



The NYS Constitution and Public Education

The NYS Constitution states “The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated.” (Article XI, §1)

Therefore, the NYS Constitution mandates that our system of “free common schools” not be undercut by the diversion of funds to alternative “choice” school options such as charter schools, vouchers or education tax credits.

Charter Schools	
Accountability – <ul style="list-style-type: none">In the US and in NYS, charter school student achievement on average, shows no improvement over public-school student achievement.The NYSED school report cards show that charter schools are more segregated and serve fewer students with high needs than traditional public schools.Since charter boards are not elected by taxpayers, this is taxation without representation.Charter schools were legislated to be education innovation centers that would develop strategies that could be used in traditional public schools. Charter schools have not met this charge.	Funding <ul style="list-style-type: none">A comprehensive report detailing the effectiveness of Charter schools was required to be completed by SED as part of the Office of Charter Schools grant. A report due in 2014 has yet to be produced even though Charters have been operating for more than 20 years.Students returning to public school districts from charters, particularly in the mid to latter quarters of the school year, disrupt the instructional and financial stability of these districts.Research indicates community schools utilize best practices for providing equity in education. The state must find a sustainable funding source for community schools. Finite resources within districts do not exist to support both community and charter schools. (Source: NYSSBA research report; Simidian/Albert, 11/2016).
Vouchers	
Accountability – <ul style="list-style-type: none">Vouchers give dollars directly to families through voucher programs that allow them to choose the school that they believe is best for their child.Vouchers would allow students to attend parochial schools, thus violating the NYS Constitution article that “prohibits the use of public property or money to support any school or institution of learning wholly or in part under the control or direction of any religious denomination.”Like charter schools, the taxpayers have no oversight over how voucher dollars are spent.	Funding – <ul style="list-style-type: none">The facile of the voucher idea is that all parents would be able to navigate the voucher program process and make an informed choice for their child.It has been shown that vouchers do not cover all of the necessary costs associated with voucher programs thus eliminating the neediest families.It is well documented that vouchers do not ameliorate the issues of poverty or equity but would more likely be used by families already accessing the private school system.Vouchers, if allowed for religious schools, violate our NYS Constitution, as currently written.
Education Tax Credits	
Accountability- <ul style="list-style-type: none">Education tax credits allow a dollar-for-dollar credit from state income taxes for contributions to school districts, education foundations and scholarships by individuals and businesses.There is no legal obligation or expectation that NYS support non-public sectarian schools or help private schools solicit donations.	Funding – <ul style="list-style-type: none">Individuals and businesses with the resources to participate in education tax credits can receive a significant tax reduction which results in a loss of state income tax revenue to support public education.These donations can be given to private and parochial schools to provide students scholarships which circumvents the NYS Constitution as currently written.

Until our public schools are provided with the necessary means to help ALL children succeed, the NYS Legislature should NOT fund school choice options that divert critical resources away from public schools.

Data in support of the MCSBA position on School Choice

Charter Schools

- When charter school advocates took NYS to court to challenge the constitutionality of how states fund charter schools, they contended that, they too, were “free common schools.” However, the State Appellate Court disagreed.
 - In fact, the judges in reversing an order by the State Supreme court to allow the suit to continue, concluded that charter schools are a “different legal creation from traditional public schools” and charters independence to exclude some students and their exemptions from rules and regulations mean that they can’t use the Education Article as a basis for their lawsuit.
 - Further, the judges said; “To the contrary, to divert public education funds from the traditional public schools and toward charters would benefit a select few at the expense of the “common schools.”
- In a recent Phi Delta Kappa poll (PDK Poll, September 2020), “6 in 10 adults and 7 in 10 public school parents call public education highly important in their vote for president this November.” They also indicated their opposition for adding charters schools if it meant reducing funds to public schools. According to PDK, this opposition was “higher and more intense” in this poll compared to last years.
- A National School Board Association survey from late 2019, found that 65% agree, including 51% strongly agree that local school boards should have oversight of charter schools like they do over public schools since they are taxpayer funded. Finally, 75% of those polled agreed that money should not be taken away to fund private, religious or homeschooled entities. <https://www.nsba.org/News/2020/state-of-the-union-statement>
- In a March 2019 Quinnipiac poll, 40% polled were in favor of charter school expansion and 50% were opposed. This is almost the opposite response to the same question in 2015. (Source: Paul Heiser, NYSSBA) <https://poll.qu.edu/search-releases/search-results/release-detail?What=&strArea=&strTime=28&ReleaseID=2607#Question016>