



Foundation for Education Reform & Accountability

POLICY POINTS MEMORANDUM

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New York Teachers Unions: A History of Opposition to Public Charter Schools

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While union bosses of the statewide and New York City teachers unions have recently claimed that they don't oppose public charter schools, one can simply review the numerous public comments they've made since the charter-school law was adopted in 1998 to see how teacher unions have continually opposed the creation and expansion of public charter schools, fought to have charter-school funding slashed (including at schools employing unionized and dues-paying teachers), and sued to keep the state's first charter schools from opening.

Additionally, union bosses have made numerous false claims about public charter schools designed to mischaracterize these innovative schools and to turn public opinion against them. These false claims include:

- portraying charter schools as failing academically and lacking innovation;
- discriminating against teachers and students, causing racial segregation and (perhaps most offensive) supporting sweatshops;
- hiring inexperienced teachers; and,
- a risky experiment that is unaccountable and damaging to public education.

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Union Bosses Try To Keep Charter Schools From Opening/Expanding

- “The debate over whether New York will have a charter school law is over. I don't believe anything we might have done could have changed that outcome” (former NYSUT President Thomas Hobart,

NYSUT New York Teacher Magazine, April 21, 1999).

- “NYSUT has opposed previous charter school proposals...We have serious reservations about the impact of these charter schools...We will have to keep a watchful eye on these schools” (NYSUT News Alert, December 18, 1998).

- “The New York State United Teachers union announced last week that it will launch a \$125,000 ad campaign...to put an end to using public dollars to fund and create more charter schools. The union hopes that these advertisements will open up state lawmakers' eyes to the flaws in charter schools” (*L* union bosses have made numerous false claims about public charter schools designed to mischaracterize these innovative public schools and to turn public opinion against them. *Albany Legislative Gazette*, March 12, 2007).

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- “NYSUT had lobbied aggressively against raising the charter school cap” (NYSUT News Wire, December 14, 2006).
- “New York State United Teachers had strongly opposed the [Riverhead Charter] school” (*NYSUT New York Teacher Magazine*, May 21, 2003).
- “[Richard] Iannuzzi’s union...successfully opposed the [Urban] League’s attempt four years ago to open a charter school in Central Islip” (*New York Newsday*, March 21, 2005).
- “NYSUT Second Vice President Walter Dunn...congratulated the Board of Regents for its ‘courageous action’ in voting April 3 to reject four of the 14 charter applications” (*NYSUT New York Teacher Magazine*, April 19, 2000).
- “[NYSUT President Richard] Iannuzzi added, ‘The cap [on the number of charter schools that can open] in effect - for the moment, anyway - is the only real way to hold charters accountable’” (*New York Newsday*, September 3, 2009).
- “I’ll be the first to admit I was one of the staunchest opponents (of charters),” (NYSUT President Richard Iannuzzi, *Albany Times Union*, October 5, 2009).
- “In a direct challenge to the Board of Education’s bold reform effort, the Buffalo Teachers Federation is recruiting board candidates who are opposed to establishing new charter schools” (*Buffalo News*, December 16, 2003).
- “NYSUT will provide assistance and use its resources to...legally challenge [charter school] applications” (*NYSUT Policy on Charter Schools*, March 12, 1999).
- “SUNY approved the applications of eight charter schools, under the Charter Schools Act of 1998...Each chartering entity is mandated, at each significant stage of the chartering process, to provide appropriate

notification to the school district in which the charter school is located...To be meaningful, such notice must be given early in the process...The failure of the SUNY Board of Trustees to comply with the statutory notification requirements must result in both the annulment of the actions taken...and the subsequent issuance of the Charters by the Board of Regents” (*NYSUT et al. v. Board of Trustees of the State University of New York, et al.*, Supreme Court of the State of New York, County of Albany, October 13, 1999).

The Facts: Despite teachers unions’ attempts to prevent public charter schools from opening in New York, by school year 2009-10 there were 140 charter schools in operation serving more than 43,000 students, with 37 more public charter schools approved to open in future years. Demand for public charter schools continues to exceed supply, as an estimated 40,000 students sit on charter school waiting lists in New York City alone with thousands more on waiting lists for schools on Long Island and across Upstate.

Unions: Cut Education Funding for Charter Schools

- “[Former] NYSUT President Thomas Y. Hobart, Jr. [stated] ‘charter schools are a luxury we can no longer afford.’ Hobart praised the Legislature for taking \$6 million from funds targeted towards charter schools and using the funds to help restore the Governor’s cuts to public education... ‘We think its time for the Legislature to put the skids on this very costly experiment’” (*NYSUT New York Teacher Magazine*, June 4, 2003).
- “Charter school tuition payments should be adjusted downward by the same percentage that a public school district’s state aid is reduced” (NYSUT Vice President Alan Lubin, *Testimony on the Proposed Budget for K-12 Education*, January 28, 2009).

- “We cannot continue to force school districts and property taxpayers to absorb the fiscal impact of charter schools in their community for only a handful of children at the expense of most of the state’s students” (NYSUT Vice President Alan Lubin, *Testimony to the NYS Commission on Property Tax Relief*, October 2, 2008).

The Facts: Despite collecting dues from teachers at approximately 20 public charter schools statewide, teachers unions successfully lobbied for less funding for charter schools for the 2009-10 school year, costing charter schools – including those with unionized teachers – a total of nearly \$50 million statewide, limiting the ability of charter schools to hire new teaching staff or to increase teacher salaries. And, the union favors a funding freeze for the 2010-11 school year, too, which will force charters to operate at the same funding level for three consecutive years.

With Facts Against Them, Unions Still Try To Say Charter Schools Fail Academically

- “The failed promise of the charter school experiment too often has been overlooked because of widespread misperceptions... that charters perform better than their public school counterparts. This is not true. Charter school proponents use misleading statistics to suggest success” (NYSUT, *Broken Promise: How the Charter School Experiment Is Falling Short*, December 8, 2006).
- “Not only are charter schools failing to raise student achievement, they are also placing a heavy financial burden on local taxpayers” (NYSUT Vice President Alan Lubin, NYSUT Media Release, February 6, 2006).
- “With almost 100 charter schools established in New York state, there are very few success stories...In other words, most have failed” (NYSUT President Richard Iannuzzi, *NYSUT New York Teacher Magazine*, November 3, 2005).
- “When all of the charter schools in the state are brought into the picture, it quickly becomes clear that the overwhelmingly preponderance of them fall below the average state performance of district schools on the ELA and Math exams. What would best serve the interests of students...is a focus on improving the quality of the education provided by charter schools” (UFT Vice President Leo Casey, UFT EdWise Blog, November 17, 2005)
- “Poor performance occurred despite the fact most charter schools offer a longer school day and a longer school year” (NYSUT, *Broken Promise: How the Charter School Experiment Is Falling Short*, December 8, 2006).
- “There is no conclusive evidence that New York’s charter schools are improving student achievement” (NYSUT Press Release, November 9, 2003).
- “Charter schools do not offer parents and students better choices or results than are already available in public schools” (NYSUT, *Broken Promise: How the Charter School Experiment Is Falling Short*, December 8, 2006).
- “Most high-poverty charter schools, like most high-poverty regular public schools, fail to produce high levels of academic performance” (UFT *New York Teacher Magazine*, April 24, 2008).
- “Richard Iannuzzi, the union’s president, said some charter schools generate lower test scores than neighboring traditional schools, though state data indicates this is more the exception than the rule” (*New York Newsday*, September 3, 2009).
- “Charter schools do no better than unionized public schools” (UFT *New York Teacher Magazine*, April 24, 2008).

- “[The] simple creation of new charter schools does not improve educational performance” (UFT Vice President Leo Case, UFT EdWise Blog, June 15, 2009).
- “Existing charter schools have neither fulfilled their promises nor lived up to expectations” (*NYSUT New York Teacher Magazine*, January 13, 1999).

The Facts: A majority of public charter schools had higher percentages of their students meeting or exceeding state standards on math and English language arts (ELA) exams than their host district each year since 2004. The percent of public charter schools outperforming their local districts has increased each year, and in 2008-09 more than 80 percent of charter schools had a higher percentage of students meeting or exceeding state performance standards for English language arts and mathematics than the average of schools in their host local district. Public charter school students now outperform host-district students in every region of the state: Capital Region (+11 percentage points in ELA, +16 in Math); Western & Central New York (+16 points in ELA, +23 points in Math), Long Island & Yonkers (+17 points in both ELA and Math), and in New York City (+12 points in both ELA and Math). In areas such as Albany, charter schools repeatedly appear as the #1-ranked public school in every tested grade and in every subject.

Union Scare Tactic: Charter Schools Discriminate and Cause Re-Segregation

- “The admissions process allows schools to filter applicants... [Charter schools] often rely on parents to raise funds – which is an incentive to enroll students from wealthy families” (*NYSUT New York Teacher Magazine*, January 13, 1999).
- “We question the marketing techniques and the admissions and enrollment policies that promote universality in words and result in

non-existent English Language Learner student populations, in low Special Education enrollments and below the norm poverty indices in the neighborhoods where the charter schools are located” (UFT Vice President Leo Casey, Testimony to the New York City Council, April 7, 2009).

- “Charter schools pose a number of academic, fiscal and public policy concerns... ‘We must be vigilant that charter schools do not encourage segregation, racism, sexism or exert undue religious influence into ‘public education,’ [NYSUT special projects coordinator Robert] Carillo said” (*NYSUT New York Teacher Magazine*, November 17, 1999).
- “Instead of drawing diverse student populations, charter schools often explicitly appealed to particular groups...or, in other cases, effectively ‘creamed’ students... Charter schools tend to be even more racially segregated than regular public schools. Some charter schools also foster religious segmentation.” (*UFT New York Teacher Magazine*, April 24, 2008).

The Facts: The mission of most public charter schools is to serve at-risk student populations and most are located in the state’s largest urban metropolitan area. Approximately 85 percent of public charter school students are minority, including two-thirds African-American and nearly 20 percent Latino. Three-quarters of public charter school students qualify for the federal free or reduced-priced lunch program. Given the mission of public charter schools, it’s not unusual that the data show them serving higher percentages of minority students.

A 2009 study using data from states that encompass 45 percent of all public charter schools in the nation concluded that “the worst fears of charter opponents regarding student sorting have not been realized. We do not find that charter schools are systematically skimming high achieving students or dramatically affecting the racial mix of schools” (Ron Zimmer, et al.,

Do Students “Cream Skim” Students and Increase Racial-Ethnic Segregation?, National Center on School Choice, Vanderbilt University, November 2009).

Unions Try to Turn Teachers Against Charter Schools

- “Some charters have zero teachers with experience. The majority have very little classroom experience...No attention is being paid to the emotional wellness of the kids. Children don’t know what’s going on or if their teacher is going to be there tomorrow” (*NYSUT New York Teacher Magazine*, April 4, 2008).
- “[Charter schools] have hired mostly novice teachers” (*NYSUT New York Teacher Magazine*, October 6, 1999)
- “Many charter schools have...tried to employ teachers without providing them with any rights, career track or fairness” (Former UFT President Randi Weingarten as quoted in *The Chief Leader*, July 11, 2008)
- “[Charter schools] have...created a separate entity where the staff doesn’t have any of the rights or guarantees that are afforded to the teachers in the public schools” (NYSUT President Richard Iannuzzi as quoted in *The Chief Leader*, June 1, 2007).
- “Due process and democracy and voice was the typical foundation for public education. [Charter schools] do the exact opposite... Hopefully [charter school] teachers...will want to be organized. And we’ll fight that battle” (Former UFT President Randi Weingarten as quoted in *The Chief Leader*, January 13, 2006).
- “There is no voice for teachers, parents and students. Denied the right to voice and democratic citizenship in those schools, their sole choice is to exit to another school: all power remains with the charter school operator...There are charter schools

operators that are functioning like the 21st century Wal-Mart equivalent of George Wallace standing in the school house door, antagonistically...fighting at every turn efforts of teachers to gain a voice in the their schools” (UFT Vice President Leo Casey, UFT EdWize Blog, July 31, 2007).

The Facts: Under the federal No Child Left Behind Act, all public schools – traditional district-operated and charter schools – are required to have “high-qualified” teachers.

As noted in the academic section above, more than 80 percent of public charter schools outperformed their local district schools in 2009-10, lending support to the claim that charter schools are recruiting excellent teachers who are getting results with some of the state’s most disadvantaged student populations.

New York law guarantees that public charter school teachers have the right to form a collective bargaining unit at any time and mandates it for charter schools opening with more than 250 students in their first year of operation and for all traditional district schools that convert into charter schools.

Up is Down In Their World: Unions Try To Claim Charter Schools Are Unaccountable

- “Charter school management makes it clear...that it wants two separate school systems in New York - one that is fully accountable to the public and one that is not” (NYSUT President Richard Iannuzzi, *NYSUT New York Teacher Magazine*, January 25, 2008).
- “Charter schools are not being held accountable...” (NYSUT, *Broken Promise: How the Charter School Experiment Is Falling Short*, December 8, 2006).
- “We will have to keep a watchful eye on these schools. Evidence is building...calling into question the value of charter schools” (*NYSUT New York Teacher Magazine*, January 13, 1999).

- “Public schools are performing better and are more accountable than charter schools” (NYSUT, *Broken Promise: How the Charter School Experiment Is Falling Short*, December 8, 2006).
- “Charter schools are still experimental and there have been some fiascoes. In four states, charter schools have been closed for mismanagement, fraud or educational malpractice. In Arizona, which has a very weak law, charter schools are sold like McDonald’s franchises” (NYSUT Vice President Alan Lubin, *Albany Times Union*, December 17, 1998).

The Facts: Charter schools are public schools and must meet the same state learning standards as other public schools and administer the same state assessments. Financial and academic performance data on public charter schools are readily available to the public from the State Education Department’s website, which includes annual report cards for charter schools in addition to traditional district schools. These report cards include information on academic performance, class size, teacher turnover, demographics of the student population being served, and student stability rates, among other items. The State University of New York’s Charter Schools Institute and New York City Department of Education also post public charter schools’ annual financial audits and inspection and renewal reports on the internet. The New York State Charter Schools Act mandates that the Board of Regents publish annual and lengthier five-year charter school reports detailing charter school enrollment, academic performance, and financial information; they, too, are made available online.

Public charter schools already comply with open meetings and freedom of information laws in the same manner as do school districts. Financial disclosure, code of ethics, and conflict of interest declarations already are part of each charter-school application. State charter authorizers and the State Education

Department conduct annual program audits and visits of each public charter school in the state. And public charter schools face the ultimate accountability not even dreamed of by district schools: if students aren’t learning, the school can be shut down. Even given this unheard of level of accountability, charter-school advocates recently encouraged passage by the state Senate of a bill that would ensure that the same code of ethics and financial disclosure requirements for elected officials at all levels of municipal government would also apply to public charter school board members, saying that this watchfulness is appropriate even though charter school board members are unpaid private citizens, not public officials.

The “Big Reach”: Charter Schools Support Sweatshops

- “NYSUT and the state Labor-Religion Coalition are sounding the alarm over a recent report that links a popular school-uniform clothing line sold at Wal-Mart to a Bangladeshi factory that forces its workers to labor in extreme sweatshop conditions... Students attending charter and private schools are often required to wear uniforms, and sometimes schools will list acceptable brand names and the stores where uniforms can be purchased in guidelines sent home to parents... Wal-Mart often attends charter school conventions.” (NYSUT *New York Teacher Magazine*, December 4, 2008).

The Facts: Come on.

Never Mind That Students Perform Better – Unions Say Charter Schools Damage Public Education and Lack Innovation

- Charter school have “damaged urban school districts by diverting resources from under-resourced schools, driving up local property taxes without the consent of local residents and wreaking havoc on the planning and operations of affected school districts”

(NYSUT, *Broken Promise: How the Charter School Experiment Is Falling Short*, December 18, 2006).

- “The continued sanctioning of charter schools by the Board of Regents is destroying Buffalo Public School students’ education...Our children’s education is being devastated” (Buffalo Teachers Federation President Philip Rumore, *Memo to Board of Regents*, February 7, 2003).
- “Charter schools plunder the public school system” (CSEA Nassau Local 865, *Out of Balance*, November 20, 2001).
- “Charter schools were originally designed and supported as places where innovation and experimentation would take place...They aren’t doing anything different...” (NYSUT President Richard Iannuzzi, *Jamestown Post Journal*, March 11, 2009)

The Facts: Public charter schools are positively transforming the traditional public education system in New York State and are receiving national attention from prominent public-education supporters such as the Bill & Melinda Gates Foundation for doing so.

According to Allan Golston, president of the Gates Foundation’s U.S. Program, “Already, we’re seeing entire school systems transformed by the presence of charters within them. Look at what is happening in Albany, New York....When [charter] schools started operating a decade ago, we began to see some interesting things happen: One of the public elementary schools that found itself situated in the middle of five nearby charter schools that require school uniforms... began requiring uniforms. We saw the first closure of a low-performing district school – one that happened to be situated across the street from the highest performing charter school. When parents and the school board saw that the charters were exceeding the district school day by two to three hours a day, they approved the first lengthening of the school day since the district was created in the mid-1970s. And, most importantly, there was an overall rise in district elementary and middle-school test scores” (*Remarks to the National Alliance for Public Charter Schools*, Washington, D.C., June 22, 2009).

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The Foundation for Education Reform & Accountability is an independent, nonprofit, research organization dedicated to improving education in New York State by promoting accountability, stimulating innovation, and supporting school-choice efforts across the state.