as far as people standing
16 up and fighting for what their rights, whether or
17 not it's those that want the--because in Brooklyn,
18 I think the parents, and Erik told me that they
19 were promised that school for a pre-K or a pre-K
20 program.

21 MR. ABBAS: I'm sorry, which school
22 are we talking about now?

23 CHAIRPERSON JACKSON: I forgot the
24 name of it, but that's what brought about the
25 resolution. I'm talking about--

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2 MR. ABBAS: [Interposing] Oh that's
3 this resolution--

4 CHAIRPERSON JACKSON: [Interposing]
5 Yeah this resolution.

6 MR. ABBAS: --okay.

7 CHAIRPERSON JACKSON: And so they
8 were promised that. And now they made the
9 decision to give it to a charter school. Well
10 they're upset with that. And--

11 MR. ABBAS: [Interposing]
12 Rightfully so.

13 CHAIRPERSON JACKSON: --and I guess
14 rightfully so. And so as my colleague Inez
15 Dickens says that because we cannot enact laws
16 that govern ourselves, we have to do a resolution
17 and ask Albany to do it. And that goes to what it
18 was alluded earlier by certain other people as far
19 as under Mayoral control, it's my opinion, we have
20 a dictator. And I know that you may differ. You
21 may differ and other people may differ with my
22 opinion but that's my opinion based on my
23 experiences and what have you and so forth.

24 And that's why that Christine
25 Quinn, our Speaker, when she submitted her

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2 testimony in front of the State Assembly's Hearing
3 on School Governance, in essence Mayoral control,
4 that she called for municipal control, meaning we
5 control our own destiny. And also separate and
6 apart, the School Governance Work Group which was
7 chaired by myself, David Yassky of Brooklyn and
8 Jimmy Vacca of the Bronx, we also called for
9 municipal control of schools in New York City.

10 So there's differences and many
11 opinions based on various reasons. But the bottom
12 line is we have to be respectful to one another
13 and everyone's opinion whether you believe in
14 charter schools, whether you don't, whether you're
15 sold, whether you're not sold, whether you're in
16 the middle, in order to try and make sure that we
17 communicate effectively in order to ensure that
18 the bottom line is that the 1.1 million school
19 children that we represent, not receive a sound
20 basic education, because if you don't know, that
21 is the minimum education that the Constitution
22 requires, that every parent, I hope and pray want,
23 an excellent education for their children so they
24 can grow up to be whatever they want to be. And
25 as someone, as a parent of three children, age 33,

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2 28 and 22, they've already been educated--

3 MR. ABBAS: [Interposing]

4 [chuckling]

5 CHAIRPERSON JACKSON: --one's an

6 M.D., one's an educator working on her second

7 Master's and one just graduated with her

8 Bachelor's from Julliard. But they're well on

9 their way. I do want to make sure that every

10 child, no matter whether they're in charter or

11 private, public, parochial, get a good education.

12 And that's really what it's about. So.

13 MR. ABBAS: By way of a very brief

14 response--

15 CHAIRPERSON JACKSON: [Interposing]

16 Yes go ahead please.

17 MR. ABBAS: --I'd just like to--I

18 hear you and yeah. I agree with a lot of what

19 you're saying. My only concern is just that we

20 don't throw out the baby with the bathwater,

21 right? That there are problems but there are

22 different--as we talked about there are different

23 kinds of charter schools, the more corporate

24 models, the more mom and pop models--

25 CHAIRPERSON JACKSON: [Interposing]

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2 Um-hum.

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MR. ABBAS: --that, you know,
etcetera, etcetera. And let's not say because
there's a problem of new schools coming into
existing buildings, let's get rid of charter
schools.

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CHAIRPERSON JACKSON: Okay I hear
you.

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MR. WILSON: And if I may also--

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CHAIRPERSON JACKSON: [Interposing]

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sure.

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MR. WILSON: --I think that not
every incidence of bad behavior requires a law
change. And it sounds like in this case there
was--there were some, in the case of Eva perhaps,
there was a bit of, she was a bit overzealous and
people behaved poorly and disrespectfully.

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But by enacting a law change,
what's going to happen is that you're going to
thwart the creation of new schools. I'm sure
that's not your consequence, your intended
consequence. But that will be the unintended
consequence of that legislation. It will be
hijacked by the opponents of charters and it will

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2 cause there to be far fewer new good schools
3 opening in New York. I think that would be a
4 dreadful consequence.

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CHAIRPERSON JACKSON: Yeah. I
6 think that based on the experience in Brooklyn,
7 based on the fact that the Brooklyn community that
8 Erik Martin Dilan represents was promised this
9 site for, I think, a preschool I believe or a
10 Kindergarten, what have you, and now it's going to
11 a charter, that they want to put in place a system
12 where siting takes place, it gets to be aired on
13 law and procedure. I think the unintended--the
14 consequences that you're referring to for charter
15 schools is I believe that that, you know, they're
16 upset. And they want to--they want guarantees
17 that when commitments and promises are made that
18 they're followed and fulfilled.

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It's my--and so I agree with you,
the unintended consequences is going to be that it
may go against charter schools overall in general.
But I say to you, in my opinion as someone that's
been on the Education Committee for now my eighth
year, I'm chairing it the fourth year. Eva was

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chairing four years prior to me.

And I sat on the committee and as someone who's been involved in education from a parent-activist point of view since 1980, in my opinion, the DOE pays, and I wrote it here on my thing, it's like a parent. And some people say you're favoring this child versus your other children. And you hear parents say no I don't favor any of my children. I love them all the same and I treat them all equally.

Well in my opinion DOE, the Department of Education favors charter schools, the 2% or whatever it is, over the 98%. And if they paid as much attention to the 98% as they pay attention to the 2%, we would be a better public school system overall. That's my opinion.

MR. WILSON: But if I may with all respect--

CHAIRPERSON JACKSON: [Interposing]
Go ahead.

MR. WILSON: --if that sector is actually working better, if you reject all the misconceptions that we heard today, right? That the charter schools get more money, that they get

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2 to pick their students so they don't have to
3 enroll special ed students; that they don't have
4 to enroll ELLs; the parents are more motivated; we
5 know all those things to be false. So if that
6 sector is working better, not one individual
7 school here and there, but as a class, wouldn't
8 you want to do everything to favor and promote
9 those schools? Why would you be so hell-bent on
10 preserving schools that don't work as well?

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CHAIRPERSON JACKSON: Yeah. I
12 think that no one is in favor of supporting
13 schools that are not working well. I think that
14 what you heard loud and clear here today, this all
15 the morning and afternoon from people that
16 testified from the public point of view, is that
17 the Department of Education needs to focus in on
18 putting the resources and attention to improving
19 public schools instead of moving towards a
20 situation of closing schools that they feel are
21 failing or not producing the results that they
22 want to--

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MR. WILSON: [Interposing] But if
24 this were--

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CHAIRPERSON JACKSON: --I think

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2 that--you know. In the example specifically of
3 194, I think over the past maybe five years or so
4 it may have had three or four principals.

5 MR. WILSON: Um-hum.

6 CHAIRPERSON JACKSON: And they put
7 in, as you heard, one parent said, and I know
8 because I went there and I heard from the
9 principal and other people at the hearing at 194,
10 that this woman, it's the principal, she's a
11 woman. She came in and the enrollment of that PS
12 194 was I think she said, it's about 185, 194
13 students.

14 And now one year later, it's up to
15 almost 300. And they're making a lot of progress.
16 And she said I didn't come into this school in
17 order to close it out. This principal's saying
18 that. And so here she's making progress and the
19 enrollment is going up and basically they made a
20 decision to close it out--

21 MR. WILSON: [Interposing] Well
22 that sure doesn't sound right.

23 CHAIRPERSON JACKSON: --and it
24 seems as though, it seems as though the decision
25 was made, it seems as though, because now if

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2 you're making progress and you're now increasing
3 enrollment and you're doing well, and then you see
4 a charter school marching in, students and parents
5 and saying that they're in essence, in essence
6 demanding space, from just a common sense point of
7 view you see that they're closing out a school
8 that is now coming to turn around. And charter
9 school's coming into their space.

10 MR. WILSON: But I'm sure you and I
11 would agree that that's not the common case. The
12 common case is those hundreds of schools that have
13 failed their students chronically year after year
14 after year after year. And those students are
15 being written off time and again. Why would we be
16 concerned about closing those schools even if
17 there were a temporary reaction from some number
18 of parents who were disappointed? Why do we feel
19 the need to protect those failed institutions?
20 What is the point of that from a public policy
21 perspective?

22 CHAIRPERSON JACKSON: I don't think
23 there's any point from a public policy perspective
24 but I think what it is is protecting parents'
25 rights to have the school, a local school in their

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community and the obligation, the obligation from the Department of Education to get in there and make that school work. Now when I said the obligation, there are laws, rules and regulations that must be followed. Okay? Overall.

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But you and I know and you may know and you may not know, that under the Chancellor's schools, going back when Rudi-crew [phonetic] was here, they put approximately \$1 million into these Chancellor's schools. And the end result before they were phased out well they were making the progress that was expected.

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And mind you, you know, the Campaign for Fiscal Equity lawsuit, which I was the lead plaintiff, clearly showed, clearly showed, without a doubt, that New York schools were not being funded for the needs of the students. And in fact when the lawsuit was filed, we were receiving approximately \$1,250 less per child than the average school in the State of New York, which was about at that time \$1.5 billion more or less a year.

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And as the end result, 13 years later, with \$16 billion for our children, \$5.5

1 billion in operating money, \$3.3 from the State
2 and \$2.2 from the City, and \$11.2 billion in
3 capital money. Now I'm not saying that--I'm just
4 saying overall because, you know, people say, yeah
5 but you're spending a lot of money, you're
6 spending a lot of money, you're spending too much
7 money. Now we are not.

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9 Based on the needs of New York
10 City, the State, even their own analysis, and even
11 our analysis, the ZOB [phonetic] Commission that
12 was put forward by Governor Pataki and CFE's own
13 analysis, the needs were there in order to
14 increase funding to ensure that our children
15 received just the opportunity to receive a sound
16 basic education. And as I said earlier, a sound
17 basic education is the minimum educational level
18 that our children should be receiving.

19 So say all of that to say that, you
20 know, I agree with you. We should not support
21 failing schools. But the Department of Education
22 has failed us in my respects because they are not
23 turning around the schools that they should be.
24 And as a result of that they are looking to just
25 close them out. Bottom line is that the students

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2 are the same. Where are they going? In my
3 opinion, and a long time ago I said that this, the
4 Department of Education is basically writing off,
5 writing off these large high schools where they
6 are not producing and in my opinion that's wrong.

7 MR. ABBAS: Which takes us right
8 back to my recommendation of having a clearer
9 resolution on closing schools.

10 CHAIRPERSON JACKSON: Okay.

11 MR. ABBAS: Right? That clearly
12 defines when is a school beyond repair and now we
13 will close it. And so that we can ensure that we
14 don't drop the ball before every possible means of
15 saving a school has been followed through on.

16 CHAIRPERSON JACKSON: Well and
17 finally, and I know we all got to get out of here
18 and I know I do too but one of the things I would
19 like to hear from charter school advocates is to
20 communicate clearly, effectively, from what you
21 know and what you've heard today, that the
22 Department of Education must do a better job in
23 the processes of putting charter schools into
24 public school buildings, number one.

25 And number two, in deciding how to

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2 phase out schools that are not working. I mean if
3 you sat here through the hearing, then you know
4 that they're not doing a real good job at that.
5 And I think that in order to not label charter
6 schools as the bad guys, that you have an
7 obligation to tell DOE that they have to do a
8 better job.

9 Even though you've heard them say
10 they must admit they must improve that. But you
11 have an obligation to communicate that. Because
12 what happens, as I said to you earlier, is people
13 in those public schools, their hair stands up on
14 their back and their natural reaction is to fight
15 back.

16 MR. ABBAS: And can I also

17 [chuckling]--

18 CHAIRPERSON JACKSON: [Interposing]

19 Go ahead.

20 MR. ABBAS: --I'm sorry, one last--

21 CHAIRPERSON JACKSON: [Interposing]

22 Go ahead.

23 MR. ABBAS: --this is sort of flip,
24 you know, flip it one more time and say that, you
25 know, also that the people from those traditional

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2 schools also have that obligation to not, to hold
3 the DOE accountable. And not point the finger at
4 the charter school--

5 CHAIRPERSON JACKSON: [Interposing]
6 Right.

7 MR. ABBAS: --and to say, you know,
8 because the charter schools aren't closing
9 schools, right--

10 CHAIRPERSON JACKSON: [Interposing]
11 Right.

12 MR. ABBAS: --it's the DOE that
13 closes schools--

14 CHAIRPERSON JACKSON: [Interposing]
15 DOE is doing it. I totally agree--

16 MR. ABBAS: --and maybe you think
17 that charter schools are putting pressure to make
18 that happen, but the DOE is what's making it
19 happen, right?

20 CHAIRPERSON JACKSON: Right.

21 MR. ABBAS: So.

22 CHAIRPERSON JACKSON: Okay.

23 MR. ABBAS: Thank you.

24 CHAIRPERSON JACKSON: Well let me
25 thank you both for coming in--

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MR. ABBAS: [Interposing] Thank

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you.

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MR. WILSON: [Interposing] Thank

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you.

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CHAIRPERSON JACKSON: --and staying

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the course and--

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MR. ABBAS: [Interposing]

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[chuckling]

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CHAIRPERSON JACKSON: --obviously

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the dialog continues. But clearly what's

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happening here is, we're communicating with one

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another about the issues and concerns and problems

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and positive and negative things overall. And I

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thank you all for coming in and staying the

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course. It is now 8:52--

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MR. ABBAS: [Interposing]

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[chuckling]

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CHAIRPERSON JACKSON: --and this

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Oversight Hearing on the expansion of charter

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schools in the New York City public schools and on

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Resolution 1889 regarding siting put forward by

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colleague Erik Martin Dilan, this Oversight

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Hearing is hereby adjourned.

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[Gavel banging]

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[END TAPE 1002]

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C E R T I F I C A T E

I, Sondra L. Meyers certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A handwritten signature in cursive script that reads "Sondra L. Meyers". The signature is written in dark ink and is positioned to the right of the printed word "Signature".

Date: April 15, 2009