**Resolution # 96**

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**Calling For Our State Government To Legislate Charter School Accountability**

WHEREAS, the purpose of having a New York City Department of Education is to meet the learning needs of every student in our city;

WHEREAS, Gov. Hochul has proposed to allow about 100 additional charter schools in NYC[[1]](#footnote-1), even though the legal charter cap has been met, by eliminating the regional limits and by adding the number of previously authorized charters which have closed or had their charters revoked;

WHEREAS, if enacted, this proposal could potentially add 300 more charter schools in NYC, since every charter school, whether elementary, middle, or high school, is allowed to expand to all grade levels;

WHEREAS, District 5 already has 25 charter schools (operating under 17 charters) serving grades K-8, compared with only 23 public schools, and there are another 54 charter schools within one mile of our district’s borders (see Appendix A);

WHEREAS, District 5’s public schools are struggling to operate due to enrollment declines, coinciding with the expansion of charter schools (including a 31% decline in K-8 enrollment from 6577 in 2017-18 to 4510 in the current school year[[2]](#footnote-2));

WHEREAS, in the current school year only 34% of the students in grades K-8 who attend public or charter schools in our district attend public schools, but 48% of the students with disabilities who attend public (not D75) or charter schools in the district attend public schools (See Appendix B), and citywide most charter schools have lower enrollment rates of students with disabilities and English language learners (See Appendix C);

WHEREAS, many NYC charter schools get free space in our public school buildings, including about half of the public school buildings in District 5 (See Appendix D), and those that are sited in private space also receive subsidies from DOE to help pay for their rental costs, that this year totals an estimated $166 million citywide; with 60% of that reimbursable by the state[[3]](#footnote-3);

WHEREAS, NYC is the only school district in the entire state and the entire nation that is obligated to help subsidize the rent for charter schools if they are not provided space in public school buildings[[4]](#footnote-4);

WHEREAS, NYC has been denied over $2.62 billion in state charter school transitional aid between 2011 and 2022, the only school district in the state so exempted[[5]](#footnote-5);

WHEREAS, in FY 2019, DOE overspent on charter lease costs by over $21 million compared to their legal obligation, and in FY 2020, DOE spent over $11.6 million on rent for charter schools whose buildings were owned by their Charter Management Organizations or other affiliated organizations; and that in some of those cases, the CMO had appeared to sharply increase their own rent, apparently to receive more reimbursement from DOE[[6]](#footnote-6);

WHEREAS, 58% of the city’s charter schools have lost enrollment over the past three years, not including charter schools that opened or closed during that time[[7]](#footnote-7);

WHEREAS, the claims made of high demand and large waiting lists at charter schools are unconfirmed by any independent audits and likely inaccurate, as they include many duplicates;

WHEREAS, many NYC charter schools are known for their excessive disciplinary policies and pushing out students who do not comply with their strict disciplinary codes[[8]](#footnote-8);

BE IT RESOLVED that the Community Education Council of District 5 calls on the New York State Legislature to oppose the Governor’s proposal to increase the number of charter schools in NYC;

BE IT RESOLVED that instead, we urge the Legislature to repeal the law that obligates DOE to provide space to charter schools in public schools or help pay for their rent;

BE IT RESOLVED that in addition, the Legislature shall make NYC eligible for state charter transition aid from now on, and be provided with the $2.62 billion in past transition aid that was unfairly denied;

BE IT RESOLVED that the law should be strengthened so that no charter school can add grade levels outside of the grade levels that its category of school usually serves, whether elementary, middle, or high school grades (see Senate bill S2774[[9]](#footnote-9));

BE IT RESOLVED that we call on the Legislature to make charter schools legally accountable to the same disciplinary and suspension policies that public schools are required to follow under state law (see Senate bill S355 and Assembly bill A3904[[10]](#footnote-10));

BE IT RESOLVED that we urge the Legislature to make charter schools legally accountable to serve comparable numbers of students with disabilities to their neighboring public schools (See Senate bill S4466[[11]](#footnote-11); and

BE IT RESOLVED that we ask the Legislature to create in the law a process for charter schools to be absorbed into the public system, relinquishing their quasi-private status.

# Appendix A: Charter schools serving grades K-8 within 1 mile of D5[[12]](#footnote-12)

|  |  |  |  | Co- located in D5 | Located in D5 | Within 1 block of D5 | Within 1 mile of D5 |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Authorized by Board of Regents |
| Charter Management Organization: Hebrew Public |
| Harlem Hebrew Language Academy Charter School | 84M186 | 147 SAINT NICHOLAS AVENUE | Manhattan |  |  |  | X |
| No Charter Management Organization |
| American Dream Charter School | 84X471 | 510 East 141st Street, 4th Floor | Bronx |  |  |  | X |
| Bronx Charter School for Children | 84X407 | 388 Willis Ave | Bronx |  |  |  | X |
|  |  | 432 E 138th Street | Bronx |  |  |  | X |
| Choice Charter School | 84X554 | 423 East 138th Street | Bronx |  |  |  | X |
| Creo College Preparatory Charter School | 84X612 | 524 COURTLANDT AVENUE | Bronx |  |  |  | X |
| Global Community Charter School | 84M085 | 218 W 147th Street | Manhattan |  | X |  |  |
|  |  | 2350 5th Avenue | Manhattan | X | X |  |  |
| Neighborhood Charter School of Harlem | 84M100 | 421 W 145th Street | Manhattan |  |  | X | X |
|  |  | 691 St. Nicholas Avenue | Manhattan |  |  | X | X |
| Rosalyn Yalow Charter School | 84X486 | 650 GRAND CONCOURSE | Bronx |  |  |  | X |
| School in the Square Public Charter School | 84M295 | 120 Wadsworth Ave | Manhattan |  |  |  | X |
| South Bronx Classical Charter School II | 84X364 | 333 E 135th Street | Bronx |  |  |  | X |
|  |  | 757 Concourse Village West | Bronx |  |  |  | X |
| South Bronx Classical Charter School IV | 84X588 | 757 Concourse Village East | Bronx |  |  |  | X |
| WHIN Music Community Charter School | 84M338 | 1086 St Nicholas Avenue | Manhattan |  |  |  | X |
| Authorized by NYC Department of Education |
| Charter Management Organization: KIPP |
| KIPP Academy Charter School | 84X704 | 250 East 156th Street | Bronx |  |  |  | X |
|  |  | 730 Concourse Village West | Bronx |  |  |  | X |
| No Charter Management Organization |
| Choice Charter School | 84X389 | 750 CONCOURSE VILLAGE WEST | Bronx |  |  |  | X |
| Future Leaders Institute Charter School | 84M861 | 134 WEST 122 STREET | Manhattan |  |  | X | X |
| Harlem Children's Zone Promise Academy Charter School | 84M284 | 245 West 129th Street | Manhattan |  | X |  |  |
| Harlem Children's Zone Promise Academy II Charter School | 84M341 | 2005 Madison Avenue | Manhattan | X | X |  |  |
|  |  | 35 East 125th Street | Manhattan |  | X |  |  |
| Inwood Academy for Leadership Charter School | 84M478 | 433 West 204th Street | Manhattan |  |  |  | X |
| Mott Haven Charter School | 84X394 | 170 BROWN PLACE | Bronx |  |  |  | X |
| New Heights Academy Charter School | 84M353 | 1818 AMSTERDAM AVENUE | Manhattan |  |  |  | X |
| New York French-American Charter School | 84M483 | 311 West 120th Street | Manhattan |  |  |  | X |
|  |  | 441 Manhattan Avenue | Manhattan |  |  |  | X |
| Nuasin Next Generation Charter School | 84X461 | 180 West 165th street | Bronx |  |  |  | X |
| Opportunity Charter School | 84M279 | 240 WEST 113 STREET | Manhattan |  |  |  | X |
| South Bronx Charter School for International Cultures and the Arts | 84X309 | 164 bruckner boulevard | Bronx |  |  |  | X |
| St. HOPE Leadership Academy Charter School | 84M388 | 222 WEST 134 STREET | Manhattan | X | X |  |  |
| Authorized by SUNY Charter Institute |
| Charter Management Organization: Capital Preparatory Schools |
| Capital Preparatory Harlem Charter School | 84M204 | 41 East 129th Street | Manhattan |  | X |  |  |
| Charter Management Organization: Democracy Prep |
| Democracy Prep Endurance Charter School | 84M065 | 250 WEST 127 STREET | Manhattan | X | X |  |  |
| Democracy Prep Harlem Charter School | 84M481 | 2005 Madison Avenue | Manhattan | X | X |  |  |
|  |  | 207 West 133rd Street | Manhattan |  | X |  |  |
| Democracy Preparatory Charter School | 84M350 | 2350 5th Avenue | Manhattan | X | X |  |  |
| Harlem Prep Charter School | 84M708 | 101-111 West 116th Street | Manhattan |  |  |  | X |
| Charter Management Organization: KIPP |
| KIPP Beyond Charter School | 84M389 | 533 West 121st Street | Manhattan |  |  | X | X |
| KIPP Bronx Charter School II | 84X616 | 501 Gerard Avenue | Bronx |  |  |  | X |
| KIPP Infinity Charter School | 84M336 | 625 WEST 133 STREET | Manhattan | X | X |  |  |
| KIPP NYC Washington Heights Academy Charter School | 84M068 | 21 Jumel Place | Manhattan |  |  |  | X |
|  |  | 586 West 177 Street | Manhattan |  |  |  | X |
| KIPP S.T.A.R. College Prep Charter School | 84M726 | 425 WEST 123 STREET | Manhattan | X | X |  |  |
|  |  | 625 WEST 133 STREET | Manhattan | X | X |  |  |
| No Charter Management Organization |
| Academic Leadership Charter School | 84X491 | 677 East 141st Street | Bronx |  |  |  | X |
| Amber Charter School Kingsbridge | 84X592 | 532 West 215th Street | Manhattan |  |  |  | X |
| East Harlem Scholars Academy Charter School | 84M518 | 2050 Second Ave | Manhattan |  |  |  | X |
| East Harlem Scholars Academy Charter School II | 84M168 | 1573 Madison Avenue (at 106th Street) | Manhattan |  |  |  | X |
| Family Life Academy Charter School II | 84X233 | 296 East 140th STreet | Bronx |  |  |  | X |
| Family Life Academy Charter School III | 84X472 | 370 Gerard Avenue | Bronx |  |  |  | X |
| Harbor Science and Arts Charter School | 84M704 | 132 East 111th Street | Manhattan |  |  |  | X |
| Harlem Link Charter School | 84M329 | 21 West 111th Street | Manhattan |  |  |  | X |
| Harlem Village Academy East Charter School | 84M335 | 2351 First Avenue | Manhattan |  |  |  | X |
| Harlem Village Academy West 2 Charter School | 84M380 | 132 West 124th Street | Manhattan |  | X |  |  |
|  |  | 74 W. 124th Street | Manhattan |  | X |  |  |
| Harlem Village Academy West Charter School | 84M709 | 132 West 124th Street | Manhattan |  | X |  |  |
|  |  | 244 WEST 144 STREET | Manhattan | X | X |  |  |
|  |  | 74 W. 124th Street | Manhattan |  | X |  |  |
| Legacy College Preparatory Charter School | 84X585 | 400 East 145th Street | Bronx |  |  |  | X |
| Sisulu-Walker Charter School of Harlem | 84M702 | 71-111 West 131st Street | Manhattan |  |  |  | X |
| Storefront Academy Harlem Charter School | 84M383 | 70 East 129th Street | Manhattan |  | X |  |  |
| Charter Management Organization: Public Prep Network |
| Girls Preparatory Charter School of the Bronx II | 84X630 | 192 East 151st Street | Bronx |  |  |  | 1 |
| Charter Management Organization: Seton Education Partners |
| Brilla College Preparatory Charter School | 84X387 | 413 East 144th Street | Bronx |  |  |  | 1 |
|  |  | 500 Courtlandt Avenue | Bronx |  |  |  | 1 |
| Brilla Veritas Charter School | 84X586 | 452 College Avenue | Bronx |  |  |  | 1 |
| Charter Management Organization: Success Academy |
| Success Academy Charter School - Bronx 1 | 84X493 | 339 Morris Avenue | Bronx |  |  |  | 1 |
| Success Academy Charter School - Bronx 5 Lower | 84X637 | 604 East 139th Street | Bronx |  |  |  | 1 |
| Success Academy Charter School - Harlem 1 | 84M351 | 215 West 114th Street | Manhattan |  |  |  | 1 |
|  |  | 34 West 118th Street | Manhattan |  |  |  | 1 |
| Success Academy Charter School - Harlem 2 | 84M384 | 144 East 128th Street | Manhattan | 1 | 1 |  |  |
| Success Academy Charter School - Harlem 3 | 84M385 | 144 East 100th Street | Manhattan |  |  |  | 1 |
| Success Academy Charter School - Harlem 4 | 84M386 | 240 WEST 113 STREET | Manhattan |  |  |  | 1 |
| Success Academy Charter School - Harlem 5 | 84M482 | 175 WEST 134 STREET | Manhattan | 1 | 1 |  |  |
|  |  | 301 WEST 140 STREET | Manhattan | 1 | 1 |  |  |
| Success Academy Charter School - Harlem 6 | 84M357 | 461 West 131st Street | Manhattan |  | 1 |  |  |
| Success Academy Charter School - Washington Heights | 84M265 | 461 West 131st Street | Manhattan |  | 1 |  |  |
| Charter Management Organization: Zeta |
| Zeta Charter School - Inwood | 84M373 | 500 West 138th Street | Manhattan |  |  |  | 1 |
| Zeta Charter School - South Bronx | 84X609 | 425 Westchester Avenue | Bronx |  |  |  | 1 |
| Total |  |  |  | 13 | 25 | 4 | 54 |

# Appendix B: K-8 Enrollment in Public & Charter Schools by disability status 2022-23[[13]](#footnote-13)

| SCHOOL | DBN | Location Grade Levels (K-8) | Students with disabilities | Students without disabilities |
| --- | --- | --- | --- | --- |
| Public Schools |
| P.S. 030 Hernandez/Hughes | 05M030 | K-5 | 49 | 84 |
| P.S. 036 Margaret Douglas | 05M036 | K-5 | 68 | 143 |
| P.S. 046 Arthur Tappan | 05M046 | K-8 | 122 | 265 |
| P.S. 092 Mary McLeod Bethune | 05M092 | K-5 | 46 | 116 |
| P.S. 123 Mahalia Jackson | 05M123 | K-8 | 112 | 243 |
| P.S. 125 Ralph Bunche | 05M125 | K-5 | 40 | 178 |
| P.S. 129 John H. Finley | 05M129 | K-8 | 41 | 103 |
| P.S. 133 Fred R Moore | 05M133 | K-5 | 68 | 66 |
| Eagle Academy | 05M148 | 6-8 | 21 | 25 |
| P.S. 154 Harriet Tubman | 05M154 | K-5 | 47 | 106 |
| P.S. 161 Pedro Albizu Campos | 05M161 | K-8 | 135 | 346 |
| P.S. 175 Henry H Garnet | 05M175 | K-5 | 51 | 173 |
| P.S. 194 Countee Cullen | 05M194 | K-5 | 25 | 107 |
| P.S. 197 John B. Russwurm | 05M197 | K-5 | 47 | 114 |
| P.S. 200 McCune Smith School | 05M200 | K-5 | 61 | 167 |
| UA Academy for Future Leaders | 05M286 | 6-8 | 44 | 29 |
| Thurgood Marshall Acad. Lower  | 05M318 | K-5 | 33 | 133 |
| Columbia Secondary School | 05M362 | 6-8 | 69 | 222 |
| SEED Harlem | 05M371 | 6-8 | 49 | 78 |
| Frederick Douglass Academy | 05M499 | 6-8 | 59 | 113 |
| New Design Middle School | 05M514 | 6-8 | 43 | 30 |
| Tchrs College Community School | 05M517 | K-8 | 61 | 237 |
| Thurgood Marshall Academy for Learning and Social Change | 05M670 | 6-8 | 35 | 106 |
| Total |  |  | 1326 | 3184 |
| Charter Schools |
| Democracy Prep Endurance | 84M065 | 6-8 | 47 | 131 |
| Global Community  | 84M085 | 6-7 | 26 | 60 |
| Global Community | 84M085 | K-5 | 71 | 315 |
| Capital Preparatory Harlem  | 84M204 | 6-8 | 12 | 64 |
| Success Academy - Washington Heights | 84M265 | 5 | 16 | 67 |
| Harlem Children's Zone Promise Academy  | 84M284 | K-8 | 170 | 723 |
| KIPP Infinity Charter School | 84M336 | K-8 | 137 | 740 |
| Harlem Children's Zone Promise Academy II  | 84M341 | 6-8 | 51 | 210 |
| Harlem Children's Zone Promise Academy II  | 84M341 | K-8 | 146 | 644 |
| Democracy Preparatory  | 84M350 | 6-8 | 36 | 181 |
| Success Academy Charter  | 84M357 | 3-4 | 23 | 73 |
| Harlem Village Academy West 2  | 84M380 | 1-2 | 17 | 68 |
| Harlem Village Academy West 2  | 84M380 | 3-4 | 9 | 55 |
| Storefront Academy Harlem  | 84M383 | K-4 | 8 | 57 |
| Success Academy - Harlem 2 | 84M384 | K-4 | 45 | 277 |
| St. HOPE Leadership Academy  | 84M388 | 6-8 | 61 | 166 |
| Democracy Prep Harlem  | 84M481 | 6-8 | 97 | 216 |
| Democracy Prep Harlem  | 84M481 | K-5 | 70 | 278 |
| Success Academy - Harlem 5 | 84M482 | 5-8 | 74 | 397 |
| Success Academy - Harlem 5 | 84M482 | K-4 | 63 | 339 |
| Harlem Village Academy West  | 84M709 | 3-5 | 36 | 133 |
| Harlem Village Academy West  | 84M709 | 6-8 | 37 | 137 |
| Harlem Village Academy West | 84M709 | K, 3-5 | 36 | 206 |
| KIPP S.T.A.R. College Prep | 84M726 | 5-8 | 84 | 262 |
| KIPP S.T.A.R. College Prep | 84M726 | K-4 | 74 | 313 |
| Total |  |  | 1446 | 6112 |
| Percentage in Public Schools |  | 48% | 34% |

#

# Appendix C: Citywide enrollment in public and charter schools serving grades K-8 by disability status and English-language-learning status 2021-22[[14]](#footnote-14)

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|  |  |  |  |
| --- | --- | --- | --- |
|  | Charter schools | Public Schools | Total |
| English language learners | 11,668 | 9% | 100,261 | 17% | 111,929 |
| Students with disabilities | 22,521 | 18% | 138,249 | 23% | 160,770 |
| Total enrollment | 128,581 | 100% | 606,269 | 100% | 734,850 |

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# Appendix D: Public School Buildings in District 5

With at least one co-located charter school

1. 144 East 128th Street P.S. 030 Hernandez/Hughes
2. 175 WEST 134 STREET P.S. 175 Henry H Garnet
3. 222 WEST 134 STREET P.S. 092 Mary McLeod Bethune
4. 2350 5th Avenue P.S. 197 John B. Russwurm
5. 244 WEST 144 STREET P.S. 194 Countee Cullen
6. 250 WEST 127 STREET P.S. 154 Harriet Tubman
7. 301 WEST 140 STREET P.S. 123 Mahalia Jackson
8. 425 WEST 123 STREET Columbia Secondary School

 P.S. 125 Ralph Bunche

1. 509 WEST 129 STREET Urban Assembly Academy for Future Leaders
2. 625 WEST 133 STREET New Design Middle School

With no co-located charter school

1. 123 Morningside Drive P.S. 036 Margaret Douglas
2. 168 MORNINGSIDE AVENUE Teachers College Community School
3. 200-214 WEST 135TH STREET T. Marshall Acad. for Learning & Social Change
4. 2121 5TH AVENUE P.S. 133 Fred R Moore
5. 2581 7TH AVENUE Frederick Douglass Academy
6. 2589 7TH AVENUE P.S. 200- The James McCune Smith School
7. 276 WEST 151ST STREET Thurgood Marshall Academy Lower School
8. 2987 FRED. DOUGLASS BLVD P.S. 046 Arthur Tappan
9. 425 WEST 130 STREET P.S. 129 John H. Finley

 SEED Harlem

1. 499 WEST 133 STREET P.S. 161 Pedro Albizu Campos
2. 6 EDGECOMBE AVENUE Eagle Academy for Young Men of Harlem
1. <https://ny.chalkbeat.org/2023/2/1/23581754/governor-kathy-hochul-lift-nyc-charter-school-cap-executive-budget-proposal-enrollment> [↑](#footnote-ref-1)
2. Authors analysis of public data from <https://www.p12.nysed.gov/irs/statistics/enroll-n-staff/home.html> [↑](#footnote-ref-2)
3. <https://www.budget.ny.gov/pubs/archive/fy23/ex/local/school/2223schoolaid.pdf> [↑](#footnote-ref-3)
4. <https://ny.chalkbeat.org/2015/4/29/21093077/city-set-to-begin-paying-millions-for-charter-school-rent-under-new-law> [↑](#footnote-ref-4)
5. <https://edlawcenter.org/news/archives/new-york/the-unsustainable-cost-to-new-york-city-schools-of-charter-school-growth.html> [↑](#footnote-ref-5)
6. <https://www.classsizematters.org/wp-content/uploads/2019/10/Charter-School-Facility-Costs-10.21.19.pdf>

<https://classsizematters.org/new-report-finds-doe-overspent-by-many-millions-on-charter-school-rental-subsidies-for-charter-schools-and-owed-millions-to-co-located-public-schools-for-facility-upgrades/> [↑](#footnote-ref-6)
7. <https://www.thecity.nyc/2022/12/5/23495271/nyc-charter-schools-shrank-during-covid-sector-keeps-growing> [↑](#footnote-ref-7)
8. Golann, J. W., & Torres, A. C. (2020). Do no-excuses disciplinary practices promote success? *Journal of Urban Affairs*, *42*(4), 617–633. <https://doi.org/10.1080/07352166.2018.1427506> [↑](#footnote-ref-8)
9. <https://www.nysenate.gov/legislation/bills/2023/S2974> [↑](#footnote-ref-9)
10. <https://www.nysenate.gov/legislation/bills/2023/S355> [↑](#footnote-ref-10)
11. <https://www.nysenate.gov/legislation/bills/2023/s4466> [↑](#footnote-ref-11)
12. Locations from: [http://www.nysed.gov/charter-schools/charter-schools-directory and https://www.newyorkcharters.org/charter-schools/?region=nyc](http://www.nysed.gov/charter-schools/charter-schools-directory%20and%20https%3A/www.newyorkcharters.org/charter-schools/?region=nyc) [↑](#footnote-ref-12)
13. Locations and levels are from http://www.nysed.gov/charter-schools/charter-schools-directory and [https://www.newyorkcharters.org/charter-schools/?region=nyc.](https://www.newyorkcharters.org/charter-schools/?region=nyc.%20%20)  Enrollments are from <https://www.p12.nysed.gov/irs/statistics/enroll-n-staff/home.html> [↑](#footnote-ref-13)
14. Figures calculated from NYCDOE demographic data snapshot. Available at: <https://infohub.nyced.org/reports/school-quality/information-and-data-overview> [↑](#footnote-ref-14)