

**Testimony of James Merriman, CEO of the New York City Charter School Center,
to the New NY Education Reform Commission**

July 26, 2012

Chairman Parsons and Distinguished Commission Members:

Thank you for the opportunity to offer my testimony about student achievement. I represent the New York City Charter School Center, an independent, not-for-profit organization that works to improve access to first-rate public education by supporting public charter schools at every stage of their development.¹ I'd like to offer a few remarks about the state's public charter schools, which I believe hold great potential for improving the quality of public education in New York, by directly raising the achievement of at-risk students and by spurring broader improvements in our public education system.

Last week's release of the results of the New York State math and English Language Arts (ELA) assessments highlighted, again, the academic successes of public charter schools. In New York City, charter schools' average proficiency rates in math and ELA have increased by nine percentage points each over the last two school years, and continue to significantly exceed district averages—both across all students and within every reported subgroup. In fact, although over 90% of New York City charter school students are Black or Hispanic, **their difference in math proficiency with White students statewide was only two percentage points (72% vs. 74%).**

Such comparisons have inherent limitations, of course, but they track with the findings of Stanford University's highly regarded CREDO research group, whose controlled study documented a significant academic advantage to attending a charter school in New York City.² Like the recent scores, such research makes the point that New York charter schools are no longer an experiment. So do the parents of the 75,000 students who have enrolled them in charter schools for this year, and the roughly 50,000 families on waiting lists in New York City alone. Though continuing to grow and improve, charter schools should be considered an essential component of a successful education reform strategy in New York State. Indeed, the charter school model could be an even more powerful instrument of statewide reform if this Commission recommended complementary improvements in three critical areas.

¹ Pursuant to the by-laws of the NYC Charter School Center, the Chancellor of the New York City Department of Education, Dennis Walcott, sits on the Center's board as does another staff member of the Department. The board consists of nine seats and, as a result, the Department does not have formal or effective control.

² Center for Research on Education Outcomes (CREDO). (2010). *Charter School Performance in New York City*. Palo Alto: CA. Web. 23 July 2012. <http://credo.stanford.edu/reports/NYC%202009%20CREDO.pdf>

1. School Facilities

Charter schools do not receive facility funding and are not guaranteed access to public school space. The time has come to change that. It is not coincidental that New York City, where a majority of charter schools are allowed access to available district buildings, is home to what is arguably the nation's strongest charter school sector. As available district space decreases, and as charter schools already in private space across the state continue to add seats, the lack of public space or financing to build new space for these public schools will weaken charter schools' ability to improve academic achievement. To add inefficiency to injury, some major school districts choose to hang on to more school buildings than their student populations justify, while charter schools with long waiting lists must dig into their operating budgets to pay rent to private sector landlords.

This makes no sense; it is unacceptable. We suggest that the Commission consider recommending two changes to current law.

First, charter schools should become eligible for facility funding in sufficient amounts to permit them to build or rehabilitate adequate school facilities without using their operating funds, which should be reserved for educating their students. Such funding would be a large step toward equalizing funding between charter and district schools, a gap that has always existed but that today is no longer defensible either from a moral or rational policy standpoint.

Second, where districts have available public space in their systems' buildings, these districts should be mandated to provide space to charter schools. (At present, this occurs only on a voluntary basis.) Mandating the provision of space would provide a particularly powerful impetus for change in New York's cities that are in deepest educational crisis: Buffalo, Rochester and Syracuse. Such a change would go a long way toward potentially spurring the kinds of changes that other cities have experienced, including Nashville, Memphis and New Orleans—places where government, the business and philanthropic communities have come together and have attracted the human capital necessary for this tremendously hard work.

No parent or child should be penalized for seeking to find a public school that works for them, whether that means moving across district lines to a higher performing district school or across the street to a public school. Providing facility funding and access to public school space will go a long way towards assuring they are not so penalized, and will allow charter school the ability to concentrate on making even greater educational gains.

2. Special Education

Charter schools could also expand their impact by serving a wider variety of students with disabilities. No public school can provide every possible service in this area, and many charter schools are especially limited by their small size and unpredictable, lottery-based enrollment. If charter schools could work together or with a Board of Cooperative Educational Services (BOCES) to provide special services, they could serve a wider range of students and families. Earlier this year, the New York State Senate passed Bill 7122, the *Charter School Students with Special Needs Act*, which would provide both options. This Act would let charter schools serve students with special needs as part of a consortium that would offer different services at different sites—without making students transfer or enter another lottery. The legislation would also allow charter schools to contract with BOCES, using their own funds. The net result would be more educational choices for a wider range of students, without compromising parents' choices or students' rights, nor affecting state or local budgets. Unfortunately this legislation was not taken up in the Assembly. We ask the Commission to recommend its immediate passage.

3. Teacher Certification

Charter schools' contributions could also be enhanced by an expansion of their autonomy to recruit and hire the teachers they feel can best educate their students. Presently, charter schools have only the flexibility to employ five uncertified teachers or 30% of their teaching staff, whichever is fewer. This flexibility has been welcome, has been used responsibly by charter school leaders, but is insufficient.

New York's certification requirements for teachers might make sense if they set a high bar for the training and skill of new teachers, but they do not—by a long shot. For school leaders (and the public), this is the worst of both worlds: the certification rules create expensive, time-consuming hassles without assuring quality. Beyond hassle, the rules can actually prevent charter school leaders from hiring preferred candidates, including many who *are* certified in another state but do not qualify for reciprocal treatment. Nor are charter school leaders free to hire the retired poet laureate, the engineer seeking a second career, or the concert pianist who wants to teach students the pleasures and complexities of classical music. Nor could they hire many members of this commission. This makes no sense.

We know this is not a New York-specific problem. Nationwide, the coursework at many schools of education is not reliable preparation for effective classroom teaching, and qualification exams are far from rigorous. Not surprisingly then, researchers find that differences in teacher effectiveness appear to be largely unrelated to certification.³

³ For example, see Gordon, Robert, Thomas J. Kane & Douglas O. Staiger. "Identifying Effective Teachers Using Performance on the Job," *The Hamilton Project*. Brookings Institution. April 2006.

In the long run, New York needs a truly high-quality professional pipeline for teachers, but such systems may take decades to build and likely require a complete rethinking of how this work is done and who is permitted to undertake it. In the interim, charter schools should be free to hire their own teachers regardless of certification status, and, of course, subject to federal accountability standards under the No Child Left Behind Act. Charters are responsible for academic outcomes for students. If they are achieving those outcomes, barriers such as certification rules should be eliminated.

Broader Reforms

With more equal resources, a wider variety of students, and greater freedom to hire the best available teachers, charter schools would be positioned to make even stronger improvements in student achievement across New York and with many more students. These proposals also make sense as a matter of resource stewardship, to make better use of existing school buildings and BOCES, and reduce certification-related costs at both charter schools and the State Education Department.

But even with these changes, it is certainly true that charter schools for the foreseeable future will educate a significant but still small number of students. As such, the Commission members would be right to ask whether these changes would benefit a wider group of students. The answer is unequivocally yes. Charter schools can serve, and have served, as models for what is possible in public education. The more of them there are, the more that work will continue. In that regard, I encourage the Commission, as it pursues its work, to take a close look at how effective charter schools have been able to succeed.

The evidence is clear: ensuring teachers operate in a school culture that is focused on their students, with adequate time to give every student the attention he or she requires, is essential. Furthermore, for schools to succeed, they must have the authority and the tools to analyze and adapt to students' needs. Longer school days and longer school years give charter schools a great advantage over any system that must comply with centrally mandated work schedules that are not created with student achievement as the defining principle.

Studying charter school achievement, it is nearly impossible to not come to the conclusion that centralized control and top-down mandates are counter-productive to helping schools focus on student outcomes. The autonomies from bureaucracy that charter schools operate with are not incidental to improving student achievement; they are at the very heart of it. If charter schools have learned anything, it is that more empowered school leaders, combined with tough enforcement of high standards, is the most promising path for widespread gains in our students' achievement.

As districts move inevitably towards empowering school leaders to build world class school cultures that value the academic achievement of students over all else, New York State needs a robust, growing charter sector to provide a model for that reform and a spur to achieve it. The reforms we have proposed would go a long way to ensuring such a sector not only exists but endures.

Thank you.