
From: Klein Joel I.
Sent: Tuesday, January 05, 2010 9:00 AM
To: James Merriman
Subject: RE: Race to the Top update.

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_cizRDP4mU4WoW4n8Qn6RGO

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/ 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_024bR8bAzHq4lp1iWCeee!. 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 lift 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
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T: 212.437.8302 F: 212. 227.2763
www.nycchartercenter.org

It's about great public schools

From: Joe Williams
Sent: Tuesday, January 05, 2010 10:34 AM
To: Klein Joel I.
Subject: Re: talk

Will do. Thanks.

Sent from my Verizon Wireless BlackBerry

From: "Klein Joel I." <JKlein@schools.nyc.gov>
Date: Tue, 5 Jan 2010 10:28:05 -0500
To: williams
Subject: RE: talk

Ok, call my cell

From: Joe Williams
Sent: Tuesday, January 05, 2010 10:31 AM
To: Klein Joel I.
Subject: Re: talk

Noon ok?

Sent from my Verizon Wireless BlackBerry

From: "Klein Joel I." <JKlein@schools.nyc.gov>
Date: Tue, 5 Jan 2010 09:58:19 -0500
To: Joe Williams<joewilliams@dfer.org>
Subject: talk

When's a good time? Have some rttt stuff as well as pr stuff

From: Duffy Michael
Sent: Tuesday, January 05, 2010 11:06 AM
To: Lasher Micah; Klein Joel I.; White John; williams
merriman
Subject: Re: On phone w/senate staff right now

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
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) 604-7406 (m)
mlasher@schools.nyc.gov

From: Duffy Michael
Sent: Tuesday, January 05, 2010 11:17 AM
To: nelson; merriman; chartock; Lasher Micah; Klein Joel I. Carson Benjamin
Cc:
Subject: Re: UFT Report

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.

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.

http://www.uft.org/news/issues/uft_report-separate_and_unequal.pdf

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

From: James Merriman |
Sent: Wednesday, January 06, 2010 1:12 PM
To: Klein Joel I.
Subject: Re: You aren't sitting next to mulgrew?

Making rounds with joe w, nycsa 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?

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

From: James Merriman [
Sent: Thursday, January 07, 2010 10:59 AM
To: Klein Joel I.
Subject: FW:
Attachments: GPB #214 RTTP MEMO.PDF; GPB #214 RTTP BILL.PDF

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

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.

PROGRAM BILL # 214

S.

Senate

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 there-
of

IN SENATE

Senate introducer's signature

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

- | | | | | |
|-----------------|-----------------|----------------|------------------|----------------|
| s20 Adams | s03 Foley | s24 Lanza | s12 Onorato | s09 Skelco |
| s15 Addabbo | s08 Fuschillo | s39 Larkin | s37 Oppenheimer | s14 Smith |
| s55 Alesi | s22 Golden | s01 LaValle | s11 Padavan | s25 Squadron |
| s48 Aubertine | s47 Griffo | s40 Leibell | s21 Parker | s58 Stachowski |
| s42 Bonacic | s06 Hannon | s52 Libous | s30 Perkins | s16 Stavisky |
| s46 Braslin | s36 Hassell | s45 Little | s61 Ranzenhofer | s35 Stewart |
| s50 DeFrancisco | Thompson | s05 Marcellino | s56 Robach | Cousins |
| s32 Diaz | s10 Huntley | s62 Maziara | s41 Saland | s60 Thompson |
| s17 Dilan | s07 Johnson, C. | s43 McDonald | s19 Sampson | s49 Valesky |
| s29 Duane | s04 Johnson, O. | s13 Monserrate | s23 Savino | s59 Volker |
| s33 Espada | s34 Klein | s18 Montgomery | s31 Schneiderman | s53 Winner |
| s44 Farley | s26 Krueger | s38 Morahan | s28 Serrano | s57 Young |
| s02 Flanagan | s27 Kruger | s54 Nozzolio | s51 Seward | |

IN ASSEMBLY

Assembly introducer's signature

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

- | | | | | |
|-------------------|------------------|-------------------|-----------------|------------------|
| a049 Abbate | a010 Conte | a148 Bayes | a017 McEveitt | a067 Rosenthal |
| a001 Alessi | a032 Cook | a083 Beattie | a022 Meng | a118 Russell |
| a021 Alfano | a142 Corwin | a028 Hevesi | a102 Miller, J. | a012 Saladino |
| a105 Amedore | a085 Crespo | a046 Hinkel | a038 Miller, M. | a113 Sayward |
| a084 Arroyo | a107 Crouch | a018 Hooper | a052 Millman | a029 Scarborough |
| a035 Aubry | a063 Casick | a144 Hoyt | a103 Molinaro | a016 Schimel |
| a136 Bacalles | a045 Cymbrowitz | a060 Hyer-Spencer | a132 Morelle | a140 Schimminger |
| a099 Ball | a138 DelMonte | a042 Jacobs | a037 Nolan | a145 Schroeder |
| a124 Barclay | a034 DenDakker | a095 Jaffee | a128 Oaks | a122 Scozzafava |
| a014 Barra | a116 Destito | a057 Jeffries | a068 O'Donnell | a064 Silver |
| a040 Barron | a081 Dinowitz | a131 John | a137 O'Mara | a100 Skartados |
| a082 Benedetto | a114 Duprey | a112 Jordan | a051 Ortiz | a093 Spano |
| a075 Benjamin | a003 Eddington | a074 Kavanagh | a150 Parment | a121 Stirpe |
| a073 Bing | a004 Englebright | a065 Kellner | a088 Paulin | a011 Sweeney |
| a055 Boyland | a130 Errigo | a129 Kolb | a141 Peoples- | a110 Tediaco |
| a098 Boyle | a072 Espallat | a135 Koon | Stokes | a002 Thiele |
| a089 Bradley | a071 Farrell | a025 Lancman | a039 Peralta | a061 Titone |
| a044 Brennan | a005 Fields | a091 Latimer | a058 Perry | a031 Titus |
| a092 Brodsky | a123 Finch | a013 Lavine | a023 Pheffer | a062 Tobacco |
| a046 Brock-Krasny | a007 Fitzpatrick | a050 Lentol | a068 Powell | a054 Towns |
| a147 Burling | a143 Gabryszak | a125 Lifton | a087 Pretlow | a115 Townsend |
| a117 Butler | a090 Galef | a127 Lopez, P. | a146 Quinn | a015 Walker |
| a101 Cahill | a133 Gantt | a053 Lopez, V. | a097 Rabbitt | a041 Weinstein |
| a096 Calhoun | a036 Gianaris | a126 Lupardo | a009 Raia | a020 Weisenberg |
| a043 Camara | a077 Gibson | a111 Magee | a006 Ramos | a024 Weprin |
| a106 Canestrari | a149 Giglio | a120 Maguarelli | a134 Reilich | a070 Wright |
| a026 Carrozza | a066 Glick | a059 Maisel | a109 Reilly | a094 Zebrowski |
| a086 Castro | a108 Gordon | a030 Markey | a078 Rivera, J. | |
| a119 Christensen | a075 Gottfried | a027 Mayersohn | a080 Rivera, N. | |
| a033 Clark | a098 Gunther | a019 McDonough | a076 Rivera, P. | |
| a047 Colton | a139 Hawley | a104 McEueny | a056 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 2 signed
copies of bill and 4 copies of memorandum in support (single house); or 4 signed
copies of bill and 8 copies of memorandum in support (uni-bill).

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 9 of section 2852 of the education law, as
2 amended by section 2 of part D-2 of chapter 57 of the laws of 2007, is
3 amended to read as follows:

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

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

24 § 3231. Determination of district's chronic under-performance; desig-
25 nation of receiver; failure of school districts to fulfill fiscal
26 responsibilities; petition for modification or removal of receivership
27 or extraordinary measures. 1. Upon a determination by the regents pursu-
28 ant to regulations adopted by the regents that a school district has

1 consistently failed to improve the performance of students attending
2 school in the district, the commissioner shall appoint an independent
3 fact-finding team to assess the reasons for the under-performance and
4 the prospects for improvement. Notice shall be made to the governor,
5 legislative leadership and the chairs of the education committees that a
6 fact-finding team has been appointed and the reasons why it is alleged
7 that the school or schools is/are under-performing. The fact finding
8 team shall investigate and provide a comprehensive report outlining its
9 findings to the regents, the governor, the temporary president of the
10 senate, the speaker of the assembly, the senate minority leader, the
11 assembly minority leader, as well as the senate and assembly education
12 committee chairs. Upon review of the conclusions of the fact-finding
13 team, the regents may declare the district chronically under-performing.
14 Following such a declaration, the regents shall designate a receiver who
15 will serve at the pleasure of the regents for a period not to exceed two
16 years for the district with all the powers of the superintendent and
17 school board. The receiver shall report directly to the commissioner.
18 The receiver shall provide for monthly updates on its progress in work-
19 ing to improve the school performance including any successes or fail-
20 ures relating to improving school district progress.

21 2. At any time after the imposition under this section of a receiver
22 for any district, the school board of the affected district, acting on
23 the recommendation of the superintendent, may petition the commissioner
24 for a determination whether such receivership should be modified or
25 eliminated and whether the school or school district is no longer chron-
26 ically under-performing. A school district may seek review by the
27 regents of any adverse determination. The determination of the regents

1 shall be subject to judicial review in accordance with the provisions of
2 article seventy-eight of the civil practice law and rules.

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

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

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

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

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

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

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

26 41. a. The dormitory authority is empowered and authorized to enter
27 into a lease, sublease or other agreement with the board of trustees of
28 any charter school pursuant to which the dormitory authority may

1 acquire, finance, refinance, design, construct, reconstruct, renovate,
2 develop, improve, expand, furnish, equip or otherwise provide for an
3 instructional facility. Such lease, sublease or other agreement may
4 provide for annual or other payments to the dormitory authority by or on
5 behalf of the charter school. Such lease, sublease or other agreement
6 may contain such other terms and the parties may agree upon conditions
7 as thereto, including, but not limited to, the establishment of reserve
8 funds and indemnities. A lease, sublease or other agreement entered into
9 by a charter school with the dormitory authority pursuant to the
10 provisions of this section shall not be deemed to be an installment
11 purchase contract or purchase contract within the meaning of article
12 five-A of the general municipal law or any other law.

13 b. Notwithstanding any provision of paragraph (b) of subdivision three
14 of section twenty-eight hundred fifty-three of the education law to the
15 contrary, the board of trustees of a charter school shall have the full
16 power and authority to assign and pledge to the dormitory authority any
17 and all public funds to be apportioned or otherwise made payable by the
18 United States, any agency thereof, the state, any agency thereof, or a
19 school district to the charter school. All state and local officers are
20 hereby authorized and required to pay all such funds so assigned and
21 pledged to the dormitory authority or, upon the direction of the dormi-
22 tory authority, to any trustee of any dormitory authority bond or note
23 issued, pursuant to a certificate filed with any such state or local
24 officer by the dormitory authority pursuant to the provisions of this
25 paragraph; provided, however, that nothing in this paragraph shall be
26 construed to require a school district to make payments for any period
27 in which no students are enrolled in or attending the charter school.

1 c. Such lease, sublease, or other agreement shall not constitute or
2 create indebtedness of the state or of any school district or other
3 political subdivision for purposes of article seven or eight of the
4 state constitution or section 20.00 of the local finance law.

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

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

13 § 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@nycchartercenter.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"

DUFFY PALMER

Deputy Secretary for Education

Executive Chamber #236

NYS Capitol

Albany, New York 12224

518.408.2833

From: James Merriman
Sent: Thursday, January 07, 2010 11:05 AM
To: Emary Aronson; Geoffrey Canada; Jeffrey Litt; Klein Joel I.; Joseph H. Reich; Duffy Michael; Phoebe Boyer
Subject: FW: Race to the Top/governor's bill
Attachments: GPB #214 RTTP MEMO.PDF; GPB #214 RTTP BILL.PDF

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

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From: Duffy Palmer
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the bill has been "delivered"

DUFFY PALMER

Deputy Secretary for Education

Executive Chamber #236

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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.

PROGRAM BILL #214

S. _____
Senate

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 there-
of

IN SENATE

Senate introducer's signature

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

- | | | | | |
|-----------------|-----------------|----------------|------------------|----------------|
| s20 Adams | s03 Foley | s24 Lanza | s12 Onorato | s09 Skelos |
| s15 Addabbo | s08 Fuschillo | s39 Larkin | s37 Oppenheimer | s14 Smith |
| s55 Alessi | s22 Golden | s01 LeVelle | s11 Padavan | s25 Squadron |
| s48 Aubertine | s47 Griffo | s40 Leibell | s21 Parker | s58 Stachowski |
| s42 Bucacic | s06 Hannon | s52 Libous | s30 Perkins | s16 Stavisky |
| s46 Breslin | s36 Hassell- | s45 Little | s61 Ranzanhofer | s35 Stewart- |
| s50 DeFrancisco | Thompson | s05 Marcellino | s56 Robach | Cousins |
| s32 Diaz | s10 Huntley | s62 Maziars | s41 Saland | s60 Thompson |
| s17 Dileo | s07 Johnson, C. | s43 McDonald | s19 Sampson | s49 Valensky |
| s29 Duane | s04 Johnson, G. | s13 Monserrate | s23 Savino | s59 Volker |
| s33 Espada | s34 Klein | s18 Montgomery | s31 Schneiderman | s53 Winner |
| s44 Farley | s26 Krueger | s38 Morahan | s28 Serrano | s57 Young |
| s02 Flanagan | s27 Kruger | s54 Nozzolio | s51 Seward | |

IN ASSEMBLY

Assembly introducer's signature

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

- | | | | | |
|-------------------|------------------|-------------------|-----------------|------------------|
| a049 Abbate | a010 Conte | a148 Hayes | a017 McKeivitt | a067 Rosenthal |
| a001 Alessi | a032 Cook | a083 Heastie | a022 Meng | a110 Russell |
| a021 Alfano | a142 Corwin | a028 Hevesi | a102 Miller, J. | a012 Saladino |
| a105 Amedore | a085 Crespo | a048 Hinkind | a038 Miller, M. | a113 Sayward |
| a084 Arroyo | a107 Crouch | a018 Hooper | a052 Hillman | a029 Scarborough |
| a035 Aubry | a063 Cusick | a144 Hoyt | a103 Molinaro | a016 Schimel |
| a136 Bacalles | a045 Cymbrowitz | a060 Hyer-Spencer | a132 Morelle | a140 Schimlinger |
| a099 Ball | a138 DeMonte | a042 Jacobs | a037 Nolan | a145 Schroeder |
| a124 Barclay | a034 DenDekker | a095 Jaffee | a128 Oaks | a122 Scozzafava |
| a014 Barra | a116 Destito | a057 Jeffries | a069 O'Donnell | a064 Silver |
| a040 Barron | a081 Dinowitz | a131 John | a137 O'Hara | a100 Skartados |
| a082 Benedetto | a114 Duprey | a112 Jordan | a051 Ortiz | a093 Spano |
| a079 Benjamin | a003 Eddington | a074 Kavanagh | a150 Parment | a121 Stirpe |
| a073 Bing | a004 Englebright | a065 Kellner | a088 Paulin | a011 Sweeney |
| a055 Boyland | a130 Errigo | a129 Kolb | a141 Peoples- | a110 Tediaco |
| a008 Boyle | a072 Espalliat | a135 Koon | Stokes | a002 Thiala |
| a089 Bradley | a071 Farrell | a025 Lancman | a039 Peralta | a061 Titone |
| a044 Brennan | a005 Fields | a091 Latimer | a058 Perry | a031 Titus |
| a092 Brodsky | a123 Finch | a013 Lavine | a023 Pheffer | a062 Tobacco |
| a046 Brook-Krasny | a007 Fitzpatrick | a050 Lentol | a068 Powell | a054 Towns |
| a147 Burling | a143 Gabryszak | a125 Lifton | a087 Pretlow | a115 Townsend |
| a117 Butler | a090 Galef | a127 Lopez, P. | a146 Quinn | a015 Walker |
| a101 Cahill | a133 Gantt | a053 Lopez, V. | a097 Rabbitt | a041 Weinstein |
| a096 Calhoun | a035 Gianaris | a126 Lupardo | a009 Raia | a020 Weisenberg |
| a043 Camara | a077 Gibson | a111 Magee | a006 Ramos | a024 Weprin |
| a106 Canestrari | a149 Giglio | a120 Magnarelli | a134 Reilich | a070 Wright |
| a026 Carrozza | a066 Glick | a059 Maisel | a109 Reilly | a094 Zabrowski |
| a086 Castro | a108 Gordon | a030 Markey | a078 Rivera, J. | |
| a119 Christensen | a075 Gottfried | a027 Mayersohn | a080 Rivera, N. | |
| a033 Clark | a098 Gunther | a019 McDonough | a076 Rivera, P. | |
| a047 Colton | a139 Hawley | a104 McEneaney | a056 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 2 signed
copies of bill and 4 copies of memorandum in support (single house); or 4 signed
copies of bill and 8 copies of memorandum in support (uni-bill).

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 9 of section 2852 of the education law, as
2 amended by section 2 of part D-2 of chapter 57 of the laws of 2007, is
3 amended to read as follows:

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

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

24 § 3231. Determination of district's chronic under-performance; desig-
25 nation of receiver; failure of school districts to fulfill fiscal
26 responsibilities; petition for modification or removal of receivership
27 or extraordinary measures. 1. Upon a determination by the regents pursu-
28 ant to regulations adopted by the regents that a school district has

1 consistently failed to improve the performance of students attending
2 school in the district, the commissioner shall appoint an independent
3 fact-finding team to assess the reasons for the under-performance and
4 the prospects for improvement. Notice shall be made to the governor,
5 legislative leadership and the chairs of the education committees that a
6 fact-finding team has been appointed and the reasons why it is alleged
7 that the school or schools is/are under-performing. The fact finding
8 team shall investigate and provide a comprehensive report outlining its
9 findings to the regents, the governor, the temporary president of the
10 senate, the speaker of the assembly, the senate minority leader, the
11 assembly minority leader, as well as the senate and assembly education
12 committee chairs. Upon review of the conclusions of the fact-finding
13 team, the regents may declare the district chronically under-performing.
14 Following such a declaration, the regents shall designate a receiver who
15 will serve at the pleasure of the regents for a period not to exceed two
16 years for the district with all the powers of the superintendent and
17 school board. The receiver shall report directly to the commissioner.
18 The receiver shall provide for monthly updates on its progress in work-
19 ing to improve the school performance including any successes or fail-
20 ures relating to improving school district progress.

21 2. At any time after the imposition under this section of a receiver
22 for any district, the school board of the affected district, acting on
23 the recommendation of the superintendent, may petition the commissioner
24 for a determination whether such receivership should be modified or
25 eliminated and whether the school or school district is no longer chron-
26 ically under-performing. A school district may seek review by the
27 regents of any adverse determination. The determination of the regents

1 shall be subject to judicial review in accordance with the provisions of
2 article seventy-eight of the civil practice law and rules.

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

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

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

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

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

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

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

26 41. a. The dormitory authority is empowered and authorized to enter
27 into a lease, sublease or other agreement with the board of trustees of
28 any charter school pursuant to which the dormitory authority may

1 acquire, finance, refinance, design, construct, reconstruct, renovate,
2 develop, improve, expand, furnish, equip or otherwise provide for an
3 instructional facility. Such lease, sublease or other agreement may
4 provide for annual or other payments to the dormitory authority by or on
5 behalf of the charter school. Such lease, sublease or other agreement
6 may contain such other terms and the parties may agree upon conditions
7 as thereto, including, but not limited to, the establishment of reserve
8 funds and indemnities. A lease, sublease or other agreement entered into
9 by a charter school with the dormitory authority pursuant to the
10 provisions of this section shall not be deemed to be an installment
11 purchase contract or purchase contract within the meaning of article
12 five-A of the general municipal law or any other law.

13 b. Notwithstanding any provision of paragraph (b) of subdivision three
14 of section twenty-eight hundred fifty-three of the education law to the
15 contrary, the board of trustees of a charter school shall have the full
16 power and authority to assign and pledge to the dormitory authority any
17 and all public funds to be apportioned or otherwise made payable by the
18 United States, any agency thereof, the state, any agency thereof, or a
19 school district to the charter school. All state and local officers are
20 hereby authorized and required to pay all such funds so assigned and
21 pledged to the dormitory authority or, upon the direction of the dormi-
22 tory authority, to any trustee of any dormitory authority bond or note
23 issued, pursuant to a certificate filed with any such state or local
24 officer by the dormitory authority pursuant to the provisions of this
25 paragraph; provided, however, that nothing in this paragraph shall be
26 construed to require a school district to make payments for any period
27 in which no students are enrolled in or attending the charter school.

1 c. Such lease, sublease, or other agreement shall not constitute or
2 create indebtedness of the state or of any school district or other
3 political subdivision for purposes of article seven or eight of the
4 state constitution or section 20.00 of the local finance law.

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

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

13 § 8. This act shall take effect immediately.



From: Klein Joel I.
Sent: Thursday, January 07, 2010 1:13 PM
To: James Merriman; Lasher Micah
Subject: RE: talking points

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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It's about great public schools

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

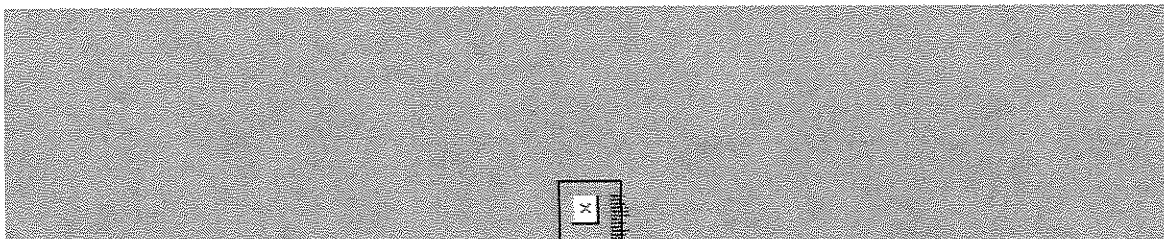
6. Again, this is not the last word on charters and there are lots of things to be looked at and studied. Doubtless the law can be made better. Let's pass a cap lift, position ourselves to win and then have a good conversation. We promise to be part of that.

.....
James D. Merriman
Chief Executive Officer

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It's about great public schools

From: Joe Williams [joewilliams@dfer.org]
Sent: Thursday, January 07, 2010 4:31 PM
To: Klein Joel I.
Subject: DFER: "Race To The Top" Hits Its Stride



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 with bold action by the Board of Regents in passing a series of bills

DFER In The News

Christian Science Monitor, "Education Reform: California To Join Race To The Top Rush," Jan. 5, 2010:

"I've been doing federal education policy for 17 years, and I've never seen anything like this," says Charles Barone, director of federal policy for Democrats for Education Reform, an advocacy group that has been tracking states' efforts. "Usually it's exactly the opposite: Money gets sent out, and then the federal government tries to compel states to do what they made a commitment to doing.... There's been more state legislation [around education reform] in the last eight months than there was in the entire seven or eight years of No Child Left Behind, in terms of laws passed."

Milwaukee Journal Sentinel, "State Lagging In Race For Education Funding," January 3, 2010:

Meanwhile, other states are successfully passing last-minute education reform measures as they try to take advantage of hundreds of millions of dollars in extra education funding, and that may eclipse Wisconsin's efforts, said Joe Williams, executive director of Democrats for Education Reform.

"As good as things looked a month or two ago for states like Wisconsin (which passed four education reform bills in November), Wisconsin is now in a position where, if it doesn't take some drastic steps on things like mayoral control, it's going to be hard

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.



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for them to make a strong case," said Williams, whose group has been tracking states' efforts in Race to the Top maneuvering.

Education Week, "Two State Unions Balking At 'Race To Top' Plans," Dec. 30, 2009:

"We're bumping up against a reality where the teaching profession is resisting doing a lot of things that are pretty sensible," said Charles Barone, the director of federal policy for Democrats for Education Reform, a political action committee that has been highly critical of teachers' unions. "We're in for a showdown. The unions aren't going to give in most cases, and I think the [Obama] administration is going to have to see what it's got in front of it."

From: James Merriman
Sent: Friday, January 08, 2010 10:03 AM
To: Klein Joel I.
Subject: FW: Fw: Blog entry in The Bee on CFT and "lynch mob"

On the off chance you haven't seen this: fascinating.

.....
James D. Merriman
Chief Executive Officer

NEW YORK CITY CHARTER SCHOOL CENTER
111 Broadway, Suite 604, New York, NY 10006
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www.nycchartercenter.org

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

New York, NY 10036
www.dfer.org

From: Joe Williams [joewilliams2@gmail.com]
Sent: Friday, January 08, 2010 12:02 PM
To: Klein Joel I.
Subject: Re: alb

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
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New York, NY 10036
www.dfer.org

--

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--

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New York, NY 10036
www.dfer.org

From: James Merriman
Sent: Monday, January 11, 2010 4:53 AM
To: Emary Aronson; Geoffrey Canada; Jeffrey Litt; Klein Joel I.; Joseph H. Reich; Duffy Michael; Phoebe Boyer
Subject: NY TIMES Editorial

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.

<http://www.nytimes.com/2009/08/15/nyregion/15authorities.html? r=1&ref=nyregionhttp://www.nytimes.com/2010/01/11/opinion/11mon3.html?ref=opinion>

From: Klein Joel I.
Sent: Tuesday, January 12, 2010 2:38 PM
To: winn. cerf, Ellner Brian; Cantor David; williams
Subject: Re: Gerard Robinson appointed new Sec of Ed for VA

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.

###

From: James Merriman [
Sent: Tuesday, January 12, 2010 5:18 PM
To: Boyer, Phoebe; Emary Aronson; Klein Joel I.; Joseph H. Reich
Subject: FW: FYI: Daily Politics

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

.....
James D. Merriman
Chief Executive Officer

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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/#ixzz0cREVKCDw>

From: James Merriman
Sent: Wednesday, January 13, 2010 8:14 AM
To: Klein Joel I.
Subject: Re: Ravitch op ed

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? Mistates 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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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.

###

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.

From: Klein Joel I.
Sent: Wednesday, January 13, 2010 12:45 PM
To: Merriman
Subject: Re: Teachers at NYC Charter High School Organize to Join the United Federation of Teachers

Yep, how's that going?

From: James Merriman
To: Klein Joel I.
Sent: Wed Jan 13 12:19:48 2010
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

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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

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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
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Teachers at NYC Charter High School

Organize to Join the United Federation of Teachers

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###

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From: James Merriman
Sent: Wednesday, January 13, 2010 12:47 PM
To: Klein Joel I.
Subject: FW: Leg

.....
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.

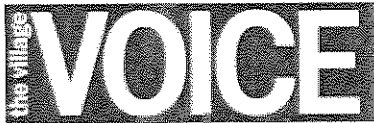
From: James Merriman
Sent: Wednesday, January 13, 2010 1:23 PM
To: williams Lasher Micah; Klein Joel I.; Kathryn Wylde
Subject: FW: Barrett: Bill DeBlasio, Public Advocate or Teachers Union Patsy?

James D. Merriman
Chief Executive Officer

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it's about great public schools

From: Barrett, Wayne
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

Bill deBlasio 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 deBlasio'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 deBlasio'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 deBlasio innovation that actually is troubling, assuming that using the charter-created post of Public Advocate to organize advocacy dumbfounds few New Yorkers other than those charged with manufacturing right wing umbrage at the *Post*.

When deBlasio 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.

To continue reading visit: http://blogs.villagevoice.com/runninscared/archives/2010/01/barrett_37.php

From: Klein Joel I.
Sent: Wednesday, January 13, 2010 1:26 PM
To: Dennis Walcott; 'janderson@cityhall.nyc.gov'; sheekey. Lasher Micah; Cantor David; White John
Subject: Fw: Barrett: Bill DeBlasio, Public Advocate or Teachers Union Patsy?

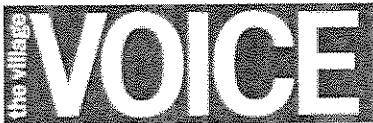
From: James Merriman
To: [williams](#); Lasher Micah; Klein Joel I.; Kathryn Wyld
Sent: Wed Jan 13 13:23:24 2010
Subject: FW: Barrett: Bill DeBlasio, Public Advocate or Teachers Union Patsy?

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?



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To continue reading visit: http://blogs.villagevoice.com/runninscared/archives/2010/01/barrett_37.php

From: Klein Joel I.
Sent: Wednesday, January 13, 2010 3:24 PM
To: merriman williams
moskowitz
Subject: Fw: STATEMENT FROM PUBLIC ADVOCATE BILL DE BLASIO ON EXPANDING
CHARTER SCHOOL SYSTEM
Attachments: 1.13.10.CharterSchoolLetter.pdf

From: Cantor David
To: Klein Joel I.; Lasher Micah; White John; Duffy Michael; Speiller Lenny; Forte Ann
Sent: Wed Jan 13 15:21:30 2010
Subject: FW: STATEMENT FROM PUBLIC ADVOCATE BILL DE BLASIO ON EXPANDING CHARTER SCHOOL SYSTEM
Now w several council members co-signing.

From: Maibe Gonzalez
Sent: Wednesday, January 13, 2010 1:18 PM
To: jpost@cityhall.nyc.gov; Cantor David
Cc: Matthew Wing
Subject: FW: STATEMENT FROM PUBLIC ADVOCATE BILL DE BLASIO ON EXPANDING CHARTER SCHOOL SYSTEM

Jason, David --

FYI, we just sent this out.

Maibe

From: Maibe Gonzalez
Sent: Wednesday, January 13, 2010 1:08 PM
To: Maibe Gonzalez
Cc: Matthew Wing
Subject: STATEMENT FROM PUBLIC ADVOCATE BILL DE BLASIO ON EXPANDING CHARTER SCHOOL SYSTEM

****FOR IMMEDIATE RELEASE****

January 13, 2010

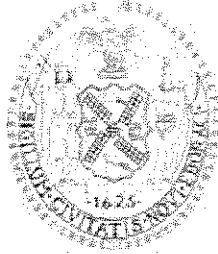
Contact: Matthew Wing
212-669-4193/917-601-1572

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.”

New York City Public Advocate Bill de Blasio



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,

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Cc: Honorable Michael R. Bloomberg, New York City Mayor
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