



**Statement of Education Law Center
On Senate Bill 3309
January 5, 2018**

Thank you for the opportunity to testify on Senate Bill 3309, which amends the provisions of the Urban Hope Act (UHA) applicable to the Camden Public Schools (CPS). Education Law Center submits this statement in our capacity as counsel for the school children in Camden and other urban districts in the landmark *Abbott v. Burke* education equity litigation.

We want the record before this Committee to reflect ELC's opposition to this bill in the strongest terms possible. As we explain, the amendments to the current UHA contained in this bill will have profound negative consequences for the governance, delivery and funding of public education for Camden children not just over the next few years, but for generations.

First, the amendments broaden the current definition of "urban campus area" from a 1.5-mile radius from the sites of the initial charter schools operated by the New York-based KIPP and Uncommon and Philadelphia-based Mastery charter networks to any of the charter schools designated by KIPP, Uncommon or Mastery. Instead of circumscribing charter operation to particular neighborhoods, the amendments would delegate authority to KIPP, Uncommon and Mastery to open additional schools across the entire city, with no limits. This amendment effectively green lights the State-operated CPS to close not just a few, but all or most district-operated schools, and then consign all or the vast majority of Camden students to attend a KIPP, Uncommon or Mastery-run school. Bottom line: this amendment delegates the authority and responsibility for the education of most, if not all, Camden school children to three private charter chains, with scant accountability to Camden parents, residents, voters and taxpayers.

Second, the amendments change the current requirement that KIPP, Mastery and Uncommon expand only in facilities that the charters have built new or substantially reconstructed on their own. This amendment would allow KIPP, Uncommon and Mastery to open additional schools in any facility that is new or substantially reconstructed within five years, regardless of whether the charter networks financed the construction themselves. Even worse, the amendment would allow the State-operated CPS to transfer to KIPP, Uncommon or Mastery operation of any of its facilities that are newly built or renovated by the NJ Schools Development Authority (SDA) through the taxpayer-funded Abbott school construction program.

Let's be clear – the amendments contained in this bill are intended to permit the State-operated CPS to transfer, after construction by the SDA, operation of the brand new Camden High School to either the KIPP, Uncommon or Mastery charter chains. The SDA is now constructing the new Camden High for the district at a cost to New Jersey taxpayers of \$130 million. It would be a flagrant fraud upon the *Abbott* court rulings, the Abbott school construction program, the SDA, and NJ taxpayers if the SDA builds the new Camden High public school, only to have CPS hand the facility over to a non-public, private entity.

Third, there are a host of crucial issues regarding the operation of KIPP, Uncommon and Mastery – and their relationship with the State-operated CPS – that must be examined before the Legislature should even consider allowing these charter chains to expand in Camden. How many schools do these chains operate now, and how many students do they serve? What plans do they have for expansion in the near future? Are they using public school funding effectively and efficiently? Are they serving students with needs comparable to those of children being educated in district schools? What impact is the growth of KIPP, Uncommon and Mastery

having – and will have – on LEAP Academy and the other, pre-existing, “home-grown” Camden charters? What impact is the loss of funding through charter payments to KIPP, Uncommon and Mastery having on the funding and resources available to students in district schools? Are these charter chains causing student segregation by disability, language proficiency and other special needs? What can be done to bring about more accountability and transparency in the operation and impact of these charters? How do we prevent the creation of two separate, segregated and unequal systems of public schools in Camden, in violation of the guarantee of a thorough and efficient education in the New Jersey Constitution?

Finally, and most importantly, the implications, unanswered questions and long-term impact of this bill are too significant and serious – if not dire – for fast-track consideration only by the Senate Budget Committee in a lame duck session. Frankly, it is nothing short of a disgrace – and an affront not only to Camden residents but to taxpayers across the state – that this bill isn’t being given a full and fair hearing in the respective Education Committees, with an opportunity for Camden parents and residents and the Murphy Administration – which must implement the program – to both fully digest the bill’s short- and long-term implications and be afforded a meaningful opportunity to weigh in on the bill’s merits.

We urge you, in no uncertain terms, to flatly reject this bill. Thank you