Thanks, keep me posted on what you’re hearing. This is all very, very fluid.

From: James Merriman
Sent: Tuesday, January 05, 2010 8:38 AM
To: Emary Aronson; Geoffrey Canada; Jeffrey Litt; Klein Joel I.; Joseph H. Reich; Duffy Michael; Phoebe Boyer
Cc: Veronica Davey; Christina Brown
Subject: Race to the Top update.

Dear All:

With only two weeks left, there is not nearly as much progress as we would like and there are worrisome signs on the legislative front.

On the press front, the NY Post has predictably come out against the UFT’s proposals. That editorial is attached below or is available at [http://www.nypost.com/p/news/opinion/editorials/uft_charter_chicanery_clzRDP4mU4WoW4i8Qn6RG0](http://www.nypost.com/p/news/opinion/editorials/uft_charter_chicanery_clzRDP4mU4WoW4i8Qn6RG0)

NY1 covered the story for a second day and featured rebuttal from yours truly. That clip is available here [http://ny1.com/6-bronx-news-content/news_beats/politics/111467/charter-school-cap-may-decide-fate-of-funds/](http://ny1.com/6-bronx-news-content/news_beats/politics/111467/charter-school-cap-may-decide-fate-of-funds/) We expect the Daily News to editorialize tomorrow against the UFT proposals and urge the legislature to action to lift the cap and pass the other reforms.

In related news, Dr. Macke Raymond’s study was released today—you may remember that Raymond was the author of what was known as the CREDO study, which measured charter school performance in 17 states, (not including NY) and that found charters in those states, in the aggregate, had a negative impact. Both the UFT and Diane Ravitch praised the methodology that CREDO used. In contrast to that data set, the NYC data set resulted in positive outcomes (though frankly not as positive as the Hoxby study). Her findings showed that after three years in a charter school, the average student had a 15 point scale score gain math; it was much lower though positive in reading. Charter schools had a positive effect for African-Americans and Latino students, but, oddly enough, no significant positive or negative effect for children in poverty. The study is attached.

The NYP carried the story [http://www.nypost.com/p/news/local/charters_better_at_readin_rithmetic_024bR8bAzHq4lp1iWCeel](http://www.nypost.com/p/news/local/charters_better_at_readin_rithmetic_024bR8bAzHq4lp1iWCeel). The original press strategy was to give Jenny Medina at the NYT an exclusive; however at the last minute they decided not to run the story due to lack of space in the metro section, supposedly. As a result, reporters only got the study late yesterday. We will spend today trying to drum up more press. We did not handle the press strategy for Macke.

The legislative outlook is less hopeful in my view.

We do not yet have a comprehensive bill from either the Governor or the senate majority. For reasons that Vince and I cannot begin to understand, a Malcolm Smith/Marty Golden bill that was to be comprehensive (and bi-partisan) was introduced, with NYCSA agreement, only by Golden (“because it was easier to work with GOP staff”). The Governor says he will put out a program bill that will be comprehensive after the state of the state tomorrow. Meanwhile Silver bides his time and will engage only at the last minute.

That said, my guess is that we will have a RTTT bill that will be put out and passed next week; the question will be the price in terms of the kinds of restrictions that the UFT and friends want to impose.
We are working on the list of things that we can give on without impacting autonomy, e.g., having a uniform application standard (which will limit the kinds of information that can be required). Clearly there is an appetite in the state senate for more accountability and transparency (who can be against that?). We will have to give up some things, no doubt about it and the game is to manage what we give well and keep the price as low as possible.

Complicating things, NYCSA has a decidedly different view of the strength of our bargaining position. Bill Phillips has talked about walking away from the negotiations if the price is too high—he places a premium on the fact that a bill has to be passed and he believes us to be sitting in the cat bird seat because a bill must be passed.

Unfortunately, while I agree that a bill will be passed and legislators feel the pressure to make us eligible for $700 million, I don’t believe that legislators will walk away if NYCSA does. Vince and I believe that both republicans and democrats would vote for a charter cap lift bill that had restrictions on it that we disagree with. The unions can strip GOP members by noting that the cap part of the bill will help NY get the federal dollars (while arguing that the restrictions won’t hurt NYS’s application) and also using their leverage, or really the threat of it, in upcoming November races. Without the purely transactional Joe Bruno to hold them in line, they are not a solid backstop. And of course are support in the democratic caucus is limited, tenuous and untrustworthy—and that’s the optimistic view of it.

Our best argument to legislators, and the one we will be making, is that restrictions of the kind that UFT is asking for, while not explicitly forbidden by RTTT, will smell to high heaven and be a slap in the face to Arne and the White House. As such, even though they do not formally hurt the NY application, there is no way politically that NYS will win because the White House can’t afford to be seen as giving in on this issue. This is an argument that has an obvious counter to it needless to say but its strength is that it can’t be countered with hard facts. It creates fear hopefully that they are taking a risk they cannot afford.

I will keep you posted as events break.

**UFT charter chicanery**

*Last Updated: 1:40 AM, January 5, 2010
Posted: 1:30 AM, January 5, 2010*

Why has the United Federation of Teachers placed itself squarely between New York taxpayers and $700 million in federal school aid?

Because it hates charter schools -- and it doesn’t care about taxpayers, anyway.

Here’s the deal:

By Jan. 19, New York must be in compliance with a variety of US Department of Education mandates, chief of which is lifting, if not eliminating, the state cap on the number of charter schools -- public schools generally run free of bureaucratic red tape and union work rules.

And failure to comply probably costs New York some $700 million in so-called "Race To The Top" DOE grants meant to encourage educational innovation.

The UFT’s power in Albany, and that of its parent, New York State United Teachers, is prodigious. But the unions do understand the importance of appearances.

And the unions certainly don’t want to look like the bad guys if New York misses out on the federal cash.

Instead, as charter-school advocate Tom Carroll noted on these pages yesterday, the unions are pushing "poison pill" amendments to legislation meant to lift the cap. That way, they can better the odds of getting the federal money while still undermining the charter schools.

UFT boss Michael Mulgrew & Co. would make it easier to "starve" charters of funds, force them to unionize and set a percentage for the special-education and English-as-a-second-language students they must accept, among other steps.
Charters are already at a funding disadvantage compared to other public schools: They get no state money for upkeep and capital construction. Yet they *still* are more effective at teaching.

That is why Harlem charters have huge waiting lists for families wanting to get their kids into these schools.

Yet the UFT and NYSUT are trying to place even greater burdens on them.

They must not succeed.

Gov. Paterson has backed charters in the past. He must make clear that any charter-expansion legislation must be poison-pill-free.

No questions asked.

There’s no price worth destroying charters -- not even $700 million.

--------------------------------------------------

James D. Merriman
Chief Executive Officer

NEW YORK CITY CHARTER SCHOOL CENTER
111 Broadway, Suite 604, New York, NY 10006
T: 212.437.8302  F: 212.227.2763
www.nyccharterschool.org

it’s about great public schools
Will do. Thanks.

Sent from my Verizon Wireless BlackBerry

Ok, call my cell

Sent from my Verizon Wireless BlackBerry

When's a good time? Have some rttt stuff as well as pr stuff
We should look into issue of the constitutionality of barring one class of public school students—who happen to enroll in charters—from the equal use of public facilities available to other public school students. If there are sufficient grounds, a suit should be prepared and legislators informed. Also, legislators should know that anti-charter provisions such as that are likely to sink NY’s chances of getting RTTT funds.

----- Original Message ----- 
From: Lasher Micah 
To: Klein Joel I.; Duffy Michael; White John; williams 
merriman
Carroll
Sent: Tue Jan 05 11:01:19 2010
Subject: On phone w/senate staff right now

Some Dems latching on to co-location aspect of UFT report -- trying to include something in their RTTT bill.

Micah Lasher 
Executive Director of External Affairs 
New York City Department of Education 
(212) 374-4946 (o) 
(917) 604-7486 (m) 
mlasher@schools.nyc.gov
N, here are some talking points in response to the UFT broadside. I have cc’ed my colleague Ben Carson who can get any more followup that you need. M

- The UFT’s reliance on outdated NY SED data sources paints an inaccurate picture of charter enrollment. The most current data from student lunch forms, shows that 60% of charter school students are eligible for free lunch, as compared to 56% of students citywide.

- The % of Special Education students increases as students age. For this reason, 12% of kindergarteners citywide in district schools have IEPs, while 19+% of middle school students have IEPs. Given that the preponderance of charter schools are new and start in early grades, a great deal of the disparity is eliminated by controlling for age. For example, the proportion of 10th, 11th and 12th grade students with IEPs in charters exceeds that of the city because charter students with IEPs are far less likely to drop out of school.

- Further demonstration of this phenomenon can be seen by looking at the most current data. For the 2009-2010 school year, 11.6% of charter students have IEPs. We would expect the proportion of IEP students to continue to approach parity with the city as the charters continue to scale up.

- It is also worth noting that two prominent researchers, Caroline Hoxby and Macke Raymond at CREDO, have found the disparity between district and charter schools—when student age composition is controlled for—to be about 2 percent, which is much less than the 7 percent cited by the UFT.

- The DOE takes very seriously its role in investigating allegations of discrimination at charter schools. Any parent who feels they have received discriminatory treatment because of their child’s language or disability while attempting to apply for or enroll in a charter school is encouraged to contact the Charter School Office at the DOE for a full investigation and sanction, if warranted.

- There is no need to amend NY state law to make charters subject to the Freedom of Information Law—they are already subject to it, pursuant to Section 2854, 1 (e)

- The Charter School Office is already preparing a universal charter school application that it will require schools to use for admission during this application cycle. The application will be translated into the major language groups spoken in NYC.

- Mandating certain enrollment proportions at charter schools is problematic. The logical extension of mandating enrollment percentages would place a quota, for instance, limiting African-American admission to charter schools, since the percent of african-american students is higher in charters than it is in the district.

- As a practical matter if a charter school starts with Kindergarten, what would be the mechanics of reserving kindergarten seats for students with disabilities or ELLs, when students will almost never have an IEP or an ELL designation at that age?

- The Department has historically overseen lottery processes to ensure fairness and will continue to do so by having staff on site when names are pulled.

- A more transparent and timely system of calculating the per-pupil payment is appropriate, eliminating the 2 year lag. The reason for the current lag stems from NY SED’s need to collect and process expenditures data to calculate the per pupil amount; acceleration of that timeframe may be difficult.
Charter schools are currently subjected to as much—arguably more—fiscal, operational and programmatic oversight as any school or not-for-profit organization. They are required to compile an Annual Report; they are required to have their financial statements audited; they are subject to visits by the State Education Department (in the third year of their charter); and their authorizer (in the 1st, 2nd, 4th and 5th year of their charter); each of these visits produces a report, which is publicly available.

Charter board members already submit financial disclosure that are publicly available.

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From: Nelson Smith  
To: Duffy Michael; James Merriman ; Jonas Chartock  
Cc: Anna Nicotera ; Todd Ziebarth  
Sent: Tue Jan 05 10:40:01 2010  
Subject: UFT Report

Folks—I trust you’ve all seen the UFT paper and am interested in your reactions (in part because Duncan’s speechwriter wants to know what I think). A lot of the recommendations are predictable (make charters just like district schools, put the Regents in charge...) but I’m especially interested in the demographic data. This is the first of several “research” works that will come out in early 2010 taking charters to task for “resegregation” or for unequal service to ELL and SPED kids.


Thanks..

Nelson

Nelson Smith  
President & CEO  
National Alliance for Public Charter Schools  
1101 15th Street, NW  
Suite 1010  
Washington, DC 20005  
202-289-2700  
www.publiccharters.org
Making rounds with joe w, nycka and charter leaders.
James Merriman
NYC Charter School Center
111 Broadway, Suite 604
NY, NY 10006

----- Original Message ------
From: Klein Joel I. <JKlein@schools.nyc.gov>
To: James Merriman
Sent: Wed Jan 06 13:10:34 2010
Subject: Re: You aren't sitting next to mulgrew?

Why?  Gov?

----- Original Message ------
From: James Merriman
To: Klein Joel I.
Sent: Wed Jan 06 13:08:07 2010
Subject: Re: You aren't sitting next to mulgrew?

Yup. Upper gallery a little to theright.
James Merriman
NYC Charter School Center
111 Broadway, Suite 604
NY, NY 10006

----- Original Message ------
From: Klein Joel I. <JKlein@schools.nyc.gov>
To: James Merriman
Sent: Wed Jan 06 13:06:33 2010
Subject: Re: You aren't sitting next to mulgrew?

Why u up there?

----- Original Message ------
From: James Merriman
To: Klein Joel I.
Sent: Wed Jan 06 13:05:46 2010
Subject: You aren't sitting next to mulgrew?
Totally clean.

James D. Merriman
Chief Executive Officer

NEW YORK CITY CHARTER SCHOOL CENTER
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It's about great public schools

From: Duffy Palmer
Sent: Thursday, January 07, 2010 10:50 AM
To: 'Vince Marrone'; 'Bill Phillips'
Subject:

the bill has been "delivered"

DUFFY PALMER
Deputy Secretary for Education
Executive Chamber #236
NYS Capitol
Albany, New York 12224
AN ACT to amend the education law and the public authorities law, in relation to removing the cap of the number of charters issued for charter schools, the designation of a receiver for under-performing schools and the financing or refinancing of charter school construction projects; and to amend chapter 57 of the laws of 2008 amending the education law relating to tenure determinations and repealing section 3012-b of such law, in relation to the effectiveness thereof

Purpose:

This bill would significantly increase New York's chances to win the maximum allocable funds in the federal Race to the Top (RTTT) competition for stimulus funds for education.

Summary of Provisions:

Section 1 would remove the cap limiting the number of charter schools.

Section 2 provides the Regents with the power to appoint a temporary receiver to address chronically under-performing schools.

Sections 3, 4, 5 and 6 would provide for increased opportunities for charter schools to access capital financing through the Dormitory Authority.

Section 7 advances the sunset from July 1 to January 15 of the provisions limiting the use of student performance data for teacher tenure determinations.

Existing Law:

Currently, there is a cap of 200 on the number of charter schools that may be established. The provisions of Education Law § 3012-b relating to limiting the use of student performance data for teacher tenure determinations is set to expire July 1, 2010. Currently there are no provisions to permit DASNY to
support eligible charter school construction projects. The power of the Regents in taking quick action to turn around under-performing schools is cumbersome as well as limited.

Statement in Support:

These four changes to education law are intended to position the State for success in the Race to the Top (RTTT) competition for $4.35 billion in federal education funds. The proposed changes to state law are intended to significantly increase New York’s score in this national competition. These proposed changes are part of the recent Regents proposals to help keep the State competitive in the RTTT.

About 8% of the application’s total points are tied to charter schools. While New York charter schools remain the best in the nation, the State may lose significant points in this category because of the cap, as well as certain funding limitations. This bill would address these topics to ensure the maximum number of points would be available. In regard to assessment of teacher and leader effectiveness, the RTTT requires that there be no impediments to using student performance data. Nearly 30% of the total points in this category are tied to teacher and principal effectiveness. By advancing the sunset to expressly permit full use of this data as part of the tools to be available for reviewing performance, New York stands to gain significant points for the RTTT.

Finally, while the State Education Department currently is empowered to take-over poorly performing schools, this bill would provide a new streamlined approach. By enabling the Regents to act swiftly and appoint a temporary receiver to take over chronically poor performing schools, we are showing the RTTT evaluators that New York is serious about quickly addressing and alleviating the problems associated with chronically poor performing schools.

Both the Governor and the Regents have stated that eligibility is not the same as winning. These provisions will help to ensure that New York not only remains competitive in RTTT, but wins funding that will help to relieve the current fiscal crisis this state faces.

Budget Implications:

There are no additional fiscal costs to the State to implement the provisions of this bill.

Effective Date:

This act would take effect immediately upon enactment.
to amend the education law and the public authorities law, in relation to removing the cap of the number of charters issued for charter schools, the designation of a receiver for under-performing schools and the financing or refinancing of charter school construction projects; and to amend chapter 57 of the laws of 2008 amending the education law relating to tenure determinations, in relation to the effectiveness thereof.

AN ACT

1) Single House Bill (introduced and printed separately in either or both houses). Uni-Bill (introduced simultaneously in both houses and printed as one bill). Senate and Assembly introducer sign the same copy of the bill.

2) Circle names of co-sponsors and return to introduction clerk with 2 signed copies of bill and 4 copies of memorandum in support (single house) or 4 signed copies of bill and 6 copies of memorandum in support (uni-bill).
The People of the State of New York, represented in Senate and Assembly, do enact as follows:
Section 1. Subdivision 9 of section 2852 of the education law, as amended by section 2 of part D-2 of chapter 57 of the laws of 2007, is amended to read as follows:

9. [The total number of charters issued pursuant to this article shall not exceed two hundred. One hundred of such charters shall be issued on the recommendation of the charter entity described in paragraph (b) of subdivision three of section twenty-eight hundred fifty-one of this article, and one hundred of such charters shall be issued on the recommendation of the other charter entities set forth in subdivision three of section twenty-eight hundred fifty-one of this article, provided that up to fifty of the additional charters authorized to be issued by the chapter of the laws of two thousand seven which amended this subdivision effective July first, two thousand seven shall be reserved for a city school district of a city having a population of one million or more.] The failure of any body to issue the regulations authorized pursuant to this article shall not [effect] affect the authority of a charter entity to propose a charter to the board of regents or the board of regents' authority to grant such charter. [A conversion of an existing public school to a charter school or the renewal or extension of a charter shall not be counted toward the numerical limits established by this subdivision.]

§ 2. The education law is amended by adding a new section 3231 to read as follows:

§ 3231. Determination of district's chronic under-performance; designation of receiver; failure of school districts to fulfill fiscal responsibilities; petition for modification or removal of receivership or extraordinary measures. 1. Upon a determination by the regents pursuant to regulations adopted by the regents that a school district has
consistently failed to improve the performance of students attending
school in the district, the commissioner shall appoint an independent
fact-finding team to assess the reasons for the under-performance and
the prospects for improvement. Notice shall be made to the governor,
legislative leadership and the chairs of the education committees that a
fact-finding team has been appointed and the reasons why it is alleged
that the school or schools is/are under-performing. The fact finding
team shall investigate and provide a comprehensive report outlining its
findings to the regents, the governor, the temporary president of the
senate, the speaker of the assembly, the senate minority leader, the
assembly minority leader, as well as the senate and assembly education
committee chairs. Upon review of the conclusions of the fact-finding
team, the regents may declare the district chronically under-performing.
Following such a declaration, the regents shall designate a receiver who
will serve at the pleasure of the regents for a period not to exceed two
years for the district with all the powers of the superintendent and
school board. The receiver shall report directly to the commissioner.
The receiver shall provide for monthly updates on its progress in work-
ing to improve the school performance including any successes or fail-
ures relating to improving school district progress.

2. At any time after the imposition under this section of a receiver
for any district, the school board of the affected district, acting on
the recommendation of the superintendent, may petition the commissioner
for a determination whether such receivership should be modified or
eliminated and whether the school or school district is no longer chron-
ically under-performing. A school district may seek review by the
regents of any adverse determination. The determination of the regents
shall be subject to judicial review in accordance with the provisions of
article seventy-eight of the civil practice law and rules.
§ 3. Paragraph (b) of subdivision 2 of section 1676 of the public
authorities law is amended by adding a new undesigned paragraph to
read as follows:
An education corporation established to operate a charter school
pursuant to article fifty-six of the education law for the financing or
refinancing of an eligible charter school construction project.
§ 4. Section 1676 of the public authorities law is amended by adding a
new subdivision 46 to read as follows:
46. "Eligible charter school construction project" means a project for
the design, planning, construction, acquisition, reconstruction, reno-
vation, development, improvement, expansion, furnishing, equipping or
otherwise providing for a school building used by a charter school
primarily for instruction that is approved by the charter entity, as
defined in subdivision three of section twenty-eight hundred fifty-one
of the education law, that entered a charter agreement with such charter
school.
§ 5. Subdivision 1 of section 1680 of the public authorities law is
amended by adding a new undesigned paragraph to read as follows:
An education corporation established to operate a charter school
pursuant to article fifty-six of the education law for the financing or
refinancing of an eligible charter school construction project.
§ 6. Section 1680 of the public authorities law is amended by adding a
new subdivision 41 to read as follows:
41. a. The dormitory authority is empowered and authorized to enter
into a lease, sublease or other agreement with the board of trustees of
any charter school pursuant to which the dormitory authority may
acquire, finance, refinance, design, construct, reconstruct, renovate,
develop, improve, expand, furnish, equip or otherwise provide for an
instructional facility. Such lease, sublease or other agreement may
provide for annual or other payments to the dormitory authority by or on
behalf of the charter school. Such lease, sublease or other agreement
may contain such other terms and the parties may agree upon conditions
as thereto, including, but not limited to, the establishment of reserve
funds and indemnities. A lease, sublease or other agreement entered into
by a charter school with the dormitory authority pursuant to the
provisions of this section shall not be deemed to be an installment
purchase contract or purchase contract within the meaning of article
five-A of the general municipal law or any other law.

b. Notwithstanding any provision of paragraph (b) of subdivision three
of section twenty-eight hundred fifty-three of the education law to the
contrary, the board of trustees of a charter school shall have the full
power and authority to assign and pledge to the dormitory authority any
and all public funds to be apportioned or otherwise made payable by the
United States, any agency thereof, the state, any agency thereof, or a
school district to the charter school. All state and local officers are
hereby authorized and required to pay all such funds so assigned and
pledged to the dormitory authority or, upon the direction of the dormi-
tory authority, to any trustee of any dormitory authority bond or note
issued, pursuant to a certificate filed with any such state or local
officer by the dormitory authority pursuant to the provisions of this
paragraph; provided, however, that nothing in this paragraph shall be
construed to require a school district to make payments for any period
in which no students are enrolled in or attending the charter school.
c. Such lease, sublease, or other agreement shall not constitute or create indebtedness of the state or of any school district or other political subdivision for purposes of article seven or eight of the state constitution or section 20.00 of the local finance law.

§ 7. Section 4 of part C of chapter 57 of the laws of 2008 amending the education law relating to tenure determinations, is amended to read as follows:

§ 4. This act shall take effect immediately, except that section two of this act shall take effect [July 1] January 15, 2010, when upon such date all authority vested in the board of regents immediately prior to the effective date of section 3012-b of the education law shall be rein-

§ 8. This act shall take effect immediately.
From: Klein Joel I.  
Sent: Thursday, January 07, 2010 11:00 AM  
To: James Merriman  
Subject: RE:  

perfect

From: James Merriman [mailto:JMerriman@nyccchartercenter.org] 
Sent: Thursday, January 07, 2010 10:59 AM  
To: Klein Joel I.  
Subject: FW:  

Totally clean.

James D. Merriman  
Chief Executive Officer  

NEW YORK CITY CHARTER SCHOOL CENTER  
111 Broadway, Suite 604, New York, NY 10006  
T: 212.437.8302  F: 212.227.2763  
www.nycchartercenter.org  

It's about great public schools

From: Duffy Palmer  
Sent: Thursday, January 07, 2010 10:50 AM  
To: 'Vince Marrone'; 'Bill Phillips'  
Subject:  

the bill has been "delivered"
The Governor's "program" bill is attached. It is a totally clean charter cap LIFT (elimination) plus giving Dormitory Authority ability to provide bonding authority for charter buildings—this is helpful but not the facility solution we are looking at. This is very, very good news.

That said, the Governor obviously cannot introduce legislation and the Senate needs to take up legislation and pass it (and there is, of course, the small matter of the Assembly). Present understanding is that Senate will write their own and this is where it could start to get sticky with poison pills, etc.

Still this gives us a stake in the ground and a rallying point for support. Very important. Long, long way to go.

More info to come.

__________________________________________________________
James D. Merriman
Chief Executive Officer

NEW YORK CITY CHARTER SCHOOL CENTER
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www.nycchartercenter.org

It's about great public schools
To: 'Vince Marrone'; 'Bill Phillips'
Subject:
the bill has been "delivered"

DUFFY PALMER
Deputy Secretary for Education
Executive Chamber #236
NYS Capitol
Albany, New York 12224
518.408.2833
GOVERNOR’S PROGRAM BILL

2010

MEMORANDUM

AN ACT to amend the education law and the public authorities law, in relation to removing the cap of the number of charters issued for charter schools, the designation of a receiver for under-performing schools and the financing or refinancing of charter school construction projects; and to amend chapter 57 of the laws of 2008 amending the education law relating to tenure determinations and repealing section 3012-b of such law, in relation to the effectiveness thereof

Purpose:

This bill would significantly increase New York’s chances to win the maximum allocable funds in the federal Race to the Top (RTTT) competition for stimulus funds for education.

Summary of Provisions:

Section 1 would remove the cap limiting the number of charter schools.

Section 2 provides the Regents with the power to appoint a temporary receiver to address chronically under-performing schools.

Sections 3, 4, 5 and 6 would provide for increased opportunities for charter schools to access capital financing through the Dormitory Authority.

Section 7 advances the sunset from July 1 to January 15 of the provisions limiting the use of student performance data for teacher tenure determinations.

Existing Law:

Currently, there is a cap of 200 on the number of charter schools that may be established. The provisions of Education Law § 3012-b relating to limiting the use of student performance data for teacher tenure determinations is set to expire July 1, 2010. Currently there are no provisions to permit DASNY to
support eligible charter school construction projects. The power of the Regents in taking quick action to turn around under-performing schools is cumbersome as well as limited.

Statement in Support:

These four changes to education law are intended to position the State for success in the Race to the Top (RTTT) competition for $4.35 billion in federal education funds. The proposed changes to state law are intended to significantly increase New York’s score in this national competition. These proposed changes are part of the recent Regents proposals to help keep the State competitive in the RTTT.

About 8% of the application’s total points are tied to charter schools. While New York charter schools remain the best in the nation, the State may lose significant points in this category because of the cap, as well as certain funding limitations. This bill would address these topics to ensure the maximum number of points would be available. In regard to assessment of teacher and leader effectiveness, the RTTT requires that there be no impediments to using student performance data. Nearly 30% of the total points in this category are tied to teacher and principal effectiveness. By advancing the sunset to expressly permit full use of this data as part of the tools to be available for reviewing performance, New York stands to gain significant points for the RTTT.

Finally, while the State Education Department currently is empowered to take-over poorly performing schools, this bill would provide a new streamlined approach. By enabling the Regents to act swiftly and appoint a temporary receiver to take over chronically poor performing schools, we are showing the RTTT evaluators that New York is serious about quickly addressing and alleviating the problems associated with chronically poor performing schools.

Both the Governor and the Regents have stated that eligibility is not the same as winning. These provisions will help to ensure that New York not only remains competitive in RTTT, but wins funding that will help to relieve the current fiscal crisis this state faces.

Budget Implications:

There are no additional fiscal costs to the State to implement the provisions of this bill.

Effective Date:

This act would take effect immediately upon enactment.
IN SENATE—Introduced by Sen

--read twice and ordered printed, and when printed to be committed to the Committee on

-------- A.
Assembly
--------

IN ASSEMBLY—Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the Committee on

*EDUCLA*
(Relates to charter schools and the designation of receivers for under-performing schools)

Ed L. charter schls; performance

AN ACT

to amend the education law and the public authorities law; in relation to removing the cap of the number of charters issued for charter schools, the designation of a receiver for under-performing schools and the financing or refinancing of charter school construction projects; and to amend chapter 57 of the laws of 2008 amending the education law relating to tenure determinations, in relation to the effectiveness thereof.

IN SENATE

The senators whose names are circled below wish to join me in the sponsorship of this proposal:

s19 Adam
s30 Foley
s34 Lanza
s35 Quaitto
s39 Skelos
s51 Adubato
s59 Pascarella
s39 Laskin
s57 Oppenheimer
s41 Smith
s55 Alesi
s22 Golden
s10 LeVallée
s11 Pedersen
s25 Squadron
s48 Aubertine
s47 Griffo
s40 Leibell
s21 Parker
s58 Stachowski
s52 Arcuri
s55 Hamman
s22 Liibous
s16 Perkins
s16 Stavisky
s66 Braley
s56 Nasselli
s55 Little
s41 Ranshofer
s38 Stewart
s50 Dromedary
s55 Mascalino
s56 Robach
s10 Thompson
s57 Duska
s50 Johnson, C. D.
s50 Noonan
s49 Valely
s22 Flanagan
s34 Klein
s20 Montgomery
s33 Schenck
s35 Winoper
s44 Farley
s54 Krueger
s50 Morahan
s66 Persano
s57 Young
s62 Flanagan
s27 Krueger
s54 Mozello
s51 Seward

IN ASSEMBLY

The Assembly members whose names are circled below wish to join me in the multi-sponsorship of this proposal:

a949 Abbate
a160 Conte
a148 Hoyte
a177 McKeever
a377 Rosenblatt
a301 Alesi
a302 Cook
a263 Keating
a322 King
a391 Russell
a323 Alfano
a421 Corwin
a228 Kuner
a212 Miller, J.
a122 Maldonado
a105 Amodeo
a695 Capito
a44 Miklas
a386 Miller, M.
a113 Payard
a606 Arroyo
a197 Crouch
a168 Hooper
a152 Illiano
a293 Saxonborough
a335 Aubry
a103 Cunick
a134 Hoyt
a103 Molinaro
a161 Schiavo
a136 Bicceca
a304 Gumbert
a340 Hyer-Spencer
a132 Morelli
a148 Schiminger
a296 Hall
a138 Dianou
a524 Jacobs
a317 Malan
a316 Schroeder
a126 Blaney
a304 Denenes
a706 Duffie
a128 Dukes
a122 Stanzione
a246 Barra
a216 Bisetti
a577 Jeffries
a565 O'Donnell
a044 Silver
a490 Barron
a081 Diniz
a119 John
a177 O'Hea
a100 Skertich
a202 Benedetto
a114 Duprey
a112 Jordan
a051 Ortiz
a093 Spano
a105 Benjamino
a603 Bridgstock
a744 Ravanel
a150 Peniston
a131 Stirpe
a313 Bing
a094 Brightman
a665 Boden
a068 Botto
a055 Bolling
a130 Evripidis
a219 Kolb
a141 People
a110 Tedesco
a598 Boyle
a602 Dorea
a150 DeRienzo
a015 Skubal
a050 Boll
a097 Parcell
a256 Lanza
a024 Pedatella
a215 Tiome
a066 Reiss
a060 Field
a011 Latimer
a215 Troyes
a320 Broady
a123 Finch
a315 Lavin
a223 Hefter
a202 Shaffer
a297 Brook-Kraney
a907 Fitzpatrick
a550 Lentol
a554 Town
a147 Burley
a143 Cahyryan
a128 Lifton
a907 Prestia
a115 Townsend
a117 Butler
a090 Calof
a127 Lopez, P.
a146 Quain
a125 Walker
a101 Cahill
a132 Gaertt
a150 Lopez, V.
a197 Rabbett
a064 Weltsenstein
a396 Calhoun
a336 Giancaspari
a126 Ingardino
a099 Rala
a290 Heisberg
a152 Cannata
a151 Gibbons
a112 Haye
a196 306
a106 Cessna
a169 Giglio
a102 Magarrelli
a324 Keilich
a200 Wright
a025 Carozza
a066 Clack
a009 Neidig
a112 Sadowski
a255 Castore
a108 Gordon
a010 Hartley
a308 308
a513 Christensen
a075 Gottfried
a007 Moyersohn
a108 Riverso
a313 Clark
a090 Gnatich
a296 Conroy
a076 Riverso
a207 Colton
a106 Sawley
a104 McKeever
a196 Robinson

1) Single House Bill (introduced and printed separately in either or both houses). Uni-Bill (introduced simultaneously in both houses and printed as one bill. Senate and Assembly introducer sign the same copy of the bill).
2) Circle names of co-sponsors and return to introduction clerk with 5 signed copies of bill and 4 copies of memorandums in support (single house); or 4 signed copies of bill and 4 copies of memorandums in support (uni-bill).

LEG 10/23/09
The People of the State of New York, represented in Senate and Assembly, do enact as follows:
Section 1. Subdivision 9 of section 2852 of the education law, as amended by section 2 of part D-2 of chapter 57 of the laws of 2007, is amended to read as follows:

9. [The total number of charters issued pursuant to this article shall not exceed two hundred. One hundred of such charters shall be issued on the recommendation of the charter entity described in paragraph (b) of subdivision three of section twenty-eight hundred fifty-one of this article, and one hundred of such charters shall be issued on the recommendation of the other charter entities set forth in subdivision three of section twenty-eight hundred fifty-one of this article, provided that up to fifty of the additional charters authorized to be issued by the chapter of the laws of two thousand seven which amended this subdivision effective July first, two thousand seven shall be reserved for a city school district of a city having a population of one million or more.] The failure of any body to issue the regulations authorized pursuant to this article shall not affect the authority of a charter entity to propose a charter to the board of regents or the board of regents' authority to grant such charter. [A conversion of an existing public school to a charter school or the renewal or extension of a charter shall not be counted toward the numerical limits established by this subdivision.]

§ 2. The education law is amended by adding a new section 3231 to read as follows:

§ 3231. Determination of district's chronic under-performance; designation of receiver; failure of school districts to fulfill fiscal responsibilities; petition for modification or removal of receivership or extraordinary measures. 1. Upon a determination by the regents pursuant to regulations adopted by the regents that a school district has
consistently failed to improve the performance of students attending
school in the district, the commissioner shall appoint an independent
fact-finding team to assess the reasons for the under-performance and
the prospects for improvement. Notice shall be made to the governor,
legislative leadership and the chairs of the education committees that a
fact-finding team has been appointed and the reasons why it is alleged
that the school or schools is/are under-performing. The fact finding
team shall investigate and provide a comprehensive report outlining its
findings to the regents, the governor, the temporary president of the
senate, the speaker of the assembly, the senate minority leader, the
assembly minority leader, as well as the senate and assembly education
committee chairs. Upon review of the conclusions of the fact-finding
team, the regents may declare the district chronically under-performing.
Following such a declaration, the regents shall designate a receiver who
will serve at the pleasure of the regents for a period not to exceed two
years for the district with all the powers of the superintendent and
school board. The receiver shall report directly to the commissioner.
The receiver shall provide for monthly updates on its progress in work-
ing to improve the school performance including any successes or fail-
ures relating to improving school district progress.

2. At any time after the imposition under this section of a receiver
for any district, the school board of the affected district, acting on
the recommendation of the superintendent, may petition the commissioner
for a determination whether such receivership should be modified or
eliminated and whether the school or school district is no longer chron-
ically under-performing. A school district may seek review by the
regents of any adverse determination. The determination of the regents
shall be subject to judicial review in accordance with the provisions of
article seventy-eight of the civil practice law and rules.

§ 3. Paragraph (b) of subdivision 2 of section 1676 of the public
authorities law is amended by adding a new undesignated paragraph to
read as follows:

An education corporation established to operate a charter school
pursuant to article fifty-six of the education law for the financing or
refinancing of an eligible charter school construction project.

§ 4. Section 1676 of the public authorities law is amended by adding a
new subdivision 46 to read as follows:

46. "Eligible charter school construction project" means a project for
the design, planning, construction, acquisition, reconstruction, reno-
vation, development, improvement, expansion, furnishing, equipping or
otherwise providing for a school building used by a charter school
primarily for instruction that is approved by the charter entity, as
defined in subdivision three of section twenty-eight hundred fifty-one
of the education law, that entered a charter agreement with such charter
school.

§ 5. Subdivision 1 of section 1680 of the public authorities law is
amended by adding a new undesignated paragraph to read as follows:

An education corporation established to operate a charter school
pursuant to article fifty-six of the education law for the financing or
refinancing of an eligible charter school construction project.

§ 6. Section 1680 of the public authorities law is amended by adding a
new subdivision 41 to read as follows:

41. a. The dormitory authority is empowered and authorized to enter
into a lease, sublease or other agreement with the board of trustees of
any charter school pursuant to which the dormitory authority may
acquire, finance, refinance, design, construct, reconstruct, renovate, develop, improve, expand, furnish, equip or otherwise provide for an instructional facility. Such lease, sublease or other agreement may provide for annual or other payments to the dormitory authority by or on behalf of the charter school. Such lease, sublease or other agreement may contain such other terms and the parties may agree upon conditions as thereto, including, but not limited to, the establishment of reserve funds and indemnities. A lease, sublease or other agreement entered into by a charter school with the dormitory authority pursuant to the provisions of this section shall not be deemed to be an installment purchase contract or purchase contract within the meaning of article five-A of the general municipal law or any other law.

b. Notwithstanding any provision of paragraph (b) of subdivision three of section twenty-eight hundred fifty-three of the education law to the contrary, the board of trustees of a charter school shall have the full power and authority to assign and pledge to the dormitory authority any and all public funds to be apportioned or otherwise made payable by the United States, any agency thereof, the state, any agency thereof, or a school district to the charter school. All state and local officers are hereby authorized and required to pay all such funds so assigned and pledged to the dormitory authority or, upon the direction of the dormitory authority, to any trustee of any dormitory authority bond or note issued, pursuant to a certificate filed with any such state or local officer by the dormitory authority pursuant to the provisions of this paragraph; provided, however, that nothing in this paragraph shall be construed to require a school district to make payments for any period in which no students are enrolled in or attending the charter school.
c. Such lease, sublease, or other agreement shall not constitute or create indebtedness of the state or of any school district or other political subdivision for purposes of article seven or eight of the state constitution or section 20.00 of the local finance law.

§ 7. Section 4 of part C of chapter 57 of the laws of 2008 amending the education law relating to tenure determinations, is amended to read as follows:

§ 4. This act shall take effect immediately, except that section two of this act shall take effect [July 1] January 15, 2010, when upon such date all authority vested in the board of regents immediately prior to the effective date of section 3012-b of the education law shall be reinv

§ 8. This act shall take effect immediately.
Need to be clear that this is necessary without saying it’s sufficient given the issues on teacher quality.

From: James Merriman  
Sent: Thursday, January 07, 2010 1:00 PM  
To: Lasher Micah  
Cc: Klein Joel I.  
Subject: FW: talking points

Trying to get comments from Bill P and Joe but didn’t want you to think I missed my deadline. We are talking all of us at 1:00 pm so will shoot you final. Pls feel free to comment in meantime.

James D. Merriman  
Chief Executive Officer

NEW YORK CITY CHARTER SCHOOL CENTER  
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www.nycchartercenter.org

It’s about great public schools.

From: James Merriman  
Sent: Thursday, January 07, 2010 10:42 AM  
To: Bill Phillips; Jeff Maclin; Michael O. Regnier; Joe Williams; Kenneth W. Peterson; Peter Murphy; Vincent Marrone

Subject: talking points

Folks:

Per the chancellor’s breakfast this morning, there was a desire for other allies, such as the head of 100 Black Men, New Visions, Harlem RBI, NYC Partnership, etc., to make calls to legislators urging action on cap lift. They need talking points and we want to get these out in draft form to DoE this morning. This is my first shot. Bill, Joe, who were in the meeting, please take a close look if you can and make comments ASAP.

1. We urge you to push through Race to the Top legislation that includes a cap lift on charters. We think you should eliminate the cap given how well charters have performed. But in any event, the cap lift needs to be at a minimum of 200 additional charters. That is the minimum that will get NYS the points we need.
2. Because time is of the essence this is not the time to try to rewrite the charter law—there is plenty of time during this session to do that and get into the issues of accountability and transparency. Right now we have a week to get this done. If we don’t, we lose $700 million, of which more 95% will go to regular public schools. We can’t afford to lose that money. It means teachers not getting fired, class sizes not increasing more than they already will and school aides continuing to work and be employed. Losing that money is bad for kids and bad for adults.

3. This also isn’t the time to revisit shared space. There was extensive negotiation around the mayoral governance law just four months ago and a lot of good changes were made. Let’s give those changes a chance to work out. Let’s remember, the last changes required 4 months to negotiate. We don’t have the luxury of time to figure out what tweaks we might make.

4. NYS’s best chance of winning is in Round 1. The bar is only going to go up as the Obama administration pushes to see the maximum it can get. We must act today.

5. If you pass a cap lift, but it effectively constrains charters or even appears to do that, you will have cut off your nose to spite your face. Even provisions that might not technically lose points but that are viewed as hostile action against charters, will be poison pills to Secretary Duncan and President Obama. They have staked their personal and political prestige on getting real reform, not the semblance thereof and charters are clearly front and center. They are watching closely and they will not declare a state a winner that hasn’t just done reform but actually embraced it.

6. Again, this is not the last word on charters and there are lots of things to be looked at and studied. Doubtless the law can be made better. Let’s pass a cap lift, position ourselves to win and then have a good conversation. We promise to be part of that.

James D. Merriman  
Chief Executive Officer  

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It's about great public schools
Dear friends:

After months of legislative work around the country, states are scrambling to meet the Jan. 19th deadline for legislative and policy changes as part of the “Race To The Top.” What gets negotiated and signed in the next 12 days will largely determine which states cross the finish line with the kind of gusto it is going to take to win some serious federal dinero for public schools. Since our last update on what states are up to (you can find that tally on our blog, http://www.dfer.org/2009/12/who_would_have.php#more) there have been some rather interesting developments that we wanted to quickly highlight — particularly because they involve some serious policy/political shifts in several key states.

California -- Lawmakers there yesterday shifted power away from bureaucrats and foot-dragging school boards and placed it in the hands of parents, passing new “Race To The Top” legislation which allows parents from failing schools to yank their kids out and/or vote as parents to take drastic measures at their local zoned schools. Kudos to our friends, Ben Austin, at Parent Revolution, and Sen. Gloria Romero (our September education reformer of the month - http://www.actblue.com/page/dferseptember09) for their inspiring leadership on this one. The Governor will quickly sign the bills into law to make the Jan. 19th RTTT deadline.

Massachusetts -- Early this morning, the House passed RTTT legislation that will allow Boston school officials to shutter failing schools and convert them to new charter schools, without having to allow the teachers union to decide which schools could and couldn’t be closed. Boston Mayor Tom Menino told the Boston Globe “this bill was made in Heaven.” (Which probably means we better read the fine print!) The Senate previously passed its version of the RTTT bills and conferencing on the two bills was expected to start today. Legislators were on track to pass the bills into law by Jan. 14th, so that the state would have ample time to prepare its application by the Jan. 19th deadline.

New York -- Regular DFER readers know we have been frustrated for much of the year by the Empire State’s unwillingness to take the reform competition seriously — particularly at a time when the state’s coffers are beyond bare. But things have been moving quickly in the last month, starting...
12 reform recommendations. The Senate and Assembly are looking at what they can do to allow New York to apply, and earlier today Gov. David Paterson introduced a program bill that would eliminate the cap on charter schools, kill a law that bans using student performance in teacher tenure decisions, and allow the Regents to take control of persistently low-performing schools, among other things. The next week will be very interesting, as New York decides whether it wants to try to take the necessary steps to become a national leader. Stay tuned.

Tennessee -- Gov. Phil Bredesen is calling for a special session of the legislature next week in order to change several laws in time for the Jan. 19th application deadline. "The (the feds) don't want any promises for the future, they want things in law," Bredesen told reporters. One change high on Bredesen's wish-list: a change in state law to allow the use of student achievement in teacher evaluations.

We're doing our best to stay on top of the RTTT applications. Feel free to drop us a line and keep us posed on what your state us up to.

Twelve more days until the deadline!

Joe

© 2009 Democrats for Education Reform.

This email was sent to jKlein@schools.nyc.gov.

Unsubscribe me from this list
On the off chance you haven't seen this: fascinating.

James D. Merriman
Chief Executive Officer

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It's about great public schools
January 6, 2010

Lynch mob or seekers of school equity?

Lawmakers at 3:30 p.m. took the final steps to pass and send to the governor two education bills to make California competitive for President Barack Obama's "Race to the Top" funds.

One bill has a revolutionary new provision allowing parents to petition school boards to turn around a failing school. These boards then would have to implement one of four aggressive strategies by the next school year -- including closing the school, turning it into a charter school or reconstituting the school.

Unfortunately, the California Federation of Teachers has chosen to label this parent trigger as the "lynch mob provision."

This led one observer in the Capitol to wonder, "Is it racist or just flat out ignorance that the CFT thinks of parents, largely Latino and African-American parents, as a lynch mob?"

And now, the Los Angeles chapter of the National Action Network founded in New York City in 1991 by Rev. Al Sharpton, has called for an "immediate and public apology".

For teachers to refer to parents' desire to assist in the education reform process as a "Lynch Mob provision" is extremely divisive, repulsive, and horrifying, said Pastor K.W. Tulloss, president of Los Angeles National Action Network. Teachers using belittling language when referencing African-American and Latino parents is not accepted from people that teach our children. This debate must be about ideas, not twisting and abusing racially charged language. We're saddened that an organization that represents so many teachers of higher learning would use such an inappropriate name when referring to parents. This is an historic day for parents in California. We demand a public apology from CFT.

The letter is signed by nine religious and civic leaders: Rev. K.W. Tulloss, National Action Network Los Angeles; Pastor Max Rodriguez, Weller Street MBC; Pastor Bill Hemphill, Concord Community Church; Pastor Torrey Collins, St. Rest Baptist Church; Pastor Al Johnson, True Samaritan Church; Pastor Fredrick Howard, South Side Bethel Family of Purpose Church; Melvin Snell, Los Angeles Humanity Foundation; Pastor Nathaniel Haley, United Christian Baptist Church; Pastor John Navarro, Praise Chapel, Boyle Heights.

Parents are tired of having their kids stuck in failing neighborhood schools and they deserve to have real recourse, as the newly passed bill gives them. These long-suffering parents certainly do not deserve the abuse that has just been heaped upon them (we can all hope in error) by the CFT.

--

Joe Williams
Executive Director
Democrats for Education Reform
24 W. 46th St. Suite #4
speaker believes this isn't enough to win, but doesn't want the assembly to be blamed.

On Fri, Jan 8, 2010 at 12:00 PM, Klein Joel I. <JKlein@schools.nyc.gov> wrote:

yep

From: Joe Williams
Sent: Friday, January 08, 2010 11:52 AM
To: Klein Joel I.
Subject: Re: alb

not dirty yet.

but relatively clean in terms of rehashing stuff charters are already required to do vis-a-vis transparency and accountability.

sampson wants to make this a fight between removing cap and lifting to 400 - which is the fight we want.

On Fri, Jan 8, 2010 at 11:50 AM, Klein Joel I. <JKlein@schools.nyc.gov> wrote:

Clean?

From: Joe Williams |
Sent: Friday, January 08, 2010 11:48 AM
To: Klein Joel I.
Subject: Re: alb

sounds like this is going to get done. senate next week, and assembly early on the afternoon of the 19th.
On Fri, Jan 8, 2010 at 11:46 AM, Klein Joel I. <JKlein@schools.nyc.gov> wrote:

Hearing anything on charters?

--
Joe Williams
Executive Director
Democrats for Education Reform
24 W. 46th St. Suite #4
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www.dfer.org

--
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Executive Director
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Good editorial in NYT. Mention of the CREDO study for NYC and contrast with national as well as fact that NYC gives space to schools thus attracting great operators from around the country. Only downside is no mention of RTTT. Rather they mention the $50 million in replication funds that Congress has appropriated for network replication. Overall strong and useful in Albany today.

As to Albany, Senate dems talking to GOP having realized they can't get 32 votes in their chamber no matter how many concessions they make to the UFT. That is very good news and should work towards a bill that will be acceptable. Makes Assembly's hand much weaker overall. Still long way to go.

This is great news.

----- Original Message -----
From: Ellen Winn
To: Klein Joel I.; Ellner Brian; Cantor David; williams
Sent: Tue Jan 12 14:36:05 2010
Subject: Gerard Robinson appointed new Sec of Ed for VA

Sure most folks have seen this already. Great news re: Robinson taking over as Ed Sec in VA. He's an EEP Signatory so we're making noise about it in relation to EEP.

BAEO PRESIDENT APPOINTED NEW SECRETARY OF EDUCATION FOR VA
Washington, D.C. - Governor-elect Robert McDonnell has appointed Gerard Robinson, President of the Black Alliance for Educational Options (BAEO) the new Secretary of Education for the Commonwealth of Virginia.

Robinson was elected President of BAEO in 2007. Prior to joining BAEO, he was a fellow with the Institute for the Transformation of Learning at Marquette University in Milwaukee, WI. He has worked as a researcher for the School Choice Demonstration Project at Georgetown University in Washington, D.C., and held staff positions in the Virginia and California legislatures.

"Our organization is in a good place today because of Gerard's commitment, performance and leadership as BAEO President," said Howard Fuller, BAEO Founder and former Chair of the Board.

"The BAEO family wishes him the best in his new position."

"I thank Gerard for his dedication to BAEO and our mission to ensure that low-income Black children have an opportunity to attend high performing schools regardless of their families' economic status," said Kevin P. Chavous, the new Chair-elect of the BAEO Board. "I applaud Governor-elect McDonnell for making education a real priority for Virginia. Virginia's children will benefit from the McDonnell-Robinson education agenda."

During the search for a new president, Chavous will lead the management team along with BAEO Vice Chair Deborah McGriff and Board member Kenneth Campbell. BAEO is a national, non-profit, membership organization with members nationwide. BAEO was founded in 2000, by Howard Fuller, Deborah McGriff, Virginia Walden-Ford, Philadelphia State Rep. Dwight Evans, Newark Mayor Cory Booker, and several other prominent African-American educators, elected officials and civil rights activists with start-up funding from the Walton family foundation. BAEO will celebrate its 10th anniversary at Symposium 2010, the Annual Meeting of the organization in March in Milwaukee.

BAEO's mission is to increase access to high-quality educational options for Black children by actively supporting parental choice policies and programs that empower low-income and working-class Black families. For more information on BAEO visit www.baeo.org.

###
Well this should serve as a nice distraction precisely when not needed.

James D. Merriman
Chief Executive Officer

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It's about great public schools

Paterson's Son Arrested »
BY ELIZABETH BENJAMIN

Gov. David Paterson's 14-year-old son was arrested for possession of a stolen credit card after cops caught him shooting dice near his Upper West Side school, law enforcement sources confirm.

The governor's son, a student at Beacon High School on W. 61st St., was arrested at about 3 p.m. and taken to the 20th Precinct.

Cops spotted the teen shooting dice on the sidewalk near his school. When officers searched his belongings, they found a credit card in someone else's name, traced it and determined it had been stolen, the source said.

Paterson's press office has not yet returned a call seeking comment.

The DN's Rocco Parascandola and Bill Hutchinson are working on this developing story.

Read more: http://www.nydailynews.com/blogs/dailypolitics/#ixzz0eREVkCDw
Yes among other things.
James Merriman
NYC Charter School Center
111 Broadway, Suite 604
NY, NY 10006

----- Original Message -----
From: Klein Joel I. <JKlein@schools.nyc.gov>
To: James Merriman
Sent: Wed Jan 13 08:13:31 2010
Subject: Re: Ravitch op ed

Her nos are misleading no? Mistakes significantly outperform w sig prog?

----- Original Message -----
From: James Merriman
To: Klein Joel I.
Sent: Wed Jan 13 08:11:32 2010
Subject: Re: Ravitch op ed

Yes
James Merriman
NYC Charter School Center
111 Broadway, Suite 604
NY, NY 10006

----- Original Message -----
From: Klein Joel I. <JKlein@schools.nyc.gov>
To: James Merriman
Sent: Wed Jan 13 07:29:03 2010
Subject: Ravitch op ed

You shld respond.
From: James Merriman  
Sent: Wednesday, January 13, 2010 12:18 PM  
To: Klein Joel I.  
Subject: RE: Teachers at NYC Charter High School Organize to Join the United Federation of Teachers

Nope. But not surprising. Another Victory school. Oh my.

James D. Merriman  
Chief Executive Officer  

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It's about great public schools.

From: Klein Joel I. [mailto:JKlein@schools.nyc.gov]  
Sent: Wednesday, January 13, 2010 12:15 PM  
To: James Merriman  
Subject: Fw: Teachers at NYC Charter High School Organize to Join the United Federation of Teachers

U know what this is abt?

From: Jeanine Dunn  
To: UFT Press  
Sent: Wed Jan 13 12:00:33 2010  
Subject: Teachers at NYC Charter High School Organize to Join the United Federation of Teachers  
January 13, 2010

Dick Riley  
(212) 598-9220(O)  
Peter Kadushin  
(212) 510-6463 (O)

Teachers at NYC Charter High School Organize to Join the United Federation of Teachers

AECI Educators Seek Formal Voice in School Policy & More Collaborative Work Environment
Teachers and staff at the NYC Charter High School for Architecture, Engineering and Construction Industries (AECI) in the Bronx today announced their intention to join the United Federation of Teachers as a new collective bargaining unit.

Seventeen of 19 teachers and other pedagogical staff at the school have signed union authorization cards.

In letters given to the school’s principal and board of directors, the teachers’ organizing committee called for a more formal voice in school operations to “strengthen our school community and enhance the educational experience of our students, faculty and administrators.”

The UFT filed a formal petition today with AECI’s board of trustees, and notified the state’s Public Employment Relations Board (PERB) that AECI teachers are seeking union recognition. If AECI’s board does not recognize the union as the bargaining representative within 30 days, the UFT can ask PERB to certify the bargaining unit on the basis of the authorization cards.

“Educators get into this profession to make a difference in students’ lives. To do their jobs effectively, they need support and professional voice,” said UFT President Michael Mulgrew. “These teachers are dedicated to their school community and committed to creating the best learning environment that they possibly can. We are proud to welcome them into our union.”

The teachers at AECI are deeply committed to the school community and their students. They believe unionization will lead to a more positive and stable school culture for their students.

“This is an opportunity for teachers and school faculty to have a solid voice. This will create a more successful learning environment for everyone,” said AECI teacher Lissette Velazquez.

“Our principal recognizes our dedication and the work we do everyday in the classroom. But the board should also recognize how dedicated we are to the students,” said Alexandra Robinson, a guidance counselor at AECI.

AECI teacher Lynn Harrison said “the union is really a labor of love for me. I love where I am, I love the people I work with, I love the students, I have a good relationship with my principal – but I want my whole career to be here, and I think the union will help us to have a voice, and for our voice to be heard. I love the democratic aspect of a union.”

The UFT operates two unionized charter schools, and co-operates a third in collaboration with Green Dot, a successful and labor-friendly charter school operator based in Los Angeles. The UFT also represents educators at nine other charters schools in New York City.

The New York City Charter High School for Architecture, Engineering and Construction Industries (AECI) opened in the fall of 2008, and currently serves approximately 240 students in grades 9 and 10. The school employs 17 teachers, as well as a guidance counselor, a social worker, a director of student culture and a handful of administrators.

The school’s mission is to “provide an integrated rigorous academic and career preparatory learning environment that provides students with a foundation of the necessary
skills, knowledge, and practical experience to pursue a path leading to college and/or a career in the construction industry.” The school day has extended hours, and students also attend programs on the weekends and during the summer. The school is located at 296 East 140th Street in the Bronx.

AECI is run by Victory Schools, a for-profit educational management company based in New York City.

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The views, opinions, and judgments expressed in this message are solely those of the author. The message contents have not been reviewed or approved by the UFT.
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Yep, how's that going?

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From: James Merriman  
To: Klein Joel I.  
Subject: RE: Teachers at NYC Charter High School Organize to Join the United Federation of Teachers  
And works in our favor in Albany.

James D. Merriman  
Chief Executive Officer  

NEW YORK CITY CHARTER SCHOOL CENTER  
111 Broadway, Suite 604, New York, NY 10006  
T: 212.437.8302  F: 212.227.2763  
www.nycCharterSchools.org  

It's about great public schools.

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From: Klein Joel I.  
Sent: Wednesday, January 13, 2010 12:15 PM  
To: James Merriman  
Subject: Fw: Teachers at NYC Charter High School Organize to Join the United Federation of Teachers

U know what this is abt?

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From: Jeanine Dunn  
To: UFT Press  
Sent: Wed Jan 13 12:00:33 2010  
Subject: Teachers at NYC Charter High School Organize to Join the United Federation of Teachers  
January 13, 2010

Dick Riley  
(212) 598-9220(O)  
Peter Kadushin  
(212) 510-6463 (O)

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Teachers at NYC Charter High School

1
Organize to Join the United Federation of Teachers

AECI Educators Seek Formal Voice in School Policy &
More Collaborative Work Environment

Teachers and staff at the NYC Charter High School for Architecture, Engineering and Construction Industries (AECI) in the Bronx today announced their intention to join the United Federation of Teachers as a new collective bargaining unit.

Seventeen of 19 teachers and other pedagogical staff at the school have signed union authorization cards.

In letters given to the school’s principal and board of directors, the teachers’ organizing committee called for a more formal voice in school operations to “strengthen our school community and enhance the educational experience of our students, faculty and administrators.”

The UFT filed a formal petition today with AECI’s board of trustees, and notified the state’s Public Employment Relations Board (PERB) that AECI teachers are seeking union recognition. If AECI’s board does not recognize the union as the bargaining representative within 30 days, the UFT can ask PERB to certify the bargaining unit on the basis of the authorization cards.

“Educators get into this profession to make a difference in students’ lives. To do their jobs effectively, they need support and professional voice,” said UFT President Michael Mulgrew. “These teachers are dedicated to their school community and committed to creating the best learning environment that they possibly can. We are proud to welcome them into our union.”

The teachers at AECI are deeply committed to the school community and their students. They believe unionization will lead to a more positive and stable school culture for their students.

“This is an opportunity for teachers and school faculty to have a solid voice. This will create a more successful learning environment for everyone,” said AECI teacher Lissette Velazquez.

“Our principal recognizes our dedication and the work we do everyday in the classroom. But the board should also recognize how dedicated we are to the students,” said Alexandra Robinson, a guidance counselor at AECI.

AECI teacher Lynn Harrison said “the union is really a labor of love for me. I love where I am, I love the people I work with, I love the students, I have a good relationship with my principal – but I want my whole career to be here, and I think the union will help us to have a voice, and for our voice to be heard. I love the democratic aspect of a union. “

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11 am meeting postponed by the assembly. Next session tentatively slated later today.

Gov and Senate minority are aligned on three points:

* only consider items that maximize points and strengthen NY’s application.

* keep the testing data provision in the final package.

* eliminating CSI is non negotiable.

Senate staff mtg with charter folks at 2 or 3; mtg with UFT at 1:00. We’ll see.
Barrett: Bill DeBlasio, Public Advocate or Teachers Union Patsy?

By Wayne Barrett in Wayne Barrett
Tuesday, Jan. 12 2010 @ 10:41AM

Bill de Blasio may have set a record with his first-day-on-the-job thumping by the New York Post last week. Under the headline "ACORN's City Hall branch," a Post editorial, posted at 1:40 on the morning of de Blasio's second day as public advocate, blasted his announcement that he was forming a new Community Organizing and Constituent Services Department in his office.

The Post mocked de Blasio's "community partners" as "the same lefty grabbers who've been picking the city dry in the first place," and assured us that the liberal Democrat would not be organizing citizens for "tax relief," its approved form of tea party protest. What was odd was that the Post never mentioned an aspect of the de Blasio innovation that actually is troubling, assuming that using the charter-created post of Public Advocate to organize advocacy dumbsfounds few New Yorkers other than those charged with manufacturing right wing umbrage at the Post.

When de Blasio leaked his new organizing plan to the Times, his only example of the good works it would do was "mobilizing parents" against Department of Education efforts to turn over space in a public school "to a new charter school." The Post, Daily News and Times editorial boards all champion charters, and who can blame them, since 40,000 parents lined up last year to try to get their kids into one, many of them stymied by
the roadblocks thrown in their way by deBlasio's friends at the United Federation of Teachers, which has donated almost $12,000 to him.

From: James Merriman
To: williams, Lasher Micah; Klein Joel I.; Kathryn Wylde
Subject: FW: Barrett: Bill DeBlasio, Public Advocate or Teachers Union Patsy?

James D. Merriman
Chief Executive Officer

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It's about great public schools

From: Barrett, Wayne [mailto:wbarrett@VillageVoice.com]
Sent: Tuesday, January 12, 2010 11:28 AM
To: Barrett, Wayne
Subject: Barrett: Bill DeBlasio, Public Advocate or Teachers Union Patsy?

Barrett: Bill DeBlasio, Public Advocate or Teachers Union Patsy?

By Wayne Barrett in Wayne Barrett
Tuesday, Jan. 12 2010 @ 10:41AM

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**FOR IMMEDIATE RELEASE**

January 13, 2010

Contact: Matthew Wing
212-669-4193/917-601-1572

STATEMENT FROM PUBLIC ADVOCATE BILL DE BLASIO ON EXPANDING CHARTER SCHOOL SYSTEM

“I strongly support raising the cap on charter schools and giving New York State the best possible opportunity to compete for much needed federal education funding. I have submitted a letter to Governor Paterson and the State Legislature asking them to adopt new measures that build upon the successes in our charter school system by increasing efficiency, transparency, and accessibility. The proposed measures, which are endorsed by a majority of the members of the City Council, are designed to help make our expanding charter school system more equitable to all New Yorkers.”

A copy of the letter is attached to this email.
New York City Public Advocate Bill de Blasio

**PRESS ADVISORY**

January 13, 2010

Contact: Matthew Wing
212-669-4193/917-601-1572

STATEMENT FROM PUBLIC ADVOCATE
BILL DE BLASIO ON EXPANDING CHARTER SCHOOL SYSTEM

"I strongly support raising the cap on charter schools and giving New York State the best possible opportunity to compete for much needed federal education funding. I have submitted the following letter to Governor Paterson and the State Legislature asking them to adopt new measures that build upon the successes in our charter school system by increasing efficiency, transparency, and accessibility. The proposed measures, which are endorsed by a majority of the members of the City Council, are designed to help make our expanding charter school system more equitable to all New Yorkers."


January 13, 2010

Dear Governor Paterson, Members of the Senate, and Members of the Assembly:

The Federal “Race to the Top” funding presents the City and State with a unique opportunity to examine the legacy and plan for the future of New York’s charter schools and, more generally, the public education system. As you consider changes to the State’s charter law in order to qualify for the Federal “Race to the Top” funding, I recommend that any reforms should address three fundamental principles: (1) ensure fairness and equity between public and charter schools; (2) establish greater accountability and transparency about charter school operations; and, most importantly, (3) guarantee that a quality education is available to all students.

In order to realize charter schools’ full potential, and share that effect with the larger educational system, we should address the relationship between traditional public schools and charter schools. This means adopting school siting policies that do not permit disparate educational settings. For example, one of the goals of the Contract for Excellence was to reduce class sizes, which has not been fully realized in New York City. Accordingly, there may be instances where a traditional school has higher class sizes than a charter school that gets housed in the same school building. Reform proposals should address this issue to eliminate any actual or perceived inequalities in funding and the system.

Parents in charter schools should also have the same opportunities for involvement as parents in our traditional public schools. Parents can be powerful allies to teachers and principals by providing support to students to be motivated about their education. It is important that charter schools engage their parent base by establishing an independent parents association or parent teacher association. Allowing parents to fully and meaningfully participate in educational decisions at charter schools will help lead to increased educational outcomes and create allies in educating students.

Charter schools must also be more accountable and transparent in their operations and management. This would allow educators, and parents, to learn from the best practices in the most successful charter schools, which can be used to improve educational outcomes throughout the system. In order to accomplish this, I recommend that the state law should empower the state and local comptroller to conduct regular audits of charter schools – similar to the recent amendments to the education law under the 2009 mayoral control
reauthorization legislation. These reforms will allow government and the public to more effectively measure charter school progress, as well as determine areas for improvement.

Similarly, charter schools must be more transparent by allowing the public to utilize the tools available through the State’s Freedom of Information Law to obtain more comprehensive information about charter school operations. Further, charter school officers and employees should be subject to the same financial disclosure and conflict of interest requirements as traditional public school employees. These accountability and transparency guidelines will ease the ability for state and local officials, as well as the public, to ensure that charter schools are providing students with the additional learning opportunities that they were designed to foster and stimulate, as well as judge that they are doing so in a fair and equitable manner.

Charter schools have the potential to be breeding grounds for innovations that could lead to improvements in the traditional education system. It is important that charter schools achieve this while operating equitably and fairly toward all students, including and especially the neediest students—English Language Learners, children living in poverty, such as those eligible for free lunch, and special education and homeless students. The lack of equity, accountability, and transparency in some schools has made it difficult to ensure that the system is providing a quality education to all students instead of just some smaller segment of the student body. Any reform in the laws governing charter schools should provide meaningful and consistent oversight to ensure that charter schools comply with these requirements. Additionally, the State Education Department should address this issue by taking steps to improve the existing charter school lottery process. This will help to ensure that students, regardless of their academic or personal needs, have access to charter schools and the opportunities they present.

When taken together, I believe that these recommendations will ensure that charter schools are more efficient, accountable, and transparent, and will allow educators and administrators to marry the best aspects of the charter school system with those of the traditional public school system. This will also ensure that the school system as a whole achieves its most important goal—providing equal educational opportunities to all of its students.

Thank you in advance for your consideration and your anticipated prompt response to this matter. If you have any questions, please feel free to contact me or my Policy Director, DeNora Getachew, at 212-669-7200.

Sincerely,

Bill de Blasio, Public Advocate for the City of New York
Gale A. Brewer, 6th Council District
Fernando Cabrera, 14th Council District
Margaret Chin, 1st Council District
Leroy G. Comrie, Jr., 27th Council District
Elizabeth Crowley, 30th Council District
Erik Martin Dilan, 37th Council District
Daniel Dromm, 25th Council District
Mathieu Eugene, 40th Council District
Julissa Ferreras, 21st Council District
Helen D. Foster, 16th Council District
Vincent J. Gentile, 43rd Council District
Letitia James, 35th Council District
Karen Koslowitz, 29th Council District
Bradford Lander, 39th Council District
Jessica S. Lappin, 5th Council District
Stephen Levin, 33rd Council District
Melissa Mark-Viverito, 8th Council District
Rosie Mendez, 2nd Council District
Annabel Palma, 18th Council District
Domenic M. Recchia, Jr., 47th Council District
Diana Reyna, 34th Council District
Joel Rivera, 15th Council District
James Sanders, Jr., 31st Council District
Larry B. Seabrook, 12th Council District
James Vacca, 13th Council District
Jumaane Williams, 45th Council District

Cc: Honorable Michael R. Bloomberg, New York City Mayor
    Chancellor Joel Klein, New York City Department of Education