



EDUCATION LAW CENTER STATEMENT ON SENATE BILL 2722

JUNE 18, 2018

Thank you for the opportunity to testify on Senate Bill 2722, 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 schoolchildren 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. It also violates federal privacy protections for the use and maintenance of student records.

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, as intended in original legislation, 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.

The bottom line is this amendment delegates the authority and responsibility for the education of most, if not all, Camden schoolchildren to three private charter chains, with scant accountability to Camden parents, residents, voters and taxpayers.

Second, the amendments would place upon the Camden district superintendent the responsibility to implement not only an enrollment process for district schools, but also State-approved charter and renaissance schools. The expense, cost and administration of this so-called “common system” of enrollment would be imposed upon the district, even though the Camden superintendent has no control, authority or responsibility under law for supervision and performance of charter and KIPP, Mastery and Uncommon renaissance schools. Further, a common system is antithetical to the very purpose of renaissance schools: to serve only students residing in their “catchment” areas or neighborhoods, not the entire city. Put simply, the superintendent should not have the responsibility to operate an enrollment process for schools over which the district has no control or authority in order to facilitate the “flow” of students into the KIPP, Mastery and Uncommon charters.

Finally, the amendments would allow the Superintendent to outsource the common enrollment system to what is described in the bill as a “separate entity.” On its face, this raises serious, unprecedented and troubling concerns with handing over to an unaccountable private entity the performance of the all-important task of assigning students to attend specific schools. Even worse, this function would require the district to hand over student personal records to a third party. Doing so raises significant issues under the Federal Education Records Privacy Act (“FERPA”), 20 U.S.C. § 1232g; 34 C.F.R Part 99. Because this proposal would grant a private entity direct control over student records, requisite notice to parents or eligible students, and imposition and monitoring of confidentiality protections and limitations governing the use and disclosure of these records, such a plan would violate FERPA

Finally, 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 is the impact of the growth of KIPP, Uncommon and Mastery 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?

The implications, unanswered questions and long-term impact of this bill are too significant and serious – if not dire – for fast-track consideration in the last minute rush to fashion a State Budget. Frankly, it is 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, with an opportunity for Camden parents and residents 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.