Still Unequal After All These Years

For years the charter school sector in New York City has ignored its moral and legal duty to enroll a representative segment of the neediest students in New York City. In January 2010 the United Federation of Teachers issued a report that showed how far short the sector as a whole had fallen from this goal.

Six years later, charters have still not met this obligation, continuing to enroll a far smaller percentage of English Language learners, special education and other categories of needy students than the public schools in their neighborhoods.

Today the UFT is calling on the Legislature to enact legislation that will require taxpayer-funded charters and charter chains to accept and keep comparable numbers of high-needs students as traditional public schools. If they fail to do so they would risk penalties ranging from reductions in state funding to denial of charter renewals, expansions or new schools and – for repeated offenses -- forfeiting their charters.

UFT President Michael Mulgrew said: “For years the charter industry in New York City has pledged to try to educate all kinds of students, whatever their needs. It has since become clear that these were empty promises. The parents and children of New York City have waited long enough. We need laws with teeth that will compel charters to face the same difficult task as the public schools to which they constantly compare themselves.”

Using official figures, the 2010 report found that as a group public schools enrolled four times as many English Language Learners and about 40 percent more special ed children than did the charter schools.

![Chart](chart.png)

Latest figures demonstrate limited progress

Figures from 2014-15 show that large gaps still exist. District schools on average still enroll more than twice as many ELL students as charters, and more than one-third as many students with disabilities.

Two categories not included in the 2010 analysis but now available — self-contained special ed and homeless students — also show that charters fail to serve many of our neediest students.

In terms of children in the most severely challenged category of special education -- those in self-contained classrooms -- charters are woefully under-represented, with on average fewer than one percent of their students in this category vs. 6 percent in the public schools.

In 2014-15 students in temporary housing -- living in shelters or doubled up with relatives -- represented on average almost 14 percent of the public school student body, but fewer than nine percent of charter students.

Wide disparities among schools in the same building

The needs gap is particularly striking in buildings in which public and charter schools are co-located; theoretically such co-located schools would draw their students from the same neighborhood, and should reflect nearly identical student body profiles.
However, according to 2014-15 figures, in such co-located structures, public schools on average have more than twice as many ELL students as the charters in the same building, one-third more special education students overall and far larger numbers of the highest-need special ed pupils. Co-located public schools on average have forty percent more homeless students than the charters that share their space.

**Legislation would ensure that charters meet targets**

Under the proposed legislation, each charter would have to report monthly to both the school district and the state on the number of ELL, special education and other categories of students enrolled in the school.

The legislation would also provide a mechanism to ensure that charter schools not only admit but retain appropriate numbers of students in each high-needs category. If, because of attrition or disciplinary action, the number of students in each high-needs category falls below a charter school’s target, the local district superintendent would have the power to fill the empty seat with an appropriate student.

Charters that refused to meet their targets for meeting their targets for high-needs students could be fined and – for repeated offenses – lose their charters.

Violation of these and other provisions of the proposed law would not only put an individual school charter at risk, but would also prevent the expansion of other charters that are part of its chain or use the same management company.