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Poison school pills

By THOMAS W. CARROLL

Will the Legislature do what's needed to qualify New York for some of the \$4 billion in Race for the Top funds?

After months of wrangling, Albany will decide sometime in a 90-minute window on Tuesday, between 3 p.m., when the state Senate reconvenes, and 4:30 p.m., when the state's application is due in Washington, DC.

The federal competition will likely be won only by states that have adopted several education reforms that teachers unions hate, including good charter-school laws and the use of student-achievement data in evaluating teacher performance.

Amid the last-minute brinkmanship in Albany, the New York State United Teachers and its allies, including the so-called Alliance for Quality Education, are trying to insert poison pills into the deal.

Even in Albany, where few things truly shock anymore, NYSUT's brazen cynicism is raising eyebrows:

* NYSUT is trying to reopen the mayoral-control debate, settled last year after tortuous negotiations, by pushing to remove Mayor Bloomberg's authority to locate charter schools in Department of Education facilities.

As the union knows full well, ending co-locations would leave Bloomberg unable to fulfill his pledge to create 100 charter schools in New York City over the next four years.

The Legislature should simply declare the topic of co-location settled and move on.

* The union wants a 5 percent cap on how many public-school students may enroll in charters. Outside New York City, the cap would apply to entire cities; in the city, it would apply to each community school district.

In particular, NYSUT is out to stop many more Harlem parents from choosing charters. That is, the union would deny the underprivileged this hope at a better education.

* NYSUT is also pushing for a law ordering the state comptroller to audit charters -- even though the state Education Department already has the authority to do that, and the state courts have ruled that the comptroller, under the state Constitution, lacks the authority. A similarly fake issue is NYSUT's proposal to subject New York charters to the Freedom of Information Law -- when they always have been.

* It also proposes banning charters from hiring for-profit management firms to help them run their schools. This is a direct attack on Victory Schools and National Heritage Academies, the only two firms offering such services in New York. They happen to run some of the state's best charters -- including Sisulu Charter School in Harlem, which was co-founded by Wyatt Tee Walker, Martin Luther King Jr.'s chief of staff during the civil-rights movement.

NYSUT's real goal is plainly to slow down charter-school growth -- for-profit or not. Proof of this is the fact that it wants to limit fees paid to nonprofit charter-school networks, too. Yet these networks -- like KIPP, Uncommon Schools, Village Academies, Success Academies and Achievement First -- run many

of the city's top-performing public schools in the city.

* It wants charters required by law to have the same "disciplinary process" as regular public schools -- yet many parents like charters because they're tougher on discipline.

* NYSUT & Co. would require charters that aren't unionized (which is most) to set up "shared decision-making" teams akin to the joint labor-management committees required by most union contracts.

The union has raised only one reasonable issue: Charters should indeed serve more students needing special-education services and English- language learners. But its "solution" is another poison pill -- mandating that each charter serve precisely the district average of these special-needs kids -- even though charters are required to admit students through a blind random lottery and thus can't micromanage who attends their schools.

I had to laugh when, at a meeting earlier this week, the United Federation of Teachers

lobbyist raised this issue -- apparently unaware that the UFT's own charter school has relatively small populations of such students.

The right answer is to let charters, almost all of which are small, band together to create consortiums to provide high-quality services to these kids.

State leaders have reached a consensus on truly competing for Race to the Top funds. The challenge over the next week is to make sure that the effort to assemble the needed votes doesn't allow any of these poison pills to slip in - - and take down the whole effort. If NYSUT's lobbyists win, New Yorkers will have lost \$700 million in education dollars and the chance to adopt needed education reforms.

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