



# Advocates for Children of New York

Protecting every child's right to learn

## Testimony submitted to the New York City Council Committee on Education

### Re: City Council Resolutions on School Funding (Res. No. 592), Charter School Cap (Res. No. 563), and Opting Out of Standardized Tests (Res. No. 577)

March 30, 2015

Thank you for the opportunity to submit testimony regarding school funding, the charter school cap, and opting out of standardized tests. For more than 40 years, Advocates for Children of New York (AFC) has worked to promote access to the best education New York can provide for all students, especially students of color and students from low-income backgrounds.

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AFC supports Resolution No. 592, calling on the New York State Legislature to fully implement the education funding requirements for New York City resulting from the Campaign for Fiscal Equity lawsuit. We continue to be disappointed with the inadequate and inequitable funding levels for education that our city has received from the state. More funding would allow the city to improve educational programs for all students, including students with disabilities, English Language Learners, students in temporary housing, and students with behavioral challenges. We urge the state to fulfill its commitment to our schools pursuant to the Campaign for Fiscal Equity lawsuit.

Turning to City Council Resolution No. 563, AFC supports the ultimate goal of this resolution, as we believe it is premature to raise the cap on the number of charter schools before putting laws and practices in place that adequately protect students' civil rights in the context of school discipline and ensure that charter schools serve high-needs populations. In our recent report, *Civil Rights Suspended: An Analysis of New York City Charter School Discipline Policies*, we found that many charter schools have discipline policies that fail to meet due process requirements of the U.S. Constitution and state law. For example, out of 164 NYC charter school discipline policies we reviewed, 61 charter school policies fail to provide students with required opportunities to be heard prior to suspension. AFC is calling upon state lawmakers to make changes to the charter school law that would address the issues we see in charter school discipline policies and in our casework.

In addition, at AFC, we have received calls over the years from families of students with disabilities that wanted to enroll their children at a charter school but were being told by school staff that the school was not a good fit or that the students would not be able to receive all of their mandated special education services at the charter school.



Furthermore, enrollment figures have shown that many NYC charter schools are not enrolling English Language Learners in numbers comparable to the City's district schools, as required by law. Because charter schools are public schools, they must serve all students, including high-needs students. For these reasons, we support the goal of Resolution No. 563 and oppose raising the cap on the number of charter schools at this time.

As far as Resolution No. 577, AFC agrees that the New York City Department of Education should amend the Parents' Bill of Rights and Responsibilities to include information about opting out of high-stakes testing. Parents should be informed of their right to decide whether or not to have their children participate in standardized tests. At the same time, we believe it is important for parents to receive information about the consequences for their children and their schools of choosing to have their children opt out of standardized tests. Given that some opportunities and school options may be unavailable to students who do not take the standardized tests, we want to ensure that parents are able to make informed decisions.

We appreciate the City Council's consideration of these important issues. Thank you for the opportunity to submit this testimony. Please do not hesitate to contact Randi Levine at [rlevine@afcnyc.org](mailto:rlevine@afcnyc.org) if you have any questions.