



# Advocates for Children of New York

Protecting every child's right to learn

## Testimony to be Delivered to the New York City Council Committee on Education Re: Charter School Management and Accountability

May 6, 2014

Thank you for the opportunity to discuss charter school management and accountability before the Committee. My name is Paulina Davis and I am a staff attorney at Advocates for Children of New York (AFC) where I focus on issues concerning access to and equity in NYC charter schools. For over 40 years, AFC has been working to protect every child's right to learn by promoting access to the best education New York can provide, especially for students of color and students from low-income backgrounds.

We see charter school accountability through the lens of the individual families who call our Helpline seeking assistance with problems at charter schools. During this school year, we have received over 100 calls from charter school families whose children were facing suspension or expulsion or not receiving much needed special education supports and who were unable to resolve these problems on their own.

There is no question that the DOE needs to do substantial work to reduce the overreliance on suspensions in traditional public schools, but at least in those schools, there are uniform procedures governing suspensions. The DOE Chancellor's Regulations describe in detail the due process protections and suspension procedures for traditional public school students. In contrast, each charter school has its own discipline code, which governs the school's system for suspending or expelling students. Sometimes, parents call us because their children are facing suspension or expulsion, and they do not even know where to find a copy of the charter school's discipline code.

The three charter school authorizers, including the DOE, are responsible for ensuring that their respective charter schools have discipline policies that meet the requirements of the law, and we have asked them to uphold this responsibility. However, recently, we analyzed over one-hundred New York City charter school discipline policies and were alarmed by the number of schools failing to provide basic due process protections. For example, when a student is recommended for a suspension of more than five days at a traditional public school, an independent DOE office automatically sends the parent a written notice with information about the parent's rights and an off-site hearing at which the school must prove the charges against the student before a neutral hearing officer. By contrast, more than one quarter of the charter school policies we reviewed do not require the charter school to

### Board of Directors

Eric F. Grossman, *President*

Harriet Chan King, *Secretary*

Paul D. Becker, *Treasurer*

Kevin J. Curnin

Jessica A. Davis

Adrienne Filipov

Robin L. French

Brian Friedman

Kimberley D. Harris

Caroline J. Heller

Roderick Jenkins

Jeffrey E. LaGueux

Jamie A. Levitt

Maura K. Monaghan

Jonathan D. Polkes

Raul F. Yanes

### Executive Director

Kim Sweet

### Deputy Director

Matthew Lenaøhan



provide parents with any written notice of the suspension, and more than one quarter fail to mention the right to a hearing for long-term suspensions or expulsions. Also, some charter school discipline policies require the decision-maker at a hearing to be the principal or another school staff member already familiar with the incident, instead of a neutral finder of fact. Moreover, nearly half of the charter school policies we reviewed unlawfully authorize suspensions or expulsions for being absent from or late to school. And one quarter of these policies fail to include protections required by federal law when suspending students with disabilities for more than ten days. The DOE offers full-time alternative instruction to students suspended from traditional public schools to keep students on track academically during suspension. Comparatively, more than one third of the policies we reviewed fail to discuss a student's right to alternative instruction when suspended from school. Most of the other policies do not require a charter school to provide more than two hours of instruction per day to students serving suspensions, and we have seen students miss weeks or even months of full-time instruction as a result. We ask the Council to work with the DOE to review all of the discipline policies of the charter schools it authorizes and to direct schools to revise them so that they comport with the law and protect students' rights.

Discipline is just one area in which charter school accountability and oversight need to be improved. Since 2010, state law has required charter schools to recruit, enroll, and retain students who receive free and reduced price lunch, students with disabilities, and English Language Learners in numbers that are comparable to the traditional public schools within their districts. We have yet to see authorizers hold accountable those schools that repeatedly fail to meet recruitment, enrollment, and retention targets and fail to make good faith efforts to do so.

Therefore, AFC supports the Council's bill calling for reports to the DOE on student demographic data for all co-located schools. We ask that the data reported to the DOE for all co-located schools include the total number of suspensions and expulsions each year, disaggregated by length of suspension, race, gender, disability, and English language learner status; as well as the total enrollment and attrition rates each year for students with disabilities and English Language Learners attending the school. In addition, we specifically ask for the following for co-located charter schools: (1) the total number of hearings convened for long-term suspensions and expulsions each year; and (2) the total number of grievances filed against the charter school relating to discipline and special education or language support services each year. Having more information about the students attending charter schools is key to ensuring that these schools are also held accountable for serving their surrounding communities.



Thank you for the opportunity to testify here today. I would be happy to answer any questions you may have.