

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON EDUCATION

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June 4, 2009
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HELD AT: Council Chambers
City Hall

B E F O R E:
ROBERT JACKSON
Chairperson

COUNCIL MEMBERS:
Robert Jackson
Bill de Blasio
Simcha Felder
Lewis A. Fidler
Helen D. Foster
G. Oliver Koppell
John C. Liu
Domenic M Recchia, Jr.
Peter F. Vallone, Jr.
Albert Vann
David Yassky
Maria del Carman Arroyo
Daniel R. Garodnick
Jessica S. Lappin

A P P E A R A N C E S

COUNCIL MEMBERS:

James Vacca
Vincent Ignizio
Larry B. Seabrook
James S. Oddo
Elizabeth Crowley
Julissa Ferreras
Kendall Stewart
Gale A. Brewer
Leroy G. Comrie, Jr.
Letitia James

A P P E A R A N C E S (CONTINUED)

Dennis Walcott
Deputy Mayor
NYC Department of Education

Joel I. Klein
Chancellor
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Jennifer Saltzstein
Program Leader
Parent Link
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Betsy Gotbaum
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Michael Mulgrew
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Ernest Logan
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Louis Corti
Math Teacher
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Teacher
M.S. 399

Eileen Ramos
Student Council
M.S. 399

Catherine Alvarez
Student Council
M.S. 399

Rosemary Tahata
Student Council
M.S. 399

Stephanie Hernandez
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Jennifer Bergos
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A P P E A R A N C E S (CONTINUED)

Leonie Haimson
Executive Director
Class Size Matters

Lisa Donlan
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CEC District 1

Susan Crawford
Parent Commission
District 3

Vernon Ballard
Member
Community Board 9

Richard Barr
Parent

Abiodun Bello
President
CEC District 32

Martin Krongold
1st Vice President
Citywide Council on High Schools

April Humphrey
Campaign for Better Schools

Carol Boyd
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Rebecca Daniels
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A P P E A R A N C E S (CONTINUED)

John Scott
CEC District 2

Dawn Philip
Staff Attorney
New York Lawyers for the Public Interest

Caitlyn Brown
On behalf of Kim Sweet
Executive Director
Advocates for Children of New York

Annette Evans
Parent

Ann Kjellberg
PS PAC

Andy Lachman
Parent Leaders of the Upper East Side

CHAIRPERSON JACKSON: Good

afternoon. I apologize for starting the hearing late. I know that everyone is on schedules, but things happen, so I apologize for starting late. I'm the type of individual that likes to get things done on time and in a timely manner. Good afternoon and welcome to today's hearing on Mayoral Control of the New York Public School System. Before I begin this hearing, I'd like to introduce my colleagues that are present here this afternoon, Oliver Koppell of the Bronx and Peter Vallone, Jr. of Queens and Simcha Felder of Brooklyn. Other members will be joining us. There are other hearings and budget negotiations going on currently. They will come throughout the hearing process. I'm sure that everyone here knows in 2002 the state enacted Mayoral Control over city schools. The 2002 legislation is set to expire on June 30, of this year, 2009. Prior to that time, the State Legislature has to decide whether to retain Mayoral Control in its present form, amend it in some way, or allow the law to expire and revert back to the governing structure that existed prior to 2002. In case there's

1 anyone here who doesn't know what the governing
2 structure looked like prior to Mayoral Control, we
3 have a chart available on the side showing the
4 governing structure before and after 2002. Jan,
5 where are the charts? The charts are over there
6 on the table. If you want to look at it, during
7 the course of the hearing or at your leisure, you
8 can pick up a copy of the chart. This is the
9 second hearing that the Education Committee has
10 held on this issue. The first was held just over
11 a year ago in March 2008. Since that time, much
12 has happened. In anticipation of the law's sunset
13 date, a number of commissions and tasks forces and
14 elected officials, including the City Council,
15 have released reports identifying problems under
16 Mayoral Control, as well as recommending changes
17 to the governing structure. We will be hearing
18 testimony today from some of those who issued
19 reports. In July of 2007, the City Council formed
20 a Working Group on Mayor Control and School
21 Governance to develop recommendations for the
22 state legislature and the governor to consider as
23 the current Mayoral Control legislation sunsets.
24 The Working Group was co-chaired by my colleagues
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2 Jimmy Vacca of the Bronx, David Yassky of Brooklyn
3 and myself. I am embarrassed to say that we don't
4 have copies of the report to distribute here
5 today. We released a summary of our
6 recommendations in February when we presented them
7 at the hearing of the State Assembly's Education
8 Committee. We have copies of that summary of the
9 recommendations available on the side also. If
10 you want to know the summary of the
11 recommendations of the Workgroup, a copy of our
12 recommendations are on the side. The full report
13 had to be written after we agreed on
14 recommendations. Unfortunately, since February
15 it's been like a roller coaster with many other
16 pressing issues, such as the executive budget and
17 other things that our hard working staffs have had
18 to deal with, including budget crisis,
19 kindergarten wait lists and the Department of
20 Education's five-year capital plan. As you know,
21 they're ready to transfer about 3,200
22 kindergarteners from day cares into the public
23 school system and the Department of Education's
24 five-year capital plan of \$11.2 billion, which is
25 approximately \$2.5 billion less than the current

1
2 five-year capital plan. The bottom line is that
3 they weren't able to have the last-minute editing
4 and production work done in time to have the
5 report here today. I apologize and it's an
6 embarrassment to the City Council. I say to you
7 that I promise that we will have the report
8 available on our website shortly. I'm sure that
9 you can probably contact any one of your City
10 Council Members in order to get a copy of the
11 report. I would like to thank this opportunity to
12 thank the staff for all their efforts on behalf of
13 the Working Group, especially Yolanda McBride who
14 did the lion's share of the work. She is a senior
15 policy analyst for the Speaker. She did the
16 lion's share of the work, not only the writing of
17 the report, but staffing and facilitating the
18 entire two-year Working Group process, and she's
19 here now. I'd also like to thank my co-chairs
20 Jimmy Vacca and David Yassky. I'm going to turn
21 to them in a few minutes. The Council's Working
22 Group and all of the other reports that have been
23 issued have identified the same core problems
24 under Mayoral Control: a lack of transparency, a
25 lack of accountability, a lack of checks and

1
2 balances, and a lack of parent and community
3 involvement. I'd like to address each of these
4 problems briefly. Critics say that there is a
5 general lack of transparency on decision making
6 and policy issues, as well as basic information
7 and data and that decisions are generally made
8 behind closed doors without participation of
9 stakeholders, including principals, teachers and
10 parents. I know that we here at the City Council
11 have experienced this. We haven't had much of a
12 role in decision making and have had trouble
13 getting basic information on policy changes and
14 school closings and the like. Even the Education
15 Committee has had trouble getting information
16 under Mayoral Control. The Department of
17 Education has failed to respond to information
18 requests, which makes it difficult at best to
19 perform any oversight function. This is totally
20 unacceptable. That's one reason why the Working
21 Group has recommended that we move to a system of
22 municipal control so that the Department of
23 Education must function like every other city
24 agency from a budget, legislative and oversight
25 perspective. We also recommended that the role of

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2 the independent budget office, known as IBO,
3 should be expanded to take on the vital task of
4 providing independent analysis of the Department
5 of Education's data and issue annual performance
6 and budget reports. If you don't know, currently
7 the Department of Education's financial management
8 system is not in line with the City of New York,
9 the Office of Management and Budget management
10 system. I have been asking every preliminary
11 budget and every executive budget when it will be
12 in line with the Office of Management and Budget's
13 financial management system. Year after year
14 after year, I hear that we're going to get there,
15 we're working on it. Let me tell, I asked Mark
16 Page, the Director of Office of Management and
17 Budget at the executive budget hearings. I said,
18 you've been saying this for years. Mayor
19 Bloomberg terms expire December 31st, 2009, do you
20 think by that time we will have it? I did not get
21 a positive answer. This is totally unacceptable.
22 Regarding accountability, supporters of the
23 current system often point out that we now have
24 someone at the city level, the mayor, who is
25 ultimately accountable for how schools are

1 performing. However, critics point out that
2 mayors are elected on the basis of many issues,
3 not just education. So there is actually very
4 little accountability, especially between
5 elections when the mayor through the chancellor
6 can act unilaterally with respect to most policy
7 changes and other decisions. Having the City
8 Council as part of the equation through municipal
9 control will increase accountability because City
10 Council Members are far more accessible to their
11 constituents in my opinion. Even supporters of
12 Mayoral Control concede that there are little or
13 no checks and balances by design. The Panel for
14 Educational Policy, known as PEP, which has some
15 authority to approve decisions of the chancellor
16 is considered to be a rubber stamp by many,
17 including myself. The Working Group has
18 recommended several different options for
19 strengthening the PEP and giving it greater
20 independence as well as giving the comptroller
21 greater auditing authority. Last, but certainly
22 not least, is a lack of parent and community
23 involvement. Some of the advocates have a slogan,
24 "put the public back in public education". I
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2 couldn't agree more. I am a perfect example of
3 that. I'm sitting in this chair as a member of
4 the City Council, as the chair of the Education
5 Committee because I was involved as an active
6 parent up in Community District 6 and Washington
7 Heights. At that time of my involvement, the most
8 overcrowded district in the City of New York. I
9 had a vehicle for involvement in the decision
10 making process, that was known as community school
11 boards. It was there that the Campaign for Fiscal
12 Equity was born and the resulting infusing of
13 resources in the amount of \$16 billion. If not
14 for CFE, there would be no \$16 billion more for
15 education. My story is only one of them. Many
16 parents, advocates and other members of the
17 community have contributed to the schools over the
18 years. Under the present structure, parents and
19 communities have been shut out or marginalized.
20 You may say that's not true, but let me give you
21 one example. CPAC, do you know what that stands
22 for? It stands for the Chancellor's Parent
23 Advisory Council. That is the chancellor's
24 advisory council made up of parent leaders around
25 the city. For multiple years CPAC voted not to go

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2 to Albany and lobby with the chancellor, even
3 though it's the Chancellor's Parent Advisory
4 Council. They voted to go up and lobby the state
5 legislature with UFT. Now mind you, it's not
6 UFT's CPAC, it's the chancellor's CPAC. So I ask
7 the question out loud, why is that? One of the
8 reasons I've heard and one of the reasons that I
9 know is because the Department of Education and
10 maybe the mayor's office believe that consultation
11 means we tell you what to do, we tell you after
12 the fact and that's consultation. Let me give
13 them an education. Go to the dictionary and look
14 up the word consultation. It means that you
15 consult before you make a decision, not to just
16 advise after a decision is made. That's one of
17 the reasons, in my opinion, and what I've heard
18 from CPAC members that CPAC voted to go and lobby
19 not with the chancellor but with UFT. Having our
20 parents marginalized is outrageous. The mayor and
21 other supporters of Mayoral Control point to
22 higher test scores as proof of success of Mayoral
23 Control. Am I happy with higher test scores?
24 Yes, I am. Anyone that tells you they're not
25 happy with our children scoring higher in my

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2 opinion would not be telling you the truth. I'm
3 very happy when our children do better on tests.
4 Many districts across the state have seen
5 improvement in test scores. Buffalo recently
6 outperformed us in reading and they don't have
7 Mayoral Control. More importantly, test
8 preparation is not an education. We need to do
9 better than that for our kids, which is why we
10 need to make some changes to the state education
11 law. I'd like to turn to my other colleagues on
12 the Working Group to make a statement. Before I
13 do that, we've been joined by Council Member Lou
14 Fidler of Brooklyn, Council Member Domenic Recchia
15 of Brooklyn, Council Member Dan Garodnick of
16 Manhattan and Council Member Jimmy Vacca of
17 Brooklyn. Jimmy Vacca co-chaired the City
18 Council's Workgroup with myself and I'd like to
19 turn to Jimmy Vacca for comments. Council Member
20 Vacca.

21 COUNCIL MEMBER VACCA: Thank you.

22 CHAIRPERSON JACKSON: Ladies and
23 gents, I'm going to ask you, if you don't mind, we
24 don't want applause one way or the other on
25 anything that I may say or anyone else says. I

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want to try to make sure that you get the opportunity to hear everything that's being said. Since there's going to be applause in favor and against, I'm going to referee and say please, no applause and no boos. This is serious business. We're talking about the education of our children. Some people may say politics are involved and if anybody tells you politics are not involved then they're not telling the truth. Politics are involved in everything we do. So let me turn to my colleague Jimmy Vacca.

COUNCIL MEMBER VACCA: Thank you, Mr. Chair and members of the Council. For several months myself and Chairman Jackson and David Yassky co-chaired a workgroup that was put together by the Speaker. We listened to people throughout New York City, advocates as well as those who are stakeholders at every level in the New York City Public School System. By listening and by asking questions and by research and by collaborating among ourselves, we feel that there can be significant improvements in the context of Mayoral Control. I would see a system that also gives the City Council legislative and oversight

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2 powers that we do not have now. I've been on the
3 Council now for 3.5 years. Many issues have come
4 to the Council where we've had hearings and we've
5 allowed for discussion and we've tried to be
6 helpful, but we often don't have jurisdiction.
7 School siting is one issue that comes to mind
8 immediately. We had an issue with pupil
9 transportation. We had issues citywide where many
10 people have raised questions with procurement. On
11 those issues, the Working Group would like to see
12 the City Council have legislative authority and
13 not always being in the position where if we want
14 to effectuate meaningful change we have to go to
15 Albany. That's one area we looked at. We looked
16 at allowing the comptroller to exercise greater
17 audit powers over the Department of Education
18 because we basically want the comptroller to have
19 powers that he now has over city agencies. We'd
20 like the city comptroller to register all DOE
21 contracts before they are finalized. We want to
22 use the independent budget office of the City of
23 New York. Years ago, this budget office was
24 formed because there were always disputes between
25 the Council and the Mayor when it came to how much

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2 money the city actually had to spend and how
3 deficits are projected and how budgets are
4 analyzed. The independent budget office has
5 provided that independent voice to our city now
6 for several years. We want to utilize them and we
7 wanted to expand their role to include independent
8 analysis of the DOE data and performance
9 indicators that DOE uses to tell us about test
10 scores and class size and teacher performance. We
11 think the IBO can be brought in, in a meaningful
12 way, to assess budgetary issues as well as
13 performance based on budgetary allocations that
14 are made. Many of us felt strongly that we have
15 to look at the role of the community
16 superintendents. Years ago, the community
17 superintendents represented the focal point of a
18 district. Right now, community superintendents
19 have a diminished role in their districts and many
20 times they are used outside of their own
21 districts. We'd like to not only maintain the
22 current powers of the superintendents, but we'd
23 like the superintendents to be a leader within
24 their school districts. We'd like them to stay in
25 their school districts and provide guidance to

1 principals, whether that principal is in a PPO or
2 an LSO or whether they are in an empowerment
3 format, whatever type of governance that principal
4 uses, we want the superintendent to have a
5 meaningful role especially when it comes to parent
6 issues and making sure that parents and principals
7 work together in the schools effectuating
8 meaningful change. Lastly, we want to give the
9 CECs a greater role. One thing that has
10 disenchanted me as a Council Member is that the
11 CECs often do not have a role and if they do have
12 a role, they think it's very minimal and they
13 become frustrated. Members of the CEC serve
14 without compensation. I want to have those panels
15 expanded so that there's one parent on ever CEC
16 from every school in that district. I want the
17 CECs to be given more information to work directly
18 with the community superintendents in a meaningful
19 way. I want CECs not just to get a presentation
20 once a month of what is being done. I want them
21 to have an advisory role in what is done before it
22 is done. These are parents who are elected by
23 their respective schools who represent a point of
24 view and I think that we have to realize that
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2 right now many of our CECs are ships in the night.
3 They are not serving with the resources that they
4 need. They do not know the role they have and
5 many of them are not sufficiently empowered to
6 make advisory recommendations, which can be taken
7 seriously and which can be dealt with at the
8 central level. I hope that our report summarizes
9 many of the concerns that we've heard now for 3.5
10 years. I think our governance recommendations
11 will provide a framework for Albany to consider
12 changes in the law. Because in the context of
13 Mayoral Control, we can certainly have a system
14 that provides a voice to parents, teachers and
15 stakeholders during the process and accountability
16 at the central level which I know we all want. I
17 thank you Mr. Chairman.

18 CHAIRPERSON JACKSON: Thank you,
19 Council Member Vacca. We've been joined by
20 additional colleagues. To my left is John Liu of
21 Queens, Vincent Ignizio of Staten Island. Behind
22 me is Maria del Carmen Arroyo of the Bronx. To my
23 right next to counsel is Al Vann of Brooklyn. And
24 I think I mentioned Oliver Koppell earlier. With
25 that, I'd like to turn to our first panel, Deputy

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2 Mayor Dennis Walcott and Joel Klein, Chancellor
3 and Jennifer Saltzstein. Is she coming up also?
4 Deputy Mayor Walcott and Chancellor Joel Klein,
5 it's on you now.

6 DENNIS WALCOTT: Thank you, Sir.

7 Good afternoon Chairman Jackson and members of the
8 City Council Education Committee and other members
9 of the Council as well. I'm joined by Chancellor
10 Joel Klein and we thank you for the opportunity to
11 speak with your on Mayoral Control and
12 accountability at this critical time. The last
13 time we sat before you to discuss control it was
14 March of 2008 where we were anticipating the
15 conversations regarding reauthorizing Mayoral
16 Control. Over a year later, there have been a
17 number of hearings and forums throughout the city
18 hosted by the state legislature as well as many
19 others to hear from the breadth of stakeholders on
20 how Mayoral Control has impacted children in our
21 city, including the City Council. In fact,
22 between Joel and myself and our respective teams,
23 we have participated in numerous public forums in
24 the last couple of months. I want to acknowledge
25 the state legislature's bold action almost seven

1
2 years ago in granting the Mayoral Control of the
3 New York City School System. I want to
4 acknowledge them again for the work that they have
5 done in leading up to reviewing the law and their
6 current efforts to create a system that will keep
7 our schools on the path of success. What happened
8 in 2002 facilitated an unprecedented in our city
9 and has resulted in a culture of educational
10 success for our students. New York City's work
11 has become a model for the nation and everyone who
12 was involved in making Mayoral Control a reality
13 in 2002 should be commended for that. I do want
14 to pause for a moment to highlight the partnership
15 we've had with you, the members of the City
16 Council, over the years as well. As you know, we
17 have come before you whenever you ask and are
18 always happy to provide you with the information
19 about the number of things happening in our
20 schools. Just this school year alone, we have
21 testified before this committee and other
22 committees of the City Council 18 times. It must
23 be noted that our conversations have been
24 significant in improving our system for our
25 students and we thank you. As many of you know, I

1
2 have more than 40 years of experience working with
3 the New York City Public School system. I am a
4 graduate of the city's public schools. My
5 children attended and graduated from high school
6 in the New York City Public School system. Later
7 in my career, I served as a mayoral appointee
8 under Mayor David Dinkins to the Central Board of
9 Education. In the mid 90s, I was the president of
10 Trustee Board of District 5. In the last seven
11 years, I've had the privilege of serving as Mayor
12 Bloomberg's Deputy Mayor for Education and
13 Community Development. I bring a deep personal
14 experience with this system informed by a variety
15 of different perspectives to this conversation.
16 The idea behind the law was a simple one, creating
17 a focal point of accountability for the New York
18 City schools and students achievement. This
19 required giving the mayor and the mayor's
20 appointed school leader the power to make
21 decisions and create real change that would
22 benefit New York City's children. I must add that
23 one of those children happens to include my
24 grandson who now attends the elementary school
25 that I attended as well. Having now watched the

1 schools evolve for more than four decades, I want
2 to be clear. I believe that the system we have in
3 place today is the best I've ever seen. And
4 although there is still a lot of work to be done,
5 Mayoral Control has brought a sense of
6 accountability created by this legislation and
7 facilitated change and produced dramatic results
8 that would not have happened otherwise. As you
9 know, our school system is larger than most
10 cities. Indeed, if it were a city, it would be
11 the ninth largest city in the country. With that
12 said, it is a great success that we've been able
13 to completely change our schools from a culture
14 inside of schools to the results that they produce
15 for the students of New York City. I charge that
16 this is because of Mayoral Control. Our progress
17 just isn't talk, the numbers speak for themselves.
18 Just this past Monday we celebrated once again the
19 success of our students in our schools when the
20 state released the scores of the annual math test.
21 A total of 81.8% of New York City students in
22 grades 3 through 8 are meeting or exceeding grade
23 level for math standards. That's 24.8 points
24 since 2006. I just want to take a minute to once
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1
2 again congratulate all of those involved in that
3 great achievement including our students, the
4 entire school community, teachers, principals, and
5 parents and of course the families and the staff
6 of DOE and certain our students. We have
7 committed to ensuring that our students learn and
8 succeed and that all of our children be prepared
9 for college, for work and for life. These results
10 absolutely show that we are moving in the right
11 direction. Across our country, in Congress, the
12 United States Department of Education and other
13 urban school districts and academic and
14 philanthropic circles, people are talking about
15 what's happening here in our city. What we've
16 accomplished in a few short years is amazing and
17 it's due to the hard work of a lot of people, the
18 parents, the teachers, the principals, the
19 community leaders and others who have rolled up
20 their sleeves and for the first time in decades
21 put the needs of our children first. Let me just
22 give you a contrast for a couple of seconds. To
23 better inform the conversation, it's also critical
24 to think about Mayoral Control and accountability
25 in relation to what preceded it. Under the old

1
2 system, decisions were shared by multiple power
3 centers. The Board of Education was composed of
4 seven members appointed by five borough presidents
5 and the mayor. They in turn selected a board
6 president. Together the board hired and all too
7 frequently fired the school's chancellor.

8 Meanwhile, 32 elected school boards across the
9 city hired and fired 32 district superintendents
10 who had 32 different standards, policies and ways
11 of operating. In other words, there were many
12 people in charge but there was nearly no one
13 source of ultimate authority or responsibility. I
14 remember this system very well. I lived in it as
15 an educator, I lived in it as a parent and I lived
16 in it as a policy maker. I remember the
17 inequities inherent in 32 many school systems.

18 Some run capably and some run corruptly. No
19 system-wide curriculum, even in math or reading.

20 It was a system where school funding was opaque
21 and based more on politics than on needs. I
22 remember 27% lag in the state in math and a 23%
23 lag in English. Too many students who could not
24 read were promoted from grade to grade with
25 graduation rates below 50% and much lower for

1 students of color. There were talented but
2 frustrated educators without the necessary
3 authority or support to improve their schools and
4 school boards that did not have parent
5 representation. Many school construction and
6 renovation projects did not get completed on time,
7 if at all. Those that did were often determined
8 by political influence and not need. Now, today,
9 because of Mayoral Control, we can say there has
10 been unprecedented progress in each of these areas
11 mentioned before and many others. The legislation
12 allowed us to take a number of politically
13 difficult but necessary steps to bring about
14 desperately needed change. Most fundamentally,
15 our Children First reforms have promulgated the
16 sense of accountability, created at the top and
17 through even level of the system. As a result,
18 where there may have been at times a sense of
19 resignation and complacency, there is now a
20 culture of high expectations driven by a desire
21 for excellence and achievement. To foster
22 accountability, we gave principals greater freedom
23 to make personnel decisions, to set their budgets,
24 to choose their support services and to determine
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2 their curriculums. Like Mayoral Control, they are
3 given the support to make changes but are held
4 responsible for results. To make sure parents are
5 getting the most information about their child's
6 school, we carefully track progress in each
7 school. And in a little while we'll demonstrate a
8 new online tool to help families follow their
9 children's academic progress and collaborate with
10 teachers to address their children's academic
11 strengths and weaknesses. Our progress reports
12 provide us with key information on how schools are
13 helping students achieve and help educators
14 identify their strengths and weaknesses in order
15 to target school improvement efforts. In the same
16 spirit, we put an end to social promotion, a
17 practice that was often used to disguise a
18 system's failure in assuring that our children
19 were sufficiently prepared for the next step in
20 their educational journey. Now those students get
21 individualized support and an additional class
22 worth of instruction each day until they are able
23 to get up to speed. We've created the Office of
24 Multiple Pathways to graduation to prevent at-risk
25 students from dropping out and recover some of the

1 students that we've already lost. We've added
2 more than 4 billion to the system's budget. The
3 vast majority of those dollars targeting classroom
4 improvements and now calculate funding based on
5 student need, not political connections so that
6 resources flow equitably throughout the system and
7 those with the greatest need get their fair share.
8 Working with you, the City Council, we have
9 streamlined and heavily invested in school
10 construction. We've opened up 291 regular public
11 schools and another 63 charter schools and
12 delivered over 66,000 school seats since September
13 of 2003. Of those, 11,471 came online just this
14 past September and 80% of the school construction
15 projects are now finished on time, up from 60%.
16 These are just some of the examples of results of
17 Mayoral Control. Let me give you some additional
18 concrete results in our system. As a student in
19 2002, you will likely have no choice but to attend
20 schools in your zone. In many areas of the city
21 that meant that you will attend a failing middle
22 or high school that has been underperforming for
23 decades with graduate rates of 35%. In 2009 as an
24 incoming high school student, you can apply to any
25

1 school in the city. As a middle school student,
2 you can apply to any school in your district.
3 Additionally, you might be one of the 110,000
4 students who will attend one of the 350 new
5 traditional and charter schools that didn't exist
6 in 2002. Next fall, the number of new schools
7 will have risen to more than 400. As a parent in
8 2002, you will likely not have a point person in
9 the school to answer your questions. In 2009,
10 your child's school will have a parent coordinator
11 whose entire job is to communicate with parents.
12 In 2002, if you don't speak English well you will
13 likely not be able to be informed often about
14 what's going on in your child's school or in the
15 system overall. In 2009, if you speak one of the
16 city's eight or more popularly spoken languages,
17 information will be sent home to you in your
18 native language. In 2002, if it was your first
19 year teaching you will likely have to wait almost
20 a month if not longer than a month to receive your
21 first paycheck. In 2009, you'll be on the payroll
22 system in the first day of school and will be paid
23 in the first pay cycle of the school year. In
24 2002, new books and supplies will likely arrive
25

1 weeks if not months after school starts if new
2 ones are ordered for your school year at all. In
3 2009, schools across the city have more than
4 339,000 new desktop, laptops and tablet computers
5 and over 33,700,000 new books, textbooks and
6 workbooks purchased since 2003. There is much
7 more information we can highlight for you and Joel
8 will do some of that. But I do want to say the
9 results of these efforts are unmistakable. In
10 ever category we have seen real improvements in
11 student achievement, both on the objective side
12 and relative to the progress of the state. We
13 have defied what was believed to be possible for
14 large school system and substantially narrowed the
15 achievement gap that existed when Mayoral Control
16 became law. While there has been a tremendous
17 progress, I would say it is not rising test scores
18 or graduation rates, but really having a clear
19 line of authority that argues against diluting the
20 control and the accountability of the mayor, any
21 mayor. The law creates through clear
22 accountability a fundamental incentive to innovate
23 and make changes, through unified decision making
24 the power to implement those changes through both
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2 the capacity of the department to assess whether
3 changes are working or whether it is time to try
4 something new in a reasonable timeframe in an
5 analytical fashion devoid of politics. It allows
6 the capacity for parents and the general public to
7 make the same judgments about those responsible
8 for the system. So while the law holds our
9 administration to a full account and it should, I
10 would argue that its renewal has little to do with
11 this mayor or the chancellor. It is rather an
12 opportunity to codify the ability of New York City
13 students and their families under this and future
14 mayors to hold someone accountable for their
15 educational outcomes. Almost seven years ago the
16 state legislature took the daring step of granting
17 control of the New York City schools with great
18 input from the City Council. It was that
19 leadership that enabled a much better school
20 system for our 1.1 million children. I submit to
21 you today and in all the conversations we've had
22 and will continue to have, I want to acknowledge
23 that this is once again an opportunity to partner
24 on the future of education for our children and to
25 look how we improve the system. There has been

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undeniable progress in our schools. Of course, there have also been challenges, questions about checks and balances and engagement. As you know, we believe in our partnership to ensure a better system for our children. But I urge you to recognize that we cannot weaken the power of the decision making ability of this mayor and future mayors to take necessary bold steps to ensure the educational success for this system. This would turn back the clock at the expense of our children. I look forward to continuing our conversation and answering your questions. It's my pleasure to turn the microphone over to our Chancellor Joel Klein.

CHAIRPERSON JACKSON: Thank you, Deputy Mayor. We appreciate your testimony. We have it on the record. We've been joined by additional colleagues. In front of me sits Letitia James of Brooklyn and to my right is Council Member Charles Barron of Brooklyn and behind us is Minority Leader Jimmy Oddo, representing Staten Island and parts of Brooklyn.

JOEL I. KLEIN: Thank you, Mr. Chairman and members of the committee. I

1
2 appreciate the opportunity to appear before you
3 once again to talk about issues of vital concern
4 to all of us. I will try not to repeat things
5 that the deputy mayor said, so I may move quickly
6 through some of the comments that are in print.
7 Mr. Chairman, you started by saying that education
8 was about politics and no one should forget that
9 and I agree with you. But I think more important
10 than politics are two other P's and that is policy
11 and performance. When it comes to our children
12 too often in this city and elsewhere throughout
13 this country, politics has not served them nearly
14 as well. Today I want to focus on some of the key
15 strategies that Mayoral Control has allowed us to
16 implement. Strategies that I don't believe could
17 have gotten through without strong mayoral
18 leadership. Second of all, I want to talk about
19 the results, the performance of our students which
20 is what this is all about in the end, kids getting
21 the education they are going to need to compete
22 and to be prepared successfully for the 21st
23 century. When we started working together almost
24 seven years ago, all of us acknowledge, there were
25 many schools in this city that were in a dismal

1 state. Many weren't safe. Choice for our parents
2 and our kids was a foreign concept. Teachers were
3 paid too little. There was no standard
4 curriculum, so kids in different parts of the city
5 got entirely different educational experiences.
6 Educators didn't have the tools they needed to
7 keep track of their students' performance. People
8 talk about transparency, the system now is so much
9 more transparent than it ever was. Data is on our
10 website that never existed, some of which you'll
11 see. Some schools were unfairly and dramatically
12 under funded, and school leaders were stifled.
13 They were denied the decision making powers and
14 resources they needed to make good decisions for
15 students. The culture was a culture that valued
16 compliance over clear-minded decision making and
17 accepted excuses and finger-pointing as
18 substitutes for results. People telling you why
19 our kids couldn't succeed rather than proving to
20 you that our kids can succeed. And not
21 surprisingly, outcomes were stagnant. Far too
22 many children were failing, yet they were being
23 pushed from grade to grade, through the school
24 system, perpetuating a pattern of failure. Not
25

1
2 surprisingly, too many students were dropping out
3 of school. The graduation rate was low, and it
4 had hardly budged in almost twenty years. Since
5 the mayor took accountability and responsibility
6 for our schools, we've fundamentally changed the
7 system and transformed results. Let me give you a
8 quick recap of some of the highlights during the
9 past six years. First of all, schools and
10 families have tools to help them understand
11 student performance and school performance, like
12 the Progress Reports, which grade all schools, the
13 Quality Reviews, Learning Environment Surveys,
14 soliciting information from our parents and
15 students and our teachers. These give schools and
16 families the information they need to make good
17 decisions, address problems, and build on our
18 strengths. Let me just give you one example and
19 I'd ask our Parent Link Program Leader, Jennifer
20 Saltzstein, to show you the newest tool we
21 launched for parents. I think this is so powerful
22 and so indicative of what's going on in our city
23 and never could have happened without a mayor
24 willing to not only take accountability but make
25 information transparent to everybody in the city.

1

2 Jennifer?

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JENNIFER SALTZSTEIN: Good

4 afternoon. ARIS Parent Link is fully translated
5 into all nine DOE languages. Parents come to the
6 site and the first thing they can do is choose the
7 language they want to view the site in. Today
8 we're going to log in as a demo student. None of
9 the data that we're looking at is a real student,
10 but it's an example of what a parent would see
11 when they log in. As a parent, the first thing I
12 come to is a personalized home page. This page
13 has been designed to help me use the site. I can
14 learn how to use ARIS Parent Link here and I also
15 have access to attendance information on the front
16 page. We know attendance is critical to student
17 achievement and it's a key area where parents can
18 engage. The information in Parent Link is
19 organized in two ways. One, in a summary in a
20 student profile section, which is the same way
21 that educators view this information in ARIS.
22 Two, in a tutorial format that helps them
23 interpret the data. First, looking at the summary
24 view, Gerald's parents can see his New York State
25 test scores. They can also see the results of

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2 diagnostic assessments that his teacher uses to
3 help drive instruction. We can look at his middle
4 school transcript. Gerald is in seventh grade
5 this year, so we can see his sixth grade
6 transcript right here. The information available
7 in Parent Link will grow with Gerald throughout
8 his time in the New York City Public School
9 system, so that by the time he graduates, his
10 entire middle school and high school transcript
11 will be available right here. Finally, looking at
12 attendance, Gerald's parents can see now only the
13 number of days that he's been late and the number
14 of day's he's missed but also the actual days that
15 he has missed school. If I'm a parent and I want
16 to get more information to interpret the data
17 available here, I can also go to a little
18 tutorial. We worked with parents across the city
19 to identify questions that they had and addressed
20 them. In this tutorial format, we help parents
21 understand what this assessment is, how the
22 assessment helps you teach my child, how my child
23 did on the assessment and this actually shows you
24 Gerald's performance in graphical display as well
25 as textual explanation beneath it. Finally, there

1
2 is a list of suggested ways that you can work with
3 Gerald to help him improve in your school. Every
4 child in Parent Link will look slightly different,
5 but this is just one example.

6 JOEL I. KLEIN: Thank you,
7 Jennifer. That is an example. Council Member
8 Vallone was present, because we launched this
9 initiative in his district. He said, as a parent,
10 this is information I would want that as never
11 previously available. As a student, not so sure,
12 but as a parent this is information that we want.
13 This came out of the fact that we were willing to
14 do the hard work of creating a platform so that we
15 could give data. Let me give you one example that
16 a parent gave. These students take diagnostic
17 tests throughout the year. You can look at that
18 data, see how your child did, see where his or her
19 weaknesses are and then you can work with the
20 school to help your child improve. So this is not
21 just a scorecard, but it's actually a learning
22 tool. In addition, schools have core curriculum
23 now in reading, math, science, social studies, and
24 we've created blueprints to guide the teaching of
25 the arts. We've also created guides which are

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2 also available through Parent Link to help
3 families learn about what their children are
4 learning at each grade. Information that's
5 available for them. We cracked down on social
6 promotion. We've focused on instruction in our
7 middle schools where, like in every other part of
8 the country, our kids were performing the least
9 well. Schools today have much more money and they
10 are funded more fairly. I thank the Council as
11 well as the legislature for that. We have cut,
12 and it's documented, more than \$350 million from
13 the education bureaucracy and sent it to schools
14 and classrooms. Overall, we've increased funding
15 to schools by almost 50% during the period of
16 Mayoral Control. We've created a funding system
17 that's totally transparent for each school so that
18 schools start on equal footing and get the same
19 funds based on which children they have and no
20 other considerations. We have given school
21 leaders and communities, the people who know
22 schools best and students best, the ability to
23 make the key decisions. Obviously, this is a
24 tough budgetary year for our schools, but it
25 doesn't negate the overall impact that we've made.

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2 We've brought significant choice. The deputy
3 mayor focused on this, but it really matters to
4 parents. We've opened 335 new public schools by
5 this fall, as well as 84 public charter schools.
6 That's more schools than most districts in America
7 have. Look at the numbers, there's enormous
8 demand for those schools. When we replace schools
9 and open news, you watch parents voting with their
10 feet. We've worked to build leadership capacity.
11 We've increased the salaries of our principals and
12 assistant principals. And we use bonuses for
13 principals if they succeed and take on the hardest
14 jobs. We've also started investing much more
15 heavily in teachers and it's paying off. We now
16 have literally five, six or seven applicants for
17 every vacancy. Salaries are up 43% and we have
18 devoted more than \$2 billion to professional
19 development for teachers. We've reduced class
20 size at all grades, and have a plan to reduce it
21 further, assuming we get the requisite funding.
22 We're also working with the UFT to ensure that our
23 students have great teachers. We ended bumping
24 and involuntary placements, quite unique around
25 the country, so that teachers and principals can

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2 choose to work together voluntarily. We've
3 created incentives working with the UFT that
4 reward top teachers who take on tough jobs and
5 teachers who help students make substantial
6 academic progress. Our experience over the past
7 seven years demonstrates that Mayoral Control
8 provides the necessary ability to make real
9 changes in the largest school system in this
10 country. The kind of reforms we've implemented
11 would not and could not have happened in the
12 absence of such authority. I have talked to
13 colleagues throughout the country about precisely
14 this point. These reforms are often
15 controversial. You certainly don't have to agree
16 with every program we've undertaken or policy
17 we've implemented, but I think it's clear to get
18 the job done for our children and get it done
19 right, we need real reforms, not the feel-good
20 strategies that too often characterize school
21 reform in America. Now I want to talk about what
22 I think is most important and that is student
23 performance. Significantly more students are
24 succeeding in reading and math. The deputy mayor
25 gave you the numbers and I agree with you, Mr.

1
2 Chairman, we should all be proud of the numbers.
3 But we should also look at them because when
4 people say well Buffalo did this or this, we have
5 a seven-year record. We will compare it to anyone
6 in this state taking the same tests. I have
7 attached two graphs that I'm going to show you in
8 a second to make my point. But our record over
9 the past seven years shows not just performance
10 increasing in one, not just some good results, but
11 steady constant improvement. In areas that matter
12 we have made substantial progress in closing the
13 achievement gap. We have cut the achievement gap
14 for our African American and Latino students in
15 fourth grade math by about 60% in math since 2002.
16 That's important. We've also cut it by a third in
17 English. We've also made progress in the eighth
18 grade, not as dramatic, but we've basically close
19 the eighth grade achievement gap by more than a
20 third, the fourth grade achievement gap in English
21 by more than a third and eighth grade in English
22 by about 20%. This is the most important thing
23 because people want to talk about the tests and so
24 forth. But these tests are given throughout the
25 state our progress has outpaced gains in the rest

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2 of the state in dramatic fashion. The best
3 evidence of that are the two charts that are
4 attached to the testimony, which look at New York
5 City versus the rest of the state, 2002, 2009. I
6 want to just take a second on this because New
7 York City is 73% African American and Latino and
8 84% low income. The rest of the state is about a
9 third of that, 23% black and Hispanic and about
10 31% low income. So we're talking about a much
11 more challenging population. Let's look at 2002.
12 In 2002, most of New York City's kids were
13 clustered in levels two and three in math, with a
14 sizable chunk at level one. Look at the rest of
15 the state. Most of the kids in the rest of the
16 state in 2002 were at three and four. So we were
17 a whole grade, so to speak, behind them. The rest
18 of the state had fewer than 4% level one and we
19 had 13%. Now let's look at seven years later and
20 there's no other place in the state that can make
21 this showing like we can. Seven years later we're
22 basically the same as the rest of the state. If
23 you look at levels three and four, we're a point
24 or two points different. Look at us at level one,
25 we're one point higher. We were approximately ten

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2 points higher and now we're one point higher. So
3 we have gone from a city that under performed the
4 rest of the state to a city that's now performing
5 comparably, even though we have many, many more
6 challenges in this city, including English
7 language learners and so on. In the eighth grade,
8 the story is not as dramatic, but it's still quite
9 dramatic. In 2002, again, we were all ones and
10 twos. If you look at the numbers there, you're
11 talking over 70% ones and twos. The rest of the
12 state was 75% twos and threes. Today, we've cut
13 that gap literally in half. Whereas our level
14 threes and fours were 27.5 points behind the
15 state, now they're basically 13.5 points. So that
16 shows on the same tests with the same
17 accountability metrics how we're performing.
18 Similarly, when it comes to high school and
19 graduation, we know that basically our high school
20 graduation rate which was kept one way for the
21 past 20 some odd years, from '86 forward, this
22 city went nowhere from '86 to 2002. From 2002 to
23 2007, we have gone up more than two points a year.
24 Under the state's new methodology, which was
25 introduced a few years ago, our gains have been

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2 slightly greater. Obviously we're not where we
3 want to be, but after two decades of stagnation,
4 these are big and important gains. Perhaps the
5 most dramatic way to illustrate that is look at
6 the City University of New York. The number of
7 first time freshman have increased by almost 50%
8 from about 16,000 in 2002 to about 24,000 in 2008.
9 Despite the dramatic increase in the number of
10 public school graduates enrolling at CUNY, the
11 percent of students who need remedial intervention
12 has actually declined by 7% from 58 to 51. We
13 need to continue to make sure that we decline. As
14 the deputy mayor said, and as someone who travels
15 talking to superintendents throughout the country,
16 people talk about what's happening here in New
17 York City. They look at our improvement and how
18 we've closed the gaps, the racial and ethnic gaps
19 and the gap between us and the rest of the state.
20 The conversation we're having today is one of the
21 most important conversations we face. The demands
22 of the 21st century on our children are going
23 extraordinary, much greater quite frankly than the
24 demands we faced as youngsters many years ago.
25 There are things that we've learned from 2002,

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2 things that we could no doubt have done better and
3 mistakes we have made and better ways for us to
4 engage the communities. But we have to make sure
5 first and foremost that our children have the
6 education that they need and the city continues to
7 have the tools that it needs to transform
8 education for the benefit of the children. To
9 that end, I look forward to working with you and
10 having your help in the process. Thank you very
11 much.

12 CHAIRPERSON JACKSON: Thank you
13 Chancellor and Deputy Mayor, we appreciate your
14 testimony and we have it in the record. I'd like
15 to introduce additional colleges that have come.

16 COUNCIL MEMBER SEABROOK: Excuse
17 me, Mr. Chair, did you swear the in for the
18 testimony.

19 CHAIRPERSON JACKSON: No, I didn't
20 swear them in. I don't really swear in our
21 witnesses. We assume that everyone is telling the
22 truth. We make that assumption. Helen Diane
23 Foster of the Bronx has joined us. We have in
24 front of me, to my right a little bit, our
25 colleague Jessica Lappin of Manhattan. To her

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2 right is Council Member Kendall Stewart of
3 Brooklyn. Colleagues, I'm going to turn to you
4 first and then I'll come back and do some follow-
5 up. I'm going to ask all of you that considering
6 that we have many colleagues present and many
7 colleagues are going to be asking questions, I ask
8 you to keep within a five-minute timeframe. So
9 you're going to hear a five-minute bell and then I
10 ask you to please wrap up. I'm going to give you
11 another minute. So you've got a total of six
12 minutes. Then if you have additional questions or
13 comments you can come back in a second round. I
14 want to give everyone the opportunity. We'll
15 start off with Peter Vallone, Jr. of Queens.

16 COUNCIL MEMBER VALLONE: Thank you,
17 Mr. Chair. Chancellor, I don't want to disparage
18 any other students. My quote was actually I'm
19 glad I have this information on my two daughters
20 and I'm very glad that my parents didn't have that
21 information on me.

22 JOEL I. KLEIN: Fair enough.

23 COUNCIL MEMBER VALLONE: I think
24 Dennis Walcott summed it up correctly at the end
25 when he said rising test scores are not the point.

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2 You both spent a lot of time talking about all the
3 progress you made and that's great. As a parent
4 of two public school kids, I appreciate that
5 progress. But if that weren't happening, if you
6 weren't making progress and test scores weren't
7 rising, I'm positive that would not be an argument
8 to get rid of Mayoral Control. That would be an
9 argument to get rid of you, so luckily it is
10 happening and that someone else should be given
11 the control and the accountability to fix the
12 school system if you were not doing the job that
13 you were paid to do. The question isn't the
14 rising test scores, the question is
15 accountability. The ultimate accountability is to
16 the voters and that's why is support Mayoral
17 Control because you will be held accountable for
18 the job you've done. I happen to think that
19 overall you've done a very good job and my two
20 daughters are a testament to that. However, it's
21 more than just accountability to the voters; it's
22 accountability on an ongoing basis to the parents
23 and to the City Council, especially this
24 committee. As a parent and a member of the
25 Education Committee, that's an area that needs

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2 improvement, both your accountability to us, as
3 the Chair has said in his opening statement, and
4 your accountability to parents throughout the four
5 year term before elections occur. How are both of
6 those areas going to be improved if Mayoral
7 Control continues and you continue in your
8 position?

9 JOEL I. KLEIN: I think one
10 question which the Council's report raises is our
11 accountability to the Council and our
12 accountability to Albany and in that respect we're
13 very different from any city agency. I think
14 those are issues that really the Council ought to
15 engage Albany on. But we certainly are here all
16 of the time. We have been held accountable.
17 Where we've made errors, they have been pointed
18 out. I don't think it's up to us to get in the
19 middle of the division of authority, which is
20 really unique in education, between the city
21 agency and the state legislature. In terms of
22 parents, I think there are several key things that
23 we need to do. We need to make sure that parents
24 are able to figure out how to navigate the system
25 and provide more data. I take the point that you

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2 and others have made that we need to make sure
3 when we're proposing policies that people have
4 adequate time to respond to them. I think there
5 are better ways that we can engage the CECs,
6 better ways that we can engage the various school
7 PTAs and SLTs and we continue to work on that.
8 Having said that, I think there are lots of things
9 that we have done that are effective in that area
10 like the parent coordinators, like the annual
11 surveys. Again, we know a lot of information from
12 parents. We get more parents responding to an
13 annual survey than any city possible could
14 imagine. The last point on that, I think it's
15 important to understand, and I think you know
16 this, but parents don't speak with a homogenous
17 voice in this city. There is sometimes a tendency
18 to say parents want this, but I have found many
19 times that parents have different interests,
20 different views and different policies. Our job
21 is to hear them all, but in the end to make the
22 tough decisions.

23 DENNIS WALCOTT: If I may, I'd just
24 like to respond a little bit differently than Joel
25 in that to me also accountability is about respect

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2 as well. I think both from the Department of
3 Education and definitely from City Hall is the
4 respect that we give you as individual Council
5 Members representing your district, even where
6 there may be times we disagree around a particular
7 issue and making sure there is accessibility and
8 information sharing and responsiveness to the
9 issues you raise. I think that's part of
10 accountability as well. I think in the old system
11 you did not have that type or relationship
12 existing with City Hall, just based on the system
13 structure that existed before. I think as a
14 result of the system changes that have been put in
15 place, that accountability has increased
16 significantly and the respect has increased
17 significantly because as I look at each of you
18 today, I mean I know me personally and my staff or
19 Joel and his staff have sat down and addressed
20 unique issues that pertain to your districts. I
21 think that's another way of looking at
22 accountability and making sure the resulting
23 changes, or if not changes, at least some
24 understanding of why those changes are not being
25 made on individual Council Member or state

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legislator as well.

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COUNCIL MEMBER VALLONE: Thank you.

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I only have six minutes though so I'm going to

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have to move forward. I'm going to leave the

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question of your accountability to this committee

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to my chair who had some accusations in his

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opening statement which I'm sure he's going to

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flesh out. Regarding parents though, Chancellor

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Klein, you mentioned how you need to do better. A

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few times you've said that and I don't doubt

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you're going to, but there were no specifics. Are

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there any specific plans you have to improve

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communication with parents and parent

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participation and accountability to parents? You

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said parents don't speak in a homogenous voice and

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you're right, they almost always don't, except

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when it comes to cell phones where 99% of them

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want their kids to take cell phones to and from

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schools. And yet, that desire has been completely

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disrespected but we'll move on from that. What

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specifically are we going to do to improve parent

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school involvement?

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JOEL I. KLEIN: I think several

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things. First of all, we're going to institute

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2 Parent 311 so it's a direct point of contact so
3 any parent knows how to access the system. Second
4 of all, we're going to put procedures in place in
5 the school districts so that parents who don't get
6 their issues resolved at the school have
7 meaningful ways to get them resolved outside of
8 schools. The third thing we're doing internally
9 right now is looking at all of the various parts
10 of the department that touch and what we call are
11 parent facing and make sure that those pieces are
12 much more integrated than they've been. So in all
13 of those respects, and others that I'm sure that
14 you and others will suggest, we're constantly
15 trying to improve it and hope we will do a better
16 job in that respect.

17 COUNCIL MEMBER VALLONE: My time is
18 up. I'll just end by saying you've been here 18
19 times. That never would have happened under the
20 previous system. You are to be held accountable
21 for your success or lack of and that's why I
22 support Mayoral Control. As a parent, I
23 appreciate the work both of you do every day. My
24 daughters are still doing great and that's thanks
25 to you and the teachers that have been there for

1
2 them the entire way. Thanks for the work you do
3 and I look forward to continuing to work with you.

4 CHAIRPERSON JACKSON: Thank you,
5 Council Member. Next is Council Member Vincent
6 Ignizio of Staten Island.

7 COUNCIL MEMBER IGNIZIO: Thank you
8 very much. As the education member from the great
9 Borough of Staten Island, I'm proud speaking today
10 for my colleagues, Council Member Oddo, Council
11 Member Mitchell, all of which who have huge
12 concerns but really do like the progress. Quite
13 frankly, we in the city and government in
14 particular, we tend not to take a victory lap when
15 it's deserved. I think that our kids coming up
16 with great math scores and I'm not solely giving
17 that to Mayoral Control, I'm not solely giving it
18 to the UFT and I'm not solely giving it to
19 parents, but we should take a step and say what a
20 great job our kids are doing in this city. They
21 deserve the credit because they took those tests.
22 That being said, the question I have is in regard
23 to Mayoral Control. I firmly believe that it's
24 working. I think that systems which are closer to
25 the people work better. The concern is the huge

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2 gap between the parent that may have an issue and
3 have a principal that either can't solve or
4 doesn't want to solve that issue and then where
5 does that parent go from there? Very often they
6 end up in my colleagues and my office to say where
7 do we go and what do we do. This is where I may
8 disagree, but I believe that a superintendent that
9 had a borough perspective had a better perspective
10 of the entire borough and not just one school.
11 That rendition I think has been rejected. Our
12 current borough superintendent couldn't pick me
13 out of a lineup. I think that is a failed part of
14 an overall good plan. What can we utilize to
15 improve that aspect of it from the principal on up
16 and/or from the superintendent level if there's
17 any intention?

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19 JOEL I. KLEIN: First of all, thank
20 you for your kind remarks. In direct response to
21 your question and I think I tried to say as much
22 to Council Member Vallone, I do think we need a
23 place in the district where parents can go to get
24 their issues resolved. I think that's one of the
25 things that we are looking at, our colleagues in
Albany are looking at and we welcome your

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2 particular comments. Obviously, Staten Island is
3 slightly different because it's a single borough
4 district, but nevertheless, I think the best ways
5 to do that are ways that we would welcome your
6 input and your consultation on.

7 COUNCIL MEMBER IGNIZIO: I'm going
8 to end my comments with the fact that I believe
9 this system is working. I believe that Mayoral
10 Control, regardless of which mayor, is the way to
11 go for the city. I think it really has improved
12 and I think the statistics prove that. In terms
13 of engaging parents, I came to your office about a
14 year and a half ago with a program that would
15 allow for web-based access to PTA meetings. It's
16 something that doesn't cure all. But a father who
17 may want to be more engaged that has to be at work
18 or has to be somewhere else or a parent who has
19 other kids to look out for and wants to be engaged
20 in the PTA process can just dial in over the
21 internet and hear and see what's going on at that
22 PTA meeting and become more engaged. I met with
23 the Parent Engagement Office. The availability of
24 funds wasn't there previously. But perhaps there
25 is a way we can allow for people to be more

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2 involved. We're going to try it for the first
3 time this year at I.S. 75 in my district as a
4 pilot basis. I really do encourage and would
5 request the support of your agency to work with us
6 to see that through. I appreciate your time.

7 CHAIRPERSON JACKSON: Thank you,
8 Council Member. We've been joined by our
9 colleague, Council Member David Yassky of
10 Brooklyn. He was across the street dealing with
11 some Land Use matters. He also co-chaired the
12 School Governance City Council Workgroup and I'm
13 going to afford him the opportunity at this point
14 in time to make any comments regarding his role as
15 co-chair of the workgroup. And then we'll turn to
16 our next colleague for questions, Domenic Recchia.

17 COUNCIL MEMBER YASSKY: Thank you
18 very much, Chair Jackson. Good afternoon
19 Chancellor and Deputy Mayor. I think that the
20 experience of our Working Group is actually quite
21 instructive. I know that we have yet to issue a
22 formal report, but I think that nonetheless there
23 were two conclusions that were broadly shared
24 within our active working group members and really
25 among the Council Members that came and

1 participated in any way in the Working Group. One
2 was that the core principal of Mayoral Control, or
3 as I prefer to call it, Mayoral Accountability
4 should continue. To affect change in the system,
5 you need to have someone who is able to implement
6 change and can be held accountable for that
7 change. So the core principal should continue.
8 That's conclusion one. Conclusion two was there
9 absolutely needs to be more genuine opportunities
10 for parent and community input into the system.
11 Those two principals I think are broadly shared
12 both within the working group and I would venture
13 to say within the Council. When it came time to
14 implementing those principals and the details of
15 how to make community and parent input real, there
16 were a lot of different viewpoints. That's where
17 the legislative process really is needed. I have
18 my preferred version of how to make community and
19 parent input real. Other members had their ideas.
20 The reality is that the Council doesn't get to
21 legislate on this. Let me just say on that that
22 if there is one other thing that I hope that we'll
23 address, it is to put the city more in charge of
24 its own destiny. To have Albany down to the
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2 unbelievable detail with which they dictate what
3 goes on in our local schools I think in a city of
4 8.5 million people is not necessary and is
5 counterproductive. I think the city should be
6 much more in control of its destiny on schools,
7 like in other matters. What we really need is for
8 the state legislature to engage in the legislative
9 process of taking different versions of how to get
10 community and parent input real and come out with
11 something that presumably will be a compromise,
12 but at least will be a step forward. I just
13 wanted to share that with you. Yes, we need to
14 continue the core principal of Mayoral Control.
15 Yes, we need to improve parent and community
16 input. I think that's something on which there
17 was broad agreement. Thank you, Mr. Chair.

18 CHAIRPERSON JACKSON: Thank you,
19 Council Member Yassky for your involvement in the
20 School Governance Workgroup and your leadership.
21 Before I turn to my colleague Domenic Recchia, let
22 me just ask one of the questions I'm going to try
23 to infuse over the course of my colleague's
24 questions some questions to the chancellor and the
25 deputy mayor. Chancellor, you and the deputy

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mayor have testified at several hearings and spoken out in numerous forums on Mayoral Control. I've acknowledged that there are things that you could do better, especially in the area of parent engagement. You didn't give anything specific about what you would have done differently or what changes you would make going forward. So I'm asking you this now, what mistakes do you think you've made and what changes are you going to make? I'd like to give specifics. For instance, was it a mistake to consolidate the 32 districts to create 10 regions? And then dismantle the regions and reconstitute the 32 community school districts? Or, how about changing bus routes in the dead of winter? What specific changes would you make going forward?

DENNIS WALCOTT: Let me tackle the bus routes. I think on numerous occasions we've said very publicly and to people individually that we made a mistake. We've admitted to the mistake. We have apologized to the people who were impacted by that mistake. Our goal was to rectify and fix that mistake. I think with the bus routes, using that as an example, I think what we would have

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2 done differently is, one, not change it in the
3 dead of winter. But two, making sure both from a
4 central point of view but also from a school-based
5 point of view there was greater involvement of the
6 parents and the school communities in the changes
7 and what those changes represented. The goal of
8 the changes was I think still important to
9 accomplish. The goal was to make sure that routes
10 that had been in existence for years and years and
11 years that had never been tackled before that some
12 of them were extremely inefficient and very costly
13 to the system were looked at and improvements were
14 made to try to make them more efficient and cost
15 productive. That was the overall goal. I think
16 having greater input with the community and the
17 parents would have accomplished the goal and
18 obviously not changing it in winter. That's the
19 bus routes and we've never backed away from
20 apologizing about that. But, again, I think that
21 goes to the heart of mayoral accountability and
22 responsibility in saying we made a mistake and
23 having a central point of admitting that there was
24 a mistake. But the next step was how we then
25 improve on that to make sure the system is better.

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I think that goes to the heart of the feedback that's been coming today as far as greater parental involvement and greater community involvement. Whether it's involving school sitings or school closures making sure that the legislators as well as parents and school stakeholders are involved in that process so people have a greater understanding of the whys and not just the action of it happening.

JOEL I. KLEIN: On the specific question about the regions, I don't think they were a mistake. I realize other people disagree with that. I set out early on in a speech that I made talking about long term plans and why we were moving toward a regional structure and why we hoped that that structure would eventually atrophy. I continue to think that the focus on the individual schools, schools are where parents send their children, schools are where we provide the funding, and it was a critical part of our effort. I agree with the deputy mayor that when it comes to particular engagement issues, there are things that we could have done better and we will. I answer both to Council Member Vallone and

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2 Council Member Ignizio that we plan to have a
3 Parent 311. We need to have a clear place in
4 every school district for people to get their
5 issues resolved and we'll continue to do so. But
6 the overall structures I think actually worked to
7 achieve something that was very important which is
8 the maturation of a system from a very, very, if
9 you will, divided systems, 32 school districts
10 with entirely different cultures and different
11 curriculums to an integrated system that then
12 matured and I think that was a vital part of the
13 work we did.

14 CHAIRPERSON JACKSON: Let me just
15 comment and then I'm going to move to my
16 colleague. Clearly, as I said earlier,
17 consultation is extremely important. There was no
18 consultation with the City Council of New York
19 concerning this major restructuring. There was no
20 consultation with the CECs on this major
21 restructuring. There was no consultation with
22 parent leaders and if there was, then you need to
23 tell me as the chair of the Education Committee
24 who it was with. Maybe you consulted with the
25 people you wanted to consult with to get the

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answers that you wanted to but consultation is with everyone. Not only those that agree with you but even those that disagree with you, and even more so those individuals in order to really get the feedback that is critical in evaluating stuff. I just say that to you in response to your answers. I'll move to my colleague but before I do that, let me introduce additional colleagues that have joined us. We have Julissa Ferreras from Queens and Elizabeth Crowley from Queens. I'll turn to our colleague Domenic Recchia for the next round of questions.

COUNCIL MEMBER RECCHIA: Thank you, Mr. Chairman, and thank you, chancellor and deputy mayor. First, I want to hand you a report that Assemblyman Alec Brook-Krasny is introducing legislation on a bill putting parents first. You sit here and you talk about the great scores and everything. I support Mayoral Control. I think you did a lot of good work for our children. The big issue here, Mr. Chancellor, is that the superintendent does not have control over the district. Why? Explain to the people of this city why a superintendent has to worry about 20

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2 schools outside of their district. That has to
3 stop. Do you intend to correct that?

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JOEL I. KLEIN: We're engaged in
5 discussions in Albany on that very issue. I
6 haven't read the legislation that Assemblyman
7 Brook-Krasny has introduced. The original notion
8 was the superintendents would do what we call
9 quality reviews outside of their district for two
10 years. We've completed that two years. They can
11 now and are now doing quality reviews inside their
12 district. I have no doubt that fundamentally the
13 superintendents will operate within their
14 districts. There was a reason we decided for the
15 first two years to do it slightly otherwise
16 because they were being trained. Going forward
17 that training challenge has been met, so the
18 answer to your question is fundamentally yes.

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COUNCIL MEMBER RECCHIA: In
20 addition to that, with the CECs, this legislation
21 is recommending that they have input on who the
22 superintendent should be. What we're recommending
23 is that you have a list of people who could be
24 superintendents, that the CECs be given time to
25 review the list and pick five names, interview

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2 five people and then recommend three people to be
3 superintendents. What's your opinion on that?

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JOEL I. KLEIN: It's not a proposal
5 and I'm not going to negotiate proposals here
6 today.

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COUNCIL MEMBER RECCHIA: No, I'm
8 not negotiating. We have to give parents a say in
9 education. Parents want to know when they have a
10 problem that they could go to a district office
11 where a superintendent could help them and a CEC
12 that could help them instead of a CEC saying there
13 is nothing I can do because the superintendent is
14 not paying attention because the superintendents
15 can't do anything.

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JOEL I. KLEIN: I just said to you
17 that I think we need to restructure that and I'm
18 happy to do so.

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COUNCIL MEMBER RECCHIA: I want to
20 thank you for coming in to my district and meeting
21 with my parents, deputy mayor. The chancellor has
22 met with my parents. He heard many of the
23 concerns that we have. In addition to that, I
24 want to thank you for selecting Dr. Dorita Gibson
25 as the deputy chancellor for curriculum. She was

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2 a great choice. In your presentation that you
3 made, it was great, but a lot of parents in my
4 district, a large number of households do not have
5 computers. What is that parent supposed to do?

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JOEL I. KLEIN: I'm glad you asked
7 that. It was my bad that we didn't mention it.
8 We were clear about this. Every public library,
9 we're cooperating with our public libraries as
10 part of this initiative. Our schools have
11 computers. So we made clear and each school was
12 to advise its parents that they should either go
13 to the public libraries to get this information or
14 to come to the school itself and get the
15 information.

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DENNIS WALCOTT: And to add to
17 that, I'm not sure if Joel said it or not, we're
18 training our parent coordinators around how to
19 work with their parents to access the information
20 in addition to the libraries. We are also having
21 our community-based organizations to be a part of
22 this process as well. So there will be a number
23 of access points for parents to gain this very
24 rich source of information about their child or
25 their children in the schools.

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2 COUNCIL MEMBER RECCHIA: I just
3 want to correct it, Mr. Chancellor that you keep
4 on saying we want to help them navigate the
5 system. That's the problem. Parents shouldn't
6 have to navigate the system. When they have a
7 problem and they can't resolve it at the school,
8 they should be able to go to their local district
9 office where there is a superintendent there who
10 has a staff that could help them. That's what
11 needs to be corrected. I'd be more than glad to
12 meet with you on our proposal. I do support
13 Mayoral Control, but there has to be some
14 corrections.

15 JOEL I. KLEIN: Thank you.

16 DENNIS WALCOTT: Thank you.

17 COUNCIL MEMBER RECCHIA: Thank you.

18 CHAIRPERSON JACKSON: Thank you,
19 Council Member. Our next Council Member is John
20 Liu of Queens.

21 COUNCIL MEMBER LIU: Thank you, Mr.
22 Chairman. Thank you, deputy mayor and chancellor
23 for joining us this afternoon. A great deal of
24 your testimony was based on improved exam scores.
25 You have focused a great deal on the state exam

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scores. There are federal exams that our students take also. Is that correct?

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DENNIS WALCOTT: Correct.

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JOEL I. KLEIN: They don't all take them, they're a sample.

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COUNCIL MEMBER LIU: Right, they're a sample. Would you say that the samples are big enough to be able to draw conclusions from?

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JOEL I. KLEIN: Yes.

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COUNCIL MEMBER LIU: So they're credible?

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JOEL I. KLEIN: Oh sure.

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COUNCIL MEMBER LIU: What has been the performance of our students on those federal exams?

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JOEL I. KLEIN: The last time they were taken was over two years ago. In the fourth grade our performance was strong. For example, in mathematics, we were probably way at the top of the chart. Our students in fourth grade

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mathematics were actually within two point of the entire country, which is, again, unheard of. Our

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students in reading did quite well. The grades

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don't fully reflect that because they tested many

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2 more English language learners, so our Latino
3 students and our Asian students actually went down
4 slightly in 2007. But that was just because more
5 people were tested. Our white and African
6 American students went up. In the eighth grade,
7 our scores were essentially flat, slight uptick in
8 math and a slight decrease in English. That
9 doesn't surprise me either because those exams
10 were several years ago. And obviously, as our
11 students have moved through the system they come
12 more prepared. We will have further federal
13 numbers in the fall. The only other point I want
14 to make in response to that is our accountability
15 legally is according to state exams. We volunteer
16 to publish the data on the federal exams. Very
17 few cities do that but we do that to make sure
18 that everybody has all of the data.

19 COUNCIL MEMBER LIU: You stated
20 that the last set of federal exams were about two
21 years ago. What about before that? How many
22 years prior to that did the federal exams get
23 administered?

24 JOEL I. KLEIN: They get
25 administered basically every two years.

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2 COUNCIL MEMBER LIU: So every two
3 years?

4 JOEL I. KLEIN: Right.

5 COUNCIL MEMBER LIU: So they're
6 about to get administered again?

7 JOEL I. KLEIN: They were
8 administered in 2009. The scores should be
9 released this fall.

10 COUNCIL MEMBER LIU: You said
11 something about more Latino and Asian kids taking
12 those exams. So are you saying that they're not
13 necessarily reflective of New York City school
14 system?

15 JOEL I. KLEIN: In the math exams
16 they are reflective because the language issues
17 obviously are different and you can translate the
18 exam into the student's native language. In
19 reading the number of non-English proficient
20 people because there was a change in state law,
21 doubled and that meant that our overall rates stay
22 flat because we had many more people who weren't
23 conversant in English. But if you looked at the
24 people who were conversant in English we actually
25 went up several points in 2007.

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2 COUNCIL MEMBER LIU: My question is
3 are those samples reflective of the New York City
4 school systems, yes or no?

5 JOEL I. KLEIN: They are, but
6 they're just not apples to apples that's all. You
7 can make the point but it's just not apples to
8 apples.

9 COUNCIL MEMBER LIU: I think you're
10 trying to make the point. I wasn't trying to make
11 any point. I just wanted to know if those samples
12 are reflective of New York City school kids.

13 JOEL I. KLEIN: They are, but the
14 2007 sample in reading was different from the
15 2005. Let me explain it to you in a second and
16 maybe it makes sense and maybe it doesn't.

17 COUNCIL MEMBER LIU: How about the
18 2003 exams then?

19 JOEL I. KLEIN: 2003 to 2005, those
20 were apples to apples and we showed a real gain in
21 reading over those periods. 2005 to 2007 weren't
22 apples to apples. In 1007, if you have been in
23 the school system for one year you were tested.
24 In 2005, you had to be there three years.

25 COUNCIL MEMBER LIU: Mr.

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2 Chancellor, according to published reports, and
3 they state it very clearly, in fact, the
4 performance on the federal exams are vastly
5 different than the performance on the state exams.
6 You cited one set of exams, particular math scores
7 for fourth graders, they improved. But actually
8 on most of the other measures and comparisons New
9 York City school kids did not fare quite as well.
10 Now you're saying that there is a reason the
11 reading scores might have dipped because there was
12 a slight difference in the sample. These are good
13 samples. There are lots of people who say that
14 some of the uptick in some of these scores at the
15 state level are due to different samples, or
16 perhaps they are because the exams themselves are
17 somewhat easier. The exams are the exams and the
18 scores are the scores. It's hard for you to sit
19 there and justify using different sets of exam
20 score comparisons for one thing and then try to
21 shoot holes in the comparison of grades that are
22 administered in other ways.

23 JOEL I. KLEIN: Let me answer that.
24 I take it that there is a little bit of confusion.
25 Number one, on the state test, everybody takes it.

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There are no samples on the state test.

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COUNCIL MEMBER LIU: The sample is 100%.

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JOEL I. KLEIN: They all take it. These are comparable. As I explained in my testimony, those exams are given throughout the entire state and by law that's our accountability.

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COUNCIL MEMBER LIU: But we're not talking about accountability here. We are talking about statistics, numbers that you continuously cite as proof positive of your tremendous accomplishments. All I'm asking is why the federal scores do not reflect the same thing.

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JOEL I. KLEIN: I think they do in the fourth grade and that's what I'm saying.

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COUNCIL MEMBER LIU: What about the eighth grade?

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JOEL I. KLEIN: In the eighth grade I said they were flat and they were two years ago and I acknowledged that.

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COUNCIL MEMBER LIU: When you say the fourth grade, are you talking about both math and English or just math?

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JOEL I. KLEIN: Both math and

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2 English. For example, in fourth grade English,
3 because of this language issue, if you look at New
4 York City's African Americans in the fourth grade
5 English I think it would come as a surprise to and
6 everybody else, they were number one in the
7 country. Number one in the country, New York City
8 African Americans fourth grade English. They were
9 at the highest level. They compared them to all
10 of the other cities that were available.

11 COUNCIL MEMBER LIU: So for that
12 subcategory the comparison is valid, but for all
13 the other subcategories there is a problem in
14 comparing apples to oranges?

15 JOEL I. KLEIN: Not all the others,
16 but we have English language learners who come to
17 us from places outside of the U.S. and if you test
18 them after one year, you're going to get different
19 results from when you test them after three years.
20 That's the point I'm making. With our African
21 Americans, that didn't apply, and therefore what
22 we saw was outstanding performance.

23 COUNCIL MEMBER LIU: Something I'd
24 like to suggest here, Mr. Chancellor, as you
25 continue to emphasize these test scores, there is

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2 a great deal of feeling among parents out there
3 and teachers and administrators. I happen to be
4 the parent of a third grader myself. In fact, I
5 have a special deputy with me today because it's a
6 special day off from school today. It used to be
7 called Brooklyn Queens Day. I'm not sure what
8 it's called nowadays. There is a pervasive
9 feeling that is an inordinate amount of emphasis
10 on these high stakes exams that are administered
11 once a year. The fact that you continue to cite
12 these exam scores as evidence of the success,
13 although there are other exams, such as those that
14 are administered on the federal level that are
15 intended to gauge the same kind of educational
16 progress that have much more mixed results, that
17 in fact these test scores do not demonstrate
18 anything that clearly. I would submit that
19 perhaps you can demonstrate other measures that
20 indicate that this system that we have been
21 operating under for so long has actually been
22 working that well.

23 JOEL I. KLEIN: Thank you, Council
24 Member.

25 COUNCIL MEMBER LIU: Thank you, Mr.

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2 Chairman.

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CHAIRPERSON JACKSON: Thank you,
Council Member.

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JOEL I. KLEIN: I can indeed.

There are surveys that have been done, for example, by the Community Services Society, wholly independent of us, that show that parental satisfaction with our schools has gone up significantly. We do an annual survey. It's totally anonymous. We know what the rankings of parents are in terms of with them. We get hundreds of thousands of parents to fill them out. There are multiple measures that I think support it. Would we like to be doing better? Of course we would. But I think there are multiple measures that support the fact that parents believe the schools are performing better and that indeed children are performing better. Thank you.

COUNCIL MEMBER LIU: There are measures also that indicate the opposite.

CHAIRPERSON JACKSON: Thank you very much. Council Member, if you want to come back for a second round, we'll put your name down. We've been joined by our colleague Miguel Martinez

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2 of Manhattan and Council Member Gale Brewer of
3 Manhattan. Now we're going to turn to our
4 colleague, Charles Barron of Brooklyn.

5 COUNCIL MEMBER BARRON: Thank you
6 very much. I just want to say off the top, don't
7 believe the hype. Don't believe the hype.

8 CHAIRPERSON JACKSON: No applause
9 please; one way or the other.

10 COUNCIL MEMBER BARRON: When you
11 turn our education system into a standardized test
12 taking mill, test prep every other period, our
13 children aren't really learning a lot about
14 science, the green economy, economics, leadership,
15 African American history, Latino history, ethnic
16 history. They're not learning a lot about the
17 21st century student that we need to have. I am
18 the chair of Higher Education and I refute your
19 statistics about who's coming to CUNY because when
20 we get to CUNY they took remediation out of the
21 four year colleges and even a board of trustees
22 wrote an article for the Daily News saying nearly
23 75% of the students coming to CUNY have to go into
24 remediation. If you look at the end results after
25 12 years of education, when we look at what we

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2 invested, I would get fired. When I came into
3 this Council, we had a \$10 billion budget. It
4 went up to \$11 billion, \$13 billion, \$15 billion,
5 \$18 billion and now it's nearly \$22 billion.
6 You're talking about \$130 billion to educate 1.1
7 million children and you come with these stats
8 about some incremental increases in test scores so
9 we can continue to have one man who is a
10 businessman and not an educator. He's not an
11 educator. He had to have his lack of credentials
12 waived up in Albany. You're going to sit here and
13 continue this. I'll probably be mayor one day in
14 this city, but I don't even want Mayoral Control.
15 That's too much power and too much authority for
16 one person to have who is not an educator. It's
17 not about policy; it's about contracts, money.
18 When you look at Snapple and others who had these
19 no-bid contracts and these 30, 40, 50, 60
20 companies that are private companies that have
21 contracts now to be consultants to our schools,
22 and when you have to restructure three and four
23 and five times, and when 65% of the teachers in
24 the rubber room are black and Latino teachers and
25 we have a decrease in the hiring of black teachers

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2 in this system, something's wrong. Something is
3 fundamentally wrong. We can't let them sugarcoat
4 it with a bunch of statistics of how the test
5 scores are going up. I heard all kinds of scores.
6 I heard graduation rate was 52% amongst black
7 students. I heard it was 62%. Well whatever, at
8 \$130 billion, we should be up at 80% and 90%.
9 That's a lot of money to invest and especially
10 when you're teaching the test and dumbing down the
11 tests. Some people are cheating on the tests too.
12 That has been found. I'm not just talking
13 rhetoric. Our children are not being educated.
14 We can't sit here and let them do this. We have
15 to turn this system, not back to what it was, but
16 have the majority of the PEP be independent and
17 not have a mayor who can just remove his four or
18 five people when they don't vote right and replace
19 them with some other people. That's a
20 dictatorship and it's ridiculous. We have to take
21 control away from them. Don't let them fool you.
22 Tell you legislators to take the control away from
23 them. Don't let them say to you that we have to
24 go back to where we were. Nobody is talking about
25 going backwards. We're talking about going

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2 forward. Forward in a formula that empowers
3 parents, not parent involvement, parent
4 empowerment. Parents need to have some power in
5 this system and not just involvement. I don't
6 have any questions to ask you. Because any
7 question I ask them, they already have some
8 statistic to give us. So I'm taking my five
9 minutes to tell you how I really feel. We really
10 need to stop this. This was a mistake. We should
11 end Mayoral Control because the mayor and the
12 chancellor are out of control and our children are
13 paying for it. If we don't stop it now, if we
14 don't put a stop to it now, and let me tell you
15 about charter school. Charter schools only make
16 up maybe 30,000 to 40,000 of our students. You
17 know what takes a good school to work, smaller
18 class sizes, teachers that know how to teach. We
19 have computers and science labs and all of that.
20 You can give that to private, charter or public
21 and it'll work. Don't put 15 kids in the charter
22 and 30 in a public school and then try to compare
23 it. End Mayoral Control, it's not working. Thank
24 you.

25 CHAIRPERSON JACKSON: Thank you,

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2 Council Member Barron.

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DENNIS WALCOTT: Mr. Chair, even though there wasn't a question in there, may I just respond to a couple of points that were put out there?

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CHAIRPERSON JACKSON: Ladies and gents, please. Your smiles, your laughter, your applause, and your boos are not wanted here. In fact, sergeant-at-arms, I want someone standing in the back because if someone continues to applaud or boo or laugh, I want them out of the room. This is serious business and I'm not going to accept it from one side or the other. I'm being quite real. It can't go like that. They can sit and listen. Go ahead.

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DENNIS WALCOTT: We've heard this a number of times about the Snapple contract. The Snapple contract was not a no-bid contract. That was a contract that was awarded based on a bid. In addition to that, the Councilman and I literally just left a meeting before coming to the hearing together to discuss an issue in his district. One of his constituents was saying in the meeting that they're seeing progress in their

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2 district as a result of, not necessarily Mayoral
3 Control, but there's a sense of hope there. They
4 started citing things that have been instituted
5 under this mayor called progress reports and
6 really talking about the improvement in the
7 system. One thing I do agree with the Councilman
8 is that we don't need to go back. What we need to
9 do is build on the success of the last seven years
10 that we've had control as compared to the 38 years
11 of dysfunction that existed under the old system.
12 We can always improve the system. There is a
13 direct correlation to the improvement of what
14 we've done over the last seven years and I think
15 the future direction of the system. The final
16 response to the Councilman's points is that we are
17 a test-driven society. Test sophistication is
18 important for all children. Really, the issue
19 that the students know the content of how they're
20 being tested and what they're being tested on. We
21 think there has been a great increase in the
22 ability of the students of knowing what's
23 happening and offering rich educational
24 environments for them to grow and prosper and then
25 in addition to that offering courses and options

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2 available to students that reflect the 21st
3 century in addition to making sure there are more
4 options, as Joel indicated in his testimony, for
5 parents and students to choose from, especially as
6 they move on to high school. I think a lot of
7 that has been directly accomplished as a result of
8 Mayoral Control. Then the final point is that I
9 think as a result of a very bold stand that was
10 taken in 2003 around social promotion, we're able
11 to lay a platform of high standards for the system
12 where those high standards did not exist before.

13 COUNCIL MEMBER BARRON: Mr. Chair,
14 I didn't ask him a question and I do have one more
15 minute.

16 CHAIRPERSON JACKSON: You can take
17 one minute.

18 DENNIS WALCOTT: But I didn't
19 respond to a question. I was just making a point
20 myself.

21 COUNCIL MEMBER BARRON: Let me make
22 the point. Since you talked about the parent that
23 was in the meeting about five minutes that talked
24 about one school that made some incremental
25 improvements, come to P.S. 72, a school that

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2 you're phasing out after not giving them any
3 assistance. They didn't have a decent library.
4 They don't have a lab, a science lab. They didn't
5 have computers. You're phasing them out to bring
6 in charter schools because your charter schools
7 need someplace to be housed because charter
8 schools don't get money for buildings or for
9 space, they get more money for programmatic stuff.
10 You can come into my district and there would be a
11 lot of people that would love to talk to you. You
12 would get a better picture than to try to use that
13 one parent that you spoke to five minutes. You
14 are desperate when you've got to do something like
15 that.

16 DENNIS WALCOTT: I'm always
17 available to come in your district, Councilman.

18 COUNCIL MEMBER BARRON: You're
19 welcome and I'll let you speak to a whole lot of
20 parents that will give you another story.

21 CHAIRPERSON JACKSON: Thank you.
22 Next is Council Member Letitia James of Brooklyn.

23 COUNCIL MEMBER JAMES: Thank you.
24 I recognize that education is the great equalizer.
25 I have spoken to the chancellor on many occasion

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2 about the bias of low expectation for children of
3 color, not only in this city but across this
4 nation. I recognize that the fourth grade English
5 exams are rather impressive, but unfortunately, as
6 I go throughout my schools to all of the
7 graduations, I see that in terms of the
8 achievement gap that we are losing more and more
9 African American boys. I witness that. I see
10 them in grade school and middle school and then
11 when we get to high school we have lost them. All
12 too often, we are graduating more girls of color.
13 So I question this achievement gap. I also
14 question the pedagogical instruction and the fact
15 that we are teaching to the test. I question the
16 citing of charter schools within existing schools
17 without any public input or oversight by the City
18 Council. I'm concerned about the funding and the
19 fact that some of my schools that have done great
20 things do not have funds for AP classes and in
21 fact have to dip into their budgets to provide for
22 AP classes, particularly in schools which are
23 located in central Brooklyn. I'm concerned about
24 the fact that we have a technology gap and a lot
25 of my constituents do not have computers and

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2 chancellor and deputy mayor, we are proposing in
3 this year's budget to cut libraries and in some
4 cases, if those cuts go through, libraries will be
5 closed. My constituents will not have access to
6 libraries to get to the data. I'm also concerned,
7 as was mentioned before, the fact that some
8 members of the PEP could be unceremoniously fired
9 if they disagree with the mayor of the City of New
10 York. I'm also concerned about the fact that we
11 have not made great progress in the area of
12 special education. Those are my concerns. If you
13 could make comment about each of those, and/or
14 whether you would be opposed to reforms in any of
15 those areas, and if you're opposed, why you would
16 be opposed.

17 JOEL I. KLEIN: You've obviously
18 raised a lot of concerns. I'd be happy to sit
19 down and discuss them as well as any proposed
20 reforms. Overall, some of the points that you
21 mention I think are appropriate. For example, on
22 special education, again, we have a lot of work to
23 do, but I will show you the numbers and our
24 special education students are moving forward. On
25 the issue of low expectations, you and I have

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2 talked, and it's one of the reasons I started a
3 national organization called the Education of
4 Quality Project. I've written extensively about
5 the fact that there are lots of people that have
6 different expectations depending on a child's zip
7 code, family income or skin color. I have tackled
8 that openly and bluntly and will continue to do
9 so. In terms of the technology issues, you're
10 right and we are working very, very hard to make
11 sure our children are technologically savvy. We
12 have some of the most incredible things going on.
13 There is a school called the I School, it's a
14 highly diverse high school that we opened in which
15 our kids are very computer savvy. The specifics
16 of ways to do things better, again, with a list
17 like that, I think it's best to sit down and talk
18 it through and get your ideas.

19 COUNCIL MEMBER JAMES: Chancellor,
20 when I speak of separate and unequal, I think
21 about a school in my district, P.S. 157, where a
22 charter school is located within its walls. If
23 you go to the fifth floor of the charter school,
24 the children have a lot. If you go to the first
25 three floors of 157, the children have the least.

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2 It's because the charter school has access to deep
3 pockets. In fact, the charter school is moving to
4 a new building and the public school is just
5 asking for their air conditioners because they
6 don't have air conditioners. They're asking for
7 their computers and they're asking for some of
8 their books. That to me is separate and unequal
9 and that should not be. If that's an example of
10 what is happening throughout the City of New York,
11 we really need to look at this inequity and this
12 disparity. So I would join you in a visit to P.S.
13 157 to witness the disparity that I have seen.
14 Last, but not least, I am concerned as chair of
15 Contracts, about the number of displace workers as
16 a result of contracting out to outside
17 contractors. I'm concerned about the number of
18 contracts that have not been competitively bid.
19 I'm very concerned as I visit my local bookstore
20 that has done business with the City of New York
21 and the Department of Education and minority-owned
22 bookstores that have lost their contracts to big
23 contractors who provide books to the Department of
24 Education who are located outside of the State of
25 New York. I believe they're located in the south.

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2 All of these small, local, community-based
3 bookstores and book publishers that have provided
4 books to the Department of Education have all lost
5 their contracts. They employ New York City
6 residents. They've lost their contracts to big
7 business. I think it was in Mississippi, if I'm
8 not mistaken, or Memphis. I don't know who they
9 employ. They are not subject to any of our rules
10 and regulations. So I am obviously concerned
11 about the impact on small business and on minority
12 and women business vendors which have provided
13 books to the Department of Education for some
14 time. I understand it's about savings. But I
15 don't see how we're going to achieve savings when
16 we lay off countless New York City residents. The
17 transfer of five-year-olds from kindergarten, from
18 ACS day care centers to the Department of
19 Education, based on my conversation with some
20 principals, will result in a waiting list and
21 result in the removal of caps on classroom size in
22 kindergartens, particularly in kindergartens in
23 communities of color. That too is unacceptable.
24 I'm not saying end it, but I'm saying amend
25 Mayoral Control. Obviously, we have a lot of work

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2 that has to be done. I look forward to working
3 with your and voicing my opinions and my points to
4 my colleagues in Albany. Thank you.

5 CHAIRPERSON JACKSON: Thank you.

6 DENNIS WALCOTT: Council Member,
7 just in response to 157, we don't even have to
8 wait to go out to visit. We'll follow up on that
9 immediately as far as the issue of books even
10 though we're at the end of the school year, and
11 air conditioning and other infrastructure issues
12 that you talk about. Throughout the system, we
13 have instituted as a result of the Council's
14 support as well major capital improvement plans
15 throughout the entire city and so we'll follow up
16 on school 157 to see what that issue may be and
17 then always look forward to working with you and
18 responding to your issues.

19 CHAIRPERSON JACKSON: Thank you,
20 Council Member.

21 JOEL I. KLEIN: Let me just also
22 say, the way you finish it is exactly right. I
23 know you will never hesitate from voicing your
24 views on any of these issues. I have always found
25 that I've benefited from that engagement. Every

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2 where we disagree, I know where you're coming from
3 and I respect it deeply.

4 CHAIRPERSON JACKSON: Before I turn
5 to my colleague, Dr. Stewart, let me infuse
6 another question. The City Council, especially
7 the Education Committee, has had trouble getting
8 information under Mayoral Control. There has been
9 a failure to respond to information requests; late
10 notice of policy changes and school closings; also
11 the lack of compliance with reporting laws
12 regarding specialized spaces. Given that,
13 wouldn't you agree that there needs to be a change
14 to give more of a role to the City Council per
15 hour municipal control recommendation?

16 JOEL I. KLEIN: If you're not
17 getting information, I absolutely agree that we
18 need to improve that. I hope we can do that in a
19 timely, cooperative way. For example, somebody
20 said earlier today that the comptroller should
21 have authority to audit us. The comptroller
22 audits us all the time. I can talk to numerous,
23 numerous audits. If there are specific issues or
24 things that you recommend for the Council, I'd be
25 happy to engage in determining the best way to get

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2 that done, whether through legislation or through
3 agreement.

4 DENNIS WALCOTT: Mr. Chair, just to
5 add to that, I don't know if it's still happening,
6 but I know at one point we were having regular
7 meetings with the Council as far as bringing them
8 up to speed on different policies and programs.
9 If that has fallen by the wayside, we will
10 definitely look to reengage that. We found those
11 Friday meetings to be extremely helpful, either
12 with a Council Member directly. It happens every
13 other month I'm being told. If we need to do it
14 every month, we'll be glad to do it. We do every
15 other month meetings with either you directly or
16 with your staff around a variety of initiatives
17 and we'll be glad to increase the frequency of
18 that.

19 CHAIRPERSON JACKSON: Let me tell
20 you, we appreciate the rhetoric, but talk is
21 cheap. In fact, we have heard on a continuous
22 basis concerning our communication, both by staff
23 and by me and even at public meetings about that
24 fact that information that we requested is not
25 being responded to in a timely manner. In fact,

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2 here is a letter, dated April 13th, 2009 to your
3 chief operating officer in following up on the
4 Education and Contracts Committee on April 1st,
5 asking very specific questions about the contracts
6 and what have you. Today is June 4th, no
7 response. This is just one example on a
8 continuous basis. That's one of the reasons why
9 when you talk about accountability it should not
10 take two months for the City Council Education
11 Committee and following up on a hearing to get a
12 response from the Department of Education.

13 JOEL I. KLEIN: I agree with you.

14 CHAIRPERSON JACKSON: Chancellor, I
15 know you agree with me.

16 JOEL I. KLEIN: But I wish you'd
17 pick up the phone and call me.

18 CHAIRPERSON JACKSON: Chancellor, I
19 should not have to pick up the phone. It's a
20 continuous problem. You know about it. The
21 deputy mayor knows about it. Everyone knows about
22 it. It's a continuous problem. Like I said, talk
23 is cheap. Every time you come you apologize and
24 say you'll get the information and so forth. But
25 the modus operandi continues on a continuous

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2 basis. That's one of the reasons why the Mayoral
3 Control Workgroup recommends municipal control
4 over the Department of Education.

5 DENNIS WALCOTT: Mr. Chair, I must
6 say this.

7 CHAIRPERSON JACKSON: Go ahead,
8 please.

9 DENNIS WALCOTT: There is no excuse
10 for not having a response to a letter that was
11 sent back in April. But at the same time, I think
12 in balance, we through the Department of
13 Education, provide either you or your staff with a
14 major amount of information upon request and
15 sometimes without request. We constantly give you
16 volumes of information, either prior to a hearing
17 or after a hearing. Where we don't do the job,
18 we'll be the first to admit it. But at the same
19 time, I think in balance, our staff works very
20 hard to maintain very open lines of communication
21 with you and your staff around information
22 requests. I think we have to balance it to say
23 that we do a very good job in getting you a lot of
24 material and we'll do even a better job.

25 CHAIRPERSON JACKSON: Deputy mayor,

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2 let me just say that I disagree with you. I think
3 clearly if you look at the requests and you look
4 at the lack of response and you look at how late
5 the response is, you're not doing a good job at
6 all. In fact, I say that objectively. You may
7 disagree but the bottom line is that information
8 we request should not take as long as it has been
9 taking. This is not new. This is something
10 that's been going on for years. In fact, some of
11 the stuff concerning hearings that we had on
12 education committee hearings, we had gotten it the
13 night before or the morning of the hearing.
14 That's totally unacceptable. I've said this
15 publicly over and over again. That's just one
16 example of many that I can cite concerning the
17 whole issue of Mayoral Control. You may differ
18 with that and we can agree to disagree. The facts
19 speak for themselves. Let me turn to my
20 colleague, Dr. Kendall Stewart of Brooklyn.

21 COUNCIL MEMBER STEWART: Thank you,
22 Mr. Chair. Deputy Mayor and Chancellor, I have
23 just a few questions and I want to shift it a
24 little bit. First of all, I want to say that I
25 don't know what you've heard before, but I believe

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2 that looking at before Mayoral Control and looking
3 at the present, I think we are doing a fantastic
4 job in terms of our schools. I don't know how
5 others are thinking but by visiting the schools I
6 see what is happening. I have a couple of
7 questions that I want to ask you. The first one
8 has to do with the fact that we brought
9 international teachers here. To me, we are not
10 doing the right thing by them. For example, why
11 are we giving the principals the autonomy of the
12 fate of these teachers? It means then that
13 principal can then terminate if they want by just
14 giving a U rating, even though these folks have
15 been certified and they're doing a good job and we
16 know they're doing a good job. Why one person is
17 given the authority to just put these teachers
18 down the road of shared problems. Why are we
19 doing that? Why can't we say if we have a teacher
20 in that school, it should be a principal from
21 another school evaluating that teacher? Why
22 couldn't it be that? Why don't we have a policy
23 that makes sense? To me, if a principal doesn't
24 want this person just for the fact that they don't
25 want that person in that school, they can give

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2 them a U rating and you know what that means,
3 dismissal. They can't go to another school when
4 they have a U rating. I think you should look at
5 that policy and change it, change it now. The
6 other thing I want to know is in terms of
7 certification; if you're going to test someone, if
8 they are certified in language arts, why test them
9 in special ed? If they're certified in special
10 ed, why test them in math? Chancellor, I feel
11 that we are not looking at polices correctly. We
12 need to look at that and say if you have your
13 certification, you went through all the training,
14 you have your master's, you have your education,
15 you're now certified in special ed, then there is
16 where you should be and not have a principal
17 testing you on something else. And then because
18 they don't want you there because they have
19 somebody for the job, they give you a U rating and
20 then you have to fight your way out. You know for
21 a fact that the teachers union doesn't really help
22 them. I want you to look into that. The other
23 concern that I have is parental involvement. In
24 terms of parental involvement, we say that we have
25 parent coordinators, but the fact is we have to

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2 give the appearance that there is parental
3 involvement. To me, right now, even though there
4 might be a parent coordinator, I don't get the
5 feel that there is parental involvement. So we
6 need to really step that up a little bit more to
7 really build on what we have so far. The last
8 thing I want to tell you, Chancellor, I want you
9 to look at the fact that we are taking kids and
10 we're putting them into the schools now after 3.
11 What happens with those parents? Tell me what
12 they should do. Should they leave their job to go
13 and pick up those kids? We have to look at some
14 policy, some way of really helping them. I am
15 saying, Mr. Chancellor and Deputy Mayor, the fact
16 is that we're doing a good job, but there's a lot
17 more to be done. It has to do with policy and how
18 we deal with some of these issues. So if you can
19 at least speak to some of those issues, I would
20 greatly appreciate it. Thank you.

21 JOEL I. KLEIN: First of all, thank
22 you for your kind comments. I agree with you. I
23 think that working together we can do a better job
24 and I appreciate the spirit in which you laid it
25 out. A couple of quick comments, on certification

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2 it's not up to us. These are all rules that are
3 required by the state. For example, if you're
4 certified, but you're teaching math or science,
5 you've got to get additional certifications in
6 those areas sometimes and we have nothing to do
7 with it. On U rating, nobody can be terminated
8 unless there's a hearing, an independent hearing.
9 I will tell you, you're smiling, but I will tell
10 you that nobody gets terminated who has tenure
11 unless there's an independent hearing. If it's
12 prior to tenure then it's possible. If you have a
13 specific case, you know you can call me and I will
14 look into it for you. In terms of parents in your
15 community, I'm familiar with some of the schools
16 and I do think we have more parents getting
17 involved. I think we need more to do and you can
18 count on us to work with you on that.

19 COUNCIL MEMBER STEWART: I just
20 want to use up my one minute, Mr. Chair. In terms
21 of the U rating, I have so many teachers that were
22 coming to me and we tried to go through the
23 process. But the fact is that I need to speak to
24 someone at your level. When I try to call and set
25 up a meeting, they give me a whole set of stories

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but it does not really pan out really what we want to discuss. I think if we can do that to show you what is happening with all of these teachers and how they are really going through the ropes. The fact is that I have been working with these teachers for the past three or four years and we're trying to help them with their problems. But the fact is that one principal; a U rating can cause more problems than anything. So I'm saying, if you're teaching at that school, it shouldn't be that principal that is doing the rating. It should be another principal or somebody else from outside doing that. That I what I want you to look into.

JOEL I. KLEIN: Thank you.

CHAIRPERSON JACKSON: Thank you, Council Member. Next is Council Member Crowley of Queens.

COUNCIL MEMBER CROWLEY: Thank you, Chairman Jackson. Good afternoon, Chancellor and Deputy Mayor. I have questions on your procedures as it relates to opening schools and also closing schools. I have community residents up in arms at both ends of my district. First I'd like to ask

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2 you about the opening of schools. The City
3 Council just approved recently the purchasing of
4 land to build a high school in Maspeth. I
5 appreciate the meetings that we have over the
6 course and the discussion. However, thereafter
7 the Council voted on allowing the city to purchase
8 the land, there was a lot of controversy that is
9 still happening within the district surrounding
10 the soil and the toxics within it and what the
11 process and the standards are for the Department
12 of Education in remediating the land so the
13 parents could feel safe when they send their
14 children to the school. Can you expand on your
15 process and guidelines?

16 DENNIS WALCOTT: Sure, by all
17 means. As you know, Council Member, I was just
18 out in your district I think around a week and a
19 half or two weeks ago where I encountered several
20 of your constituents who also raised that issue.
21 We follow a very strict guideline, both strict by
22 federal and state standards. The School
23 Construction Authority had full disclosure as far
24 as the issues involving the environmental impact
25 and the type of systems we're putting in place to

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2 address any concerns. This is not a brown field
3 at all, the area that you're talking about. There
4 are not brown field legislation issues that we
5 have to follow. As a result of that, we're
6 putting in systems to address any concerns around
7 the topical soil that you're referring to. These
8 are systems that we put in now in any type of
9 school that we're building with vapor control and
10 vapor barriers and things along that line. We'll
11 always be glad to come back and sit down with
12 members of the community to explain exactly the
13 issues connected with the soil. I think I've
14 indicated to you that any meeting that you want to
15 convene, I'll be glad either myself or to have
16 members of the School Construction Authority to
17 come out and meet with your constituents around
18 that. We have followed the strict guidelines and
19 the process for both informing the community as
20 well as any types of issues that have to be
21 addressed with the land that we just recently
22 purchased.

23 COUNCIL MEMBER CROWLEY: I

24 appreciate you coming out about two weeks ago and
25 I look forward to your return. I wanted to really

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2 state how I felt. As the Council Member from the
3 area I was excluded out of the process. The
4 process of purchasing the land, when those steps
5 were taken I would have like to have been
6 informed. That we just bought this site for
7 \$16.5 million, or we just put in for permits with
8 the Department of Buildings, those types of steps
9 when you build a school, it would be helpful for
10 the representative to be made aware and kept in
11 the loop rather than hearing from outside sources.
12 I would encourage you when you look at changing
13 the process with your Mayoral Control, if it gets
14 renewed, that you will continue to keep elected
15 officials in the loop, and the community, with
16 every step of the process.

17 DENNIS WALCOTT: I totally agree
18 with you and I'm sorry that you were out of the
19 loop. I know that you and I have had meetings
20 around the school and the construction of the
21 school. I know that the SCA has met with if not
22 you then members of your staff as well as the
23 community members. We went through the community
24 board and we've gone through a variety of
25 different steps as far as engaging the community

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2 in the building of a school. So if there are
3 areas that still need to be tightened up, we'll
4 take a look at that. I think when it comes to the
5 building and the siting of a school we have a very
6 detailed process that we undertake in making sure
7 that we engage the community. Quite honestly, as
8 we all know, this was a very contentious project.
9 At the same time, with it being a contentious
10 project, it allows for an increase in the
11 communication between the stakeholders, even
12 though the communication level I think is
13 extremely high, there have been obviously with
14 this particular project even more communication
15 than before. So if there are areas that we need
16 to address, Council Member, I look forward to
17 addressing that. But we always believe in maximum
18 communication, especially when it comes to the
19 siting and the building of a school.

20 COUNCIL MEMBER CROWLEY: Finally,
21 on new construction I have one more question. It
22 would comfort the people I represent in my
23 community who don't have trust and don't believe
24 in the Department of Education's way of testing
25 the soil and putting the vapor wall if there was

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2 an outside independent study. Would you agree to
3 measures such as that?

4 DENNIS WALCOTT: We believe in the
5 process that we have and we have a demonstrated
6 track record quite frankly on making sure that we
7 follow the state and federal guidelines and they
8 have signed off on the plans, especially when it
9 comes to environmental issues. People have done
10 so in the past really contracting with an
11 independent person, but I would not agree that
12 that independent person's study is binding. I
13 think we are highly qualified in what we do and we
14 have a track record of proven success with a
15 number of the sites that we've built and all we
16 have to do is take a look. I think one of the
17 most controversial developments that we had to
18 deal with environmental issues and that's in Mott
19 Haven. In Mott Haven we were very inclusive in
20 the process and we put in a very rigorous system
21 of making sure there were vapor barriers and pumps
22 in place. I'm a full believer in the quality of
23 the work that we do. We will always look at
24 independent studies, but at the same time, those
25 independent studies are not binding as far as I

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2 view it because we have highly qualified people to
3 do it and to meet the guidelines that are required
4 by the state and the federal government.

5 COUNCIL MEMBER CROWLEY: One more
6 question?

7 CHAIRPERSON JACKSON: A quick
8 question.

9 COUNCIL MEMBER CROWLEY: A quick
10 question. When you look at closing a school, what
11 is the involvement of the community you have
12 before you make that decision to close a school?
13 What's the process, if you could, in phasing a
14 school out?

15 DENNIS WALCOTT: Joel may want to
16 somewhat modify my remarks, but I think we always
17 need to do a better job when we both close a
18 school and site a school. Even though we do I
19 think a very comprehensive job and I don't want to
20 knock our people because I think they work very
21 hard to inform the community, but we always need
22 to improve that. We need to show exactly why
23 we're closing a school and make sure that people
24 have ongoing information as far as the rationale
25 behind the closing of a school. I think both the

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2 chancellor and I realize that a school is
3 something very personal to a community. A
4 community is very invested in a school, but at the
5 same time, we have very detailed criteria that we
6 look at. We don't come to these decisions lightly
7 but as a result of persistent failure over a
8 number of years in failing out students a decision
9 is reached to close a school and not necessarily
10 wait for the state to tell us to close the school.
11 But I think, again, we have a responsibility to
12 make sure we provide maximum information to that
13 particular community so they understand exactly
14 the rationale behind that.

15 CHAIRPERSON JACKSON: Thank you.
16 Council Member Al Vann of Brooklyn in next.

17 COUNCIL MEMBER VANN: Thank you,
18 Mr. Chairman. Good afternoon deputy mayor and
19 chancellor. I will not be redundant and there
20 have been so many remarks about being in support
21 or and those against Mayoral Control. What I have
22 observed in your passion or enthusiasm to promote
23 Mayoral Control and success as you define it in
24 the school system there is this opinion, probably
25 unintended, that nothing good really happened

1 before. Like the community school districts, like
2 nothing was really going on until Mayoral Control
3 came. I said that's probably unintentional on
4 your part. I want to go back for the record.
5 Even before the centralization there was a school
6 system and a lot of parents, primarily black and
7 Latino community was very, very unhappy with what
8 was happening. They took to the streets. For the
9 first time they took to the streets. That system,
10 by the way, was the system where parents didn't
11 feel welcome in the schools. It felt like the
12 schools belonged to somebody. There were very few
13 black principals. There was a very few number of
14 teachers of African American descent. There were
15 no reflections of the different cultures in the
16 curriculum and in the books. I mean it was a real
17 struggle going on of sorts. They were so involved
18 in that struggle that it led to the legislature
19 saying we want to respond to the cry, which was
20 not decentralization but was community control.
21 The legislature was poised to legislate that power
22 shift to the community except of the lobbying that
23 took place on behalf of a certain union that
24 changed the legislature's mind and then they came
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1
2 up with the decentralization. The
3 decentralization, there was a key role for the
4 central Board of Education to play which they
5 neglected. A lot of the things that we complain
6 about on what happened in certain school
7 districts, community districts, would not have
8 happened if there was a commitment to community
9 control, which there was not at that point in
10 time. So even despite the lack of interest on
11 behalf of the central Board of Education making
12 sure things went well, I think they neglected it
13 purposefully to see if things would go wrong.
14 Despite that, many community school districts did
15 very well. They had good teachers. They
16 recruited people and things were happening. I
17 only say this for the record so that we will
18 understand all the things that are happening that
19 you say are good are not happening just for the
20 first time. A lot of these things were happening
21 prior to Mayoral Control. Thing build upon
22 things. The successes that you say you enjoy now,
23 there was success happening before and we build
24 upon that. Obama is president and I think he's a
25 great man and I'm very happy he got elected, but

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2 he would not have gotten elected if there was not
3 a Jesse Jackson who ran. A lot of things happened
4 under that run. A lot of things happened when
5 Shirley Chisholm ran. So things built up and
6 built up so he was taking advantage of that and
7 not to in any way take away from his brilliance
8 and I think the unusual person that he is. I make
9 this point that there is the school of thought
10 that the closer the decision to making to the
11 child the better, the more effective. That those
12 who have children in the school and those
13 communities that are producing these children, we
14 are probably more concerned about the benefit and
15 welfare of our child than someone who doesn't
16 share that and I believe in that. And therefore
17 I've always believed, I've never believed in
18 Mayoral Control, I've always believed that the
19 decision making, the power, and the resources
20 ought to be closer to the child. You know that,
21 I've always expressed that, though I can accept
22 and appreciate a lot of thing that have occurred
23 under Mayoral Control that are good, not question
24 about it. I wanted to make that point for the
25 record. We will debate what successful education

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2 is. Does a test-driven system detract from
3 substance? Are we lacking content as we move
4 closer to improving ourselves? I don't know. I
5 think this is a discussion that we need to
6 continue. But until we get to that point I want
7 for the record to appreciate all that parent and
8 community people have done to try and improve
9 their schools and were very successful in that
10 struggle to the extent that the legislature had to
11 respond to that cry, whether it was Brownsville or
12 whether it was Two Bridges in Lower Manhattan, or
13 up in Harlem, it was representative of that whole
14 cry throughout New York City to make things
15 better. Decentralization was the response to that
16 cry and to that struggle. It would have been
17 better and more effective had the central Board of
18 Education been supportive of that legislation.
19 They were not. Even despite that, a lot of
20 successful school districts and a lot of things
21 happened that were very good for children. I had
22 to take the time out to mention that because I
23 lived with it. Thank you.

24 DENNIS WALCOTT: Thank you for
25 that.

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2 CHAIRPERSON JACKSON: We've been
3 joined by Council Member Leroy Comrie of Queens
4 and Council Member Bill de Blasio of Brooklyn. As
5 I said earlier, there are delegation meetings
6 going on and between these delegation meetings you
7 will have members coming in and out. Next we will
8 turn to Council Member Gale Brewer of Manhattan.

9 COUNCIL MEMBER BREWER: Thank you.
10 One of the questions I have is about data. When
11 we sat with the Governance Group that Robert
12 convened and others, I went to all the meetings
13 and there was a woman who came from Chicago who
14 you probably know because you're in that loop of
15 individuals who said that in Chicago there is like
16 an independent budget office that's looking at
17 data, how many kids graduated and so on; all the
18 data that you produce. Is there such a
19 "independent budget" on education. I was around
20 for the start of the IBO so I know the history,
21 but is there something similar here in the City of
22 New York? If not, should we have such a body? I
23 think that would help because nobody believes you.
24 Nobody believes the mayor. I don't care who you
25 are, who the mayor is or who the Council is,

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people really want to see something that's

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independent. How do you think that an independent

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body like that should or should not be

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constituted?

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JOEL I. KLEIN: I think it's an

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important point. I do know the woman you're

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speaking of from the Chicago consortium. We have

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modeled a consortium or a research project

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actually and brought in a fellow named Jim Kimball

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who is absolutely terrific. An independent

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researcher, it has an independent board and they

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should have every opportunity to both do the

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research, check the data and so forth. I agree

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with you. I'm actually quite happy with the

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numbers and I would love to have independent

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validation. But I do point out; the numbers we're

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talking about now are state numbers.

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COUNCIL MEMBER BREWER: Nobody

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believes them either.

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JOEL I. KLEIN: That's why I

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support a research council and was active in

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helping establish it. I think that would add

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measurably to the discussion.

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COUNCIL MEMBER BREWER: So I don't

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2 understand something. Does this Jim Kimball, he
3 exists now?

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JOEL I. KLEIN: He exists. He's
5 housed at NYU. He was hired about eight months
6 ago.

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COUNCIL MEMBER BREWER: Who pays

him?

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JOEL I. KLEIN: It's funded by
private money. I think the Gates Foundation has
contributed heavily to it.

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COUNCIL MEMBER BREWER: I'm not
going to debate it. This is news to me. Maybe
Robert knows. I never heard of him or the
project. When we were at the Governance
discussion somebody indicated to me that there was
such a program at CUNY at the grad center that
Kathy Wylde, whom I like, but she's not an
educator. I'm just saying this is the information
that you get. Nobody really knows. So if this
Jim Kimball exists and so on and so forth, people
trust the Independent Budget Office. Ten percent
of whatever the City's Office of Management Budget
is, that money is congruent with the IBO.
Whatever the OMB budget is, IBO is a certain

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2 percentage. So nobody feels that they can be paid
3 by somebody who has any influence over them. I'm
4 just saying in order to have parents understand
5 what the numbers are, the public to understand the
6 numbers, Mr. Kimball and this system that you've
7 arranged might want to think under governance of
8 repositioning themselves in a position where
9 people know. You have to be public. You have to
10 be known. You have to be trusted in this city, as
11 you know. I'm just saying this right now that
12 I've never heard of this man, I've never heard of
13 this project and I'm pretty informed. I suggest
14 that as you're going forward that might be
15 something to think about. Number two and I know
16 this has come up before and there are people who
17 are much more knowledgeable than I am. I'm not
18 wants like others do to have a superintendent and
19 that's the only person you can talk to because in
20 my district that was a problem. I've been around
21 long enough to know that was an issue. But this
22 layer I think is just confusing where in some
23 cases you have a layer of people who are terrific
24 like the recently retired Judy Erinson who spent
25 her entire time in a car, but everywhere she went

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2 she was great, but it wasn't great for her and it
3 wasn't great for the network. Then you also have
4 groups like the Asian Society or other groups that
5 are sort of supervising schools and then of course
6 you just have principals who don't seem to have
7 any supervision. I'm not clear. That's confusing
8 to people. Is that something that you're looking
9 at to change or do you think that system works?

10 JOEL I. KLEIN: I think there are
11 two different dimensions. One is we've had a
12 number of discussions about the role of the
13 superintendent. I think there are things that we
14 need to do there. In terms of school support,
15 there I think it's important that the schools
16 choose the partners. I think that's very, very
17 important.

18 COUNCIL MEMBER BREWER: Some
19 schools don't have a partner.

20 JOEL I. KLEIN: They should all
21 have a partner.

22 COUNCIL MEMBER BREWER: Beacon
23 doesn't have a partner. She reports to God.
24 That's why I love her. Go ahead. So, most
25 schools have a partner.

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2 JOEL I. KLEIN: They do have a
3 partner. I was just yesterday at Fordham and
4 Fordham is partnering with some of our schools,
5 CUNY and New Vision. I think that's working. But
6 I think the other issue you're asking about is to
7 make sure there is really a point of focus in the
8 community that people can go to and I think that
9 makes sense.

10 CHAIRPERSON JACKSON: The
11 superintendent doesn't know if these other
12 entities are playing more of a role and then the
13 parents aren't sure to go to the other entities or
14 go to the superintendent. It is very confusing.
15 Do you have some ideas about how to handle that?

16 JOEL I. KLEIN: I do think so. I
17 think we have to have clarity on that and I agree
18 with you.

19 COUNCIL MEMBER BREWER: The other
20 issue would be for new schools that are coming in,
21 like the one we're trying to do at Brandeis High
22 School. When you have a group of parents who are
23 trying to come up with something, and I'm trying
24 to positive, but it's hard. We want to be able to
25 go forward and not be told it has to be this size

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2 or has to be this or has to be that. Would you
3 agree with that? In other words, we're trying in
4 neighborhoods where you have people who are coming
5 together, trying to bring all parties to the
6 table; I think people should be allowed to say
7 this is what we suggest before we told you have to
8 fit into a mold.

9 JOEL I. KLEIN: I'm not familiar
10 with the specifics.

11 COUNCIL MEMBER BREWER: We want to
12 do a West Side high school that is what we think
13 would make sense and people are saying it has to
14 be a certain size, it has to be this or it has to
15 be that. Of course, I say don't listen to anybody
16 at DOE and do whatever you want, because you know
17 how I am, and it'll come out well. I'm just
18 saying you need to give parents and people who are
19 working in the community some leeway to try and
20 work something out as opposed to saying you have
21 to fit into a cookie cutter.

22 DENNIS WALCOTT: I think I may be a
23 little more familiar with this at this point. I
24 think there is a process that's underway right
25 now, Council Member, and I think the people

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2 leading that process, hopefully, are including the
3 parents and the community members in talking about
4 the next steps in the development of what schools
5 will be located. If I'm not mistaken, and you can
6 correct me if I'm wrong, some of it is around
7 schools that'll be immediately implemented and put
8 in place and some based on space availability
9 that'll implemented in 2010. Is that correct?

10 COUNCIL MEMBER BREWER: I'm talking
11 about 2010.

12 DENNIS WALCOTT: 2010, right.

13 COUNCIL MEMBER BREWER: It's a
14 school that the parents want to create. I just
15 give it as an example. When you're told it has to
16 be a certain size and I think that reinforces the
17 feeling that everything is coming from Tweed
18 whereas we have some ideas, let us work them out
19 collaboratively and see if they work.

20 DENNIS WALCOTT: If we're not doing
21 that then let me know because I think size is
22 based on also the amount of space available.

23 COUNCIL MEMBER BREWER: We've got
24 plenty of space.

25 DENNIS WALCOTT: I know. So that's

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why I say if it's not happening properly you should let me know.

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COUNCIL MEMBER BREWER: Thank you very much.

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JOEL I. KLEIN: Thank you.

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CHAIRPERSON JACKSON: Thank you, Council Member Brewer. And now we're going to hear from Council Member Leroy Comrie of Queens.

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COUNCIL MEMBER COMRIE: Thank you, Mr. Chair. Since I came late, I'm not sure what

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has been discussed. Good afternoon, deputy mayor and chancellor. I'll just go right to one of my

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primary issues, which is transparency. I want to agree with the sentiments that I heard from

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Council Member Al Vann and the issues of Council Member Brewer as far as trying to get

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collaboration. Have there been any transparency efforts done on your behalf as far as Mayoral

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Control? What's your vision for the future of Mayoral Control? Did you make any statements to

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that as far as the transparency issues regarding the siting of schools, the development of

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curriculum, the issue of parent engagement and how that's going to be tracked one way or the other?

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2 Has there been any discussion on the ability of
3 transparency as far as the contract bidding? I'm
4 throwing a lot of issues into one question because
5 I'm not sure how much time I have. I know now.
6 My major concern with Mayoral Control, as you
7 know, is that especially in my district in
8 southeast Queens we've had a lot of entities that
9 have actually wanted to be involved with the
10 schools and try to do collaborative efforts with
11 the schools and they've been rebuffed by DOE. They
12 haven't had the opportunity to have access to the
13 schools or to work with the schools other than
14 through certain specific DOE-approved programs,
15 whereas they wanted to bring their own program
16 into the school and try to provide additional
17 services. They were told that if they were not
18 part of the parent volunteer programs that have
19 been approved by DOE they could not get involved
20 in the school at all. I guess I'll go back to my
21 first question. Has there been a new total plan
22 or evolved plan from DOE regarding the issues of
23 transparencies with Mayoral Control?

24 JOEL I. KLEIN: I think if you're
25 talking about a single plan, I think the answer is

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we haven't provided a single plan. What we have provided is suggestions on a way to deal with a lot of the issues and also a lot of information. So when you say about contracting, there was just a report put out, both by the Citizens Budget Commission and then by Comptroller DiNapoli in which all of these issues were discussed. There was total transparency. He looked into this for a considerable period of time. In terms of community groups, I'd have to know the specifics to be able to address them. Obviously we can't have people come in the schools without proper authorization. But on the other hand, if people are trying to improve what's going on in their schools, we should figure out ways to get them involved and create further collaborations.

DENNIS WALCOTT: If I may, just to add to that, this is unfortunately the first time I'm hearing about groups that are in southeast Queens that are being rebuffed. What we've tried to do is really empower the principals locally to handle a lot of that decision making so it's not Tweed that's doing the decisions. Obviously we have central policies that the principals have to

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2 follow. But as far as the selection of groups or
3 groups that want to come in an volunteer, we try
4 to leave that with the principals in making sure
5 that they follow the protocols set by central but
6 to work with those community groups to engage them
7 in that particular school environment. So if
8 there are particular groups that have been
9 rejected or particular issues that we need to
10 address I would love to hear about it, especially
11 in the community where we both live. That's
12 something that is of a major importance to respond
13 to.

14 COUNCIL MEMBER COMRIE: I had
15 testified to the specifics on both hearings on
16 Mayoral Control to the Assembly and the Senate.
17 Due to the shortage of time, I won't go into
18 specifics now. One group was a group led by Roz
19 Shepherd [phonetic] who was working with Senator
20 Malcolm Smith with his Education Policy Panel to
21 try to get involved in numerous schools in the
22 district and were told that they could not.
23 That's something I know that I've spoken about
24 publicly before. To talk about transparency with
25 contracting, just to focus on that, you said that

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2 Comptroller DiNapoli came out with a full report
3 regarding all of the contracts that were done
4 through the schools. I still have a concern
5 because I've had a lot of people that have
6 actually tried to access DOE contracting to be
7 able to try to either come in to do programming or
8 to get an opportunity to introduce either after
9 school programming or other programming and they
10 say they can't get a DOE contract. They can't get
11 a vendex [phonetic] I believe it's called from DOE
12 to even go to the local schools to do that. I was
13 wondering if there had been any recognition of
14 that and how that could be done with more
15 transparency so that people can find out exactly
16 how to get a vendex number and what that process
17 would be for them to do that.

18 JOEL I. KLEIN: I would be happy to
19 actually give you the information in written form
20 so you can provide it to all these people about
21 how to get a vendex and how to bid on the
22 contracts.

23 DENNIS WALCOTT: Even better than
24 that, I mean we'd volunteer the person who handles
25 procurement for the DOE to come out and do

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2 training with various community groups. I mean
3 one of the beauties of the system is that we have
4 the ability to say to the individuals who are
5 responsible for procurement to lay out the
6 policies so people are empowered with that
7 knowledge and then hopefully follow up on that
8 knowledge.

9 COUNCIL MEMBER COMRIE: One last
10 thing, Mr. Chair. The issue also in southeast
11 Queens is that we need to put in another high
12 school of excellence in the system. We have many
13 parents that are dealing with high school picks
14 that they're totally unsatisfied with. Because of
15 transportation issues, I have a lot of parents
16 that are concerned about the ability of their
17 children to get transferred. I have a lot of
18 parents that have outreached to me this year
19 saying that they would up getting a pick that was
20 forced on them by their guidance counselor which
21 was their last pick in the list, which was a pick
22 that they didn't really want to, but they wound up
23 getting saddled with having to put their child in.
24 There is no recourse for them to actually get a
25 transfer because of many reasons, primarily due to

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2 their concern about their child's transportation
3 back and forth around the borough. I think that's
4 something we really need to look at as far as
5 transparency is concerned with high school choice
6 especially in Queens. Thank you, Mr. Chair.

7 CHAIRPERSON JACKSON: Thank you,
8 Council Member. Council Member Bill de Blasio of
9 Brooklyn is next.

10 COUNCIL MEMBER DEBLASIO: Thank you
11 very much Mr. Chairman. Chancellor and Deputy
12 Mayor thank you of course for being here. I want
13 to just say as this debate rages in Albany, I am
14 hopeful that there will be some serious reforms
15 made that will focus on the role of parents and
16 the role of communities in the process. I know
17 we've had this discussion respectfully. I think
18 we may not agree. But I believe that one of the
19 things we lost with the first version of Mayoral
20 Control was distinct forums where the public could
21 come at the local level and truly engage the
22 decision making process around education in a way
23 that was productive and I think encouraged greater
24 participation in the schools on every level. I
25 thought Al Vann's analysis of the history was

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2 important because it reminded us of where we can
3 from and why we developed local models that gave
4 people a chance to have input. I think I've said
5 this to you before in this setting when I was a
6 community school board member in District 15,
7 whatever the joys and sorrows of the community
8 school board structure were and however different
9 they were in each district; there was a vibrant
10 local debate. Nothing has replaced that. And you
11 and I both know Community Education Councils, as
12 valuable as they are, because they're not
13 empowered in the same way those school boards
14 were, don't generate the same level of local
15 involvement. I think we need to change that and,
16 for example, really see if there is a way to give
17 the decisions around opening and closing of
18 schools and siting of charter schools, et cetera,
19 to the Community Education Council as a way to
20 spark a broader renaissance of local parent
21 involvement and community involvement in the
22 school system in general. I doubt you agree. But
23 I just wanted to reiterate that I really believe
24 it would be one of the building blocks toward a
25 sustained and deeper level of parent involvement

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2 across the board. So I wanted to just say that's
3 what I think and see what you think in response.

4 JOEL I. KLEIN: I think you
5 anticipated it. I think that we want
6 fundamentally better engagement. I slightly
7 disagree. I think there is robust discussion.
8 One of the things that struck me as chancellor
9 over the last seven years is that there is robust
10 discussion in communities, whether it was about
11 social promotion or whether it was our
12 accountability system, where we were siting
13 schools. So I don't think there is a lack of
14 robust discussion and debate. I think it's tough
15 stuff, but I think in the end if you allow the
16 authority to decided what schools go where and how
17 you do that, you'll really undermine something
18 very important. Council Member Comrie put his
19 finger on it. People don't like the choices in
20 the schools they're in. We've had to close down a
21 number of schools. I'm struck by both President
22 Obama and Secretary Duncan saying how difficult it
23 is to close down schools. I think in the end
24 that's a critical aspect of reform. I think what
25 happens is you undermine change because too many

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2 political forces come into play. One of the
3 things I was just reading this morning was how
4 hard it's going to be for Secretary Duncan to be
5 able to implement this but how important it is.
6 By and large, that's a fundamental equity issue.

7 COUNCIL MEMBER DEBLASIO: I know
8 there is a consistency to your opinion, no matter
9 how much I disagree what it. I have to tell you,
10 participating in the closing and revamping of what
11 was the John Jay High School in my district, and
12 the creation of three small schools within the
13 building before this administration came into
14 being and it was a public process. It went
15 through the school board, it was openly debated.
16 I assure you there was politics in the air but we
17 made a tough decision and we made it stick. I
18 think you'd be amazed how much communities can
19 come to grips with challenging dynamics and
20 complex dynamics and make a decision that actually
21 is reform-focused. I do think that the counter
22 dynamic, which I guarantee you is happening is in
23 the absence of a real decision making role on the
24 ground, people disengage. I agree with you.
25 Maybe there has been some instances of active

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2 debate or other local settings, but there is
3 nothing that replaces the consistency of a forum
4 that is about schools where real decisions are
5 made where people can participate and where the
6 fact that it is an open public process draws out
7 people's energy and interest. I don't think that
8 means there must be politics that must inhibit
9 reform. I think that's democracy and that you
10 want that. You want that local public debate
11 because it can't all happen at the citywide level.
12 I respect some of the achievements of this
13 administration and I think we do need a version of
14 Mayoral Control, in my view a profoundly reformed
15 version but still a version of Mayoral Control.
16 But I guarantee you, from the moment people saw
17 that the Education Policy Panel was not going to
18 be a place for vibrant debate, they missed even
19 more that opportunity at the local level. I
20 honestly believe if you would lean into this a
21 little more and find a way to help us reinvigorate
22 a local decision making body that you'd be
23 surprised how much more parent involvement across
24 the board it would foster. Thank you for
25 listening. Thank you, Mr. Chair.

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2 CHAIRPERSON JACKSON: As you
3 noticed that I didn't ask questions in the
4 beginning, I always give my colleagues the
5 opportunity to ask their questions. So I'm going
6 to ask several questions of you now if I may.
7 Many critics of Mayoral Control contend that there
8 is simply too much power consolidated in the mayor
9 and there are virtually no checks and balances in
10 the system. So I wanted to ask you one or two
11 questions about how we can create a meaningful
12 check and balance. Arguably, the PEP in my
13 opinion, as I said earlier, is a rubber stamp and
14 not an effective check on the mayor's power
15 because the mayor appoints the majority of members
16 and all of the members serve at the pleasure of
17 the authority who appoints them. We all remember
18 back, I think it was four five years ago, when the
19 mayor and the borough president of Staten Island
20 removed their members because they could not agree
21 to the promotion policy that was put into place.
22 Do you agree or do you feel or do you disagree,
23 why not have a truly independent panel for
24 educational policy where members have fixed terms
25 and can only be removed for cause?

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2 JOEL I. KLEIN: Because I think
3 that would undermine both Mayoral Control and
4 accountability. We don't have an independent
5 panel that decides safety issues in this city or
6 decides health issues or economic issues. I think
7 the essence of Mayoral Control is the ability of
8 the mayor to implement effective policies. There
9 are plenty of checks and balances in the system.
10 I can assure you, we have all sorts of legislation
11 in Albany that affects our operations. We have
12 all the budgetary issues that we have with the
13 City Council as well as policy issues. But in the
14 end, we know what an independent panel was like,
15 it was the old Board of Education and quite
16 frankly, I don't think there is anybody who would
17 want to go back to that.

18 CHAIRPERSON JACKSON: No, and let
19 me argue with you for a second.

20 JOEL I. KLEIN: Sure.

21 CHAIRPERSON JACKSON: The mayor
22 appoints these individuals, the majority of them.
23 And you are, as a chancellor, as a member of that
24 panel. So if the mayor selects Robert Jackson and
25 appoints Robert Jackson as his appointee, it's

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2 assumed that Robert Jackson is well enough,
3 educated enough, has enough knowledge in order to
4 reach a decision without being told how to decide.
5 If in fact the mayor should appoint someone, then
6 he should be able to live by that individual's
7 opinion. Or else, in my opinion, we have nothing
8 but puppets in place that are rubber stamps for
9 whatever the mayor wants. That in my opinion is
10 not what the City of New York or any city
11 deserves. We deserve an independent panel or
12 Board of Election appointed by the mayor and/or
13 its bodies. I'll give you one citation,
14 Chancellor. The five-year capital plan that was
15 approved last month I believe up in the Bronx, and
16 I was there. You were chairing the PEP and I gave
17 testimony. The bottom line there were hardly any
18 questions whatsoever from any panel members
19 whatsoever. They all voted yes with the exception
20 of one, Scott Stringer's representative. He asked
21 some very legitimate questions and neither you nor
22 the SCA people answered his questions. In my
23 opinion that is totally unacceptable to me as a
24 citizen of this great city, me as the chair of the
25 Education Committee, me as a member who represents

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2 over 163,000 members. That is not what the state
3 legislature intended. That's why they put in
4 place a panel for educational policy, not as a
5 rubber stamp. So I disagree with you on that.
6 And clearly, one of three recommendations of the
7 City Council's Workgroup has to deal with changing
8 the PEP.

9 DENNIS WALCOTT: One of the issues
10 that I don't think has been given proper attention
11 and credit is the hard work and the intelligence
12 by the panel members. A lot of the panel members
13 have given great input into the policies over the
14 years. I think the reason the legislature back in
15 2002 designed the law the way they did was because
16 of runaway boards based on the old system, the old
17 Board of Education, of which I was a member. If I
18 decided when I was a member of the Board of Ed to
19 go off on my own and not follow the wishes of the
20 person who appointed me and be a renegade board
21 member, I had the ability to do that. Quite
22 frankly, I should have been terminated if I
23 decided to do that. But the inability of the
24 person who appointed me back then to do that was
25 very glaring and we have had a number of cases in

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2 the old Board of Ed days that really typified that
3 type of runaway board. I was just up in Albany on
4 Monday and Tuesday, if I'm not mistaken, and
5 talking to some of the Assembly members and State
6 Senators about if you appoint an individual to a
7 body representing you and at the end of the day
8 that individual decided to vote on his or her own,
9 which was contrary to you belief, you should have
10 the right to dismiss that individual and not have
11 that individual locked into a fixed term. You are
12 the principal person who sets the policies and how
13 that person should follow those policies. The
14 same thing holds true with the panel. People use
15 the example, and I understand why, of the 2003
16 vote as a rationale of undermining what the
17 legislature put in place back in 2002. Quite
18 frankly, the 2003 vote around third grade social
19 promotion policy was something extremely important
20 that laid the foundation we feel to the success of
21 the system and that it set a high standard and a
22 benchmark that students must achieve in the third
23 grade to be promoted which then set the course for
24 future promotion policies for other grades.

25 CHAIRPERSON JACKSON: I hear what

1
2 you're saying. They're not renegades, they're not
3 runaways. In fact, more specifically concerning
4 the individuals that were removed, one of them is
5 the executive director of the Dominican Studies
6 Institute. She has a PhD. She's a professor.

7 DENNIS WALCOTT: No, no, no.

8 CHAIRPERSON JACKSON: No, let me
9 finish, Deputy Mayor. She is a professor and she
10 was removed by the mayor. So here is somebody
11 that's not a renegade. From her educational
12 experience as a professor, if someone believes
13 that the policy that you're implementing and
14 statistical data shows that holding a kid does not
15 do any good, you want them to vote against what
16 they believe and what they know is not true.
17 That's one thing. The second individual was a
18 parent at the time and involved in education of
19 their children.

20 DENNIS WALCOTT: Joan McKeever
21 [phonetic].

22 CHAIRPERSON JACKSON: Joan McKeever
23 Thomas from Staten Island. Whoever removes is
24 sending a chilling message to all of their
25 appointees that if you don't do as I say you are

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2 gone. If that's what you want, that's good,
3 that's what you want. But I'll tell you, in my
4 opinion, that's not what the people of the City
5 Council want. In my opinion, that's not what the
6 people of New York want, a rubber stamp. No
7 applause. I said earlier, I'm not here for
8 applause. This is serious discussion on a serious
9 issue. And if there's going to be applause one
10 way or the other, I ask you sergeant-at-arms to
11 remove those individuals that are going to
12 continuously applaud or boo.

13

DENNIS WALCOTT: Mr. Chair, in
14 response to the point of renegade and what I was
15 talking about was an issue and issues that had
16 occurred in the prior Board of Ed days. And as
17 you know, I think you know, and as I know as a
18 part of it and also as an observer once I wasn't
19 on the old Board of Ed, we had a dysfunctional
20 system. We always talked about the gang of four
21 and the three musketeers and people voting
22 different ways based on the politics. The people
23 who were appointed to the old Board of Ed were not
24 responsible to the people who appointed them.
25 They were on their own. With Dr. Hernandez, as

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well as Suzanne LaValle [phonetic] and well as Joan McKeever Thomas, the third grade promotion policy is something that the mayor, the chancellor and I all felt very strongly about that would lay the future foundation of success and set a high standard for our students. I am the person who was involved in that discussion and one of the things that we felt very important is that we have an important platform to build off in setting high standards. The third grade promotion policy was a step in that direction. At the end of the day, when we talk about accountability, the accountability should be with the mayor as far as making that decision.

CHAIRPERSON JACKSON: We agree to disagree on that.

DENNIS WALCOTT: We do, and always respectfully, sir.

CHAIRPERSON JACKSON: Without a doubt. On the issue of community input, many people feel that the CECs, the Community Education Councils, are toothless bodies. I disagree with that in some respects. As a result there is a low participation of parents and others in the CEC.

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2 Do you think that there is a need to give greater
3 decision making authority to the CECs?

4 JOEL I. KLEIN: I don't. I was
5 struck by the fact that in the last CEC election
6 in some communities under the current process,
7 these were some of the most heated elections I
8 have seen. Lots of people were seeking the
9 positions and lots of people wanted the positions.
10 What I found was that in some communities they
11 were under represented but in a lot of communities
12 they were over represented. I just want to go
13 back to the point that you and the deputy mayor
14 were talking about just for one point. The
15 question you're raising is a very important
16 question about who has authority for what. Every
17 president of the United States appoints a cabinet.
18 They never ever appoint a cabinet with fixed
19 terms. Some of the most brilliant people in the
20 world serve at the pleasure of the president of
21 the United States. The difference is a question
22 of representative democracy which I think is
23 critically important and a question of
24 participatory democracy. That's why if you look
25 at the U.S. Constitution and you look at the way

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2 the structure of this city works, we don't appoint
3 commissioners for a period of terms. One of the
4 things that I always jokingly say to the mayor, I
5 serve at the pleasure of the mayor, and I say to
6 him, well maybe I should get a fixed term, right?

7 DENNIS WALCOTT: Like the old
8 chancellors used to be.

9 JOEL I. KLEIN: I think this is an
10 important issue. The input is critical but if you
11 erode the authority then what will happen over
12 time is increasingly there will be the finger-
13 pointing and a lack of accountability. We could
14 appoint all the cabinet members. The attorney
15 general could be appointed to a fixed term. But
16 the attorney general serves at the pleasure of the
17 president. I think there is an important value in
18 that we shouldn't miss.

19 CHAIRPERSON JACKSON: But in the
20 example that you give, Chancellor, in using a
21 cabinet, I would agree with you that the president
22 has a right to appoint his cabinet. The cabinet
23 of the mayor is the chancellor, the police
24 commissioner, the commissioner of sanitation and
25 so on. It is not an oversight body or policy body

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2 that is approving curriculum and things like that.
3 That's totally different. The cabinet of the City
4 of New York are all of the commissioners and which
5 the mayor has a right to appoint and does not have
6 to come to the City Council. That's a cabinet.
7 But what I'm talking about and what reality we're
8 talking about is a panel of educational policy.
9 Some people say to me, well if we change the PEP
10 structure, you're taking away from the mayor's
11 control or the mayor's authority. Let me just say
12 that no. The law, the rules and the regulations,
13 whatever is in place, the mayor has control within
14 that. The mayor doesn't make the laws. He
15 doesn't make the rules or the regulations. The
16 bodies that have the authority do that and he has
17 to live within it. So I argue, rightfully so,
18 with those that say that if he doesn't have
19 control of the panel then he's not really in
20 control. I totally disagree with that. The mayor
21 has to live within the rules of the law, just like
22 as a member of the City Council; I have to live
23 within the rules of the City Council.

24 JOEL I. KLEIN: The hour is getting
25 late but I was just making a different point.

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2 CHAIRPERSON JACKSON: But I think
3 that this is the dialogue that we need to have
4 right here.

5 JOEL I. KLEIN: Let me engage that
6 though. The question is whether you have a policy
7 making panel that can override the mayor. For
8 example, we could have that in health. We could
9 have an independent policy panel in health. We
10 could have a policy panel with fixed terms on
11 public safety. We could have a policy panel with
12 fixed terms on all of the other areas but we
13 don't. So when the commission, subject to the
14 rules that Commissioner Frieden faces and this
15 City Council, just like we have to respond to the
16 City Council and Albany. It seems to me the
17 question you're raising is why in all of the
18 executive functions we should have an independent
19 policy panel in education. There should be an
20 advisory panel. I don't dispute that. The
21 federal government makes enormous education
22 policy. Right now we're seeing them implement big
23 changes on issues that affect all of us including,
24 for example, on charter caps. They don't have an
25 independent policy panel that would overrule them.

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2 That's what I think is what's different about
3 education.

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CHAIRPERSON JACKSON: But the thing
5 is that the state law requires that. What I'm
6 saying to you is that you don't have a choice.
7 The state law requires that. Whatever the laws
8 and rules are, you have to live within that.

9

DENNIS WALCOTT: We follow the
10 state law.

11

CHAIRPERSON JACKSON: In my opinion
12 though, when it comes to the CECs, because that's
13 the question I asked you, I think when the law was
14 initially put in place the regulation said that
15 the chancellor should come up with guidelines
16 concerning CECs. In my opinion you watered them
17 down so much where the CECs didn't really have too
18 much power and authority. I know you may disagree
19 with that, but you don't even respect the CECs in
20 my opinion. As an example, there is a lawsuit
21 filed by CEC 2. The law says that the Department
22 of Education changing zone lines must consult with
23 the CECs as required by law. The fact is most of
24 the time, to the best of my knowledge almost all
25 of the time, DOE never consults with the CECs

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2 before. To go back to what I said earlier, as far
3 as consultation in my opinion from DOE means we
4 tell you what it is and then we advise you after
5 the fact and it never changes. Then people have
6 to file lawsuits against you.

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JOEL I. KLEIN: I want to respond

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to that.

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CHAIRPERSON JACKSON: Go ahead

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please.

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JOEL I. KLEIN: I do respect the

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CEC but that doesn't mean that I can't have a

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different view of the law. The reason we have

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courts is to adjudicate issues. I've spent the

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better part of my adult life as a lawyer, both for

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President Clinton and in the private sector. The

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CEC had a view and that's perfectly respectable.

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I respect the fact that they had a view. I have

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engaged with zoning decisions with various CECs,

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whether it's District 3 on a major rezoning we did

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up there. They have a different view. If in the

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end the court agrees with them, of course we will

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implement it. But the fact that people disagree

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is one of the reasons why we have courts in order

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to adjudicate it. I don't think simply

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2 capitulating because we have a different view is
3 respectful.

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CHAIRPERSON JACKSON: I agree with
5 you chancellor. A different point of view is
6 fine. You and I and Dennis and I, we have
7 different points of view on many things with
8 respects to that. If the law says consultation
9 then consultation, you should follow the law. You
10 should not just say we're not going to follow the
11 law and implement something and then say if you
12 disagree with it take us to court because you're
13 disregarding the law. As a lawyer, you should
14 know that you're not supposed to do that.

15

JOEL I. KLEIN: I understand. But
16 people have different views of what the laws, just
17 like they have different views of policy.

18

CHAIRPERSON JACKSON: Chancellor,
19 if the law says consultation, come on, there is not
20 an interpretation of that, Chancellor. Let's be
21 serious.

22

JOEL I. KLEIN: They're not suing
23 us about consultation. They say they have the
24 right to make the zoning decision in that case.
25 We don't think they do and we'll litigate it.

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2 CHAIRPERSON JACKSON: We disagree
3 on that particular point. I know there are people
4 waiting and let me apologize but I think these are
5 appropriate discussions and questions. With the
6 Education Committee, as you know, the normal
7 hearing process takes anywhere from 3.5 to 4 hours
8 because we have so many members on the committee.
9 I have one or two more questions and then I'm
10 going to turn to the public advocate. Under
11 Mayoral Control the Department of Education has
12 maintained that it is not a city agency and there
13 it's not subject to certain administrative laws
14 such as the City Administrative Act which requires
15 that any new regulation undergo a 30-day public
16 notice and comment period. If Mayoral Control is
17 extended, will the Department of Education agree
18 to follow the same rules as other city agencies to
19 the degree that it does not conflict with the
20 state law?

21 JOEL I. KLEIN: Again, it's not a
22 question of conflict. It's a question of trying
23 to resolve. We have to comply with all these
24 state requirements on our regulations. They go
25 before the commissioner. We've had challenges on

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2 them. I have said many times we would be happy to
3 live under one administrative set of provides or
4 another but I don't want to live under both.

5 That's where I think the problem comes in. If the
6 states says live under CAPA and don't go through
7 the state processes, we're happy with that or vice
8 versa. That's all I'm saying.

9 CHAIRPERSON JACKSON: Final
10 question. Final answer too.

11 JOEL I. KLEIN: Final jeopardy.

12 CHAIRPERSON JACKSON: What plans do
13 you have for District 75 and the children
14 receiving special education services in community
15 school districts? Do you intend to make
16 organizational changes that will affect how
17 services are delivered? If so, what changes?
18 What is the plan for special education, especially
19 from what I've heard going back from when you took
20 over Mayoral Control you just wiped out all of the
21 special education community education people and
22 went to a centralized process where special
23 education in my opinion was just all up all over
24 the place and parents and advocates and what have
25 you were having a fit.

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2 JOEL I. KLEIN: Right now, our
3 staff is meeting with the advocates, not just on
4 District 75 but on all the special education
5 issues. In fact I think there was a meeting just
6 yesterday with the advocates in that area. What
7 they have requested and we have agreed to is we
8 will put out a series of proposed recommendations
9 for everybody to comment on to give us feedback on
10 and then take action to implement them. So we
11 have a process in place and we will be happy to
12 share with this committee and everybody else the
13 proposed recommendations and then put in place a
14 process for feedback. We've been working very
15 closely with the advocates in this area.

16 CHAIRPERSON JACKSON: Deputy Mayor
17 Dennis Walcott and Chancellor Joel Klein let me
18 thank you both for coming in. I say to you that
19 as someone that started my beginning and my roots
20 up in District 6 as a parent activist on PSI 187
21 Parent's Association and then 15 years on
22 community school boards and now in my eighth year
23 of the City Council, I will continue to fight for
24 the children of New York City. I know that all of
25 you mean well. I do know that. But let me just

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2 tell you, we disagree on many things and I look
3 forward to working with you for the betterment of
4 the children of New York City.

5 DENNIS WALCOTT: Let me thank you,
6 Chairman Jackson for your leadership and all of
7 the energy and intelligence you bring to the
8 discussion. We always look forward to engaging
9 you and the members of the City Council Education
10 Committee as well as the City Council overall in
11 this important issue that really lays the
12 foundation for future generations of children.
13 Thank you.

14 CHAIRPERSON JACKSON: Thank you
15 both for coming in.

16 JOEL KLEIN: Thank you.

17 CHAIRPERSON JACKSON: Thank you.
18 Ladies and gents, we're going to hear from the
19 Public Advocate of the City of New York, Betsy
20 Gotbaum. We're going to take a two-minute break
21 first.

22 [Pause]

23 CHAIRPERSON JACKSON: Please come
24 back to order ladies and gents. Thank you
25 everyone. Please come back to order. Please have

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2 a seat if you don't mind. Now we're going to hear
3 from the Public Advocate of the City of New York,
4 Betsy Gotbaum.

5 Betsy Gotbaum: Thank you to the
6 whole Education Committee and to you Mr. Jackson
7 who is the chair. As numerous news accounts have
8 indicated, the state legislature is nearing a
9 decision on the school governance. Having spent
10 many hours in Albany with legislators and in New
11 York City, I am impressed by the thoughtfulness
12 and the level of attention that's being put to
13 this matter. The Commission on School Governance,
14 which I convened in 2007 at the request of the
15 leadership in state legislature to independently
16 assess school governance, has helped to shape the
17 dialogue on this important issue and I'm very
18 proud of that fact by the way. This past March,
19 the Brookings Institute Press published a book,
20 When Mayors Take Charge: School Governance in the
21 City. This book takes an in-depth look at Mayoral
22 Control in New York City and has received national
23 attention. By and large, I am pleased that many
24 of the recommendations of the Commission have been
25 incorporated into proposed legislation. Although

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2 there are some points on which the legislators
3 agree, there are also many points of contention
4 that deserve serious debate, which we just heard
5 between our esteemed education chair and the
6 chancellor. Some disagree about the Panel for
7 Education Policy and believe it should be
8 reconfigured. Although we propose that the mayor
9 and the commission propose that the mayor maintain
10 the majority of appointments to the PEP, it is our
11 hope that Albany will change the law to establish
12 fixed terms for its members, and make the
13 chancellor an ex-officio member to ensure greater
14 public accountability and independence. Now I
15 want to disagree with the chancellor and agree
16 with my esteemed colleague on the Council. Fixed
17 terms do not necessarily mean that the mayor or
18 the chancellor lose control. By the way, I have
19 an appointment to the City Planning Commission,
20 not clearly as complicated as being a member of
21 the PEP, but on the other hand, Karen Philips is
22 appointed to a fixed term. By the way, she and I
23 disagree about a lot of things and we have big
24 disagreements in private. Sometimes I can
25 convince her and sometimes I can't. She has

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2 sometimes voted not the way I want her to, but you
3 know what, she knows more than I do about some of
4 these issues and I'm very, very glad that she's
5 there to have that debate with me about what's
6 going on at the Planning Commission and her role
7 in it. So I do think it works. I think it's
8 healthier for democracy and particularly in
9 education where it is so important that
10 communities and local people and parents have a
11 chance to debate and talk about these important
12 issues. So I clearly agree with our Commission
13 report that fixed terms should be given to the
14 members of the PEP. One point on which many of
15 the lawmakers I've met with seem to agree is that
16 we need to have more oversight and transparency
17 with regards to the finances of the Department of
18 Education. The DOE has an \$18 billion budget,
19 larger than the gross domestic product of many
20 countries. It is very, very absurd that there is
21 no real clear oversight of the finances. That is
22 why we propose that the Department of Education be
23 subject to the same procurement oversight as every
24 other city agency. There is also a need to
25 subject data produced by the Department of

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2 Education to independent oversight and analysis.
3 And we believe that the Independent Budget Office,
4 so ably run by Ronnie Lowenstein who is here
5 today, should serve as the outside evaluator to
6 monitor and assess this data, including test
7 scores and graduation rates. I have to emphasize
8 for her and for the rest of the IBO, she does need
9 extra help in order to make sure that the IBO can
10 do this in a professional and independent way,
11 which I mean by that, some more money. Under the
12 current system, by the way, parents learn about
13 decisions and changes that have significant impact
14 on their children's life, and that has been
15 debated here today, such as school closings and
16 openings, placement of charter schools, changes to
17 admission policies, to name a few. People learn
18 about these after the decisions are made. This is
19 unacceptable. Moving forward, the Department of
20 Education must adopt a clear process for
21 consulting with and notifying parents and
22 communities of major decisions. When you close a
23 school in a community, it is a very big deal. It
24 has a huge impact upon that community. We must
25 help the legislature write into the law some clear

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2 and very independent decision making process that
3 can be done. I can't emphasize that enough. We
4 all know that there are different proposals in
5 Albany which would create a more meaningful
6 process for parental participation. I believe all
7 of them have merit. I have suggested a process of
8 increasing parental participation which mirrors
9 the Contracts for Excellence process, established
10 by the state legislature. This is a system in
11 which parents and the community provide oversight
12 of expenditures related to the Campaign for Fiscal
13 Equity. Again, this is a very complicated issue,
14 it's hard to legislate. I hope that the
15 legislature will deal with this in the clearest
16 fashion possible. Some of the bills being
17 considered seek to ensure that the Office of the
18 Public Advocate has oversight over the Department
19 of Education. Even though I won't be here, I
20 strongly support this component. I believe that
21 there should be a Parent Academy. This has been
22 put forth by the Campaign for Better Schools.
23 This is an entity where parents can receive
24 training, attend workshops, and receive help from
25 independent advocates. This would serve as an

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2 essential complement to not only giving parents
3 more possibilities of participating but helping
4 them to learn the system and be able to be a part
5 of it. Finally, Mr. Chairman, I want to thank you
6 again for providing the opportunities for all of
7 us to talk about this. I know how deeply you feel
8 about it and I believe that your capacity as the
9 chair of this committee will help Albany resolve
10 this issue in a very positive way.

11 CHAIRPERSON JACKSON: Madame Public
12 Advocate, let me thank you for your advocacy on
13 behalf of the people of New York City and more
14 specifically you and your Commission on School
15 Governance. They issued a report for the Public
16 Advocate of the City of New York entitled, Final
17 Report of the Commission of School Governance,
18 Volume 1, Findings and Recommendations. I say to
19 you that even though I don't agree with all of the
20 findings, as I said earlier in my opening
21 statement, and I'll be glad to provide your office
22 with a copy of my opening statement, basically
23 there are things throughout all of the various
24 groups that reviewed this particular matter agreed
25 on. The fact is the lack of transparency, the

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2 need for more transparency, the need to more
3 accountability, the need for more parent
4 engagement and parent education is clear. The
5 need for more oversight, the need for their
6 finances being in line so that the Office of
7 Management and Budget could review and determine
8 whether or not things are in line with the way
9 they should be. Let me ask you about one of the
10 things that you did not touch on. Do you have an
11 opinion, or in your experience and tenure as a
12 public advocate, on the way the Department of
13 Education contracts out, more specifically the
14 Snapple and the bus situation? Can you comment on
15 those?

16 BETSY GOTBAUM: I definitely have
17 an opinion and I appreciate the possibility to
18 talk about it. I asked the state comptroller to
19 do an audit of the whole issue of no-bid
20 contracts. That was about a year and a half ago
21 and the audit came out about a month ago.
22 Basically what it said to me and I think to
23 everybody else that we showed it, there are about
24 \$400 million worth of no-bid contracts in the
25 department. The audit did not look at what was

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2 the value of these contracts, which I know as well
3 as I question because we showed the value of the
4 bus contract and the bus changes. Just to remind
5 people what that was about, there was a \$17
6 million no-bid contract given to a company called
7 Alvarez and Marsal. They were to change the bus
8 routes in New York City. It was a no-bid
9 contract. I questioned it at the time since
10 people had called me from St. Louis and said they
11 messed up the bus routes in St. Louis, so why in
12 the world are you hiring in New York? As if I had
13 anything to do with it. Well we know what
14 happened in New York. They messed up the bus
15 routes. We were getting calls all the time, as
16 you were too, about kids being left and kids
17 having to cross Francis Lewis Boulevard, et
18 cetera. So what was the value of that contract?
19 The audit didn't go into the value of the
20 contract; it went into the contract itself. But
21 frankly, that contract was \$17 million. We don't
22 really know what they did for \$17 million. We
23 know what they did; I mean the kids ended up on
24 the street. Why did they have to use that
25 company? Why that company as opposed to someone

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2 else? So I'm very much in favor of a much more
3 transparent system of looking at contracts.

4 CHAIRPERSON JACKSON: Some people
5 would argue that that could happen in any agency.
6 What does that have to do with Mayoral Control?

7 BETSY GOTBAUM: If you have a
8 system, Mr. Chairman, where every contract over a
9 certain amount of money has to be debated openly,
10 and I know it's kind of a pain for people to have
11 to go through that, but at least an open process
12 where people know what's going on. At the
13 Commission we heard from some of the former
14 members of the Board of Education about how they
15 had to stay over at 100 Livingston Street until 1
16 in the morning listening to debates about whether
17 a contract should be allowed to go through.
18 Frankly, to me, that's a process that should be
19 followed. I think it's very important that we
20 know where the money is going. By the way, it's
21 not their money; it's the people's money. I feel
22 really strongly about that.

23 CHAIRPERSON JACKSON: Public
24 Advocate Gotbaum, with respect to the whole issue
25 of consultation, do you have any experience as a

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2 public advocate whether or not the Department of
3 Education truly consults with the CECs or anyone
4 else before they make decisions that impact
5 children's lives?

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BETSY GOTBAUM: My experience has
been that they do not consult with the CECs or
with parents or with communities about such
things. I was in a school this week in Harlem
where a charter school was put into a school.

CHAIRPERSON JACKSON: That is P.S.
123?

BETSY GOTBAUM: Yes.

CHAIRPERSON JACKSON: On 140th and
8th Avenue?

BETSY GOTBAUM: Yes, sir. I was
there this week. I was told that that was put in
there without any consultation whatsoever with the
community, with the school administrators or with
parents. I just think that's wrong. I think you
can have a debate about it. You can disagree and
the chancellor can still get his way, but you have
to have a debate. People have to be able to
express how they feel.

CHAIRPERSON JACKSON: Do you think

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2 that's one of the flaws of Mayoral Control?

3 BETSY GOTBAUM: I do.

4 CHAIRPERSON JACKSON: How would you
5 change that if you were in charge?

6 BETSY GOTBAUM: I have talked about
7 and the commission advocated making sure that the
8 district system, that's in the law, be imposed.
9 That you have superintendents in charge of
10 district, you have 32 superintendents in charge of
11 geographical districts, and those districts are
12 there available and working with the CECs, with
13 the parent associations to deal with all of these
14 major issues of those schools. So what I would
15 recommend if you're going to close a school, let's
16 say, in District 5 that the process would be
17 vetted, talked about through the CEC, through the
18 district office. Eventually the decision would be
19 made after that had been openly vetted. Now
20 everybody might disagree and the chancellor would
21 make a decision that he's going to do it anyway,
22 but at least everybody would have had a chance to
23 talk.

24 CHAIRPERSON JACKSON: I don't know
25 if you were here in the beginning, but I said that

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2 politics are involved in everything. I'm not
3 saying that decisions are made strictly on
4 politics, but politics are involved in everything.
5 Do you believe that politics were involved in this
6 whole situation where the Harlem Success Academy
7 was taking over space at P.S. 123?

8 BETSY GOTBAUM: I don't want to
9 make a statement that I don't--

10 CHAIRPERSON JACKSON: [interposing]
11 I'm sorry, the reason why I ask that question is
12 because DOE and the chancellor and the mayor say
13 all decisions are made on merit. That's why I
14 asked that question.

15 BETSY GOTBAUM: I understand your
16 question. I don't want to say why they did
17 something and why they didn't do it because I
18 really don't know. If I knew I would certainly
19 answer.

20 CHAIRPERSON JACKSON: But you're
21 the public advocate and you have your opinions
22 based on a historical perspective in dealing with
23 them.

24 BETSY GOTBAUM: My opinion would be
25 that a decision was made to open a charter school

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2 and that was the place that they wanted to open
3 the charter school and so it was just done.

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CHAIRPERSON JACKSON: Harlem

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Success is in there, but they're giving them

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additional space even though they had committed to

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the parents of that school that they would allow

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that school to grow to an intermediate school and

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parents had already signed up for that school.

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Then they decided not to give that to the parents.

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BETSY GOTBAUM: I think your point

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is well taken which is that it was just decided

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and imposed upon the parents and that shouldn't

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be. There should be something in the law that is

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very clear about how those decisions are made and

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how they're vetted by the local community. I

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think that's one of the most important things that

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we have to try to make sure the legislature

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insists upon. My understanding is that it's a big

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debate going on in Albany right now.

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CHAIRPERSON JACKSON: Public

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Advocate Gotbaum let me thank you for coming in.

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As I said to the deputy mayor and the chancellor,

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you and I don't agree on everything, but I think

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that we agree on more things than I agree on with

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2 the deputy mayor and the chancellor. Thank you
3 for coming in.

4 BETSY GOTBAUM: Thank you very
5 much.

6 CHAIRPERSON JACKSON: Thank you.
7 Next we're going to hear from the Independent
8 Budget Office, Ronnie Lowenstein the Director of
9 the New York City Independent Budget Office.
10 After the Independent Budget Office, we're going
11 to hear from UFT, CSA and DC 37. Director
12 Lowenstein, welcome to the oversight hearing on
13 Mayoral Control of New York City schools.

14 RONNIE LOWENSTEIN: Thank you,
15 Chairperson Jackson. My name is Ronnie Lowenstein
16 and I'm director of the New York City Independent
17 Budget Office. I'm here today with George
18 Sweeting, IBO's Deputy Director. We both
19 appreciate the opportunity to speak with you. The
20 pending renewal of the school governance
21 legislation raises a number of important issues
22 regarding the control and oversight of the city's
23 schools. IBO has previously testified that
24 renewal of the legislation should include the
25 closing of loopholes that allow the education

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2 department to escape the City Comptroller's review
3 of contracts and the full authority of the city's
4 procurement rules. Today, I think it is important
5 that I focus my remarks on a matter much closer to
6 home which is school governance and the
7 Independent Budget Office. Over the months of
8 public discussion on renewal of the school
9 governance legislation, an expanded role for IBO
10 has been mentioned with increasing frequency.
11 This expanded role and the responsibility to
12 report on student outcomes and other performance
13 and fiscal data has been mentioned in task force
14 reports, including the reports from this Council's
15 Working Group and from the Public Advocate, in
16 bills recently introduced in Albany, and in
17 statements by several legislative leaders. We
18 are, to say the least, flattered. We believe that
19 the public officials, policy experts, parents, and
20 others who have suggested an expanded role for IBO
21 have done so because they recognize the objective
22 and transparent way we approach our work. This
23 approach includes making sure that the assumptions
24 we make and the methodologies we use in our work
25 are clearly spelled out. Simply put, we believe

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2 it is our job to be the honest brokers when it
3 comes to presenting the numbers. If it's decided
4 that IBO should take on the kind of expanded
5 responsibilities some have suggested, it is
6 essential that it be done in a way that maintains
7 the standards that enable us to be that honest
8 broker. This would involve several key elements.
9 First, IBO needs sufficient access to Education
10 Department data in order to do the kind of
11 thorough and impartial analysis that is expected
12 of us. The access must be timely and in the form
13 necessary for IBO to meet its responsibilities.
14 This would confirm that the Education Department
15 is subject to the same rules as other city
16 agencies for providing IBO with data, statistics,
17 and fiscal information. Confirming the Education
18 Department's obligation to provide requested
19 information would also assist the City Council's
20 oversight of the schools as well as that of the
21 Comptroller, the Public Advocate, and others. IBO
22 also needs adequate resources for fulfilling this
23 expanded role. At least two of the bills that
24 were introduced in Albany provide a viable
25 framework. Both of these bills lay out the kinds

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2 of additional products and increased analytic work
3 that would be required of IBO and increases our
4 funding accordingly. Just as important is the way
5 in which any increased resources are provided.

6 Under the City Charter, IBO currently receives no
7 less than 10% of the annual appropriations made to
8 the mayor's budget office. This annual

9 appropriation, a guaranteed budget line as it's
10 often described, has been an essential factor in
11 our ability to work in an independent, nonpartisan
12 manner. If our funding was contingent upon who we
13 did or didn't please in any given year, then it's
14 likely that there wouldn't be the same degree of
15 trust in our numbers that has led me to be sitting
16 here today. If city and state policymakers

17 determine that IBO should take on the expanded
18 role that some, like this Committee's working
19 group are suggesting, we are prepared to take that
20 responsibility. We know that this responsibility
21 comes with high expectations for accuracy,

22 analytic integrity, and objectivity. IBO will
23 need the access to information, the necessary
24 resources, and the continued protection of its
25 independent standing to meet those expectations.

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2 Thank you very much and I'll be glad to answer
3 your questions.

4 CHAIRPERSON JACKSON: Director
5 Lowenstein, let me thank you and the Independent
6 Budget Office for being independent. Because
7 clearly, as a City Council, we need an independent
8 voice and as you indicated in your testimony, many
9 groups and organizations, individuals and
10 legislators are asking for that independent voice.
11 In fact, in my opinion, whatever the cost is, it
12 will be well worth it. Clearly, in our opinion,
13 we're not getting the information we need from the
14 Department of Education, from the Office of
15 Management and Budget, or from any other source.
16 So we rightfully depend on the Independent Budget
17 Office to the extent that you can give us
18 information that is independent, accurate and
19 trustworthy. In your role as the director of the
20 Independent Budget Office since my tenure as a
21 member of the City Council, which goes back to
22 January of 2002, has ascertaining information from
23 the Department of Education been easy or
24 difficult? Have you received the information in a
25 timely manner to accurately evaluate and give

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2 independent, objective opinions within a timely
3 manner?

4 RONNIE LOWENSTEIN: I think it's a
5 very good question. In fact, over the last
6 several years, the department's response to our
7 requests for information has become less and less
8 timely. It's become more and more difficult, not
9 just for IBO but for others as well to get the
10 important information we need. I think the most
11 recent example of that is the most recent budget
12 cycle. Our ability to understand what was in the
13 executive budget and financial plan was dependent
14 upon additional backup being released by the
15 Department of Education following the mayor's
16 presentation of the executive budget. That backup
17 wasn't released until a few days ago. Not only
18 not in a timely fashion for inclusion in our
19 report, but closer to home here, well after the
20 Council education hearing happened. So when you
21 had your oversight hearing for the Department of
22 Education, you didn't have all the information you
23 needed to ask the questions you needed to ask.
24 That's unacceptable.

25 CHAIRPERSON JACKSON: As far as raw

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2 data, in your capacity as a director, have you
3 received the type of raw data that you've needed
4 to analyze information, whatever you're analyzing?
5 Or, have you received data from Department of
6 Education after it has been "cleaned up" to I
7 guess whatever they feel is necessary?

8 RONNIE LOWENSTEIN: In general, we
9 request the raw data, which is what we get. I
10 think George can speak to that.

11 CHAIRPERSON JACKSON: George, if
12 you don't mind please identify yourself for the
13 record.

14 GEORGE SWEETING: George Sweeting,
15 Deputy Director of the Independent Budget Office.
16 As Ronnie said, our preference always is to start
17 with the raw data because we like to be able to do
18 the editing and do the cleanup on the data under
19 our controls so we know what's been done to the
20 data before we start analyzing it. In some cases
21 we've continued to get data in that form from the
22 Department of Ed, but there are other parts of
23 their data that increasingly they'll put on the
24 website in a PDF form, for example, and when you
25 ask for the information from them, they tell you

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that's where it is. We have a number of requests
3 outstanding for sort of the underlying data behind
4 some of their stuff that have not been responded
5 to; at least in a form that we think is
6 acceptable.

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CHAIRPERSON JACKSON: Do you think

a change in the law is required in order for you
to get that information the way you want to?

Right now, is there anything in the law that can
force the mayor, considering he has total control,
that could force them to give you that information
absent of you trying to go to court and suing
them, or under Freedom of Information, which you
should not have to do?

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RONNIE LOWENSTEIN: In fact, we

took the previous administration to court to
guarantee our access to the information that we
need. We have a very strong charter provision
that gives us that access. We have not tested
that since the court decision, but we won a very
strong decision. If all else failed, we would go
back to court.

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CHAIRPERSON JACKSON: In your

opinion, if you have one, is there other oversight

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2 bodies, meaning you have the Independent Budget
3 Office, you have the City Comptroller's office,
4 you have the City Council of New York, you have
5 the Office of Management and Budget; in your
6 opinion, is the financial management system of the
7 Department of Education in line with either the
8 City Comptroller or the Office of Management and
9 Budget in order to do proper oversight independent
10 of asking the Department of Education for the
11 data?

12 GEORGE SWEETING: They've been
13 making, and you know this history.

14 CHAIRPERSON JACKSON: I'm sorry, I
15 don't know any history.

16 GEORGE SWEETING: For a long time,
17 you've been one of the fiercest advocates for
18 getting the Department of Ed fully integrated into
19 the financial management system, which is the
20 accounting system, the online accounting system.
21 Our office, the Council Finance division and other
22 agencies trying to look at city spending and city
23 expenses, we all rely on the FMS system to get us
24 information about city spending. For a long time
25 there was an issue that what showed up in FMS for

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the Department of Ed was not really a very detailed presentation and to really make sense of what they were doing, you needed to go to them for follow up questions and follow up information.

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There has finally been some progress on that front. They have now brought their OTPS or other than personal services spending, is now available through what's called FMS3 which is a new computer system that they've installed. The current plan is to bring the PS side of their budget, which of course is the larger part, online early in 2010. When they get to that point you actually would finally be able to use the online systems to get a much more thorough understanding without having to be dependent on the Department of Ed.

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CHAIRPERSON JACKSON: I hear your answer and I've heard the Department of Education say on many occasions that the information is coming, that the information is coming. We're sorry for the delay. Will you get us the information? We'll give it to you. I've said loud and clear that talk is cheap and we want action. Based on the historical perspective of the Department of Education's response to the City

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2 Council, response to the Office of Management and
3 Budget that they truly, in your opinion, do you
4 really think that that will happen? I mean we
5 hope it will, but realistically based on the
6 information we have?

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8 GEORGE SWEETING: I completely
9 share your frustration with how long it's taken
10 because this process has gone on for many, many
11 years. They have missed many of the deadlines
12 they have set. The one small reason for optimism
13 is that they actually finally did get at least the
14 OTPS part online. Curiously they actually brought
15 it online and didn't tell us.

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17 CHAIRPERSON JACKSON: They didn't
18 tell anyone.

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20 GEORGE SWEETING: It was online for
21 we think the better part of a year and it was only
22 I think after the January hearings here that they
23 called us up and said we'd love to show you this
24 new system.

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26 CHAIRPERSON JACKSON: Knowing that
27 you do analysis and reports by elected officials
28 and others and also independent of requests that
29 are coming in, do you have an opinion on how long

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2 it would take in order to have a financial
3 management system inline that would comply with
4 all of the city rules and regulations and comply
5 with the timeframes set forward by you and the
6 City Council and the Office of Management and
7 Budget? I'm asking for an independent judgment
8 here. Could that take place? Should it take five
9 years, seven years, or can it be done, as Bill
10 Thompson said in the executive budget hearings,
11 six months? I asked him in the hearings how long
12 it would take and he said six months. I said I
13 would give a year. I asked if it was not done in
14 a year, would heads roll and he said heads would
15 roll. And I'm not asking you whether or not heads
16 would roll, meaning people would be fired. I'm
17 asking you how long it would take to get a
18 financial management system from the Department of
19 Education inline with the Office of Management and
20 Budget if in fact the will was there.

21 GEORGE SWEETING: I'm not
22 technically competent to know all of the hurdles
23 that went into it. I do know that it's taken a
24 very long time. That they kept making promises
25 and then they pushed them back. It's been at

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2 least four or five years that they've been talking
3 about doing this. As I said, I'm not
4 knowledgeable enough about how you go about
5 developing systems like that to know if there were
6 good reasons for this or not. Clearly it took a
7 long time. As I said, there is some small
8 confidence now that at least they've got a piece
9 of it up and they seem to be working on the next
10 part. After four or five years, there is finally
11 some small amount of progress that we can actually
12 see. It's no longer a question of believing their
13 promise. There is actually something you can see
14 and use.

15 CHAIRPERSON JACKSON: I did say
16 that was my final question but I came up with one
17 more question. Based on the people saying that
18 the Independent Budget Office should be doing all
19 of this analysis from the Department of Education
20 and Director Lowenstein in your statement you said
21 that there's a cost factor. There is staff
22 involved and so forth. Do you have a guesstimate
23 on how much additional resources or staff would be
24 needed for the Independent Budget Office to be the
25 type of watchdog, to be the type of agency that

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2 all parties are looking for with independence,
3 with integrity, with accountability so we can
4 trust your numbers and get the information in a
5 timely manner? Do you have a figure as far as how
6 much it would cost and what additional staff you
7 would need?

8 RONNIE LOWENSTEIN: There are
9 several pieces of legislation out there that have
10 figures within them. The exact number would
11 depend upon which piece of legislation we're
12 referring.

13 CHAIRPERSON JACKSON: Let's go with
14 the ideal situation.

15 RONNIE LOWENSTEIN: I don't know if
16 there is an ideal. Part of it has to do with how
17 much is being required of us in terms of mandated
18 reports. I can tell you this and let me start
19 from where we are now. For the last several
20 years, IBO has literally had one education
21 analyst. We had somebody else start this Monday,
22 meaning we doubled our resources. During budget
23 season for the City of New York, most of what our
24 education analyst is able to do is basically
25 staying on top of the numbers for the reports the

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2 charter already mandates that we do. That frees
3 up some time the rest of the year, but not nearly
4 enough. So we at this point can't accommodate all
5 of the requests we get from elected officials and
6 the public to provide information on education.
7 Adding one more person won't get us there either.
8 But now we're looking at legislation that's asking
9 for significantly more. The more that's being
10 asked, the more we're going to need in the way of
11 resources to do it because we'd like to be able to
12 continue to play the role not just this is
13 mandated, but also here we are answering questions
14 big and little from elected officials and from the
15 public. There are so many questions. So we're
16 comfortable with what's out there in the
17 legislation now. There is no one magic number,
18 but we do need additional resources to make it
19 happen.

20 CHAIRPERSON JACKSON: Let me thank
21 you for your independence. Thank you for coming
22 in and testifying at all of our hearings on the
23 major subjects that affect the people of New York
24 City. Thank you and your assistant director.

25 RONNIE LOWENSTEIN: Thank you very

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2 much.

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CHAIRPERSON JACKSON: Next we're going to hear from a penal of Michael Mulgrew, who is chief operating office of the United Federation of Teachers, Ernest Logan, the president of the Council of Supervisors and Administrations and Santos Crespo, the vice president of Local 372 of DC 37. Please come forward. We have received testimony in the record from Bill Thompson, the comptroller of the City of New York and from Scott Stringer, the borough president of the Borough of Manhattan. Let's go with Ernest Logan, the president of CSA and then we'll go to the chief operating officer of UFT.

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ERNEST LOGAN: Thank you Chairman Jackson. Good afternoon. I'm going to be very brief. I'm not going to read my testimony.

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CHAIRPERSON JACKSON: I was getting ready to say good evening but it's not evening yet.

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ERNEST LOGAN: Not yet, I've watched.

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CHAIRPERSON JACKSON: Another ten minutes.

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2 ERNEST LOGAN: As I think you are
3 well aware, our philosophy has been that school
4 governance is based on the core beliefs about
5 education. We believe that a free public
6 education is the right of all citizens. In fact,
7 it is the most important true civil rights issue
8 of our time. Mayoral Control on school presently
9 does not encourage public participation. So the
10 government structure should encourage it in other
11 ways. Discussion on school governance is not
12 about the current mayor and current chancellor,
13 but it really should be about creating a structure
14 that can be successful under any administration.
15 I start out by saying that so people understand it
16 is not about who the mayor is or who the
17 chancellor is, it's really about the governance of
18 this system. We support the current fundament
19 governance structure based on Mayoral Control of
20 schools. But we believe that that system needs to
21 have some checks and balances. Many of them were
22 talked about today. We believe that the Panel for
23 Educational Policy should be expanded so that
24 there is a representative of the City Council. We
25 believe that members should be appointed to fixed

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terms. I constantly hear people telling me that if you have fixed terms you don't have true Mayoral Control and I'm not a believer in that. I believe the democracy requires that people have the ability to speak out and disagree, not to feel that they're going to be fired because they do. We are proposing that superintendents receive and return to real power in their community school districts. Their duties should be limited to the district that they are appointed to. Their office should be located in the district and staffed and open to the public. They should have terms, a contract that the state law requires. They should be there to support their schools and their principals and the parents and the community. We believe that the District Education Council should have true involvement of parents and that they should have notice to what's going on in the district. There should be conversations and recommendations and hearings before schools are closed, changes are made within their district, whether they open a school or close a school or they change the zoning of a school. We believe in true transparency. We were one of the first to

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2 call for something like the Independent Budget
3 Office to really have a look at the numbers, to
4 look at numbers regarding student achievement as
5 well as the budget. The reason we bring that up
6 is that even though we have made strides in
7 education in the last couple of years, it's always
8 suspect because the numbers come from somewhere
9 else and people then start to question whether
10 it's from the state or from the city. We believe
11 that can only happen if we have a true independent
12 body. In summary, basically what we talk about is
13 that before this goes on, we also to make sure
14 that there's another sunset provision. We believe
15 that we should not make a law in changing
16 governance that then becomes locked in stone. The
17 world changes, society changes, and culture
18 changes. We believe in this structure that they
19 have given school leaders and their staff, the
20 freedom and flexibility to do what's needed at the
21 school level and what's best for that particular
22 school. But we also believe that we need to
23 maintain the autonomy and accountability that was
24 gained at the school level but we need additional
25 support and resources that the superintendents

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2 provide. We want to thank the Council for having
3 a conversation about this. We also want to thank
4 the Council for having a task force to look at the
5 whole idea of school governance. I'm here to
6 answer any questions you may have.

7 CHAIRPERSON JACKSON: Thank you,
8 President Logan. Now we're going to hear from
9 Michael Mulgrew, the chief operating officer of
10 UFT.

11 MICHAEL MULGREW: I would like to
12 reiterate a lot of the things that my colleague
13 Ernie Logan just spoke about. The United
14 Federation of Teachers had an 18-month process
15 where we went about trying to figure out what the
16 best structure was for the governance of the
17 schools of New York City. That is the innate
18 question that we are trying to answer at this
19 point in time. One thing that we wanted to do was
20 to make sure that when we came out with a position
21 paper, we wanted to ensure that we included the
22 public, included the parents, and included the
23 teachers, which is why we had dozens of hearings
24 and thousands of people who testified at those
25 hearings. One thing became clear, the need for

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2 transparency, the need for checks and balances and
3 the need for the community to be able to have a
4 meaningful way to communicate with the city and
5 the Department of Education in terms of what is
6 going on inside of the schools. When we wrapped
7 up our 18-month process, these were the things we
8 put forth. As a recommendation and a policy of
9 the United Federation of Teachers, we believe that
10 the Panel on Educational Policy should not have
11 total control under the mayor. There should be a
12 balance that allows people to vote their voice and
13 vote with their conscience and at the same time
14 take the complete number and make it so that the
15 mayor has five appointees on the panel. This way
16 we feel that there would be more of a fair
17 balance. At the same time, the other things that
18 really were the things that people spoke about,
19 because the PEP panel itself gets a lot of
20 attention, but the majority of the things that
21 came forth in the hearings were about the day-to-
22 day running of the schools, about what the
23 parents, the teachers and students face in their
24 individual schools. They don't see the PEP. What
25 they see is where the transparency is on the

1 budgeting, where is the support from the central
2 Department of Education? They see a lot of top-
3 down in terms of you have to be accountable for
4 this, you're accountable for this, which they're
5 fine with, but at the same time they say how do we
6 make you accountable for what you're supposed to
7 be supporting us to do. That's a question that we
8 don't hear a lot of people saying and discussing
9 in this debate. One of the other major pieces was
10 the piece about the CECs. There are two examples
11 I want to bring up. One I heard you speak about
12 earlier today. One is a school that is an
13 exceptional school, which is P.S. 123, which you
14 spoke about earlier with the Public Advocate.
15 That is a school where the parents went and did
16 their investigation to see what they needed to do
17 to expand their school and they followed that
18 process. They found what they needed to do to put
19 up their own articulation committee so that they
20 could expand and go out and do their own
21 advertising for their school. They followed every
22 process that the Department of Education had and
23 then at the last second a man walks into their
24 building with a set of blueprints under his arm
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2 saying you can't do this now because we are
3 removing space from you. That's just wrong.
4 There is no other way to say that. That is wrong.
5 When you tell the public and you tell the parents
6 what they need to do and they do it, you can't
7 just have someone walk in with a set of blueprints
8 and tell them no. The other thing I want to talk
9 about is this, we are very happy about the way
10 we're holding schools accountable at this point in
11 terms of performance. We have questions about a
12 lot of things just like everyone else. But the
13 data is to be used to help people inform and
14 improve. So when you have a school like M.S. 399,
15 who I saw today. I didn't know they were going to
16 be here. They're from the Bronx. Their student
17 council is sitting right there in the blue shirts.
18 This is a school that had a spike in ELL students
19 a couple of years ago. Now the support system is
20 no longer at the Department of Education so that
21 there are people there who can bring in the
22 services and the programs that are needed to help
23 these challenging students. So the school did
24 this process on their own. They put in the
25 programs and now this year those programs that

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2 they put in over the last year and a half are
3 showing major results. They've doubled the
4 proficiency on ELA, they had a 17 point jump in
5 math score proficiency. But no one is listening
6 to them because they were told their school is
7 being closed. Their question always was, you came
8 in only to tell us you were closing us, where were
9 you when we were asking for help? Where were you
10 when we said we now have a spike in the population
11 and we need extra resources? No one came to us so
12 we did that on our own, but now you come to us to
13 tell us we're closed. They have no place to go.
14 No one will listen to them. They have been
15 everywhere in this city. Every time I show up
16 somewhere, they're there just asking to have a
17 conversation with the Department of Education.
18 The idea that the students and their parents
19 cannot get a conversation with the Department of
20 Education is absurd. When the chancellor answer
21 before that if a CEC has a problem with the law
22 then that's why we have courts, that is beyond
23 absurd. I understand why a lawyer in this tough
24 economy might be promoting a more litigious
25 society but let's be clear, when we make our

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2 school system all about if a parent has a
3 complaint go to court, I think we can all just
4 fold up shop at that point in time. There are
5 some good things here. There are some very good
6 things that Mayoral Control has brought us, which
7 is my union and members were part of the people
8 who made this come about. It has brought
9 stability. It has brought cohesion and it has
10 brought an unprecedented amount of funding into
11 the school system. That funding and stability has
12 allowed a lot of the things we've seen especially
13 in the last two years in some of the standardized
14 performance data. But what we're not discussing
15 right now, which is very troubling to me, is right
16 now that funding is in jeopardy beyond any time in
17 our last 30 years. We are talking about a \$400
18 million cut to the school system, which is going
19 to kill the stability that we have been able to
20 have for the past six years. Yes, we need to do
21 governance. It's a very important issue. This
22 decision will be made in Albany. It is a great
23 debate and discussion for any municipality to have
24 about their school system. It is a debate and
25 discussion that should happen periodically because

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2 every system always changes. The environment
3 you're in changes. At the same time, governance
4 is important, but if we do not have the funding,
5 no governance structure can stop the devastation
6 that's going to happen in this school system
7 starting next year and for the years to come. I
8 thank you once again, Chairman Jackson. I hope we
9 had a very good discussion.

10 CHAIRPERSON JACKSON: Thank you
11 representing you members. Now we're going to here
12 from Santos Crespo, the vice president of Local
13 372 of District Council 37.

14 SANTOS CRESPO: Thank you, Chairman
15 Jackson. Local 372 has stated our position on the
16 school governance countless times before this
17 committee since there is no DOE problem that we
18 have identified without pointing the finger of
19 blame on sole Mayoral Control. We cannot believe
20 that our state legislators wrote and enacted into
21 law the New York City Education Reform
22 Accountability Act of 2002, with the intent of
23 creating a means of fiscal and administrative
24 abuse. We cannot believe that lawmakers intended
25 to enable public funds to be squandered away,

1
2 because this accountability Act provides no ladder
3 of accountability and no regulation of the actions
4 of the individual having sole governance. I'm
5 going to digress a little bit from here. How is
6 the mayor held accountable? Is the mayor brought
7 before a body that will say to him you're going in
8 the wrong direct? Is he brought before a tribunal
9 of parents to answer to their questions and needs?
10 It seems that is a mystery, but what has become
11 clear is that the selection of a non-educator as
12 chancellor and a lawyer definitely indicates if
13 you don't like it, sue us. If you don't like what
14 we're doing, take us to court. The reality is
15 that is not going to happen unless a lot of people
16 raise a lot of money and spend a lot of time in
17 and out of court arguing the case. I guess that
18 when the chancellor was here giving testimony
19 earlier, he forgot to look up there at the quote
20 by President Abraham Lincoln that said a
21 government by the people and for the people. This
22 is clearly an issue of governance. When this law
23 was passed, the mayor took the ball and ran with
24 it, making up the rules as he went along. I
25 testify before you today, after eight years of

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2 this reign of error. I speak for 26,000 school
3 employees, who wake up every morning not knowing
4 if they will be one of the 2,600 Local 372 members
5 to be laid off. Whether the shoe drops now or
6 three months from now, none of these workers, and
7 none of their 11,000 fellow city workers, deserve
8 to lose the ability to support their families,
9 just because the mayor went on a \$9.2 billion
10 spending spree making outside contractors richer.
11 Parent and community input was the first victim of
12 this law. Thus, the first line of accountability
13 was obliterated. Quasi advisory councils of
14 teams, assembled and manipulated by the mayor, the
15 chancellor or their associates, did and said only
16 what they were told. Think back. When there was
17 a Central Board of Education, most New Yorkers
18 knew them by name and by deed. They, in turn,
19 knew the parents, community and children they
20 served. They published and distributed the budget
21 for public review. They hosted meetings, public
22 hearings and special events. They attended local
23 school functions, spoke at graduations and
24 corresponded with concerned parents and community
25 members. They had the freedom to be photographed

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2 and interviewed in the news media. They were
3 visible advocates for their school, community, and
4 families. I don't want to give the impression
5 that we're advocating that we go backwards. But I
6 just want to make the comparison of what was then
7 a more grassroots open line of communication
8 between the Board of Education and what currently
9 exists. Now, I ask you. What is CPAC? It's the
10 Chancellor's Parent Advisory Council. Who are its
11 members? What are their positions on the
12 education issues? What do they know about what's
13 going on in their local neighborhoods and schools?
14 Whom do they represent? We have not yet seen an
15 acceptable proposal out of Albany for changing
16 this law to include public input. We do believe
17 that any parent or community representatives on a
18 central or local level should be elected not
19 selected and appointed by the mayor or the
20 chancellor. The failure of the law to establish
21 clear constraints on contract procurement wiped
22 out the second line of accountability. Thus, the
23 public has been involuntarily bankrolling outside
24 corporations with taxpayer dollars. Citywide, the
25 cost of outsourcing has grown this year to \$9.2

1 billion. Audits of FY 2005-2008 by the City and
2 State Comptrollers, tallied the cost of DOE no-bid
3 contracts at \$6.2 billion. Of those, \$4.3 billion
4 could have been bid competitively. Audits showed
5 59% of the no-bid contracts of the contracts that
6 were approved by the DOE Committee on Contracts,
7 have ballooned unbelievably. I'll conclude by
8 this. The contract that was given on the tracking
9 system to a Virginia-based company happened to
10 have been a company that was under investigation
11 by the prior administration of the City of New
12 York and under investigation by other entities.
13 Yet this chancellor, having credentials in law,
14 having been informed that this company had an
15 unscrupulous reputation, still gave them a \$96
16 million contract. That, as my colleagues have
17 stated, is unbelievable. He is a man of law, not
18 of educating, but of law. So one would also
19 question how far he's going to go. I will open
20 this up at least in terms of my presentation for
21 questions.
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23 CHAIRPERSON JACKSON: Let me ask
24 all three of you a couple of questions. First all
25 of, I appreciate each one of you as

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2 representatives of basically all of the employees
3 in the Department of Education with the exception
4 of the custodial staff as far as the engineers and
5 all the other titles. You represent the Council
6 of Supervisors and Administrators, principals,
7 assistant principals and education administrators.
8 UFT represents the teachers and paraprofessionals
9 and guidance counselors and some other titles.
10 Local 372 and DC 37 represent a lot of the school
11 aides and cafeteria workers and what have you and
12 so forth. The majority of the three unions
13 represent probably 95% of all of the employees at
14 the Department of Education. Concerning the PEP,
15 do you think realistically, based on everything
16 that you know as representatives of your union, do
17 you believe like I believe that the Panel for
18 Educational Policy is a rubber stamp?

19 SANTOS CRESPO: We do. We've been
20 told from our parent coordinators that have been
21 in contact with parents and those that have been
22 members of that committee; basically it's either
23 my way, chancellor, or the highway.

24 CHAIRPERSON JACKSON: CSA.

25 ERNEST LOGAN: There has been

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2 discussion. I have attended some of them myself,
3 Chairman Jackson, where I think that people could
4 have asked some questions and the panel has indeed
5 asked no questions. So indeed there is just a
6 rubber stamp of what goes on presently.

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CHAIRPERSON JACKSON: UFT, if you

have an opinion.

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MICHAEL MULGREW: When there is no

discussion, the actions are clear. You have to

judge a body by its actions. It just does what it

does and that's it.

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CHAIRPERSON JACKSON: My second

question is concerning in closing with DC 37. As

you indicated, Michael, UFT issued a report and

held hearings all over the city from parents and

others. I testified at one. CSA, you had a group

that took testimony and issued a report. DC 37,

you did a white paper which says over \$9 billion

is spent on contracting out and we need to look at

reducing some of those contracts in order to keep

city employees employed. Do you believe that the

Department of Education is spending money wisely

by contracting out to the extent that it's doing,

and especially when it comes to no-bid contract,

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2 and more specifically with respects to the Snapple
3 contract, the bus contract and the other contract
4 that DOE has? In your opinion is that good
5 government under Mayoral Control?

6 SANTOS CRESPO: That is lousy
7 government under Mayoral Control. There is no
8 reason why they should not have looked in the City
9 of New York and for that matter in the State of
10 New York first before they went outside of the
11 City and the State of New York. We had testified
12 in the past that it is our belief that there is a
13 law regarding the use of tax levy monies to be
14 funneled outside of the City of New York. We
15 believe that if that is investigated, you will
16 find that you may be able to call seriously
17 accountable both the chancellor and the mayor for
18 allowing that to happen. A no-bid contract opens
19 the door for corruption. The fact that some of
20 these companies have been low-balling, which is
21 part of the problem that we're in right now and
22 facing these layoffs is a result of that.

23 CHAIRPERSON JACKSON: Does CSA have
24 a comment on that, and UFT? I'm asking tough
25 questions and I know that, but these are tough

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times.

ERNEST LOGAN: There are tough times. I understand the need sometimes when there has to be a no-bid contract because it's the only entity that can provide the service. But I'm a firm believer in transparency. Forget the fact that I'm the president of a union, I believe as a taxpayer I have a right to have a conversation with people who are spending my money. I believe the citizens of this city have a right to know why you chose this particular company over another. People are saying the old Board of Ed was dysfunctional, it went on forever, and we spent hours doing that. You can set today a level that says at a certain level of expenditure there needs to be a full public debate about the efficiency of that contract, whether it's saving or costing the city money. This is why, Chairman Jackson, from the very beginning when we first started talking about the renewal of governance I've called for transparency. I've called for something like an Independent Budget Office. I'll take credit for the fact that the Independent Budget Office is now on everybody's mind, something like that. We need

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2 to let the public understand, especially now in
3 tough fiscal times that we are really utilizing
4 their money in an appropriate way. That's what
5 needs to happen.

6 CHAIRPERSON JACKSON: UFT.

7 MICHAEL MULGREW: In our report it
8 calls for transparency and IBO and everything
9 else. Look, it's a very tough job to run this
10 school system. It's a massive school system. The
11 mayor taking responsibility for running the system
12 is a good thing. But the transparency needs to be
13 there because the public has to have confidence
14 that the money is being spent wisely. When the
15 public has confidence that it is being spent
16 wisely, then they feel better about the school
17 system. When there is no confidence, then they
18 start to question and then we start having public
19 negative debates about what is going on. So the
20 very idea that people would say that they don't
21 want transparency just doesn't work. So you need
22 to have that transparency, especially now. The
23 greatest fear and the greatest challenge facing
24 this school system right now and for the next
25 couple of years is their funding. This economy

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2 will not fix itself in a year. We now have to
3 ensure to the public that that money is being
4 spent wisely. Every dollar really counts now. So
5 this idea of no-bid contracts, what was the
6 contract being used for in the first place, what
7 was the utilization, it really just does not work
8 anymore.

9 CHAIRPERSON JACKSON: I have two
10 quick questions and I'm going to now start with
11 you, with UFT.

12 MICHAEL MULGREW: I thank you.

13 CHAIRPERSON JACKSON: Would you
14 agree, like most people indicated in some reports
15 and some state legislators and even the City
16 Council that the Independent Budget Office needs
17 to be funded to provide that independent analysis
18 and independent voice separate and apart from
19 everyone else? That's a real simple answer.

20 MICHAEL MULGREW: Yes. I get to
21 first. That's it? Yes.

22 CHAIRPERSON JACKSON: Then I have
23 another question.

24 ERNEST LOGAN: Absolutely yes.
25 Just like it is with the Mayor's Budget Office, it

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2 has to be a budget line that cannot be
3 manipulated.

4 CHAIRPERSON JACKSON: DC 37.

5 SANTOS CRESPO: Affirmative.

6 CHAIRPERSON JACKSON: My last
7 question, because there's other people here and I
8 got questions for them too. Do you truly believe
9 in your relationship with the Department of
10 Education, based on your experience, that the
11 Department of Education truly understands the
12 definition of consultation? Let's start with UFT.

13 MICHAEL MULGREW: That's a tough
14 one.

15 CHAIRPERSON JACKSON: But you know
16 why I ask that question.

17 MICHAEL MULGREW: The idea is that
18 I believe we now have I don't know how many
19 lawyers working for the Department of Ed. It is
20 an unprecedented amount of lawyers. So everything
21 becomes in anything it's the very definition. I
22 might not agree, because I heard the chancellor
23 say this before, I don't agree with their
24 interpretation. That is constantly something we
25 hear about everything. A standard thing that has

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2 always been consultation is sit down and have a
3 discussion.

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CHAIRPERSON JACKSON: Before a
5 decision is made?

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MICHAEL MULGREW: Before the
7 decision is made. That is consultation. That is
8 now always the case. As they testified today, we
9 consulted with people about closing their schools.
10 I know that did not happen. I know for a fact
11 that didn't happen in dozens of different cases.

12

CHAIRPERSON JACKSON: So your
13 experience as CSA?

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ERNEST LOGAN: The definition of
15 consultation is a conversation with the
16 stakeholders before a decision is made.

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CHAIRPERSON JACKSON: Does that
18 happen in your opinion based on a historical
19 perspective?

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ERNEST LOGAN: It does not happen.

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CHAIRPERSON JACKSON: DC 37.

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SANTOS CRESPO: I think that they
23 clearly know what consultation means. I also
24 think that they clearly don't want to adhere to
25 what that means under the rule. This chancellor

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boasts about growing up in the housing project.

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Can you imagine if he's playing baseball or

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basketball and in the middle of the game a call is

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made on him and he says I disagree with that? Do

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you know what would happen? That's what he does

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with the public. You disagree, you take us to

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court.

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CHAIRPERSON JACKSON: Let me thank

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each one of you as representatives of the people

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that you represent, your unions and all of the

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members that you represent. I thank you for

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honestly responding for questions that sometimes

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put you on the spot. Thank you. Next we're going

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to hear from Louis Corti from M.S. 399, Vincent

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Wojnsnis from M.S. 399, Eileen Ramos from M.S. 399,

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Catherine Alvarez [phonetic] from Middle School

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399, Rosemary Tahata [phonetic] from M.S. 399,

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Stephanie Hernandez [phonetic] from M.S. 399, Pavi

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Rumpa [phonetic] from M.S. 399, Josmary Reyes

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[phonetic] from M.S. 399, Amber Gerrero [phonetic]

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from M.S. 399 and Jennifer Bergos [phonetic] from

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M.S. 399. Young people let me thank you for

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coming. Thank you for wearing your t-shirts. Can

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you stand up and let me see what it says.

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2 Operation Respect and they say you matter, Flavor
3 M.S. 399 Student Council. Thank you for being
4 members of the student council. That is a
5 government structure within the student body.
6 You've sat here most of the entire hearing. Thank
7 you for coming in. I hope you've learned a lot as
8 members of the student body seeing members of the
9 City Council ask questions and seeing myself
10 chairing this particular meeting. I hope you've
11 learned a lot. I guess we're going to hear from
12 you and your representatives. Let me thank you
13 for coming in. Let me give you the opportunity to
14 be heard not only by myself, as the chair, but
15 everything you say and what I say is being
16 recorded so that it's on the record. Also you
17 have public access cable TV, which is also
18 broadcasting this at a later date. Welcome.

19 VINCENT WOJSNIS: My name is
20 Vincent Wojsnis and I'm a teacher at Middle School
21 399. I'm also the UFT chapter leader. They came
22 because they wanted to see how you do it. It's a
23 Civics lesson. We're here because our school is
24 being phased out. This is in spite of a lot of
25 factors, but most recently our test scores have

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2 gone up. Reading has gone up 20%. Math has gone
3 up 15%. There is a lot of progress that's been
4 made at the school over a long period of time. I
5 myself have been there eight years. I can tell
6 you that it's a tough school, it's in a tough
7 neighborhood in the Bronx, but we've made a lot of
8 progress with two different administrations.

9 We've been fighting this decision. I testified
10 before a State Senate Committee at Bronx Community
11 College a few weeks ago. I told Senator Espada
12 and Senator Oppenheimer that one of the most
13 frustrating things about Mayoral Control is that
14 there is no recourse when it comes to closing down
15 a school. There is no review, no appeals process,
16 no reflection, and no reconsideration whatsoever.

17 In our case, parents, teachers, students,
18 community organizations and elected officials have
19 all called on the chancellor to reconsider his
20 decision, all to no avail. They included the
21 District 10 Community Education Council, Community
22 Council 6, the New York State Regent, Dr. Betty
23 Rosa, New York City Councilwoman Maria Baez, Jesse
24 Mojica from the Bronx Borough President's Office,
25 New York State Assemblyman Nelson Castro and the

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2 United Federation of Teachers President Randi
3 Weingarten. They have all spoken on our behalf.
4 It hasn't been because we haven't tried to get
5 attention. Public demonstrations were held on
6 December 17 and again on February 12. The
7 District 10 shortly after the decision was made
8 and then again on February 12. District 10 CEC
9 went on record on February 12th calling for a
10 review of the decision. Parents, teachers and
11 principals from our feeder schools had expressed
12 their concerns to the members of the DOE's Office
13 of Portfolio Review and then again with their
14 director, John White, on March 13 where our
15 members handed them 1,000 signatures on petitions
16 calling for a reversal of the decision. In
17 addition to that, Deputy Mayor Dennis Walcott, we
18 addressed it to him at a public forum at Monroe
19 College on April 29. Randi Weingarten raised it
20 to Chancellor Klein at the Spring Conference of
21 the UFT on May 9th and Mr. Mulgrew raised it at
22 another forum on May 11th. Until now we have been
23 arguing that the school shouldn't be closed for a
24 lot of other factors that were overlooked. But
25 clearly, by the DOE's own standards of test

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2 scores, with reading scores going up 20% and math
3 scores going up 15%, we have made measurable
4 sustainable progress. What does it take to have a
5 review? And what have the consequences of these
6 decisions been? In our case, the DOE was
7 constantly telling us and telling everyone that
8 it's all about this children, yet their decisions
9 would seem to be called into question. In our
10 case the DOE said it's all about the children, but
11 they made the decision to phase in two new schools
12 at our building before they even knew if three
13 schools could be adequately housed in that
14 building. As a consequence of this decision,
15 we're losing our science lab. It's only been open
16 four years and it cost hundreds of thousands of
17 the taxpayer's money to open and yet they're
18 closing down. My question is how does that help
19 the children? They tell us it's all about the
20 children, but we'll be losing our ELL Academy. We
21 have members here who have been through the ELL
22 Academy on our fourth floor. Thirty-six percent
23 of our students are English language learners of
24 which 20% percent are limited English proficient.
25 We've had great success with that academy. Yet,

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2 because of lack of space we're going to start
3 phasing it down. There simply isn't enough room.
4 How does that help the children? Furthermore,
5 according to the DOE's own website, students who
6 require bilingual services are being encouraged to
7 enroll in a middle school that's not located in
8 our building, but at Walton High School. They
9 call it the International School for Liberal Arts.
10 So they're phasing in a middle school there and
11 they're encouraging our students to travel more
12 than a mile away to go to what they call ISLA.
13 That's the acronym. In Spanish it means the
14 island. So don't go to our school, go to the
15 island. How does that help the children? They
16 say it's about the children but we're losing our
17 music program. An eleven-year veteran that works
18 at that school is being excessed, not because he's
19 a "bad teacher," but because among the three
20 schools that are being opened there, none of them
21 can afford a music teacher and an art teacher.
22 One of the schools coming in is called the East
23 Fordham Academy for the Arts. It's a performing
24 arts school without a music teacher. How does
25 that help the children? We maintain that

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2 accountability works both ways and that word is
3 abused and twisted, if you ask me, from the way
4 both the chancellor and the deputy mayor have used
5 it. We say that the decision to close Middle
6 School 399 was a bad decision. Given the
7 increases in both ELA scores and math scores it's
8 at least worthy of review, but no process or
9 apparatus within the current system exists. We're
10 calling once again on Chancellor Klein to review
11 his decision. We are calling on the news media to
12 scrutinize Mayor Bloomberg's administration when
13 it comes to school closings. Juan Gonzalez of the
14 Daily News has been the exception. We need to
15 hold them accountable. The media needs to do
16 that. We're calling on the New York State
17 Legislature by way the City Council to use your
18 influence to take this opportunity to enact a
19 school governance law that provides meaningful
20 oversight over the Department of Education. This
21 is not a business. The gentleman is not a
22 business. The gentleman that said it before, it's
23 right up there; it is government by the people.
24 This is government, this is not some corporation.
25 He wants to run it like Bloomberg Enterprises

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2 here. That's not oversight. We also believe that
3 the community education councils need to be
4 consulted. They need to be informed and told why
5 a school needs to be closed. They need the input
6 because they are the parents and it affects their
7 children. Thank you for your time.

8 CHAIRPERSON JACKSON: Thank you.

9 LOUIS CORTI: Good afternoon, my
10 name is Louis Corti. I'm a math teacher at Middle
11 School 399 in the Bronx.

12 CHAIRPERSON JACKSON: Before you
13 begin, why do you sound so angry?

14 VINCENT WOJSNIS: Why do I sound
15 angry?

16 CHAIRPERSON JACKSON: Yes, why do
17 you sound angry?

18 VINCENT WOJSNIS: We are angry
19 because we haven't been treated justly here. They
20 came in and just like you said before, members of
21 the Portfolio Review made the announcement on
22 December 8th without coming to our school. They
23 had done quality reviews as part of their progress
24 report thing, which is not transparent, it's very
25 opaque. We had been given a proficiency rating of

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2 proficient two years in a row by their own
3 consultant, Cambridge Educational Consultants from
4 Great Britain. They came over and they said that
5 we were proficient. We had ever reason to believe
6 that we would get a good grade. They gave a C the
7 first year, a D the next year and said by the way,
8 you're closing now. They came to our school said
9 we're going to consult you. Basically what they
10 announced is they're closing us down. Then they
11 said well, we thought you wanted out input. They
12 had a meeting of the parents, and I was there,
13 some teachers were there, Mr. Corti was there and
14 they also had the principals from the feeder
15 elementary schools there and parents from the
16 elementary schools because they're going to send
17 them to our middle school. I wondered where's the
18 questions, why aren't you asking us anything?
19 That's not how they do it. They came in and they
20 told us, this is what we're doing. They didn't
21 ask any questions.

22 CHAIRPERSON JACKSON: Is that why
23 you're angry?

24 VINCENT WOJSNIS: I'm angry because
25 we're losing something here, Councilman. I'm

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2 angry because my students are losing a science
3 lab. I'm angry because we're losing ESL services,
4 which we specialize in given the population that
5 we have to deal with. I'm angry because I'm part
6 of a dedicated staff, many of them veterans, who
7 are going to be looking for jobs elsewhere, not
8 because they got U rated, but because they're
9 phasing in new schools and the principals coming
10 in don't necessarily have to hire them. I'm angry
11 for a lot of reasons and it's a good, healthy
12 anger.

13 CHAIRPERSON JACKSON: I can
14 understand it too. Thank you.

15 LOUIS CORTI: Good evening, sir.
16 My name is Louis Corti. I'm a math teacher at
17 M.S. 399. Early on this evening you mentioned
18 CPAC, Chancellor's Parent Advisory Council.

19 CHAIRPERSON JACKSON: I did.

20 LOUIS CORTI: Just to put an
21 institutional memory here, about 25 years ago, a
22 few parents and I approached Chancellor Mecklowitz
23 and asked to create the Chancellor's Parent
24 Advisory Council. I was proud to be the chair of
25 that council for the first couple of years.

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2 Hopefully it's still doing what it was supposed to
3 do. We were proud to have Chancellor Mecklowitz,
4 Cortines, Fernandez and Chancellor Crew consult
5 with us on a monthly basis. At that time there
6 was consultation. Today I wear a different hat.
7 I've come here to appeal to you on behalf of our
8 students to address the issue of Mayoral Control
9 of the schools. I acknowledge the success of the
10 chancellor and the mayor in raising the math and
11 literacy scores throughout the city, and for the
12 most part I appreciate the role of a manager to
13 manage. Effective management requires
14 accountability, and using these scores as a
15 general barometer of the academic achievement of a
16 school should not be used as the primary rationale
17 to close or phase out a school. A school is not
18 just a building where we assemble children and
19 pour in knowledge so we can measure their capacity
20 and record it in a ledger to tally their level of
21 success or failure. Our school is a true
22 community. To many of us, staff and students
23 alike, it is closer to a large family, with all
24 the inherent supports, resources, advisors and
25 trust that a family develops, nurtures and passes

1
2 on to it's members. For our kids, remember,
3 they're all our kids M.S. 399 is a secure
4 environment where they can sort out their issues
5 and develop relationships with someone who may be
6 one of the few stable adults in their lives. We,
7 the staff at M.S. 399, may be the big sister,
8 aunt, uncle, or even grandpa that can reach that
9 child and help guide them to be what we ultimately
10 want them to be, good students, good citizens,
11 good parents, responsible adults. I'd like to
12 read a short quote from a novelist, William Kent
13 Krueger. "If you lived in a place long enough,
14 you understood it as a living thing. You knew it
15 had consciousness and conscience. You could hear
16 it breathing. You felt its love and its anger and
17 its despair, and you cared." At M.S. 399, we care
18 about our students. We feel that our job as
19 teachers, administrators, counselors and support
20 staff is to provide that caring to all our
21 children for those hours that they are our
22 responsibility, and often beyond those hours,
23 because we care. Our school should not be
24 measured by scores and test results alone. On
25 December 8th, when we were informed about the

1
2 decision to phase out M.S. 399, the principal
3 challenged us to keep doing what we were doing and
4 demonstrate that we could still do all the great
5 things that we do and raise our scores, since that
6 is how we were to be judged. We did what we do
7 every day, and we raised our scores dramatically.
8 Our math and literacy numbers exceeded the city
9 averages substantially. We knew we could do it,
10 and we did. Whatever ultimate decision is handed
11 down regarding the fate of M.S. 399, we will
12 celebrate our student's success with a day of
13 recognition of their hard work and their enduring
14 spirit. You are all welcome to join our family
15 celebration next Friday. I have come to teaching
16 late in life, and have found it to be the most
17 satisfying and rewarding career I have ever had.
18 The New York City Teaching Fellows recruited me
19 and many others at M.S. 399 with their promise
20 that helping children grow was worth considering
21 as a career option. They were right. The M.S.
22 399 family creates the environment that builds on
23 that promise. Our teacher retention rate is
24 significant. Our Student Council may be the
25 largest in the Bronx. Our community is improving

1
2 because we are in it. The mayor has asked the
3 public and the State Legislature to let him
4 continue to build on his success and we ask Mayor
5 Bloomberg and Chancellor Klein for the same
6 consideration. Let the M.S. 399 family continue
7 to improve and maintain the growing success is
8 shaping the lives of our kids. We are not just a
9 school, or a building, or a statistical level of
10 performance. We are all of those things, but we
11 are also a family and a community. A family or a
12 community should not be phased out under the guise
13 of accountability. Thank You for your time and
14 attention.

15 CHAIRPERSON JACKSON: Thank you.

16 EILEEN RAMOS: We are M.S. 299
17 Student Council. We believe in us.

18 CHAIRPERSON JACKSON: What's your
19 name first?

20 EILEEN RAMOS: My name is Eileen
21 Ramos.

22 CHAIRPERSON JACKSON: And what's
23 your position on the Student Council?

24 EILEEN RAMOS: On the Student
25 Council we believe each other to all be equal.

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2

CHAIRPERSON JACKSON: Very good.

3

Go ahead please.

4

EILEEN RAMOS: We are the largest Student Council in the Bronx. Some of our members are missing today because they're busy and they have other things to do. Every Friday morning we wear our blue shirts and stand in the lobby of our school saying good morning to every staff and student. We are the only school in New York City that does this. We do this because the first three minutes of a person's day decides how the rest of that day will go. We do theme days, such as hat day, breast cancer awareness day and we did a can drive and collected over 600 cans.

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PARVI RUPA: Hi, my name is Parvi

Rupa. Our test scores have gone up. Our math scores went up 15% and our ELA score went up 20%. Every year our test scores go up, so why are you closing down our school?

21

22

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JENNIFER BERGOS: Hi, my name is Jennifer Bergos. Our principal Mr. Ledda has been here for one year. He deserves another chance to keep improving our school. He has us wearing uniforms. He changed the school start time to

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2 8:40 and he extended the time so that our students
3 could take their siblings to school and arrive to
4 class on time.

5 AMBER GERRERO: Hi, my name is
6 Amber Gerrero. Due to the budget cut our good
7 teachers and programs are being taken away. If
8 this happens there will be more kids on the
9 streets. Also, we don't agree with Joel Klein on
10 closing down our school. I don't agree because he
11 didn't inform the school or the community about
12 his decision and also M.S. 399 didn't fail us.

13 ROSEMARY TAHATA: My name is
14 Rosemary Tahata. They tried to put two schools in
15 our building before and it didn't work, so why are
16 they making the same mistake again. The same
17 students from the neighborhood are going to be
18 attending. It's not like we're going to get
19 students from Westchester and upstate attending
20 our school.

21 STEPHANIE HERNANDEZ: Hi, my name
22 is Stephanie. Why?

23 CHAIRPERSON JACKSON: Help her out.
24 Why don't you go first and then come back?

25 JOSMARY REYES: Hi, my name is

1
2 Josmary Reyes. By putting two more schools in our
3 school, our school is going to get overcrowded.
4 When we'll be taking tests, the other school will
5 be making noise. Every day there will problems
6 and fights because they're going to be arguing
7 about which school is better. We're scared to get
8 back on the dangerous list.

9 STEPHANIE HERNANDEZ: Hi, my name
10 is Stephanie. Why spend money on two new schools
11 when you can invest money in our school?

12 CATHERINE ALVAREZ: Hi, my name is
13 Catherine. There are lots of teachers and school
14 guidance counselors in our building that you can
15 talk to if you have a problem. We care about them
16 and we trust them. We also share our feelings
17 with them. Why are you taking them away from us?
18 We have a whole floor dedicated to ELL students.
19 Why are you taking them away from us just because
20 they don't know English? We are a family. We are
21 a community.

22 GROUP: We stick together. Strive
23 for success, S-U-C-C-E-S-S. Strive for success,
24 S-U-C-C-E-S-S. Strive for success.

25 CHAIRPERSON JACKSON: Let me thank

1
2 all of you for coming in. Clearly, let me just
3 say loud and clear, it is very, very clear from
4 all of you and your staff and even I can see the
5 staff that is not here that they are well
6 represented. I truly believe as a chair of the
7 Education Committee, and if I was the chancellor
8 or if I was the mayor, no one could tell me that
9 you are not a family. No one can tell me that the
10 students of your school are not learning. No one
11 could tell me that the majority, if not all of the
12 teachers and faculty of your school are working
13 very hard. If I was the chancellor or the mayor
14 and I asked the parents that they know what the
15 statistics are and the decision has been made to
16 close the school, but if you truly believe that
17 your children are getting a good education and
18 you're willing to take the risk, would you want to
19 keep the school open, I am sure that all of the
20 parents would say absolutely yes. I think you
21 made the case that anyone in their right mind;
22 anyone that doesn't have a hidden agenda would say
23 your school deserves to stay open. The success
24 that you have been achieving together as a family,
25 you need to continue that success. As you've

1
2 heard before, test scores is not everything about
3 education. That's only one part. There are many
4 other parts. The education that you're receiving
5 will stay with you for the rest of your life. I
6 thank you all for coming in. Thank you. There is
7 going to be a dynamic panel coming next, so I
8 would request that you listen to this dynamic
9 panel that's coming next. Leonie Haimson, Parent
10 Commission on Mayoral Control, School Governance
11 and Class Size; Lisa Donlan, District 1 CEC,
12 president, Parent Commission on Mayoral Control
13 and School Governance; Susan Crawford, Parent
14 Commission on Mayoral Control and the Right to
15 Read Project; Vern Ballard, Parent Commission on
16 Mayoral Control and School Governance, District 5
17 and Community Board 9; and Richard Barr, a public
18 parent of schools. Please come forward. Ladies
19 and gents, these are representatives of the Parent
20 Commission on Mayoral Control and School
21 Governance. You can decide how you want to
22 proceed since you're all part of the same body.

23 LEONIE HAIMSON: Good evening. My
24 name is Leonie Haimson. I'm the Executive
25 Director of Class Size Matters and a founding

1
2 member of the Parent Commission on School
3 Governance and Mayoral Control. First of all, I'd
4 like to draw you attention to this book which we
5 recently published which refutes many of the
6 claims made today by Joel Klein and Dennis
7 Walcott.

8 CHAIRPERSON JACKSON: What is the
9 name of that book?

10 LEONIE HAIMSON: It's called, "New
11 York City Schools Under Bloomberg and Klein, What
12 Parents, Teachers and Policymakers Need to know."

13 CHAIRPERSON JACKSON: By whom?

14 LEONIE HAIMSON: With essays by
15 Diane Ravitch, Deborah Meier, Deycy Avitia, David
16 Bloomfield, James Brennan, Hazel Dukes, me, Emily
17 Horowitz, Jennifer Jennings, Steve Koss, Maisie
18 McAdoo, Udi Ofer, Aaron Pallas, Steve Sanders, Sol
19 Stern, Patrick Sullivan and Andrew Wolf. It's
20 available for free download or purchase at
21 lulu.com. The Parent Commission invited all New
22 York City parents to be a part of our process, and
23 many parent leaders from throughout the city
24 participated. We developed what we think are the
25 most thorough and thoughtful set of

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2 recommendations to reform the current governance
3 system, which would strengthen the parent voice at
4 the school, district and citywide levels, and
5 provide much needed accountability, transparency
6 and checks and balances. Our proposals are in a
7 report and have now been introduced into
8 legislation, called the Education Through
9 Partnership Act in the Assembly as A8550 and in
10 the Senate as S5739. Our primary sponsors are
11 Daniel O'Donnell of Manhattan and Senator Huntley
12 of Queens, and many other legislators have signed
13 on as co-sponsors. Our proposals have also been
14 endorsed by many Community Education Councils and
15 Community Boards citywide, and we have a list in
16 my testimony. We cannot emphasize enough how
17 important we believe it is for there to be
18 significant changes to the current one-man rule
19 over our schools. The mayor is making radical
20 changes that we believe soon will be irreversible,
21 and which will undermine the continuation of our
22 system of community public schools as they
23 currently exist. Only two of the top twenty
24 executives at Tweed are educators. The mayor's
25 decisions are instead influenced by a small group

1
2 of billionaires, including Eli Broad, Bill Gates,
3 Rupert Murdoch, and Mort Zuckerman, none of whom
4 have had children in the public schools.

5 Chancellor Klein has announced that he has no
6 intention of reducing class size, contrary to what
7 he said today. And if he has his way, he would
8 shrink the teaching force by 30%. Rather than
9 obeying legislative and judicial mandates to
10 construct additional classrooms to reduce class
11 size, he has begun to replace community schools
12 with hundreds of charter schools. The
13 administration intends to reserve 100,000 seats
14 for charter school students over the next four
15 years, while proposing only 25,000 seats in the
16 next five-year capital plan. This will entail
17 closing scores of neighborhood public schools and
18 sending their existing student population
19 elsewhere. Both the mayor and the chancellor have
20 repeatedly expressed their disdain for the
21 concerns of public school parents, and have
22 methodically stripped their institutional and
23 individual rights to have a voice in how their
24 children are educated. Never in history has any
25 mayor wielded such unlimited power, without any

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2 checks or balances, and never before has any mayor
3 revealed such contempt for the views and
4 priorities of parents and educators alike. In the
5 current system, he does not have to convince a
6 single person that his ideas are right. Instead
7 of the current system of dictatorial mayoral
8 control, we strongly urge that the policies and
9 actions of the board and the chancellor should be
10 fully subject to both state and city law. Members
11 of the board must have fixed terms. There should
12 be a minority of mayoral appointees and community
13 education councils must be fully empowered, so
14 they have the final say about the closing or
15 opening of schools, including charter schools in
16 their districts. Today you have seen some of the
17 results of a mayor and a chancellor who simply do
18 not care about whether our community schools are
19 succeeding and are closing them down without any
20 rhyme or reason. We believe that communities and
21 parents should have the final say. In addition,
22 we propose putting a plurality of elected parents
23 on the board of education; creating three
24 independent offices to ensure accountability and
25 transparency; reforming the CEC election process

1
2 so that all parents have a vote; mandating that
3 superintendents spend at least 90% of their time
4 in their districts; creating an independent parent
5 organization with a dedicated source of funding
6 and reserving seats for special ed parents on the
7 Board of Ed and CECs, as well as creating an
8 office of Deputy Chancellor, who would be in
9 charge of ensuring that children with special
10 needs receive their mandated services. Right now
11 there is nobody in charge at the Board or Ed or at
12 the DOE. There are 18 different offices reporting
13 to different individuals having to do with special
14 ed services. Finally, we propose that a
15 commission of stakeholders be appointed to develop
16 a constitution to define the principles and goals
17 of the public schools. The administration is
18 imposing a series of interlocking policies that
19 have the systematic effect of undermining the
20 continued strength and vitality of our community
21 public schools. From allowing our regular public
22 schools to suffer from increased overcrowding and
23 larger classes, making pre-K students reapply to
24 their elementary schools for Kindergarten, putting
25 hundreds of kindergarten students on wait lists

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2 for next fall and saying they will deal with
3 overcrowding by sending elementary grade students
4 to schools in other districts, while giving
5 increased space to charter schools in our
6 neighborhood school buildings and allowing these
7 schools to cap class sizes at lower levels, all of
8 these policies are intended to weaken the
9 connection of communities and their local elected
10 officials to their neighborhood public schools.
11 Once this has occurred, it will be far easier for
12 them to accomplish their ultimate goal, which, we
13 believe, is to privatize the system. Unless with
14 your help, our elected representatives in Albany
15 seize this historic moment to stand up for
16 parents, and insist that no mayor should be able
17 to exercise unchecked power over our schools, we
18 fear that we may well witness the abandonment of
19 New York City's commitment to the very idea of
20 public education and the equitable and quality
21 education that is our children's right under the
22 law. Thank you for the chance to speak to you
23 today.

24 LISA DONLAN: Good evening, Chair
25 Jackson. I'm Lisa Donlan and I'm the President of

1
2 the Community Education Council in District 1. I
3 think you know that because for the last four
4 years in that capacity I've been coming here to
5 talk to you about some of the issues related to
6 Mayoral Control. I hope you know how grateful we
7 the parents and the elected parent representatives
8 of the city are for this opportunity and all the
9 opportunities that you created for us. I think
10 you also know from previous testimony that I
11 happened to come from one of those districts that
12 was working. Where school boards and community
13 came together and we really worked to improve the
14 education for all of our children to improve
15 equity and opportunity for the kids across a very
16 diverse district. Even Deputy Mayor Dennis
17 Walcott and Council Member Vann alluded to the
18 fact that some of the districts were working. I
19 want you to know that the Parent Commission does
20 not buy into that false dichotomy that it's either
21 we have to maintain this dictatorial Mayoral
22 Control that's in place now or we have to go back
23 to the bad old days where everything was corrupt
24 and broken and unfixable and people were too
25 paralyzed to do anything for the kids. We don't

1
2 think that those are real choices. We have what
3 we consider instead an option where CECs would be
4 restored to their proper place in the governance
5 structure and we would balance the best of
6 centralization and local decision in a sort of
7 democratic participatory shared decision making
8 governance structure. We think that the
9 districts, together with the Education Councils
10 can be the basic unit of school governance with
11 adequate and appropriate resource, both financial
12 and human so that we can nurture parent and
13 community involvement, make decisions on
14 educational priorities zoning and enrollment,
15 oversee schools and improve education and
16 facilitate the general teaching and learning of
17 all kids in communities.

18 CHAIRPERSON JACKSON: Thank you.

19 VERNON BALLARD: My name is Vernon
20 Ballard and I am a father of two daughters. One
21 is two years old and one is two months.

22 CHAIRPERSON JACKSON: I know them
23 both. You live in my district.

24 VERNON BALLARD: Robert Jackson
25 just happens to be my Council Member. I am a

1
2 member of Community Board 9 in West Harlem. I'm
3 an 18-year employee of the City College of New
4 York and a member of the Parent Commission because
5 I believe we need a constitutional education
6 system with independent checks and balances and
7 authentic civic engagement. This is the kind of
8 system I want to spend the better part of two
9 decades shepherding my daughters through; for how
10 better to learn the value of civic engagement than
11 through our public schools? I was schooled in one
12 of the worst schools in central Pennsylvania and
13 yet I've thrived in part because I had a series of
14 phenomenal teachers and my father was encouraged
15 to be an engaged parent. As a new father, I
16 expect to be included in shaping my daughter's
17 education. I'm here to testify on the parental
18 input component of our proposal. But first, I
19 want to point out an irony, that under Mayoral
20 Control, the mayor and chancellor refuse to be
21 accountable to city and state law, as has been
22 argued many times before today. They refuse to
23 cooperate with independent audits of finances or
24 test scores and routinely undermine decisions of
25 the judiciary. Indeed, their ambivalence towards

1
2 their own policies is such that five times in the
3 past seven years they have arbitrarily implemented
4 contradictory reorganization plans, which is
5 troubling to me. If I ran my house the way they
6 run the schools, I probably wouldn't have a wife.
7 Maybe, as they suggest, this has been one harmonic
8 eight-year master plan. More likely their critics
9 are right and these five reorganizations and their
10 marginal improvements demonstrate continued
11 failure. Without independent auditing and open
12 civic engagement, how do we know? We do know that
13 Mayoral Control is a failed experiment because in
14 spite of the mayor's heralding of improved test
15 scores, under the Bloomberg and Klein stewardship,
16 50% of students who should become high school
17 graduates either are discharged or drop out. Of
18 those who do graduate and enroll in CUNY's
19 community colleges, 75% require remediation,
20 suggesting they are receiving deficient
21 educations. As a result, too many parents feel
22 alienated and bamboozled, teachers are
23 demoralized, administrators are frustrated and
24 elected officials are baffled. Personally, as a
25 parent I am more concerned that my girls and their

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2 school chums around the neighborhood are able to
3 do calculus, physics and say something intelligent
4 Shakespeare than whether notch a few extra ticks
5 on high stakes remedial math test. I should point
6 that my wife and I both graduated from high school
7 able to do calculus and physics and we want to
8 pass that on to our daughters. I think we will,
9 but I'm concerned about my neighbors who may not
10 have parents who are willing to do as much as we
11 are to engage the schools. I'm going to try to
12 cut through some of this because it's very long.
13 This is the part about the school leadership
14 teams. On paper and by state law, parent
15 participation in school-based planning and shared
16 decision making are institutionalized in School
17 Leadership Teams. This acknowledges a simple
18 truth that successful schools need supportive
19 parents. The fundamental purpose of each SLT is
20 to give the local school community the ability to
21 participate in determining the school's overall
22 educational vision, its goals and priorities, the
23 strategies that would be used to achieve this
24 vision; and the alignment of fiscal and material
25 resources to accomplish its goals. These plans

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2 and strategies should be articulated in the
3 school's Comprehensive Educational Plan. However,
4 in December 2007, after five years of control, the
5 chancellor entirely stripped parents of their
6 rightful, shared role in helping to develop the
7 CEP and the school-based budget, by giving the
8 final decision making authority over these plans
9 to the principal alone. Although New York State
10 Commissioner of Education Richard Mills, found in
11 December of 2008 that the process by which the
12 Chancellor eviscerated the authority of the SLT's
13 was illegitimate, and that the resulting language
14 violated the State Education Law, no new
15 regulation have been proposed by the chancellor.
16 When the state legislation that originally
17 established SLT sunsets in June, along with
18 Mayoral Control, it should be replaced with a plan
19 that re-empowers parents by acknowledging our
20 legitimate authority, along with that of
21 principals and district superintendents.
22 Requiring the Board of Education to hold more
23 public hearings will not lead to any more
24 accountability. I know this because public
25 hearings to this chancellor and this mayor are

1
2 meaningless and ritualistic. How can the meeting
3 mean anything when the structures that underlie
4 them have been eviscerated? I also wanted to
5 highlight something that's been talked about here
6 today with charter schools. As a resident of
7 Harlem we have civil wars being perpetrated in our
8 schools between our traditional schools and the
9 charter schools. A lot of this is brought on by
10 the fact that the chancellor and mayor want to
11 increase the seating for charter schools, but they
12 haven't allocated sufficient funding to do that.
13 As a consequence, the Harlem Success Academy is
14 scrimmaging with P.S. 123, P.S. 149 and P.S. 811.
15 But it's not just charter schools that are facing
16 these problems, as we just heard from M.S. 399.
17 The Hamilton Heights School was created three
18 years ago and it is split between two different
19 sites. K through 3 in one building and grades 4
20 and 5 are in a separate site. Earlier this year,
21 the principal from that school came to the
22 community board panicked because the Department of
23 Education had just told her the week before that
24 they were moving their fourth and fifth graders
25 seven blocks south to P.S. 153. This is without

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2 consultation with the CECs, the school board, the
3 parent's association. All three schools panicked.
4 All three schools are good schools in our district
5 and I think everyone was concerned that they're
6 going to be reduced to bad schools because of
7 these arbitrary decisions that are being imposed
8 on them by the mayor.

9 CHAIRPERSON JACKSON: Can you wrap
10 up, Mr. Ballard please?

11 VERNON BALLARD: Yes, I am. We
12 need a coherent constitutional system of school
13 governance founded on civic and democratic
14 principles, bound by independent checks and
15 balances. As our full plan articulates, deviating
16 from Mayoral Control is not a reversion to chaos
17 and disorder, it is an evolution to something
18 better. Without the imperial system of Mayoral
19 Control, where does the buck stop? How would
20 order be maintained? Under the Parent
21 Commission's proposed governance structure, unlike
22 the previous decentralized system, and current
23 Mayoral Control regime, local and centralized
24 boards hold appropriate and reasonable authority.
25 The Education Through Partnership Act, which is in

1
2 the Senate and the Assembly right now, brings much
3 needed institutional checks and balances that
4 assure accountability at the school, community and
5 central level. Credible proposals by the mayor,
6 the chancellor, the board, and parents would be
7 augmented by such a system. Arbitrary choices
8 would be challenged, as they should be. We hope
9 that you will work with us to engage your peers in
10 the state legislature to rescind mayoral control
11 provisions and replace it with a constitutional
12 partnership. Thank you for your patience.

13 CHAIRPERSON JACKSON: Thank you.

14 Other panelists, if we have your testimony for the
15 record, if you can just highlight the testimony,
16 it would be very helpful.

17 RICHARD BARR: I'll be quick. Good
18 evening and thank you for taking my testimony. My
19 name is Richard Barr. I've been an active parent
20 in the public school system since the older of my
21 two children entered kindergarten in 1993. So
22 that's 16 years down and 2 to go.

23 CHAIRPERSON JACKSON: One second.

24 Thank you, M.S. 399.

25 RICHARD BARR: Thank you. Good

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luck.

RICHARD BARR. As a stakeholder and observer, I want to highlight some of the ways in which we've been poorly served both by the state and by the mayor's side of city government and ask the council to do what it can to seek a better system of governance. No one knows better than you, Chairman Jackson, what a disgraceful battle the state fought to avoid its responsibilities to our school kids which your lawsuit sought to force them to assume. Governor Pataki and his two attorneys general, Republican Vacco and Democrat Spitzer, tried every excuse in the book, including the "8th grade is enough" defense. And no one knows better than you what a poor ally the mayor's office was to CFE in this endeavor. When mayor Bloomberg's lawyer, Michael Cardozo said in court "If the city has to pay even one nickel toward this settlement, then no thanks", the look of disgust on your face, and on those of your lawyers, Justice DeGrasse, and all of us CFE supporters in the courtroom was palpable and people wanted to throw up. And to the state's credit though, it did take steps to begin funding

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2 the settlement after it finally lost the suit.
3 But to the city's shame, the mayor and his
4 chancellor have fought to use those funds not for
5 the purposes they were intended for, to improve
6 and enrich children's' education, but for every
7 crazy scheme that their team of lawyers,
8 management consultants, corporate CEOs and
9 visiting billionaires have come up with, anyone
10 but a professional educator. And preferably
11 they've done it through no-bid contracts and via
12 processes that elude review and approval by
13 council, city and state comptrollers, local
14 districts, and the central board. The governance
15 law that the state passed seven years ago
16 obviously had no teeth in it with which to prevent
17 the mayor and chancellor from disregarding it, as
18 they have in abolishing functioning districts,
19 unilaterally changing the name of the Board of Ed
20 and of governing board, which does not govern
21 anything anymore. So the mayor was given control
22 in part because he was seen as being less
23 intemperate than his predecessor, who wanted to
24 blow up 110 Livingston Street. In fact he's
25 proven to be no less dictatorial and he's steadily

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2 showing himself to be just as intemperate, only
3 with a different style. Who knows what may happen
4 if an even more disastrous mayor/chancellor duo
5 emerges in the future and there are no checks on
6 their decision-making power, as there are none
7 now. So I'm concluding. Proposals are afoot to
8 greatly improve our system of governance going
9 forward, and allow for true participation in the
10 decision-making by stakeholders and other branches
11 of government. I've worked with the parent
12 commission on school governance over this last
13 year. I believe that its proposals for change are
14 the most far-reaching and significant. I urge the
15 Council to consider advocating for them, or as
16 many of them as you see fit, and to ask the state
17 to support them. Maybe you've got additional good
18 ideas not now on the table as well. But please,
19 as forcefully as you can, demand from Albany the
20 kind of home rule for this city that it ought to
21 have over its educational system, one that is in
22 keeping with a democracy, not a dictatorship.
23 Giving control to someone who doesn't know what
24 he's doing is not a good thing. Thank you very
25 much.

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CHAIRPERSON JACKSON: Thank you.

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SUSAN CRAWFORD: Thank you. I'm

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Susan Crawford, with the Parent Commission from

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District 3. I've taken notes throughout the day.

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I've been here all day. I will send you those

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separately. I just want to link in some of what's

8

been said with the Parent Commission proposal so

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that it will give you an idea of how our concept

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would play out in real life. I appreciated you

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conversation earlier with the chancellor about

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accountability and going back and forth with him

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over the difference between a cabinet and a board

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of directors. It was a little odd, policy versus

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advisory committee. Since this mayor fashions

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himself as the CEO of the city and one of the

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things we keep hearing is who is in charge if you

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have an active school board. The point is every

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CEO has to work with a board of directors. As

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with corporations, if a CEO exceeds his bounds,

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the board of directors reins him in. The City

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Council is in effect a board of directors checking

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on the mayor's control. The chancellor similarly

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needs a board of directors helping guide him in

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his policy, especially if we continue to have

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2 chancellors. In our proposal, you would not be
3 allowed to have a chancellor who is not an
4 educator. Under the Parent Commission proposal,
5 we're looking for nothing more than parity with
6 parents in the rest of New York State, which is
7 control over our own school system. If we had
8 parents in the ruling majority of the school
9 board, when the third grade promotion issue came
10 up, Dennis Walcott seemed pleased that they were
11 able to get rid of people who differed with the
12 mayor and thought that was a good thing. We
13 differ because parents know why it would not work.
14 Parents know what children need to help with their
15 reading. Not to be held back, but to get the help
16 they need in the schools. With school siting, we
17 are seeing balkanization beyond belief at the high
18 schools with dispersing children all over the city
19 onto buses and subways rather than building up
20 neighborhood schools. Parents on a central board
21 would never let that happen. Parents want
22 children in schools as close to their home as they
23 can get it. As Leonie pointed out, Chancellor
24 Klein would like to cut the teaching force by 30%.
25 He also has been quoted as saying he'd like

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2 students doing more work at home on computers.
3 Well parents on a central board would know to say,
4 "Who's taking care of those kids?" First of all,
5 we want our kids on computers less, not more.
6 Who's supposed to be chaperoning those kids if
7 we're at work and it's a school day. It's beyond
8 belief. Finally, in terms of the charters, I've
9 been looking into issues of school governance in
10 other parts of the country. There is a Mayoral
11 Control handbook, which I will forward to you,
12 literally paid for by the Gates Foundation. I was
13 looking through that and saw that Indianapolis was
14 everybody's model for what all these mayors
15 wanted, which is reign over when and where
16 charters should be. As it happens, this has been
17 going on for 10 or 15 years. It is so chartered
18 out now that the Indiana State Legislature and the
19 Indianapolis school supervisor are both saying
20 they need to look at it and see if it really is
21 making a difference. And they're done, they want
22 to pull back. So I pass that on to you as
23 something to consider as well. Thank you.

24 CHAIRPERSON JACKSON: Let me thank
25 you as parents for volunteering. You're not paid

1

2 are you? You're paid \$160,000 a year, right?

3 That's a serious question. You're paid parents,

4 right?

5

SUSAN CRAWFORD: No. We all

6 volunteer. We pay for our own photocopies and we

7 don't even have t-shirts.

8

CHAIRPERSON JACKSON: Let me thank

9 you all for volunteering and for spending hundreds

10 of hours and working on behalf of not only your

11 children but the children of New York City. I

12 don't think anyone can question your intent. If

13 they do, they're out of their mind. In fact, I

14 know all of you because I've worked with all of

15 you these past eight years as chair of the

16 Education Commission, four years as a member but

17 also as a parent activist even before that. I

18 know that from your hearts and your minds that you

19 mean what's best for our children. You're well

20 grounded. You don't live in an ivory tower. You

21 take the subways. You talk to parents. In my

22 opinion you are the ideal parents that we need to

23 applaud and advocate for on behalf of all the

24 children. Let me ask you a question, if I may. I

25 can hear from one of you or quickly from all of

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you because there are other panelists waiting.
Somebody tell me about CPAC. As I said earlier,
and you may have been here, if you have any
experience in CPAC, why did CPAC on more than one
occasion vote not to go up to Albany with the
chancellor but decided to go up to Albany with
UFT? Can somebody answer that question? Tell me
what your experience is and where your knowledge
base is coming from.

RICHARD BARR: I was one of the
people one their legislative committee organizing
those Albany trips each year. Each year, the DOE
when it was a joint thing they used to say they'd
get the packets to us for the buses and they
delivered them the night before. It was always
their proposals for what they wanted such as more
flexibility in how to spend the money and things
that the parents didn't care. But it was a joint
trip. The UFT paid for the buses, the DOE
provided the packets. Finally, one year when
their legislative person came to our meeting and
said that their top two priorities had to do with
raising the cap on charters schools and we as New
York City parents felt that it was totally out of

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line with what our priorities, we decided to go up separately.

CHAIRPERSON JACKSON: But they must have consulted with you in order to come up with their top two priorities? Isn't that true?

RICHARD BARR: Is that a rhetorical question?

CHAIRPERSON JACKSON: No, it's a real question.

RICHARD BARR: No.

CHAIRPERSON JACKSON: It's the Chancellor's Parent Advisory Council.

RICHARD BARR: It's a misnomer.

CHAIRPERSON JACKSON: Did they consult with you before they came up with those priorities?

RICHARD BARR: No. CPAC doesn't advise the chancellor any more than the PEP tells him what to do.

CHAIRPERSON JACKSON: So you mean CPAC was a rubber stamp too?

RICHARD BARR: It wasn't a rubber stamp; it's just that he never came to CPAC for advice.

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2

CHAIRPERSON JACKSON: I'm sorry.

3

It's the Chancellor's Parent Advisory Council.

4

Did he attend on a regular basis?

5

RICHARD BARR: Once in a while he'd

6

show up and give a report on something, but he

7

didn't ask for anyone's advice.

8

CHAIRPERSON JACKSON: Wait a

9

minute. It was once in a while? You mean to tell

10

me every month that you met, even though it's a

11

Chancellor's Parent Advisory Council he did not

12

show up every month.

13

RICHARD BARR: That's correct.

14

CHAIRPERSON JACKSON: Let me ask

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the other parent representatives. In your

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communication and you contact with the chancellor,

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and you always hear him say if you have a question

18

just email me, has the communication been there as

19

parent leaders?

20

LISA DONLAN: I'm part of the

21

President's Alliance which is all the CEC

22

presidents across the district. We've tried

23

meeting with the chancellor. He made a number of

24

promises to us about improving our outreach in our

25

communities and leveraging our role so we had some

1
2 shared decision making. Nothing real has followed
3 from that. The only initiative I can recall was
4 he took raising our profile literally and he made
5 posters about CECs with different Council Members'
6 pictures on it. So there is no consultation,
7 there is no dialogue, there is no conversation.
8 None at all.

9 CHAIRPERSON JACKSON: Let me ask
10 the question about honesty, integrity,
11 transparency and accountability. Does the
12 chancellor representing the mayor receive a
13 passing grade on any of those things in your
14 opinion? Does anyone agree that on any one of
15 those things that they receive a passing grade?
16 You're all shaking your head. Does that mean yes?

17 LEONIE HAIMSON: No. We can't
18 trust anything that they say. I think that you've
19 learned after a while on the City Council that you
20 cannot trust what they say. When they say they'll
21 get the information or we really want to talk to
22 you about this or we understand that we haven't
23 been so good in the past but we're really going to
24 change that now. I fear that everything is going
25 to get worse. I know it's hard to imagine. But

1

2 if this mayor gets reelected and he gets Mayoral
3 Control again, I fear that things are absolutely
4 going to get worse.

5

CHAIRPERSON JACKSON: They say that
6 parents don't speak with one voice and that as
7 parent leaders you don't really represent the
8 majority of the parents. Is that true or not true
9 in your opinion?

10

LEONIE HAIMSON: I can tell you
11 that their own parent surveys year after year show
12 that class size is the top priority of parents.
13 Yet they absolutely refuse to reduce class size
14 even when it's the state law. They have ignored
15 this. They've tried to hide. They've tried to do
16 everything they can but actually do what parents
17 want them to do or comply with city or state law.

18

CHAIRPERSON JACKSON: Did you want
19 to comment?

20

SUSAN CRAWFORD: I've been going to
21 CPAC meetings for years. I'm not on it but I've
22 been going since that's the one place that real
23 interaction between the DOE and parents actually
24 does happen. They don't solicit advice or
25 anything, but they're called to account and have

1
2 to answer questions directly to parents. In that
3 time, one year has been ground down by discussing
4 37.5 minutes. Another year ground down over cell
5 phones.

6 CHAIRPERSON JACKSON: What do you
7 mean ground down?

8 SUSAN CRAWFORD: Just all of the
9 CPAC time focused one year on cell phones, one
10 year 37.5 minutes of extra instruction, another
11 year the school bus route fiasco, then a
12 chancellor's reg change. Last year it was about
13 SLTs and this year it's something else. This is
14 how they run down the clock on CPAC and get them
15 busy so that they can't really get involved in any
16 kind of governance. They distract them with
17 issues like that. Unfortunately there are enough
18 new CPAC members each year that they don't see
19 that's what's going on.

20 CHAIRPERSON JACKSON: Let me thank
21 you all for coming in. Some people would say
22 these parents are being paid for someone or that
23 they're really crazy. So just a final question,
24 seriously, are you honestly being paid by someone
25 to advocate as critics of the Department of

1

2 Education and of Mayoral Control?

3 SUSAN CRAWFORD: No.

4 LISA DONLAN: No salary, no budget.

5 LEONIE HAIMSON: No funding.

6 CHAIRPERSON JACKSON: Some people
7 may say you look crazy, that you look harried and
8 that you look worn out. Are you crazy parents?9 LEONIE HAIMSON: We are worn out
10 and harried, I can tell you that. We're not crazy
11 though.12 CHAIRPERSON JACKSON: Well let me
13 thank you all for coming. I know you're harried
14 because I'm harried to. I'm worn out also, but
15 I'm definitely not crazy.16 RICHARD BARR: We didn't reorganize
17 the bus routes in the middle of the winter.18 CHAIRPERSON JACKSON: That's a
19 valid point. You heard the question that I asked
20 of the person from M.S. 399. He sounded angry and
21 I asked him if he was angry. He said yes, he was
22 angry and he explained why he's angry. I can
23 truly understand why he was communicating with so
24 much emotion and anger. Thank you for coming in.
25 Our next panel, Abiodun Bello, 22 Local Street;

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2 Martin Krongold, Citywide Council on High Schools;
3 April Humphrey, Campaign for Better Schools; Carol
4 Boyd, Coalition for Educational Justice; Rebecca
5 Daniels, president of CEC District 2; and Dawn
6 Philips, New York Lawyers for the Public Interest.

7 Please come forward. You're a part of CEC too?

8 Come on, sit with Rebecca. Don't go away

9 frustrated. I'm not trying to run anybody away.

10 I want to hear what everyone has to say. Rebecca,
11 please start.

12 CHAIRPERSON JACKSON: Identify
13 yourself. And who is your partner there?

14 REBECCA DANIELS: This is John
15 Scott, who's the CEC as well.

16 CHAIRPERSON JACKSON: For District
17 2?

18 REBECCA DANIELS: District 2.

19 CHAIRPERSON JACKSON: Go ahead.

20 REBECCA DANIELS: Thank you very
21 much for being here Chairman Jackson. I'm so
22 pleased it's you. I would love once again to see
23 the rest of the Council here. It's the same thing
24 that happened last week, so it's very
25 disappointing. But we know you're a great

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advocate.

CHAIRPERSON JACKSON: It is disappointing.

REBECCA DANIELS: It's very disappointing. I think that should be recognized. Obviously the CEC has not been consulted with and does not have final approval on zoning, does not have approval on opening and closing programs according to the chancellor and the mayor. In fact, as you know, we've had to start a lawsuit, as have many other districts for the same reason. I guess we'll see him in court. The fact of the matter is that the CEC was established by the state and is actually more powerful than what people have said. We have all of the same powers of the original board and more so because of our ability to approve the final zoning and because of the consultation for opening and closing schools and because that includes programs such gifted and talented opening and closing and other programs for these children. So we'll see what happens in court, but I think we probably will prevail under these circumstances. To answer you question, no, no one is consulted. At the moment I understand

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2 the latest news yesterday, Quest to Learn is going
3 to go to P.S. 47 on East 23rd Street. This was
4 not known to me. I find this out third-hand
5 through upper management in the Board of Ed.

6 CHAIRPERSON JACKSON: And you're
7 the president of CEC.

8 REBECCA DANIELS: And I'm the
9 president of CEC. They don't even know I know
10 that yet. That'll give you an example. Two, we
11 never approved a Quest to Learn. I've been in
12 this district for 16 years. I'm very proud of the
13 kind of education we have. I was around for
14 Anthony Alvarado and before Anthony I guess. I
15 know, for example, when they talk about the hype
16 on graduation rates that the schools such as
17 School of the Future which is one I like to cite
18 in particular because it represents the diversity
19 of every school in New York and it represents the
20 economic situation of most children in New York.
21 Yet, they have 96%-99% graduation rates. They're
22 an outstanding school. They don't have any
23 problems. These kids, about 80% of them, go on to
24 four-year colleges in whatever ways or means they
25 can to get there. That's just one example. So

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2 where we have these new schools imposed upon us,
3 whether it is Food and Language or Arts and
4 Chocolate or these temporary schools that are
5 imposed on a very overcrowded district, these
6 schools are not proven. I think anybody with an
7 MBA should be protecting the schools that we have
8 and should be consulting with people that are
9 familiar and parents that care about the schools
10 that we have. I don't think it's difficult to
11 figure out the concept of SOF1, SOF2 and an SOF3.
12 I do think it's difficult to see schools being
13 brought into this district that we are not
14 approving of. I can understand why there are
15 charter schools, but I do think it's very wrong to
16 serve only 300 children on a lottery and have 800
17 or 900 standing by with nothing being done for
18 their schools and no idea of what future is
19 provided for them. I think that's heartbreaking
20 and we see it over and over again. I think the
21 idea of privatizing and charterizing all of
22 Manhattan is disregarding what has been here
23 before. I think we should be consulted on so many
24 levels on so many issues. I think the Upper East
25 Side; yes they're trying to get a school after

1
2 nine years. To this date, I do not know if that
3 school has actually been signed and we do not know
4 if they will be able to move in in September. Not
5 only that, there are six or seven other schools
6 that overcrowded uptown. Not only uptown, but we
7 had Greenwich Village where we had to move our
8 pre-K. This was not a consultation we were
9 involved in. When we heard about the
10 kindergartens, we made so much news and so much
11 commotion and concern over the issue that they had
12 to make another choice and that was moving the
13 pre-K, however that wasn't part of our decision.
14 We just didn't agree with the first decision with
15 the kindergartners. I think taking out children
16 and busing them all over time is inexcusable. I
17 think children need a neighborhood school all over
18 this city. I think they need to feel their sense
19 of community. This is part of their education. I
20 think the capacity problem we're seeing now which
21 is not being discussed is basically where they
22 took science rooms, art rooms, and classrooms.
23 Once they get rid of these rooms, they now become
24 capacity. Not cluster rooms, capacity. I know
25 we've heard enough all night about the science and

1
2 the art and the other subjects. We will never
3 hear enough because it's wrong. Until we get the
4 true book and not the blue book we don't have a
5 solution here. Until we get \$3 billion more to at
6 least bring us back to the last budget, we don't
7 have a solution. I think we need to have, as
8 everyone said and I firmly agree that we have to
9 have a board or PEP where the mayor is the
10 minority. I think our superintendents have got to
11 be back in schools. There are special ed issues
12 and I hear this all the time that the parents have
13 no idea where to go. They have no idea what their
14 rights are. Some parents have said, with no
15 money, they try and find a lawyer before they pick
16 up the phone because it's a struggle. It's like
17 fighting with an insurance agency. You do it
18 enough and maybe finally someone will listen to
19 you. There are no advocates. This is against the
20 law, but we won't talk about law because that's
21 interpretation. I think these are issues that
22 have got to be discussed and addressed and I think
23 they are not. The CEC was created as a check and
24 balance when they granted Mayoral Control. The
25 CECs have the teeth that they do actually have and

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2 these lawsuits prevail, we wouldn't be having
3 these issues. We wouldn't have someone such as
4 John White running around in every community
5 trying to empower groups of parents and let them
6 believe that he's going to take care of them and
7 bring them their school. Now they have to come
8 back and talk to the CECs. This shouldn't be
9 parents pitted against parents. This should not
10 be haves and have not. I'm going to cut it off
11 here because you know I could go on forever.
12 Absolutely we're not consulted and we'd like to
13 consult with our chancellor and with our mayor.
14 And in consulting with you, we would like you to
15 please stop Mayoral Control. Please.

16 CHAIRPERSON JACKSON: Thank you.
17 That's okay, I'm going to let the other member of
18 CEC go and then I'll go to you.

19 ABIODUN BELLO: I give in to CEC
20 because I'm supposed to go before you.

21 CHAIRPERSON JACKSON: Excuse me.
22 I'm sorry. I understand we've all been waiting,
23 but I'm chairing this meeting. I want continuity
24 of District 2 to go.

25 JOHN SCOTT: I'm going to be short.

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CHAIRPERSON JACKSON: Thank you.

JOHN SCOTT: My name is John Scott; I'm a member of Community Education Council District 2. I'd just like to applaud our Chairperson Jackson. One of the issues that the chancellor talked about was our lawsuit. What he basically said was it was their interpretation. So what I'd like to see in the new legislation that it be clearer. I'd like to just give you one example. We are supposed to have a superintendent for each of the districts. We have a community superintendent in name only. What the nice chancellor did was gave the superintendent a full time job outside the district and she doesn't come into the schools. That is really amazing because if we took it to court, we would win. It was taken to court a few years before when they first took over the schools. It's not about volunteers taking them to court. We're volunteers. We work many, many hours. The legislation gave us powers and which they do not abide by. Our only advocates are our city officials. We need you to say listen, these volunteers don't have to take you to court, and the legislation says this. This

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2 is not an interpretation. You ought to have a
3 fulltime superintendent. If you do something like
4 put her outside fulltime that is not a
5 superintendent that's supposed to be in the
6 district. I'd like to say that I'm not against
7 Mayoral Control; I'm against a mayor that's out of
8 control.

9 CHAIRPERSON JACKSON: Thank you.

10 ABIODUN BELLO: Good evening.

11 CHAIRPERSON JACKSON: Good evening.

12 ABIODUN BELLO: Good evening,
13 Chairman Robert Jackson. I see the other member
14 left already. Thank you for giving me this
15 opportunity to comment on the governor of New York
16 City. My name is Abiodun Bello. I've serve as
17 the CEC president in District 32 for six years and
18 prior to that I was the treasurer on the old
19 school board. I was a PTA president. I've been
20 advocating for the children of New York City on
21 education. I just want you to know that. I want
22 to commend you.

23 CHAIRPERSON JACKSON: District 32
24 is what area?

25 ABIODUN BELLO: Bushwick.

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2 CHAIRPERSON JACKSON: Bushwick in
3 Brooklyn.

4 ABIODUN BELLO: District 32 is
5 Bushwick. I just want you to know that I commend
6 all your efforts. You've been advocating for the
7 children of New York City for so long. I know
8 that you're on the school board for like 16 years.
9 I want to thank you for that. For the past
10 several years I've been doing the same thing and I
11 think I'm following in your footsteps. I was PTA
12 president in one school. I was on the school
13 board. I have a firm belief that all children can
14 learn and achieve excellence given the
15 opportunity. I'm a proud parent of two children
16 in public school. My son is in fifth grade. My
17 daughter is in 11th grade. My daughter, who is
18 now in college graduated from public school. As
19 an advocate for education for the past 16 years,
20 as a community leader who envisions equity and
21 parity in public schools and as a president who
22 has been both on the school board and now
23 currently on the CEC, I know that the schools are
24 now far better than the dark ages on the Board of
25 Education. Seven years ago, the leaders in Albany

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2 took the courageous step to give the mayor the
3 control of our failing schools. Since 2002, a
4 clear line of accountability from the classrooms
5 to city hall has been drawn. With the mayor
6 firmly in charge, we have seen dramatic
7 improvement in our school graduation rates and
8 test scores have gone up and finally those racial
9 gaps are narrowing. You have to see me coming
10 from District 32; three out of four of our
11 children in District 32 don't graduate from high
12 school. There why I said that 16 years ago, it's
13 only about 25% of the children living in District
14 32 are graduating from high school prior to
15 Mayoral Control. Now, I can proudly tell you that
16 one of the Brooklyn schools had graduation of
17 about 80%. This was a district that last time 25%
18 of the kids were graduating from high school.
19 That's why I support Mayoral Control and I firmly
20 believe that the mayor must maintain his control
21 on policy and budget, including the majority on
22 the panel of educations. Under this system, the
23 mayor is held accountable for the substance of our
24 school and our children. That has been without a
25 doubt a good thing for the children of New York

1
2 City. In just a few weeks, the leaders in Albany
3 will vote on whether to renew the Mayoral Control.
4 The mayor has achieved this progress because he
5 has a majority appointment on the educational
6 board. I know the opponents who are saying take
7 away this majority so that the board is
8 independent. We had the independent board for 30
9 years before the Mayoral Control. The school
10 failed us for a generation of children. We can't
11 live in a city in a district where 25% of the
12 children were graduating from high school. We
13 learned if there isn't one person in charge, no
14 one is. A mayoral majority defined a mayoral
15 control. The Senate's majority leader assembly
16 speaker and the governor, they all support the
17 mayoral majority. Now most are saying this is the
18 time for this central board of education. This is
19 not going to work. We tried this before. We had
20 an independent board. The independent board is
21 going to be hijacked by the special interests.
22 What we do need is a line of accountability where
23 there is somebody accountable for the children of
24 New York. We cannot allow this. There is
25 fundamental issue here. We should not allow an

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2 independent board hijacked by several different
3 political interests in the education of our
4 children. We need a line of accountability where
5 we can hold the mayor or whoever the mayor is
6 accountable for the children. I'm confident that
7 the legislature will do the right thing to help
8 the children of New York City to keep the progress
9 going. We can't go back to the old system where
10 there is nobody accountable. Less than 25% of
11 children in minority are graduating from my
12 school. I want to thank you for giving me this
13 opportunity.

14 CHAIRPERSON JACKSON: Thank you for
15 coming and giving testimony, even though I
16 disagree with what you're saying. Listen, this is
17 America and everyone is afforded the opportunity
18 to express themselves. You've been that
19 opportunity to express your opinions and I
20 appreciate you expressing your opinions.

21 ABIODUN BELLO: I honestly thank
22 you. You have to be in my shoes. When my son was
23 born, 25% of the children in that District 32 were
24 graduating from high school. You can see how much
25 I couldn't sleep at night. That's why I

1
2 volunteered to be on the school board. I was a
3 PTA president. How could I be living in a
4 district where three out of four of your children
5 were not graduating from high school.

6 CHAIRPERSON JACKSON: I heard you
7 loud and clear. We can agree to disagree. I'm
8 sorry; I haven't even heard the other panelists.
9 You've sat here and you've heard testimony after
10 testimony after testimony after testimony not from
11 special interests, not from paid political
12 consultants, not from parents that owe somebody.
13 Let me just say that people use the excuse, "the
14 old board" or "the special interests". Well, I
15 was part of the old board. The special interest
16 that I was interested in was my three children and
17 the children that I represented. There were no
18 special interests. I live in a rent-stabilized
19 apartment just like a million New Yorkers. I earn
20 a living just like every New Yorker. I worked 22
21 years for a labor union and five years before that
22 for the Department of Labor. I work hard every
23 day. No special interests. So when all those
24 people say special interests I want them to tell
25 me, and I'm not asking you to tell me, sir. I'm

1
2 just talking in general. Tell me the special
3 interests you're talking about. I'd tell you the
4 special interest that Learn NY is here
5 representing and that is Mayor Bloomberg, a
6 billionaire. I'm sorry. I didn't mean to get
7 into an argument with you, or a discussion. You
8 have your feelings based on your experience and I
9 respect that. I have my opinions based on my
10 experience.

11 ABIODUN BELLO: Thank you.

12 CHAIRPERSON JACKSON: Let me move
13 to the next panelist. I didn't mean to get into
14 this debate and argument with you.

15 ABIODUN BELLO: Thank you.

16 CHAIRPERSON JACKSON: I respect you
17 wholeheartedly, sir.

18 ABIODUN BELLO: Thank you.

19 CHAIRPERSON JACKSON: Go ahead,
20 sir. I'm sorry.

21 MARTIN KRONGOLD: Good evening. My
22 name is Martin Krongold. I'm the First Vice
23 President of the Citywide Council on High Schools.
24 I really don't have an opinion of pro-Mayoral
25 Control or anti-Mayoral Control. I believe I have

1
2 opinions on both sides. I would like to present
3 those briefly. The test results on closing the
4 achievement gap with the rest of the state have
5 been prolonged and are irrefutable. I see real
6 progress. The score inflation is highly likely.
7 It's very, very likely. Closing the achievement
8 gap is very slow and this year's success in
9 closing the achievement gap is welcome, but an
10 aberration. The high school graduation rates may
11 or may not be improving depending on how the data
12 is analyzed. This is an open question. Mayoral
13 control is a good thing in terms of accountability
14 because it puts more of the system and its
15 resources on notice that achievement via knowledge
16 attainment and graduation should be the foci of
17 the system, and there should be less emphasis on
18 any board in education, any PEP, any union, any
19 district, any superintendent or Tweed decisions.
20 The Citywide Council on High School has reported
21 suggestions to the Assembly Committee on Education
22 that includes: comptroller review of all DOE
23 contracts; allowing a separate analytical arm
24 apart from the DOE with subpoena power to review
25 data like the IBO presented today; issuing

1
2 separate Department of Education reports annually
3 on special education and English Language
4 Learners, especially on special education. We
5 have a strong opinion that there has been a system
6 of apartheid for 40 years on special education
7 that's only beginning to turn around. Finally, my
8 opinion, please keep superintendent authority away
9 from the system to the extent possible. Empower
10 another arm of Department of Education to accept
11 central parent complaints. Superintendents are
12 typically approved directly or tacitly by public
13 officials who don not have the best interests of
14 students in mind. Mayor Bloomberg, Chancellor
15 Klein aside, I am a person philosophically and
16 personally who does not care to engage in personal
17 attacks. They'll be gone some day just like I
18 would be. We should put structures into place
19 that help kids only. I'm not really interested in
20 PEPs or boards; I'm interested in the parents and
21 the kids. That's it. Thank you.

22 CHAIRPERSON JACKSON: Thank you.

23 I'm not going to engage you at this moment like I
24 engaged the other parent because we could just go
25 on. I agree that the bottom line is children, but

1
2 you have to have structures in place in order to
3 deal with the issues and concerns in educating
4 those children. Let me call April Humphrey, the
5 Campaign for Better Schools and Carol Boyd, the
6 Coalition for Educational Justice. April, let me
7 apologize for not calling you earlier. April, why
8 don't you go first, and then we can go to the
9 attorney. Is that okay? Thank you. There is
10 consensus.

11 DAWN PHILIP: I'll try to be as
12 brief as possible in the interest of time. Good
13 evening, Chairman Jackson. My name is Dawn Philip
14 and I'm a staff attorney with the New York Lawyers
15 for the Public Interest. I represent community
16 groups concerned about local schools on
17 contaminated properties within New York City. I
18 know my colleagues and I have testified on this
19 issue before but things have not yet changed, so
20 we are here yet again to testify. I'd like to
21 focus my comments today on the leasing of
22 contaminated school sites for use as school sites
23 for the School Construction Authority and the
24 effect of Mayoral Control on this issue. As part
25 of its effort to reduce overcrowding in classrooms

1
2 around the city, the SCA, in addition to creating
3 seats through new construction also leases
4 existing facilities to turn them into schools.

5 Some of these leased facilities will almost
6 certainly be sited on contaminated properties as
7 has happened in the past. Siting schools on
8 contaminated properties is risky business.

9 Exposure to toxic chemicals can lead to behavioral
10 problems, learning disabilities, decreased IQ for
11 children and has been linked to certain cancers.

12 I was to be really that we completely support
13 smaller class sizes through more schools but not
14 at the expense of children's health. To build a
15 new school, state law requires the SCA to submit a
16 site plan to the local community board, give the
17 City Council and opportunity to review the site
18 plan and undergo a full environmental review, all
19 of which give communities notice and an
20 opportunity to participate. Two things the
21 Bloomberg administration does not seem to be fond
22 of. Unfortunately, the SCA administers its
23 leasing program as if not subject to the same
24 environmental review. I just talked to Ross
25 Holden, their general counsel, the other day. The

1
2 SCA claims that they already engage in adequate
3 environmental review but we have many, many
4 examples to show that this is simply not true;
5 there are examples in East Harlem, examples in the
6 Bronx and the list goes on. Under the current
7 scheme for leasing, even when there is known
8 contamination, there may be insufficient
9 environmental review of proposed lease sites and
10 no opportunity for the community and Council to
11 weigh in. It's a basic concept. We believe
12 communities should have the right to know about
13 leased facilities proposed in their neighborhoods
14 and that the Council should be able to weigh in on
15 those siting decisions. Legislation is needed to
16 amend the law to clarify expressly that leased
17 facilities are subject to the same community
18 participation and political and environmental
19 review processes applied to new school
20 construction. City Council passed a resolution in
21 support of this effort, and Chairman Jackson,
22 thank you for your leadership on that. The bill
23 has yet to become state law. It's been introduced
24 and we're hopeful this year with the new
25 Democratic leadership in the Senate it will be

1
2 passed. For a variety of reasons in the past two
3 sessions, mayoral opposition to this bill has been
4 almost single-handedly responsible for stopping
5 this widely supported legislation from becoming
6 law. The idea of Mayoral Control over New York
7 City Public Schools brought with it a promise of
8 greater accountability and transparency.

9 Unfortunately, with respect to the School
10 Construction Authority especially, Mayoral Control
11 has resulted in less accountability and little
12 transparency. The problems associated with this
13 lack of accountability have come up another
14 important area of our healthy schools work. For
15 more than a year, the School Construction
16 Authority and the DOE have been aware of the
17 serious and well documented risks to children's
18 health posed by illegal levels of PCB
19 contamination in the window and door caulking in
20 New York City schools. Last April, Council Member
21 Gennaro, Jackson and Gioia convened a council
22 hearing on this public health threat and it
23 literally is a public health threat. The Council
24 later passed a resolution calling on school
25 authorities to test schools that might be

1
2 contaminated. Similar state legislation is now
3 pending and a Bronx mother has filed a notice of
4 intent to sue over the severely contaminated caulk
5 at her children's school. Despite the
6 scientifically established risk, the SCA has
7 chosen to respond by dismissing these concerns.
8 No systematic testing regime is in place or
9 planned and the SCA has not disclosed the identity
10 of those schools where they have identified
11 illegal levels of PCB contamination. Proponents
12 of Mayoral Control argue that centralized
13 authority permits a more efficient and effective
14 response to crisis. Our experience with PCB fails
15 to support this view. The point here is a basic
16 one. As a public authority, the SCA should be
17 accountable to the public in a way it has not been
18 with respect to PCBs and contaminated school sites
19 and the many, many examples we have heard here
20 today. Mayoral Control should never come at the
21 expense of community participation, transparency
22 and our children's health. Thank you.

23 CHAIRPERSON JACKSON: Thank you.

24 CAROL BOYD: Good evening,
25 everyone. I'm Carol Boyd and I'm a parent leader

1
2 with the New York City Coalition for Educational
3 Justice. We've heard a lot here today, so we'll
4 try not to be repetitive. I just wish the
5 gentleman who sat here before were here. That is
6 why we are calling for things like parent
7 training. Because if he truly understood
8 statistics he would realize that black and Latino
9 graduation rates are still only at 25%. If you
10 have 100 students that enter a school, 50 of them
11 drop out and 40 of them graduate and you say I
12 have an 80% graduation rate. But where are the 60
13 other children? That's why parents need to
14 understand and not just blindly be swayed by
15 numbers that they see posted all over mass transit
16 vehicles. With that being said, here we go. I'm
17 here in support of the Better Schools Act which is
18 currently being introduced in Albany by Senator
19 Kevin Parker and Assemblyman Carl Heastie. I'd
20 like to thank you for standing with us on last
21 Sunday. I encourage all of you to voice your
22 support for this legislation, not just on behalf
23 of my two public school children but for all New
24 York City public school children. The Better
25 Schools Act, if passed into law, would strengthen

1
2 Mayoral Control in ways that would not only
3 dramatically improve our schools but also the
4 futures of our children. Opponents of this bill
5 and any form of school governance will falsely
6 have you believe that any modification to the
7 existing structure of school governance in New
8 York City creates a system that is weakened and
9 bureaucratic. However, in actuality, enactment of
10 this bill would create a system that is
11 strengthened and democrat, for in a democracy,
12 there is no place for one-man rule or monarchy.
13 The Campaign for Better Schools is by no means
14 trying to reinvent the wheel. In fact we
15 wholeheartedly support Mayoral Control as a
16 mechanism to provide accountability for our
17 schools. We do not desire to return to the "old
18 system" of cronyism and corrupt School Boards, but
19 we cannot continue under the current one either.
20 The real question here is under the present
21 legislation to who, if anyone, are our schools
22 accountable? Passing the Better Schools Act would
23 ensure that school governance in NYC provides
24 checks and balance first. Because presently, the
25 Board of Education, now called the PEP is

1
2 structured to give the balance of power to the
3 mayor, which everyone pointed out. In the past,
4 as they also mentioned, when people disagreed with
5 him, they were an off with their heads fashion.
6 Now you tell me, is that democracy or a monarchy?
7 City agencies in New York City are under the
8 direct purview of the mayor and are subject to
9 review by an independent authority. If the
10 Department of Education is under the direct
11 purview of the mayor, why aren't they also subject
12 to such a review policy? Enactment of the Better
13 Schools Act would ensure that there is
14 transparency by giving the Independent Budget
15 Office the authority to collect and report on
16 school achievement data and finances. Lastly,
17 public participation, one of the most frustrating
18 things for parents like myself and students is
19 that throughout the last six years of Mayoral
20 Control has been that under the guise of school
21 reform our local schools have undergone a myriad
22 of changes without benefit of any parental or
23 community input. Just last year a new 8th grade
24 retention policy was put in place without any
25 public input and without any real plan to provide

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2 support for these students. By the Department of
3 Education's own estimation, nearly 14,000 students
4 would be in jeopardy of retention as a result of
5 this policy. Recognizing that implementation of
6 this policy would severely harm and not help our
7 children, particularly those students in
8 historically low performing school districts like
9 District 9 where I and many other CEJ parents
10 reside, many parents took to the streets in
11 vehement protest, but as usual our voices went
12 unheard. I'll wrap this up. Now, we're being
13 told by the Department of Education that as a
14 result of the recent test score data, 90% of these
15 students miraculously saw improvement and the
16 number of students currently facing retention in
17 eight grade is now 1,400. Despite the highly
18 touted rise in reading scores, a careful
19 examination of DOE data found that at 30% of all
20 New York City middle schools, eighth graders are
21 currently reading at below grade level. As we say
22 at Campaign for Better Schools, "Don't believe the
23 hype." The Better Schools Act makes sure that
24 parents and the community can have a role in
25 important decisions affecting our children and

1
2 their schools. Further, it will enable parents to
3 know, as well as clearly understand, what is going
4 on in the education of their children without
5 being besieged by misleading high priced, media
6 blitzes pasted all over buses and subways. I ask
7 that you listen carefully to the testimonies of my
8 fellow panel members and when all is said and done
9 that you as members of the Council and as our
10 elected representatives join with us in opposing
11 one-man rule of our schools by supporting the
12 Better Schools Act.

13 CHAIRPERSON JACKSON: Thank you.

14 CAROL BOYD: And before April goes,
15 I'd just like to say I'm sorry 399 left because
16 they're not alone. My children's school is being
17 closed and they are well developed. They have A
18 report card grades. They just don't care and we
19 were told there was nothing we could do about it.
20 It's in District 2 in Manhattan. Life goes on for
21 the students of the six schools in the Julia
22 Richman Education Complex.

23 CHAIRPERSON JACKSON: Thank you.

24 Next is April Humphrey, from the Campaign for
25 Better Schools and my constituent.

1
2 APRIL HUMPHREY: Thank you, Council
3 Member Jackson. I will be brief. I think Carol
4 really summed up the core of our proposal. You
5 obviously know a lot about it. Hopefully your
6 colleagues will read this transcript and will look
7 into the Better Schools Act and consider speaking
8 out and supporting it as well. I specifically
9 wanted to talk about our recommendations around
10 transparency, one of which is to put the
11 Independent Budget Office in charge of collecting
12 and reporting on school achievement data as well
13 as finances. We heard from them earlier. I think
14 we all understand why that's so important. Last
15 week, we saw the claims that there has been an
16 increase in test scores. While we, along with
17 everyone, applaud the increase, there is always a
18 side that DOE isn't telling us and we really need
19 that object analysis of the information for people
20 to really have faith in the information that
21 they're getting about the school system. The
22 other part of our transparency proposal has to do
23 with expanding the powers of the City Comptroller
24 to audit the Department of Education. I know that
25 Chancellor Klein and Dennis Walcott earlier said

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2 that they do audits all the time, but I think that
3 there are areas where they don't have the
4 authority that they need to be able to do the
5 audits that they need to do. Those are the core
6 components of our transparency proposal. I also
7 have testimony here from Deycy Avitia from the New
8 York Immigration Coalition who was going to talk
9 about parent participation, so I will just leave
10 that with you.

11 CHAIRPERSON JACKSON: Thank you. I
12 don't believe I have a slip for you, but just
13 identify yourself and you can fill one out later.

14 CAITLYN BROWN: My name is Caitlyn
15 Brown. I'm here to offer the testimony for Kim
16 Sweet who unfortunately had to leave at 6.

17 CHAIRPERSON JACKSON: Pull up mike
18 up a little closer and you may begin.

19 CAITLYN BROWN: Kim Sweet is the
20 executive director of Advocates for Children. For
21 more than 37 years, Advocates for Children has
22 helped New York City's parents navigate the
23 sprawling public education system and make their
24 voices heard. We work every year with thousands
25 of parents from throughout the City, which gives

1
2 us a unique vantage point for observing how
3 changes in school governance affect families on
4 the ground. We're here today as proud members of
5 the Campaign for Better Schools, which brought
6 together low-income communities of color concerned
7 with their lack of voice in the current governance
8 system. In developing our proposal, the diverse
9 communities that make up the Campaign came to
10 agreement relatively quickly on two basic points.
11 One, we did not want to go back to the system of
12 governance that was in place before 2002. But
13 two, we felt that the current system places too
14 much power and information in the control of one
15 individual, the mayor, with the result it's very
16 hard for communities to influence important
17 decisions or to get the information they need to
18 hold the mayor accountable. A central piece of
19 our Campaign for Better Schools' proposal is that
20 we need checks and balances at the very top of the
21 system. Right now, as has been said today, the
22 Panel for Education Policy is nothing more than a
23 rubber stamp, controlled completely by the Mayor.
24 If a mayor, whether this mayor or any subsequent
25 mayor wants to adopt unwise policies, or wasteful

1
2 contracts, there is no way to stop him. So the
3 Campaign's recommendation is that the mayor should
4 retain complete power to hire and fire the
5 chancellor, which preserves his overall control of
6 the city schools. But the composition of the
7 Panel on Education Policy would change so that a
8 narrow majority of members would be appointed by
9 the City Council, with a minority appointed by the
10 Mayor. And the Panel's members would serve for a
11 fixed term of 3 years or less to avoid purges of
12 members who disagree with whoever appointed them.
13 The Chancellor would remain on the Panel, but
14 would no longer be a voting member. These changes
15 would open the door to robust and productive
16 public debate about the education policies that
17 affect our children's schools. But they would not
18 remove so much power from the mayor as to produce
19 gridlock and thwart reform. The Campaign for
20 Better Schools is also proposing significant
21 changes with regard to transparency, as you've
22 heard, of information and parental participation.
23 Thank you for letting me offer testimony this
24 evening.

25 CHAIRPERSON JACKSON: Let me thank

1
2 all three of you for coming in. Listening to the
3 points that you summarized for the Campaign for
4 Better Schools, I don't know if you were here
5 earlier when I said that currently the mayor and
6 the chancellor have to abide by law, rules and
7 regulations and he has total control within that.
8 Obviously, you have heard testimony after
9 testimony after testimony how in many people's
10 opinion he has run like a dictator within those
11 laws, rules and regulations. If you were here
12 with Dennis Walcott and the chancellor, I said
13 that the laws, rules and regulations that are put
14 upon them, in my opinion, does not take away from
15 Mayoral Control but it guides them in what they
16 can do and what they can't do. So, municipal
17 control would be another law that would guide him.
18 The CECs and the PEP with the chancellor, as the
19 Campaign for Better Schools said, he would not be
20 the chair. He would not be a member. But as a
21 chancellor he's there to answer questions about
22 policy and rules and so forth. He is an "expert"
23 in the Panel for Education. Some of them may have
24 educational experience, they may be involved with
25 it, but they're not the educational expert and

1
2 neither am I, even though I've been involved as a
3 parent activist since 1980. I've got one point,
4 and I think that you said it correctly, but I
5 disagree with you Carol, and I'm going to ask you
6 your opinion about this. You mentioned cronyism
7 and corruption in the prior school boards in your
8 testimony. I disagree with that wholeheartedly.
9 You cannot paint that community school boards were
10 based on cronyism and corruption. This other
11 individual said they didn't want to go back to the
12 way it was before. Constantly I hear from people
13 saying cronyism, political, special interests, and
14 corruption and I adamantly disagree with that.
15 There were 32 community school boards. Cite for
16 me, if you can, how many of those were corrupt
17 based on evidence that you talk about, or
18 cronyism.

19 CAROL BOYD: A point of
20 clarification. I should say in District 9 where I
21 live. That one was fraught with problems.

22 CHAIRPERSON JACKSON: I understand
23 what you said about District 9, not from personal
24 knowledge and I'll sit down and discuss this with
25 you, but from reading in the papers and hearing on

1
2 the news what occurred in Community Board 9. In
3 fact, Carol, and other people that are here
4 listening, I think it was the Post or the Daily
5 News, after that situation, painted the picture
6 with one big brush of all the community school
7 boards and cited School Board 6 and I was the
8 president of School Board 6. I was outraged.

9 CAROL BOYD: I know you would have
10 been.

11 CHAIRPERSON JACKSON: I told them I
12 was going to sue the pants off of them. I held a
13 meeting with the editorial board with my attorney,
14 Michael Rabel and their attorney was there also.
15 I told them I wanted a retraction in their paper.
16 They said let's let the attorney leave for a
17 minute and let's talk about it. In fact,
18 subsequently they wrote a retraction in there. I
19 challenge anyone about my honesty and integrity as
20 a school board member. I may agree there may have
21 been one or two school boards that were dealing
22 with cronyism and/or maybe someone may have been
23 arrested, one or two school board members, in the
24 City of New York, and maybe three or four. But I
25 say to you and I say to everyone who wants to

1
2 paint the picture, state legislators have been
3 arrested and convicted.

4 CAROL BOYD: Yes, they have.

5 CHAIRPERSON JACKSON: City
6 officials have been arrested and convicted. The
7 deputy mayor for curriculum Joel Klein had to fire
8 her because of cronyism and what have you. It's
9 happened with governors, presidents, and court
10 execs, so don't paint the picture of cronyism and
11 corruption and say that you think that I'm going
12 to sit here and agree with that. I just want to
13 pull your coat a little bit.

14 CAROL BOYD: I'll take it.

15 CHAIRPERSON JACKSON: I would
16 agree, based on what I heard and read about
17 District 9 School Board at that time. I just
18 wanted to comment on that.

19 CAROL BOYD: You're right.

20 CHAIRPERSON JACKSON: Other than
21 that, I have no other disagreement. Thank you all
22 for coming in.

23 CAROL BOYD: Thank you.

24 APRIL HUMPHREY: Thank you.

25 CAROL BOYD: One suggestion, would

1
2 it be possible if when we testify maybe at the
3 next hearing that the public gets to go prior to
4 the chancellor so he can hear what everyone has to
5 say? Not that it would make a difference I
6 believe.

7 CHAIRPERSON JACKSON: I'm going to
8 fight for that but with the rules and what have
9 you of the City Council and some of the politics
10 of it, and politics are involved in a lot of
11 stuff. When we have attempted to have parents or
12 other people go first, you know how little kids
13 have a temper tantrum, that's the way they do.
14 They go running to the deputy mayor. They call
15 the Speaker's Office. They call everybody and say
16 this is not the way it's going to operate; we're
17 not going to come, this, that and the other. I
18 will attempt to do that. But let me just say, I
19 do not operate in a vacuum.

20 CAROL BOYD: I understand. We
21 appreciate this. They need to hear this because
22 the chancellor says we'll talk and it's been years
23 and we still haven't talked.

24 CHAIRPERSON JACKSON: Listen, you
25 see how many City Council members are here beside

1

2 myself at this moment. None. None. Zero. Nada.
3 I wish they were here to hear what parent leaders
4 and representatives of Advocates for Children and
5 other groups have to say, whether or not it's for
6 Mayoral Control or against it or in between. I
7 want to thank you all three for coming in.

8

CAROL BOYD: Thank you.

9

CHAIRPERSON JACKSON: There are not
10 too many other people here, so please, if you're
11 going to testify, please come forward. Let me
12 just read the names of the people that wanted to
13 testify but I guess had to leave for one reason or
14 another. Quite frankly, I can understand that.
15 So let me just read their names so you know who
16 was here and filled out a slip to testify. Henry
17 Sidel, he's not here but he came and he was going
18 to speak, I assume, in favor of Mayoral Control.

19

ANDY LACHMAN: No, he was not.

20

21

ANN KJELLBERG: He submitted
written testimony.

22

23

CHAIRPERSON JACKSON: He was not in
favor of Mayoral Control?

24

ANN KJELLBERG: Alas, no.

25

CHAIRPERSON JACKSON: Irene Coffman

1
2 for PS Public School PAC. Ann Kjellberg, PS PAC.

3 ANN KJELLBERG: That's me.

4 CHAIRPERSON JACKSON: That's you.

5 You're here. Amiha Bebe [phonetic] from Long
6 Island City High School Global Kids; Recco Floyd
7 [phonetic], South Side High School Brooklyn,
8 Global Kids; Laura Jones, Global Kids Fordham High
9 School of the Arts; Lindsey Tahada [phonetic],
10 Global Kids, Fordham School of the Arts; Phyllis
11 Anderson, Teacher for Teachers; Annette Evans,
12 parent and a taxpayer. She's here. So I've got
13 three of you. And Sylvia Tyler, one of my
14 constituents, from the West Harlem Independent
15 Club; she's not here anymore. Roger Hartley,
16 teacher, DOE employee, illegally terminated.
17 These were all of the other individuals that had
18 signed up and for one reason or another had to
19 leave. I apologize for them that they did not
20 have their opportunity to be heard today. Andy,
21 I'm going to let the ladies go first. I hope you
22 don't mind.

23 ANDY LACHMAN: Save the best for
24 last.

25 CHAIRPERSON JACKSON: Save the best

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2 for last.

3

ANNETTE EVANS: I'm Annette Evans.

4

I'm a parent and taxpayer. I'm just going to

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pretty much agree with most the people that are

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against Mayoral Control and for democratic

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partnership in education. I do support the Parent

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Commission and their recommendations. I do have a

9

testimony here that I'm not going to go through.

10

I have the list of problems with Mayoral Control,

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the top ten, but it's actually 11.

12

CHAIRPERSON JACKSON: Did you

13

submit it?

14

ANNETTE EVANS: Yes, I have. I did

15

hear Steve Sanders, who was one of the authors or

16

one of the architects of the Mayoral Control bill

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up in the State Senate and he said it was not the

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intention of the State Senate to give this kind of

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unilateral control to one person.

20

CHAIRPERSON JACKSON: He was the

21

chair of the State Assembly Education Committee.

22

ANNETTE EVANS: I'm sorry, the

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State Assembly Education Committee. He said that

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they had not really followed the intent or the

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spirit of the law and that we need to make it more

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2 specific so it's more enforceable. In fact, they
3 are breaking the law. They are not adhering to
4 the law as it was written. I think that needs to
5 be said. They took out the Board of Education and
6 replaced it with the PEP and gutted their
7 authority, as they have done with so many of the
8 other things that have been testified to.

9 Basically I'm here because I think that the City
10 Council and I'm sorry that you're the only one
11 still here.

12 CHAIRPERSON JACKSON: So am I.

13 ANNETTE EVANS: As an elected body,
14 as a democratically elected body should also
15 understand that the school system should be run
16 democratically. That's it.

17 CHAIRPERSON JACKSON: Thank you.

18 Next is Ann Kjellberg, from PS PAC. What does PS
19 PAC stand for?

20 ANN KJELLBERG: It stands for
21 Public School Parent Advocacy Committee. We're a
22 consortium of parent advocacy committees from
23 different schools working together on matters of
24 common concern. Before I start, just a footnote
25 to Annette's remark, that in the book that has

1
2 been going around that was recently put together
3 by a number of parents and scholars critiquing
4 various aspects of the mayor's claims for
5 educational success, there is a chapter by Patrick
6 Sullivan in which he goes into some detail about
7 the different ways in which the PEP is in
8 violation of the letter and the spirit of that
9 state law. I'm not going to read the testimony
10 that I handed in today. I feel like a lot of
11 important issues were raised and I thought it
12 would be useful for me to focus for a moment on
13 what I thought were the essential features of a
14 governance law that many parents feel is needed.
15 I was startled listening to Council Members who
16 made very substantive critiques of the policies of
17 the administration and yet say they continue to
18 support Mayoral Control. These mistaken policies
19 which have affected the lives of hundreds of
20 thousands of students might have been mitigated
21 had those policies been exposed to discussion and
22 debate. Other leaders in executive authority do
23 not argue that they have to eviscerate their
24 legislative checks in order to function
25 effectively. The mayor should be able to convince

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2 one or two well informed people, with
3 responsibility for their office, who do not owe
4 their position to him of the merit of his major
5 policies to achieve a majority on the board. If
6 he cannot do that, his policies do not deserve to
7 be implemented. We need a school board that
8 obliges the mayor to articulate the policies he
9 has developed and defend them convincingly. We
10 need local school boards, CECs, whose legal powers
11 are clearly defined and defended against
12 encroachment from the center. Their electoral
13 mandate should be broadened. Their decision
14 making should be vertically integrated into the
15 DOE policy making rather than shunted off into
16 their PR operations. The city's local community
17 boards, which have clear authority of certain
18 issues and respected advisory roles over broader
19 ones would seem to supply an available model. The
20 DOE should be subject to city and state law and
21 DOE finances and data processing should be subject
22 to independent review. The state mandated role of
23 the districts, which as far as I can tell are
24 currently being violated, should be restored and
25 defended from encroachment from the center. We

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2 New York City parents need the Council to make a
3 strong statement to Albany. We have no power in
4 the current system and have been obliged to seek
5 redress with you and with other elected officials
6 including our Council Members for policies that
7 are the responsibility of the DOE. We should not
8 allow comparisons with failures of the previous
9 system to legitimate the current one. No past
10 failures oblige us to adhere to policies that are
11 a failure. We should look with a clear eye at
12 where we are and where we need to go. Thank you
13 very much.

14 CHAIRPERSON JACKSON: Thank you.

15 And last, but not least, Andy Lachman, parent
16 leader of Upper East Side Schools.

17 ANDY LACHMAN: Thank you, Chairman
18 Jackson and especially thank you, staff, for
19 waiting to hear me out. Today I think we saw
20 something very special; these kids that came here
21 from P.S. 399. What happened to their school and
22 what's happening at P.S. 123 and what's happening
23 in our community and neighborhoods across the city
24 in my view is the educational equivalent of the
25 Cross Bronx Expressway and I don't say that

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2 lightly. I've thought about this long and hard.
3 Robert Moses was an extreme example of what
4 happens when power runs amuck. He had unregulated
5 power and he used his power and under the guise of
6 progress, he destroyed neighborhoods. He did not
7 answer to anybody. I think there is an
8 interesting parallel here. I'm very troubled by
9 the fact that Joel Klein, who is an antitrust
10 lawyer would want to continue unregulated one-man
11 control of New York City public education. I
12 don't think they really get it. There have been
13 two major publicized reasons to continue with
14 Mayoral Control. One is the mayor and DOE are
15 doing a great job on education and he deserves to
16 continue. The second reason is we cannot return
17 back to the bad old days. Let me address the
18 first thing because tonight I think we saw the
19 best reason why they are not doing a good job and
20 they don't deserve to repeat. If I was chancellor
21 and I saw those kids from P.S. 399 that is exactly
22 what I'd be looking for in a school. It just
23 shows that DOE and their consultants do not
24 understand what good education is all about.
25 Trained educators value children by interacting

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2 with the daily and looking at their work. But
3 people who sit at corporate headquarters away from
4 a school, they must rely on test scores. It's the
5 only way they can determine if education is
6 successful. When you rely on test scores and
7 graduation rates, you're putting public relations
8 in front of good education. These kids obviously
9 go to a kid just like our school. We have a
10 really great community school. I think I've said
11 this before. The founder said I don't know if my
12 neighbors are good spellers, but I know if they're
13 good citizens. Joel Klein toured our school five
14 years ago and he said upon leaving, "This is
15 exactly what I'm looking for." A few days later
16 he called our principal and said, "Karen, how do I
17 duplicate this in every other school in the city?
18 I love what's happening." Since that time, he has
19 not institute one policy that would achieve that
20 end. As a member of the executive board for the
21 past eight years, I can tell you that these
22 citywide policies that have been put into place
23 are detrimental to our school and good education.
24 It's obvious that if they're closing that school
25 that they really don't have a clue. I know it's

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2 late and I don't want to take time to give you my
3 educational philosophy or even have educational
4 philosophy debated. Time obviously doesn't permit
5 that. I'm here to ask you to make sure that our
6 senators put debate back into education so we have
7 a democratic process. Restoring that democratic
8 process to New York City education doesn't mean we
9 have to return to the so-called bad old days.
10 First, obviously, they weren't so bad. But
11 secondly, that sounds striking familiar to me to
12 Karl Rove rhetoric. It's politics of fear. The
13 bad old days are no rationale to allow one-man
14 rule or hand over a majority to anybody. I don't
15 really understand how any democratically elected
16 official could allow another public official to
17 have unchecked power to make unilateral public
18 policy decisions without answering to anybody. I
19 don't believe the president of the United States
20 has that power and we certainly didn't give that
21 power to the governor. I believe in the state we
22 have a Board of Regents don't we? They make
23 educational policy decisions and they do it as a
24 group. School boards across the state functional
25 well. Why should New York City really be any

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2 different? You asked a question, I think of Joel
3 Klein, why he doesn't call you back. I sit on the
4 war room for the Upper East Side and I'm appalled
5 because Carolyn Maloney had to get involved to
6 help us. She's our congresswoman. She asked
7 direct questions to DOE and they don't answer one
8 of them. I think that's pretty rude and it just
9 goes to show you that since they don't have to
10 answer to anybody, they feel they don't have to
11 answer a question. You also asked if the mayor
12 asks for input. I'd like to leave you with this
13 picture. This is got off of YouTube. Somebody
14 filmed a picture of Joel Klein at a PEP meeting.
15 The whole meeting he's looking at his blackberry.
16 If you've been to any parent meeting that's what
17 he does. Somebody even told me he plays games on
18 it but I don't know what he does. He's clearly
19 not listening. What I ask you to do is stop
20 enabling this mayor and Joel Klein and the
21 Department of Education. They just don't want to
22 listen because they don't feel they have to. I
23 understand why the mayor doesn't want to be
24 accountable. He wants to only be accountable once
25 every four years. It's because it's easier.

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2 Democracy, as you know, is tedious and could be
3 excruciatingly painful, especially when you want
4 to make changes. It's better than the
5 alternative. Unchecked power corrupts because
6 elected officials forget that they're serving the
7 public. I can't imagine any elected official not
8 wanting to serve, to understand that every single
9 day they are accountable to the public, not just
10 on Election Day. If you don't want to listen to
11 the public, you don't belong in public service,
12 you belong in private enterprise. Maybe to some
13 degree that's why they are privatizing education.
14 Lastly, I want to say I firmly believe that when
15 you educate a child you change the world. That's
16 something to really consider because our future
17 depends on what happens in education. It's too
18 precious and too important to let one man decide
19 what's happening. We need to do this
20 democratically. Thank you.

21 CHAIRPERSON JACKSON: Let me say
22 that even though the three of you were the last
23 panel, your testimonies speaks volumes with
24 respects to advocacy on behalf of the children of
25 New York City and as yourselves as parents. Let

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2 me ask you a question. The critics may say you
3 guys are paid. Are you paid by some leftist
4 political PAC group that goes against the system?
5 I'm very serious on the question. Are you paid?

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ANNETTE EVANS: Not one penny.

7

CHAIRPERSON JACKSON: Ann, you come
8 to all the City Council Members and you wait and
9 you testify. Somebody must be paying you, right?

10

ANN KJELLBERG: No. Nobody is
11 paying me to do this.

12

CHAIRPERSON JACKSON: Andy, you
13 look like a corporate attorney, so somebody must
14 be paying you \$600 an hour. Is that true?

15

ANDY LACHMAN: No. In fact, I
16 sacrifice a lot of my work and family time to be
17 here. But I'll tell you what my payment is. My
18 payment is watching kids like that, the products
19 of New York City education. It just hits me right
20 here and that's the payment. In some level, I
21 think that's your reward as well. We can do much
22 better than we're doing and these guys just don't
23 belong running education.

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CHAIRPERSON JACKSON: The children
25 sat here all day and they listened to the

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2 testimony. As one of their teachers said, this
3 was a civics lesson for them. The other teacher
4 that was sitting where you're sitting, he was
5 testifying and you could hear the crackling in his
6 voice wanting to cry. As he said, he was in
7 private industry. He came up the teachers what?
8 He was recruited.

9 ANNETTE EVANS: Fellows.

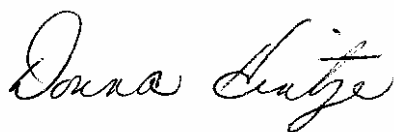
10 CHAIRPERSON JACKSON: Teaching
11 fellows. You could hear his voice crackling
12 wanting to cry at what's happening to this school,
13 these children and what they've been doing to
14 build them up, to build up their self-esteem, to
15 build up their leadership skills, to build up
16 their academic skills as far as the reading scores
17 and the math scores and to try to build the whole
18 child. As I said, these children, they're
19 leaders. What they've learned, even if that
20 school closes down, that will continue with them
21 for the rest of their lives. As I said before, if
22 you ask the teachers in that school, the
23 administrators in that school, the students of
24 that school, every employee and I'm talking about
25 the people cleaning the halls, and if you ask the

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parents, they will say keep this school open, it's working. But the lack of insight, the lack of knowledge, the lack of heart and caring by all of those people that say shut it down, they are the ones that should be shut down. With that, I thank you for coming in. This hearing on oversight on Mayoral Control of New York City Schools which started about 2:15 or 2:20 is hereby closed at 8:20.

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "Donna Hintze".

Signature

Date July 31, 2009