

Liz Krueger:
Standing Up and Speaking Out
New York State Senate, 26th District

COMMUNITY BULLETIN – May 2010

Table of Contents

- **MESSAGE FROM LIZ**
- **COMMUNITY SPOTLIGHT**
 - Unemployment Forum
 - A Mother's Day Reminder
 - Statement on the Discovery of Explosives in Times Square
 - Statement on Anti-Immigrant Legislation Passed in Arizona
 - Construction of Tennis Bubbles in Central Park Stopped
 - Free Energy Survey, Incentives and Rebates
 - Free Cell Phones for Low-Income New Yorkers
 - Disabilities Symposium on May 13th
 - Shalom Tenants Association Meeting May 20th
 - Assistance Dealing with Mortgage Issues with Chase Bank
 - New Health Insurance Protections for Seniors
- **SPOTLIGHT ON POLICY**
 - Public Corruption Prevention Act
 - Styrofoam

Message from Liz . . .

On Monday, May 3, the Senate passed legislation (S7678) changing the rules for charter schools in New York. Although this bill surfaced, on Friday evening (April 30), just three days prior to the vote (wrongly skipping past the review of the Education Committee), I received a great deal of calls and e-mails from constituents expressing both support and opposition to the bill. I decided to vote against the bill due to several fundamental and critical flaws with this legislation. The rhetoric by supporters and opponents of charter schools can be intense. Even some of my colleagues attacked each other, falsely claiming this bill was needed to insure the State could receive Federal Race to the Top funding or would prevent teacher layoffs. In this month's community bulletin I want to explain, in detail, why I debated and voted against this bill, despite my leadership's request for a vote in support.

The issue of how to best educate our children is a critical one, so it is not surprising that people have strong opinions on what is happening in the public school system and about the role charter schools should play in

this equation. The determination about the best solutions should be driven by empirical evidence, not by who has the best-connected lobbyists – whether that be support of the legislation by for-profit charter operators or opposition by teachers unions.

As far as I am concerned, the only valid standard by which to judge schools is whether they work. For this reason I remain open-minded but vigilant regarding charter schools. Studies indicate that their results vary greatly from school to school. The New York Times had an excellent article on both the successes and failures of Charters – here is a link: <http://www.nytimes.com/2010/05/02/education/02charters.html>.

As a careful listener to my constituents who are parents with children in NYC's public school system, I do find it ironic that the growing complaints I hear most frequently (from parents and teachers) is that the current public system has lost its ability to be innovative and creative and recognize that one size does not fit all. There is too much pressure to just “teach to the test” and not enough focus on “teaching children how to learn for themselves.” Yet, this is exactly what the City Department of Education and charter school operators claim is working in their alternative schools. *Confused?* Me too. This seems all to get lost in the rhetoric.

What I do know is that the research shows that schools (public and charters) which are provided careful oversight and evaluation are better schools. So, in order to support legislation expanding charter schools I need to see a bill which includes:

1. Clearly established standards for evaluation of finances and student outcomes.
2. Precise rules determining who has the authority to close charter schools which aren't working. NYC currently has several who are regularly investigated by the media, but not by the Department of Education.
3. An unbiased model to compare students enrolled in one type of publicly funded school versus another, with strong protections against one set of schools ending up with all the hardest-to-serve children (special needs, learning disabilities, English Language Learners, etc.).

Remember the fundamental premise of the Supreme Court Decision *Brown v. Board of Education*: “Separate is *not* Equal.”

Unfortunately, the bill which came to the floor this week (S7678) did not pass my tests.

My additional concerns with this bill:

- It continues to permit for-profit operators of charters. Again, in a recent story, the NY Times recently covered the problem of charter operators who put profit before students:

<http://www.nytimes.com/2010/04/24/education/24imagine.htm>.

- It does not include adequate oversight to ensure charters are financially- and educationally-sound. I know of no other situation in which hundreds of millions of public dollars can be contracted out with no government authority to audit the books.

- Allows for the potential to “warehouse” special needs children at a separate site from the main charter school. It would even allow multiple charters to serve special needs children in some shared location far away from their community. This option would make it far less likely for charters to attract applications from special needs children, whose parents would be justifiably concerned.

- It does not address issue of co-location in overcrowded school buildings, which has resulted in pitting parent-against-parent in NYC’s school system.

- Creates a loophole which could allow giant charter school operators to set up a completely separate, parallel school system.

If our goal is to provide free, quality education to all of New York’s children then we must legislate measures which will help all children, not just some. The growth of charter schools should not come at the cost to public school resources, nor should we allow a parallel system in which operators can “cream” the best/most likely to succeed students out of the public school system. Unfortunately, in the current system, these things can, and do, happen. I firmly believe that charters and other public schools can function effectively together, but we must make sure that the laws equitably address making all schools better. If we continue to pit charters against other public schools, then it’s a zero-sum game.

Finally, the time-sensitive challenge facing us is the need to pass legislation which increases our chances of competing for one-time “Race to the Top” funding. Among the issues not addressed by S7678 which hurt our initial “Race to the Top” application were: inadequate data systems for tracking student improvement, lack of an adequate system for closing failing schools, and lack of flexibility for teacher evaluations and procedures for removal of ineffective teachers. All of these issues will need to be addressed if we are to compete for this funding. This will require

that all parties – including teachers and charter school operators – be at the table.

Therefore I can support an increase in the cap on charter schools, but only if the legislation, in doing so: 1) establishes clear mechanisms for government to review the books, evaluates outcomes and takes action when problems are found; and 2) provides protections against creating a dual system in which charters serve the most likely to succeed, leaving the public schools with less funding and disproportionate responsibility for those most in need. Unfortunately, the bill which was brought to the floor on May 3 did not meet these goals.

Community Spotlight

Senator Liz Krueger

Presents:

Unemployment Benefits: What You Need to Know

Hear from representatives from
the New York State Department of Labor,
the Department of Insurance and
the National Employment Law Project.

***When: Wednesday, May 19th
6:00 – 8:00 PM***

***Where: Marble Collegiate Church
1 West 29th Street***

Informational tables will also be available for the following groups:

F.E.G.S. - Career Transitions
Lenox Hill Neighborhood House
Citywide Health Insurance Access Office
NYC Department of Consumer Affairs
Office of the State Comptroller

No RSVP necessary.

For further information, please contact Zach Gamza at
zdgamza@gmail.com or at (212) 490-9535.

A Mother's Day Reminder

This year on Mother's Day, when we take the time to honor the women who have done so much to care for others, we must remind these same women to take care of themselves by getting regular mammogram screenings. Breast cancer is the second leading cause of death for women, and while many women schedule regular screenings – including self examinations – more than 41,000 women die annually from this disease.

If you, or the mothers/women you love, do not have insurance or cannot cover the cost of a mammogram, there are services which can help. Both **Project Renewal** and the **American Italian Cancer Foundation** offer a mobile mammogram van service where medical professionals will provide mammogram screenings at no cost for women over 40 who have not received a mammogram screening in the past 12 months. Appointments are necessary. Please call each organization for additional information.

American Italian Cancer Foundation

(800) 453-8378, ext 1

Monday, May 17, 9AM – 4PM

Lenox Hill Neighborhood Senior Center
343 East 70th Street

Monday, May 24, 8AM – 3PM

P.S. 84

32 West 92nd Street

Project Renewal

(800) 564-6868

Monday, June 7, 12:30PM

New Providence

225 East 45th St

Monday, June 21, 2010

Park Avenue Armory, Lenox Hill

643 Park Avenue

Statement on the Discovery of Explosives in Times Square:

The prevention of a potential car bomb attack in Times Square earlier this month highlights the continued need for vigilance in protecting New Yorkers from terrorist attacks. All New Yorkers owe a debt of gratitude to both the vendor who reported the suspicious vehicle and to law

enforcement officials who acted to neutralize the threat, investigate the incident and quickly identify and arrest the prime suspect.

Statement on Anti-Immigrant Legislation Passed in Arizona:

Last week Arizona passed a State law which poses a serious threat to the safety and prosperity of all Americans, calling attention to the great need for national immigration reform.

Arizona's new law puts many Americans' basic freedoms at risk by promoting the use of racial profiling as a method for determining reasonable cause. Such policies will not only lead to unnecessary harassment based on skin color but will also erode the trust between law enforcement officials and the communities they serve.

As a State Senator in New York City, I am reminded every day that the United States was built on the dreams of those who immigrated here and these dreams have led to amazing prosperity within our country. To protect these resources which continuously strengthen our economy, we must enact national immigration reform.

Construction of Tennis Bubbles in Central Park Stopped:

I am happy to report that after I and several Senate colleagues wrote to the New York City Department of Parks and Recreation expressing our opposition to plans to construct four 35-foot high tennis bubbles in Central Park between the Reservoir and the North Meadow, the Parks Department withdrew its request for bids on the proposal. A coalition of environmental, preservation, and park advocacy groups had also expressed their opposition to this proposal. In my letter, we expressed a number of concerns regarding the private use of park space; the environmental impacts of the proposal, which would have impacted air quality due to the use of diesel generators for power for the bubbles; and significant effects on views both from and into the park.

Free Energy Survey, Incentives and Rebates:

Con Edison has a multi-family energy efficiency program for buildings with 5-50 dwelling units and the units in those buildings. Rentals and co-op/condo units are eligible. Benefits include free fluorescent bulbs, low-flow showerheads, and rebates on energy efficient refrigerators and air conditioners. Buildings can also receive rebates for replacing outdated boilers, lighting systems, and other equipment. Both buildings and units are eligible for free energy surveys to identify energy efficiency improvements and eligibility for incentives. For more information, visit www.conEd.com/energyefficiency or call (877) 870-6118.

Free Cell Phones for Low-Income New Yorkers:

Low-income individuals and families may be eligible for free cell phone service through the Assurance Wireless program offered by Virgin Mobile. You may qualify for Assurance Wireless if you participate in any of the following government programs: Medicaid, Food Stamps/SNAP, Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), Federal Public Housing Assistance (FPHA), Section 8, Low Income Home Energy Assistance Program (LIHEAP), National School Lunch Program's Free Lunch Program or if your household income is at or below 135% of the Federal poverty guidelines. The program offers a free Assurance Wireless phone, 200 FREE minutes each month for local and domestic long-distance calling, FREE voicemail, call waiting, caller ID and 911 access. Call (888) 898-4888 to apply.

Disabilities Symposium on May 13:

Borough President Scott Stringer is hosting an event entitled "Bridging the Divide: A Symposium on Living with Disabilities" which will take place on Thursday, May 13, from 1:30 to 4:00PM at Selis Manor, 135 West 23rd Street (between 6th and 7th Avenues). To RSVP or for more information, call Jessica Hall at (212) 669-4519 or e-mail jhall@manhattanbp.org.

Shalom Tenants Alliance Meeting May 20:

On Thursday, May 20, from 6:30 – 9PM, the Shalom Tenants Alliance will be holding an organizing meeting for tenants living in buildings owned by the Shaloms. The meeting is aimed at providing guidance in organizing your buildings to address harassment, violations and any other issues occurring in these buildings. The meeting will take place at the Hudson Guild, Gural Community Room, 441 West 26th Street (between 9th & 10th Avenues). To RSVP or for more information, call (646) 506-9664 or visit www.shalomtenants.org.

Assistance Dealing with Co-Op/Condo Mortgage Issues with Chase Bank:

A number of constituents have raised issues about the difficulty of resolving issues with Chase regarding their mortgages, due to a phone system which makes it extremely difficult to reach an actual person. My office has been working with Chase to resolve this problem. Condo owners & co-op shareholders having a problem making monthly payments can now contact Ellen Devenuto, Chase Homeownership Center at (212) 696-3131.

New Health Insurance Protections for Seniors:

Last month Governor Paterson signed legislation requiring health insurance companies to allow policy-holders who are 65 or over to designate a relative or friend to be notified if the senior was in danger of having their health insurance policy cancelled. This legislation will help protect seniors who may be suffering from Alzheimer's or dementia by ensuring a loved-one is aware that the senior is falling behind on payments or is otherwise at risk of losing healthcare protection. The bill takes effect next October, applies to all policies issued, renewed, altered or modified on or after that date.

Policy Spotlight

Public Corruption Prevention Act

This week I joined State Senator Eric Schneiderman , Assemblymember Micah Kellner and Manhattan District Attorney Cy Vance in announcing the introduction of the Public Corruption Prevention and Enforcement Act, legislation I cosponsor to both prosecute and prevent public corruption in New York State. The wide-ranging legislation closes loopholes in current State law which prevent the prosecution of corrupt schemes, adds tougher rules for member items, implements stronger campaign finance and financial disclosure measures, and fixes a perceived loophole in the Election Law.

The Public Corruption Prevention and Enforcement Act bill:

- Enacts duty of faithful public service: public servants hold a public trust and have a duty to act in a way which is faithful to the best interests of the State or municipality, and to their constituents. This bill creates a defined duty for public servants to do their jobs free of corrupt arrangements, in both the Penal Law and the Public Officers Law. The duty applies to public servants at all levels of government within the State: elected officials, employees and appointees.
- Punishes corrupt schemes to defraud the government: the bill expands the existing crime of defrauding the government by creating the crimes of scheme to defraud the government in the first and second degrees. Currently, the law is limited to schemes to defraud government agencies of property, services or resources. This bill would include corrupt schemes involving public servants and others

who seek to corrupt the operation of government in any way. Violation is punishable as either a class D or E felony, depending on the nature of the offense.

- Reforms criminal bribery statutes: the bill amends bribery statutes involving public servants in the Penal Law to ensure that bribery offers are punished as seriously as completed bribes. The bill amends bribery in the first, second and third degrees to make public bribery statutes consistent with commercial bribery, sports bribery, and labor bribery statutes in the Penal Law.
- Reforms the member item process: the bill creates new standards and prohibitions for community projects grants, which are commonly known as “member items.” Under the standards for the community project funds, grantees are barred from receiving grants if the grantee: was barred by a government agency in any jurisdiction within the last five years; failed to file a tax return or to pay taxes in the last five years; or used a third-party or agent to secure the grant. If the standards are violated, the Attorney General may recover the grant through a lawsuit. In addition, the bill creates prohibitions for the sponsors of grants – members of the Legislature or the Governor – from requesting grants if the sponsor or a relative of the sponsor is a director, officer or trustee of the grantee. Sponsors and their relatives are also barred from having a financial interest in or receiving a benefit from a grant. The Attorney General and any District Attorney have concurrent authority to investigate and prosecute criminal violations of the law.
- Enhances financial disclosure for State officials: the bill increases disclosure in both the Public Officers and the Election Law to prevent even the possibility of corrupt activities. The categories of value or amounts on the annual statements of financial disclosure filed in all three branches of State government would be disclosed to the public upon release, whereas current provisions in law and rules allow this information to be redacted. This change will allow the public to monitor the sources and values of outside income earned by our elected officials. A question is also added to the annual statement of financial disclosure requiring the reporting individual to disclose relationships with non-profit organizations.
- Strengthens campaign finance rules: the legislation requires candidates for public office and their spouse or domestic partner to report gifts or loans for the 12 months preceding a candidate

designation, to prevent loans intended for campaign use to be disguised as personal gifts. This fixes a perceived loophole which recently led to the acquittal after trial of a public official in Manhattan.

The public has a right to expect higher standards from their elected officials. This bill will make clear that use of one's office for personal benefit is more than a betrayal of the public trust – it is also a crime.

Styrofoam

Last month, in honor of Earth Day, I joined New York City Public Advocate Bill de Blasio and Assemblymember Brian Kavanaugh in launching a Statewide campaign to end government use of Styrofoam. The campaign kicked off with an early morning rally at Earth School, a Manhattan public school, and featured teachers, parents and students who are committed to ending the use of Styrofoam

In an effort to bolster the campaign, we are recruiting other elected officials to sign the Stop Polystyrene And Revitalize the Environment (SPARE) Pledge. The SPARE Pledge calls for the elimination of Styrofoam food service products in government office operations and events. By building the SPARE Pledge coalition, the group, and cause, will build momentum geared towards State and City legislation to eliminate government use of Styrofoam.

I am proud to be a part of this alliance of City and State leaders who have banded together to end the use of Styrofoam in our offices and at all of our events. There is no reason why anyone should continue using a product so toxic to our environment when there are environmentally-sound alternatives available.

The SPARE campaign will provide support for State legislation, S2832-A/A428-A (Krueger/Kavanaugh), which will replace Styrofoam with recyclable and compostable products throughout government Statewide. Already, A428-A passed the Assembly on April 20th as part of the Earth Day package, and S2832-A is currently progressing in the Senate.

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