



# 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.**

<p><b>Charter Schools</b></p>	
<p><b>Accountability –</b></p> <ul style="list-style-type: none"> <li>• In the US and in NYS, charter school student achievement is, on average, no better than public school student achievement.</li> <li>• Studies clearly show that charter schools are more segregated and serve fewer students with high needs than traditional public schools.</li> <li>• Audits have shown charter boards put taxpayer dollars at significant risk. Since charter boards are not elected by taxpayers, this is taxation without representation.</li> </ul>	<p><b>Funding –</b></p> <ul style="list-style-type: none"> <li>• Charter schools were initially legislated to be education innovation centers that would develop achievement strategies that could be use in traditional public schools. Charter schools have not met this charge.</li> <li>• After 20 years in existence, charter schools compete with public schools for funding, but are still allowed flexibilities and freedoms that traditional public schools do not get.</li> <li>• If NYS wishes to continue a separate “school choice” option then charter school funding and function should follow the current private school regulations.</li> </ul>
<p><b>Vouchers</b></p>	
<p><b>Accountability –</b></p> <ul style="list-style-type: none"> <li>• Vouchers give dollars directly to families through voucher programs that allow them to choose the school that they believe is best for their child.</li> <li>• Vouchers could 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.”</li> <li>• Like charter schools, the taxpayer would have no oversight on how these dollars are used.</li> </ul>	<p><b>Funding –</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• It has been shown that vouchers do not cover all of the necessary costs associated with voucher programs thus eliminating the most needy families.</li> <li>• 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.</li> <li>• Vouchers, if allowed for religious schools, would violate our NYS Constitution.</li> </ul>
<p><b>Education Tax Credits</b></p>	
<p><b>Accountability-</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• There is no legal obligation or expectation that NYS support non-public sectarian schools or help private schools solicit donations.</li> </ul>	<p><b>Funding –</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• These donations can be given to private and parochial schools to provide students scholarships which would circumvent the NYS Constitution.</li> </ul>

**Until our public schools are provided with the necessary resources to help ALL children succeed, the NYS Legislature should NOT allow funding to be diverted to support other choice options.**

# 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.
- Even 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.”
- The NAACP has called for a moratorium on new charters, local oversight and increased transparency of current charter schools among other reforms.

<http://www.naacp.org/latest/statement-regarding-naacps-resolution-moratorium-charter-schools/>

- The NAACP and many other studies have shown that charters increase the segregation in communities that already suffer from high concentrations of poverty and segregation.
- This holds true for the charter schools in Monroe County. Every current charter school in our area reflects an increase of segregated populations of students to a varying degree dissimilar to the Rochester City School District student population. Three charter schools fit the definition of hyper-segregated (80% African American) serving only 58 white students across the three schools. Source: MCSBA and ([www.data.nysed.gov](http://www.data.nysed.gov))
- In the August 23, 2017 edition of “Education Week”, a new poll indicated that public support for charter schools has significantly decreased with support from African-American respondents falling from 46% to 37% and from 44% to 39% among Hispanics.
- In a study reported by “U.S. News and World Report” published in March, 2016, researchers from UCLA’s Civil Rights Project, cited that charter schools suspend students at a much higher rate than non-charter schools, some by over 70%. Charter schools are not obligated to serve the students they suspend.

[https://ampersand.gseis.ucla.edu/knowledge-that-matters-ucla-civil-rights-project-study-finds-higher-rates-of-student-suspensions-in-charter-schools/?\\_ga=2.68484754.2036743917.1507056730-556877891.1507056730](https://ampersand.gseis.ucla.edu/knowledge-that-matters-ucla-civil-rights-project-study-finds-higher-rates-of-student-suspensions-in-charter-schools/?_ga=2.68484754.2036743917.1507056730-556877891.1507056730)

- Both the Federal and State education departments have acknowledged that charter schools do not accept or retain students with disabilities or English language learners at near the percentages of the public school population.
- The Federal Inspector General’s Office determined last year that charter school relationships with charter management organizations posed a significant risk to USED program objectives. They also reported that the Education Department “did not have effective internal controls to monitor, evaluate and mitigate risks, nor did it ensure that the states’ department of educations were overseeing charter schools and their management organizations.”  
<http://www2ed.gov/about/offices/list/oig/whatsnew.html>
- The NYS Comptroller has cited through charter school audits this lack of control as well. However, it is important to note the Comptroller has indicated in some of these charter school audits that further investigation was impossible because “officials claimed the information was private and proprietary.” This lack of scrutiny further enables charter management companies to pass through tax payer dollars without accountability for their use.

## Vouchers

- Scientific American studied the scientific research on vouchers and found that vouchers have “mixed to negative academic outcomes and, when adopted widely, can exacerbate income inequity.”

<https://www.scientificamerican.com/article/trump-administration-advances-school-vouchers-despite-scant-evidence/>

- Two researchers, one from Harvard and one from Stanford, concluded from their research that high income families increasingly live either in suburbs with expensive housing or enroll their children in expensive nonsectarian private schools. Meanwhile, low-income students remain disproportionately concentrated in high poverty public schools. Their view is that vouchers will not alter this pattern because they are not likely to provide enough money to allow access to the better schools. They found in their research of voucher programs in Louisiana, Ohio, Indiana and DC that the schools that accepted vouchers were of lesser quality than the nearby public school.

Source: Education Week, September 20, 2017.