

HOW WELL DO STATES SUPPORT INTEGRATION IN **CHARTER SCHOOLS?**

New York

OVERALL SCORE

30%

POLICY SCORE

60%

New York earned a total score of 6.0 in the rubric of 10 key charter school policies supporting integration.

ENROLLMENT SCORE

0%

Charters have a net positive or neutral effect on racial integration in 0 of the 5 counties in New York with the largest charter school enrollments.

Key Findings

New York allows charter schools to implement weighted lotteries to promote diversity.

New York requires charter schools to give enrollment preference to in-district students.

Across all racial groups, the average New York student in a charter setting attends a school with a higher poverty rate than the average student in a district setting.

Recommendations

- New York could better support integration in charter schools by allowing charter schools to enroll students from multiple districts without requiring preference for in-district students.
- New York could better support integration in charter schools by encouraging and supporting unified enrollment systems for charter and district schools.
- More New York charter schools should implement weighted lotteries to promote diversity.

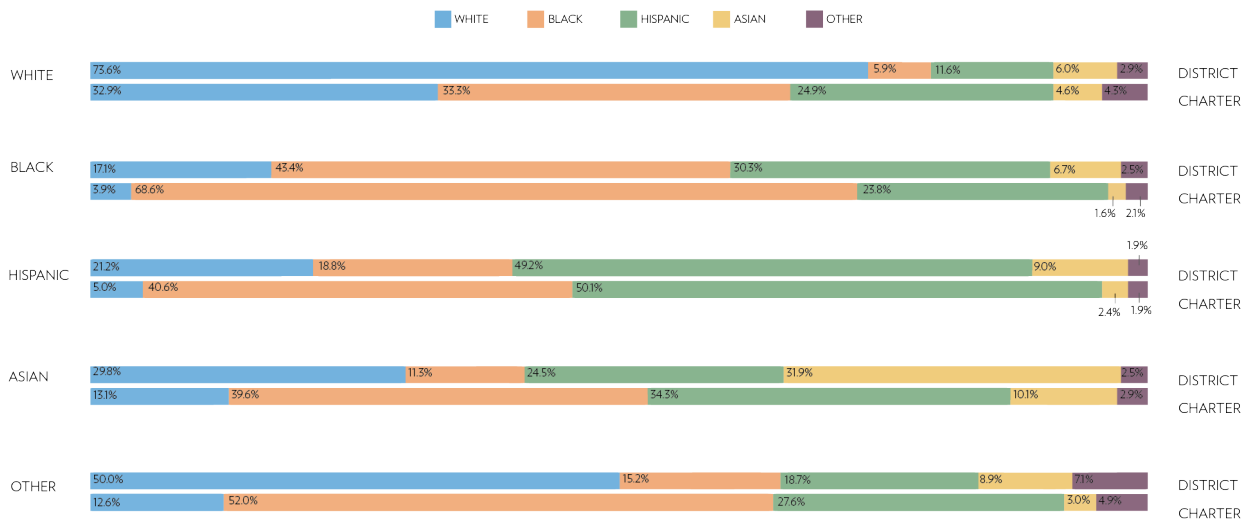
Public School Demographics, 2015–16

School Type	Students	Demographic Shares							
		White	Black	Hispanic	Asian	Other	Low-Income	LEP	IDEA
Charter Schools	undefined	undefined	undefined	undefined	undefined	undefined	undefined	undefined	undefined
All Public Schools	undefined	undefined	undefined	undefined	undefined	undefined	undefined	undefined	undefined

Source: Enrollment and race data are calculated from the 2015–16 Common Core of Data. Low-income (free or reduced-price lunch) data are calculated from the 2014–15 Common Core of Data because 2015–16 data were not available. LEP (limited English proficiency) and IDEA (Individuals with Disabilities Education Act) data are from the 2015–16 Civil Rights Data Collection

Racial Exposure in Public Schools

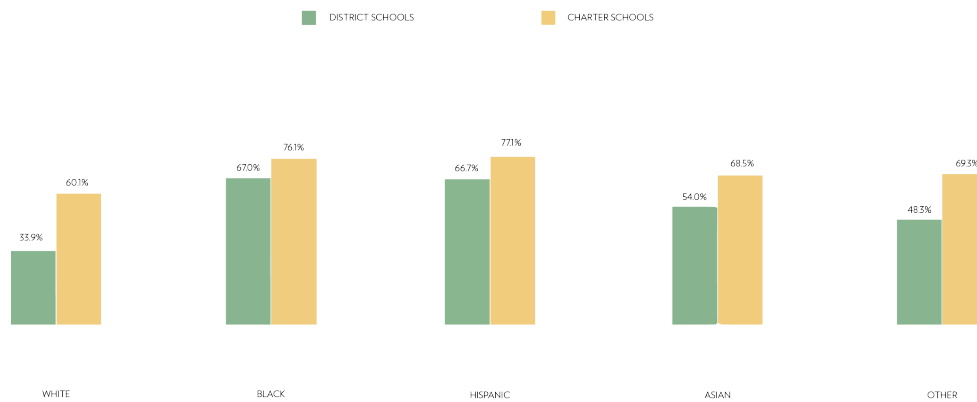
Racial Composition of Average Student's School, by Race of Student



Source: 2015–16 Common Core of Data.

Low-Income Exposure in Public Schools

Share of Classmates Receiving Free- or Reduced-Price Lunch in Average Student's School, by Race of Student



Source: Race data are from the 2015–16 Common Core of Data. Low-income (free or reduced-price lunch) data are also from the 2015–16 Common Core of Data for all states except Massachusetts and New York, which were missing free or reduced-price lunch data for 2015–16 and for which 2014–15 data was used instead.

Public School Dissimilarity Index

For Top Five Counties with Largest Charter School Enrollment, 2015–16

County	# Charters	# Charter Enrollment	Dissimilarity Index		
			District Only	Including Charters	Change
Kings County	83	39,504	55.5	58.4	2.9
New York County	49	24,814	61.8	64.2	2.4
Bronx County	56	39,504	55.5	58.4	2.9
Erie County	16	39,504	55.5	58.4	2.9
Queens County	15	39,504	55.5	58.4	2.9

Source: 2015–16 Common Core of Data.

Charter School Policies Supporting Integration

1. Selective Admissions Requirements Prohibited

Does the state specify that charter schools may not use any admissions requirements (must be open to any student eligible to attend a regular public school)?

Yes. When applications exceed space, charter schools must conduct a lottery and give enrollment preference to returning students, their siblings, and students residing in the school district in which the charter school is located. Schools may give preference to children of school or charter management organization employees at up to 15 percent of total enrollment. Charter schools may not limit admission based on intellectual ability, measures of achievement or aptitude, or athletic ability. [See NY Educ. Law § 2854.]

0.2/0.2

Does the state specify that charter schools may not charge any fees other than those charged by other public schools?

Yes. A charter school shall not charge tuition or fees, provided that a charter school may require the payment of fees on the same basis and to the same extent as other public schools. [See NY Educ. Law § 2854.]

0.2/0.2

Does the state specify that charter schools may not require mandatory parent volunteer hours?

No. No mention of mandatory parent volunteer policies.

0/0.2

Does the state specify that charter schools must abide by a general non-discrimination provision (with respect to race/ethnicity and other categories)?

Yes. "A charter school shall not discriminate against any student, employee or any other person on the basis of ethnicity, national origin, gender, or disability or any other ground that would be unlawful if done by a school. Admission of students shall not be limited on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry; provided, however, that nothing in this article shall be construed to prevent the establishment of a single-sex charter school or a charter school designed to provide expanded learning opportunities for students at-risk of academic failure or students with disabilities and English language learners; and provided, further, that the charter school shall demonstrate good faith efforts to attract and retain a comparable or greater enrollment of students with disabilities, English language learners, and students who are eligible applicants for the free and reduced price lunch program when compared to the enrollment figures for such students in the school district in which the charter school is located. A charter shall not be issued to any school that would be wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine would be taught." [See NY Educ. Law § 2854.]

0.2/0.2

Does the state specify that charter schools must "backfill" to enroll new students when students leave the school?

No. No mention of backfilling.

0/0.2

2. Transportation Provided and Funded

Does the state include requirements and funding for the transportation of charter school students that are similar to those that apply to district students?

Yes. Although charter schools do not receive transportation funding similar to school districts and are treated as non-public schools for the purposes of transportation, school districts are

required to provide transportation services equally for district and non-public or charter schools¹ [See NY Educ. Law §§ 2853; 3635.]

1/1

3. Free and Reduced-Price Meals Provided

Does the state require all charter schools to participate in the federal free and reduced-price lunch program (or to provide a comparable free meals program)?

No. State does not require schools (district or charter) to participate in the federal free and reduced-price lunch program.²

0/1

4. Reporting on Discipline and Student Attrition Required

Does the state require charter schools to report data on student discipline and re-enrollment rates and make this data available to the public?

Yes. State regulations require annual reporting to the state department of education of all violent and disruptive incidents, as well as student reenrollment. All data must be disaggregated by race and ethnicity. The state also collects student suspension data on an aggregated basis, and requires reporting of all incidents of harassment and bullying. Student suspension data is reported for each school on the state website. [See § 8 NYCRR 119.3.]

1/1

5. Enrollment Preferences to Promote Diversity Allowed

Does the state either explicitly allow or not prohibit charter schools to consider diversity-related factors (such as socioeconomic status or educational risk factors) in their lottery to encourage integration?

Yes. Consistent with the requirements of federal law and with the school design described in the school's charter, a charter school may also establish a single-sex charter school and/or establish enrollment preferences for students at risk of academic failure, students with disabilities, English-learners, or other authorizer-approved at-risk student populations. [See NY Educ. Law § 2854; NYCRR 119.5.]

1/1

6. Charters Encouraged to Serve and Reflect Diverse Communities

Does the state allow charter schools to enroll students from multiple school districts or across a region, without requiring a preference for in-district students?

No. An enrollment preference shall be provided for pupils residing in the school district in which the charter school is located. However, schools are allowed to enroll students from multiple school districts if there is space. [See NY Educ. Law §§ 2851, 2852, & 2854.]

0/0.33

Does the state not restrict charter school location to high-poverty districts or otherwise prohibit charter schools from locating in racially and socioeconomically diverse areas?

Yes. No location restrictions mentioned. However, the state charter school cap includes a sub-cap for New York City that,

as of March 2019, has been reached. No new charters may be issued in New York City unless the cap is raised or removed.

0.33/0.33

Does the state require charter schools to set enrollment targets based on the demographics of the communities served and take steps to reach those targets?

Yes. Charters issued under a request for proposals from the Board of Regents or from the State University of New York must meet or exceed enrollment and retention targets for students with disabilities, -learners, and students eligible for free or reduced-price lunch. The targets, as developed by the Board of Regents and the State University of New York, must be: 1) comparable to the enrollment figures of the same student categories attending the public schools within the school district, and 2) comparable to the retention rates for the same student categories attending the public schools within the school district. [See NY Educ. Law §§ 2851, 2852, & 2854.]

0.33/0.33

7. Unified Enrollment Supported

Does the state require or support unified enrollment systems?

No.

0/1

8. Authorizers Review Diversity of Charter School Enrollment

Does the state require authorizers to consider the diversity of the student body (with respect to categories such as race/ethnicity, socioeconomic status, language, and disability) as part of charter school application and renewal decisions, including an analysis of the charter school's effect

on enrollment demographics in district schools?

Partially.

APPLICATION

The Board of Regents—which is an authorizer and issues charters—and the board of trustees for the State University of New York are required to issue requests for proposals for charter schools and may not consider applications under this process unless the school has demonstrated it will meet established enrollment and retention targets for students with disabilities, English-learners, and free- or reduced-lunch-eligible students. However, the analysis does not require a review of the charter school's impact on district demographics per se, although applicants are required to demonstrate they have addressed comments and concerns from the community to be impacted by the proposed school. Applicants must submit evidence of community support for and interest in the charter school sufficient to allow the school to reach its anticipated enrollment, and an assessment of the projected programmatic and fiscal impact of the school on other public and nonpublic schools in the area. Authorizers are encouraged to give preference to applications that demonstrate the capability to provide comprehensive learning experiences to students identified by the applicants as at risk of academic failure. [See NY Educ. Law §§ 2851 & 2852.]

RENEWAL

Charter renewal may be denied for repeated failure to comply with requests to meet or exceed enrollment and retention targets for students with disabilities, English-learners, and free- or reduce-lunch-eligible students. Provided, however, if no grounds for terminating a charter are established pursuant to this section other than pursuant to this paragraph, and the charter school demonstrates that it has made extensive efforts to recruit and retain such students, including outreach to parents and families in the surrounding communities, widely publicizing the lottery for such school, and efforts to academically support such students in such charter school, then the charter entity or Board of Regents may retain such charter. However, the law does not require an analysis of the school's effect on district enrollment demographics. [See NY Educ. Law § 2855.]

0.5/1

9. Diverse Outreach Plans Required

Does the state require authorizers to consider the diversity of the student body (with respect to categories such as race/ethnicity, socioeconomic status, language, and disability) as part of charter school application and renewal decisions, including an analysis of the charter school's effect on enrollment demographics in district schools?

Partially.

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However, the law does not require an analysis of the school's effect on district enrollment demographics. [See NY Educ. Law § 2855.]

0.5/1

10. Authorizer Accountability Possible

Does the state have the ability to review authorizer performance?

Partially. The state Board of Regents is required to submit an annual report to the governor, the temporary president of the senate, and the speaker of the assembly. The report must include:

- The number of schools and a brief description of new schools, including the number of charter schools closed during the previous year and the reasons;
- Current and projected progress and the fiscal impact on delivery of services by districts with similar characteristics; and
- The academic progress of students attending charter schools, as measured against comparable public and nonpublic schools with similar student population characteristics. [See NY Educ. Law § 2857.]

0.25/0.5

Does the state have the ability to sanction authorizers?

No. However, a charter school may submit an application for a new charter and then merge the other charter schools the organization operates to the new charter entity. [See NY Educ. Law § 2851.]

0/0.5

Other

Does the state include any other notable provisions with respect to diversity, including supports for English Language Learners (ELLs) or students with disabilities (SWDs)?

Under New York law, a charter school is a school within a school district local education agency for special education purposes, with the school district local education agency in which the student resides ultimately responsible for providing special education services as well as creating and evaluating the students' progress on the individualized education program. The law provides charter schools with the choice of whether to provide services directly, hire a third party to provide them, or ask the district to provide them. The law requires districts to provide certain funding to the charter school where the school itself provides such services. [See NY Educ. Law § 2853.]

There are provisions in the law and regulations that provide supplemental high-cost aid for high-cost services for charter schools with students with low-incidence, relatively severe disabilities.

With regard to serving English-learners, applications for admission to a charter school shall be submitted on a uniform application form created by the department and shall be made available by a charter school in languages predominately spoken in the community in which such charter school is located. [See NY Educ. Law §§ 2852 & 2854.]

N/A

Total

6.0/10

Notes

¹ "Transportation to Nonpublic Schools," New York State Education Department, April 21, 2009, <https://stateaid.nysed.gov/trans/nonpublic.htm> (accessed February 5, 2019); and "Handbooks and Manuals: Transportation for Students Enrolled in Nonpublic Schools," New York State Education Department, February 6, 2012, <http://www.p12.nysed.gov/nonpub/handbookonservices/transportation.html> (accessed February 5, 2019).

² "School Meal Legislation and Funding by State, 2016-2017 School Year," Food Research and Action Center, February, 2018, http://frac.org/wp-content/uploads/state_leg_table_scorecard.pdf.