



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, NY 10007

**TESTIMONY OF DENNIS M. WALCOTT**  
**DEPUTY MAYOR FOR EDUCATION AND COMMUNITY DEVELOPMENT**  
**NEW YORK CITY COUNCIL EDUCATION COMMITTEE**  
**TESTIMONY ON MAYORAL CONTROL**

**MARCH 3, 2008**

---

Good morning, Chairman Jackson and Members of the City Council Education Committee. Thank you for the invitation to speak with you today about mayoral control.

As many of you know I have more than four decades of experience with the City's school system. I am a graduate of the City's public schools, my children attended our schools, I started my career as an educator 34 years ago, I served as a mayoral appointee to the central Board of Education, and during the mid-90's I became the President of the Trustee Board of District 5, and for the past six years I have had the privilege to serve as Mayor Michael Bloomberg's Deputy Mayor for Education and Community Development. I mention this because I have witnessed and participated in this system in a variety of capacities, and I must say that what we have in place today is the best that I have ever seen.

I submit that today is a new day in our City's public education system. More students are graduating from high school (no matter what methodology you use to calculate); almost 80,000 more students take the PSAT today than they did in 2002, 4<sup>th</sup> graders scoring at or above a basic level in reading on national exams has risen 10 points with the greatest increase by the city's

African-American 4<sup>th</sup> graders, and 4<sup>th</sup> graders scoring at or above a basic level in math on national exams has risen 12 points, and we are working to fund schools equitably citywide.

I remember the days when students were promoted from grade to grade without standards, and when some schools graduated less than 35% of their students. I remember the widespread, systemic abuse of funds within our schools. I remember that community input was left to a select few, and that in our one city there were 32 boards all with differing standards accountable to no one person.

Today is a different day.

In 2002, Mayor Bloomberg committed his Mayoralty to providing New York City's children with the first class education they need and deserve. Our first order of business was to gain control of the school system. The State, with strong support from both houses of the Legislature and widespread acknowledgement of the unresponsiveness and fragmentation of the former school governance structure, granted the mayor control of the school system. The State Legislature recognized that our students' only hope was to institute a system where someone was actually held accountable for their success. That is no less true today than it was then.

Mayor Bloomberg wanted to be that someone. We succeeded in gaining Mayoral control, and we take that seriously. Control means control, and that means taking responsibility for when things are working and when they are not.

Six years ago this month the Mayor testified before the City Council on the importance of Mayoral Control. He submitted that he would use the bully pulpit of City Hall to focus on school performance and place the Mayor himself on the line. His focus was and always has been -- we must be here for the students -- not the system.

For the first time in almost 40 years, New Yorkers can hold one person -- the Mayor -- directly accountable for the success or failure of their schools. Mayoral control is able to align authority and accountability and appropriately direct everyone's energy to educating our City's children and ensuring that their interests - and theirs alone - come first.

With that charge, Mayor Bloomberg committed to ending a system of failure.

A system that was:

- Stifled by bureaucratic dysfunction;
- Where there was no system-wide curriculum for any subject, including the core elements of math or reading;
- Where school funding was opaque and based more on politics than on needs;
- Where academic achievement was not expected or demanded of all students equally and where social promotion was the norm;
- Where parent access and input was limited or didn't exist;
- Where 32 local community school districts were controlled by 32 different community school boards accountable to only a few;
- And where the interests of adults were far too often put before the needs of children.

Simply put, the school system prior to our control was a hodgepodge of different districts that were unstable and chaotic, at times corrupt, and too often failed to provide our children with the education they needed in order to succeed.

After gaining control of the school system the Mayor appointed the Chancellor. A testament to accountability is the fact that now there is a clear line of responsibility – the Mayor, followed by the Chancellor, the Community Superintendents, and the Principals. And, they are the people who are to be held responsible for the achievements and failures in our schools.

Together, the Mayor and the Chancellor committed to creating not just a great school system, but a system of great schools for all of our children – putting them first. And so, in 2002 we introduced the Children First reforms.

Our efforts have consistently been:

- To put our children first;
- To provide our 1.1 million students with the kind of education they need and deserve no matter what their circumstances;
- To achieve equity in academic achievement for all students; and

- To build an education system that ensures that our schools are the ones where each of us would want our own children to attend.

The Chancellor and I are here to share with you the achievements made during this time and highlight for you that much of our efforts could not have been accomplished without mayoral control. Let me explain why more clearly.

We understood that in order to bring stability and coherence to multiple districts with multiple standards, we had to reclaim the system and bring all teachers, principals, and administrators onto the same page.

We created a new, intentionally top-down governance structure with a very clear line of authority that began with the Mayor. The Mayor then reinforced the system's new accountability by moving the central office of the Department of Education from Brooklyn to a building just 10 yards away from City Hall.

We focused on teaching and learning by implementing a new, core curriculum in literacy and math. The new instructional approach focused on best practices that were proven to raise student performance. We recognized the educational needs of populations such as English Language Learners and special education students and implemented programs focused on high standards that were aligned with the core curriculum.

To further support the academic needs of our students, we developed, for the first time, a coherent professional development program that would support classroom instruction across the school system.

We recognized and wanted to promote the notion that principals are the key to introducing change and transforming schools. So we developed, with private donations, the New York City Leadership Academy to recruit, train, and develop outstanding educators to become high-quality principals and strong instructional leaders. Let me note that the Academy has graduated 277 participants and 197 of those graduate are DOE principals – serving over 141,000 students in all five boroughs.

We know that great teachers are essential to a great education. We therefore developed a new teacher mentoring program, which provides comprehensive instruction and mentoring for all first-year teachers.

Additionally, we worked with the United Federation of Teachers to reach historic agreements that benefit the entire school community. We increased starting teachers' salaries by 43 percent; created Lead Teacher positions with a \$10,000 salary differential for those who were willing to mentor less-experienced teachers; and we provided a \$15,000 housing incentive to attract experienced math, science, and special education teachers who agree to teach for at least three years in high-needs schools. And, in addition to all of this – we have reformed our internal systems so that 99% of newly hired staff make the first payroll as compared to a dismal 60% before we gained control.

Our efforts have been comprehensive, but could not be complete without engaging our parents. Our commitment to parent involvement was clear from the beginning. At his testimony in March of 2002, the Mayor testified before the City Council and advocated for all-parent district representative bodies, and that the larger policy body be a majority of parents as well. Upon gaining control, we created the parent coordinator position and placed one in every school as the first point of contact for parents to address their concerns and inquiries, and to help them become further engaged in their children's education. Our efforts to engage parents were enhanced even further last year when the Mayor appointed Martine Guerrier as Chief Family Engagement Officer for the newly created Office of Family Engagement and Advocacy (OFEA) to ensure that parents get all of the support they need to help their children succeed.

Mayor Bloomberg's commitment to every child receiving a first-class education includes providing a high-quality school for every child. With a commitment of \$13.1 billion to build 63,000 seats we are well on our way with over 50,000 seats in construction or in design. This September we are scheduled to open 11,901 seats. I want to quickly point out that the State legislature also gave the Mayor authority over the New York City School Construction Authority. Because of mayoral control, the SCA and the Division of School Facilities, today, are aligned under the same division and both report to Deputy Chancellor Grimm. They now

efficiently work together eliminating duplicative functions and reducing the overall bureaucracy of their offices. This outcome is directly connected to the success of the capital plan.

Joel will discuss our efforts more specifically, but I want to highlight for you some of the innovative work we have been able to do as a result of having a centralized structure that ultimately supports teaching and learning at the school level.

We instituted a new schools initiative with a primary focus to expand educational options for students – particularly in underserved communities – where traditionally good educational options were not available. We have opened 286 new schools since 2002, with an additional 52 are slated to open this fall.

The safety and welfare of our students, teachers, and educational staff are of great importance to us and we know that teachers cannot teach and students cannot learn in a disorderly or unsafe environment – so we instituted the Impact Initiative, a partnership between the Department of Education, the New York City Police Department, and the Mayor’s Criminal Justice Coordinator.

For our students who are over-aged and under-credited we created an office within the Department of Education to reach and recover them – the Office of Multiple Pathways to Graduation. We realized that if we were going to both prevent at-risk students from dropping out as well as recover some of the ones that we had already lost, we needed to give them meaningful options that met them where they were. This successful effort has developed a new cadre of schools specifically designed to meet our students’ needs. This work is testimony to accountability.

Who in the past could coordinate the system to address the students falling through the cracks? The system failed too many students in the past and no one was held accountable. No longer can we allow this to happen and no longer should this be accepted.

Under Mayoral control we have been able to diagnose problems and develop solutions under a unified system. Let’s take social promotion, for example.

Historically in our City, students who had not mastered basic skills in their current grade were routinely promoted to the next grade. No more. Under Mayor Bloomberg's leadership we ended that practice. Our focus has been on providing struggling students with the individualized support they need, in their classrooms, through Summer Success Academy, and through Saturday Academy as well. The additional instructional time for these students – Saturday schools and 37.5 minutes of additional instruction per day, adds 25 significant days to their school year.

We began the ending of social promotion by instituting a 3<sup>rd</sup> grade promotion policy in 2003, and similar policies followed in subsequent years for 5<sup>th</sup>, 7<sup>th</sup> and, contingent on approval from the Panel for Education Policy, we will implement an 8<sup>th</sup> grade promotion policy this September.

With all of this, as part of our restructuring, we dramatically downsized the system's bureaucracy and put more money back into the schools. A total of \$350 million was directed back into the classroom to empower principals to make more decisions at the school level. But we knew that there was more to do and that we needed another dramatic change to take our schools to the next level. While the top-down structure had injected order and stabilized the system, it was still insufficient to allow schools to reach their maximum potential.

To reach that potential we knew that we needed to empower principals with more decision-making power, provide them with greater resources to do the job, and hold them ultimately accountable for their students' success. These changes were codified into four main components:

The first, Empowerment. We allowed schools to choose the kind of support they wanted instead of dictating what they had to have.

Secondly, Fair Student Funding. We are well underway to having an equitable system of funding. Schools receive funding based on the needs of their students and size of their student population, not political connections.

Third, Accountability. Accountability is fundamental in education. All of our efforts focus on principals and schools being held accountable for student success. We developed robust efforts that include students, parents, and teachers to help us make sure that schools succeed.

We implemented on-site Quality Reviews at each school, we implemented diagnostic tools to enable educators to measure and analyze how well our students are learning, we implemented the learning environment survey to capture from parents, teachers, and middle and high school students how they feel their schools fare on communication, safety, engagement, and instruction, and for the first time ever we implemented progress reports – commonly known as school report cards that help let parents and all others know how schools were faring in educating our children. And, we are building a sophisticated data management system, the Achievement and Reporting Innovation System (ARIS) that captures all this data and helps teachers track a child’s progress online throughout the year, and allows principals to use it to identify their school’s strengths and weaknesses, as well as research best practices throughout the system.

And, lastly Teacher Tenure Reform. We recognize that tenure is a well-earned and deserved honor, not an automatic right. We are giving principals new tools to objectively assess and make those affirmative decisions. Again, accountability is the focus here.

Through bold and thoughtful reforms, we have established stability, equity, accountability, and high quality leadership and instruction in our schools. We now have a culture that says that all students can achieve and that student success must be the measure of our success.

Mayoral control has meant more than specific reforms. It has meant the involvement of a wide range of City agencies in the education of our students; the Mayor and his staff meeting regularly with parents, other community members, and elected officials; and ongoing dialogue between the Mayor and his staff with senior DOE officials without micro-managing.

I want to say a couple of things about the engagement we have had with our stakeholders in these efforts. Partnership has been paramount to the achievements made in our schools to date.

Our team, whether it has been the Mayor, the Chancellor, DOE staff, my staff or me, have met with parents, advocates, community-based providers, faith-based leaders, civic groups, district council representatives, CEC members, community boards, and elected officials. For example:

- We meet regularly with the UFT and the CSA;
- DOE staff go to every CEC meeting when invited;
- The Accountability Team has met with hundreds of stakeholders on Progress Reports;
- The Office of Public and Community Affairs at the DOE meets regularly with community and faith-based organizations, community boards, and public and private organizations;
- Our Family Engagement Office led by Martine Guerrier has convened hundreds of meetings with parents since she assumed her role; and
- Our intergovernmental staff both at the DOE and at City Hall regularly meets with elected officials to discuss policy as well as issues.

I say all of this quite proudly because we are accessible to all that have asked to meet with us, and regularly attend town hall and civic meetings, and generally meet with communities to simply talk, but to also address issues and concerns as well.

The value our stakeholders play in this process is fundamental and we value their thoughts and opinions. We look forward to continuing our conversations as we proceed with our efforts to make our school system more successful in our remaining 668 days.

In a moment, Chancellor Klein will take us through specific achievements since 2002.

But before I turn the stage to him, let me stress that through Mayoral control we have fundamentally changed education in New York City putting our children and our schools on a totally different track, making progress where we once were stagnant, making what was once unfair - fair for our children.

Some of our efforts have not been as successful as we would have liked, but we have learned from them and are determined to do better. The fear of failure is not a reason to not try. Let me

be clear - we have a mandate to make our schools better. When things aren't working well then our work is not done and we will continue to try until we have success.

For years, mayors like Mayor Koch, Mayor Dinkins, and Mayor Giuliani sought mayoral control of the schools. What they wanted – and what Mayor Bloomberg achieved – was a school system focused on students, held accountable for doing the job it is expected to do. In the case of the schools, the job is clear: it is educating our children.

What we have today should not be undone – it would be an injustice to our children. Accountability needs to rest with someone and it should be the Mayor, whoever that individual is.

We are a long way from where we started and still have a long way to go if we are to create the future we envision for our children and our city. This is not about us, this about our students and we each have a moral responsibility to do what is best for them.

Thank you. Chancellor...

# CHILDREN FIRST AND MAYORAL CONTROL: CREATING A SYSTEM OF SUCCESSFUL NYC PUBLIC SCHOOLS



**NYC**  
Department of  
Education

Joel I. Klein, Chancellor

# THE OLD SCHOOL SYSTEM WAS NOT SET UP TO SUCCEED

Before Mayor Bloomberg took charge of the NYC public schools in 2002, the system was failing too many families and students. It was a system characterized by:

No coherent standards

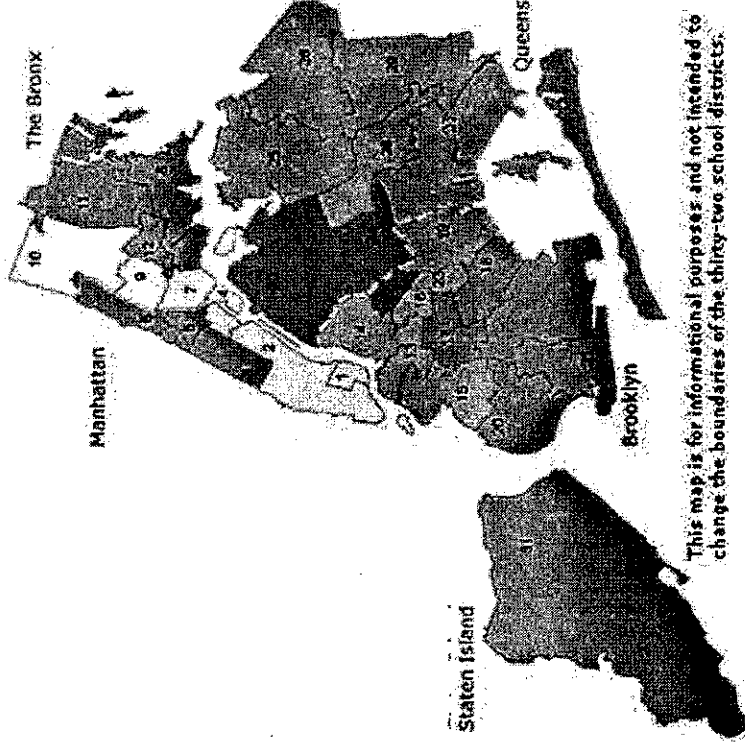
- > 40 distinct districts, setting their own rules and standards

Limited accountability

- > No one responsible for results
- > Lots of finger pointing

Stagnant results for NYC students

- > Generations of students were leaving school without the skills and knowledge they needed to succeed



# NYC SCHOOLS FAILED TO SERVE STUDENTS

Far too many students were failing or falling through the cracks. Before Mayor Bloomberg took control of the schools.

- > **Too many students were failing.** Only about 50% of fourth-graders were meeting State standards in math and reading. Only 30% of eighth-graders were meeting State standards in math and reading.
- > **Graduation rates were low—and stagnant.** The City-calculated graduation rate had hovered for years around 50%.
- > **Schools lacked the resources they needed.** Books were in short supply and arrived late every year. Principals' discretion over their schools' budgets was severely limited.
- > **Families had limited choices.** Far too many of our schools were not performing well. School choice hardly existed and many high schools had graduation rates around 20 or 30%.

# MAYORAL CONTROL: PUTTING NYC CHILDREN FIRST

In 2002, Mayor Bloomberg convinced the Legislature to put him in charge of the City's public schools.

- > Mayoral control gave the mayor responsibility for the schools
- > It also gave him the authority to fix the City's public schools

Because of mayoral control, we've been able to fundamentally change education in New York City, putting students and schools on track to succeed rather than stagnate and fail, making changes that promote fairness and opportunity, replacing archaic rules and traditions with policies that make sense for all our students and their families—policies that we can be held accountable for.

# PHASE ONE: MAKING PROGRESS

In the first years of Mayoral control, we...

- > **Created a new management structure.** We streamlined the bureaucracy, bringing stability and coherence to an unruly system. We created 10 regions, each comprising three or four community school districts, headed by a regional superintendent.
- > **Focused on school leadership.** Created the Leadership Academy to train and support new and existing principals.
- > **Enhanced the curriculum.** We implemented uniform math and ELA curricula and are introducing new curricula in the arts, social studies, and science.
- > **Engaged families.** Created new parent supports with a parent coordinator in every school.
- > **Made schools safer.** Major crimes are down more than 13% and other incidents are down by more than 45%.
- > **Cut the bureaucracy.** Prior to 2007, we sent more than \$190 million from the bureaucracy to schools and classrooms. (This has been independently confirmed by the Independent Budget Office.)

# PHASE TWO: EMPOWERMENT, ACCOUNTABILITY, AND LEADERSHIP

Once the system was ready, we empowered our school leaders, giving them more decision-making power and we held them accountable for results. We also sent an additional \$174 million to schools and classrooms, bringing the total money devolved from the bureaucracy to more than \$350 million.

## Empowerment

Decisions are being made close to students:

- > Decisions can be best for students when they're happening close to students at the school level.

Individualized support options:

- > Principals used to get "support" from regions. Now, they choose what's best for them from over a dozen DOE and non-profit options.

Schools also have:

- > More money and more power over budgets, staffing, and programs, letting them tailor instruction and programs to the specific needs of their schools.
- > New funding and more equitable distribution of resources to schools.

## Accountability

Tools for schools:

- > Developing ARIS to provide student performance data to guide school improvement efforts.
- > Periodic Assessments to identify each student's strengths and weaknesses to target instruction.
- > Children First Intensive professional development to build schoolwide capacity in diagnosis of student needs, evidence-based individualized instruction, self-evaluation, and continuous improvement in student learning.

Holding schools accountable for results:

- > Progress Reports (Grades A-F)
- > Learning Environment Surveys
- > Quality Reviews
- > Rewards and consequences based on results

# REAL REWARDS AND CONSEQUENCES FOR RESULTS

We have taken steps to motivate success and discourage failure.

## Rewards

- > For achievement on their school's progress report and quality review, principals can earn up to \$25,000
- > Principals can earn \$25,000 annually for agreeing to take over a high-needs school for at least three years
- > Reached historic deal with UFT to reward teachers for raising achievement at 200 high-needs schools
- > Teachers can earn \$3,000 bonus or more depending on how money is dispersed
- > Four-member compensation committee at each school will determine how to spend

## Consequences

- > Schools receiving a "D" or "F" on annual Progress Report could face restructuring, leadership change, or closure. (We have closed dozens of failing schools)
- > Implementing a more rigorous tenure process
- > Providing additional support to teachers and assisting principals in removing incompetent educators when those supports are unsuccessful

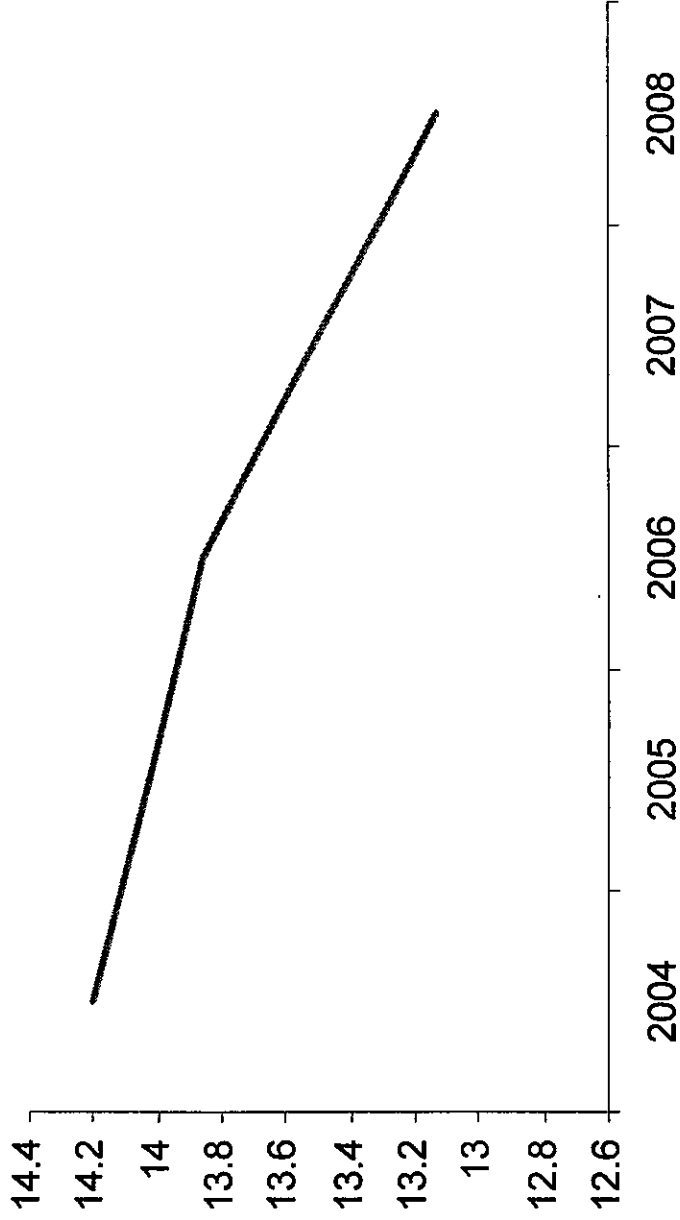
# WE HAVE IMPROVED THE QUALITY OF TEACHERS

Today in our City...

- > 100% of teachers are certified
- > Starting teacher salary is up 43%
- > There are no forced transfers or bumping
- > We created programs to attract top teachers to the toughest assignments
  - Lead Teacher program
  - Housing incentives
- > We have more teachers and class size is lower at all grade levels
- > Approximately five applicants for every vacancy

# PUBLIC SCHOOL STUDENTS HAVE MORE TEACHERS

This year, we increased the number of classroom teachers by 1,876 (to 76,512 from 74,636), even as the number of students enrolled dropped slightly (by less than 1%).



Student-Teacher Ratio:  
#students/#teachers

# INCREASED CAPITAL BUDGET

- > When Mayor Bloomberg took control, we had a \$4.5 billion capital budget
- > The Mayor added \$2 billion of City money and he, along with many others including the City Council, secured an additional \$6.5 billion of funding from the State in 2006
- > We have a \$13.1 billion capital budget—the largest ever
- > We are creating over 100 new school buildings for our students and we are eliminating overcrowding

# WE HAVE CREATED MORE TOP-NOTCH CHOICES FOR STUDENTS

We created options for New York City students and families, including:

- > 286 new schools
- > 45 new charter schools
- > 12 new transfer schools for students who have fallen behind
- > 10 new GED programs
- > 21 young adult borough centers for students who are over-age and under-credited
- > 39 Learning to Work programs to help students get back on track and learn useful skills
- > High school choice for all students

# WE HAVE ENGAGED PUBLIC SCHOOL FAMILIES AND COMMUNITIES

We have worked to make parents and communities our partners in education through:

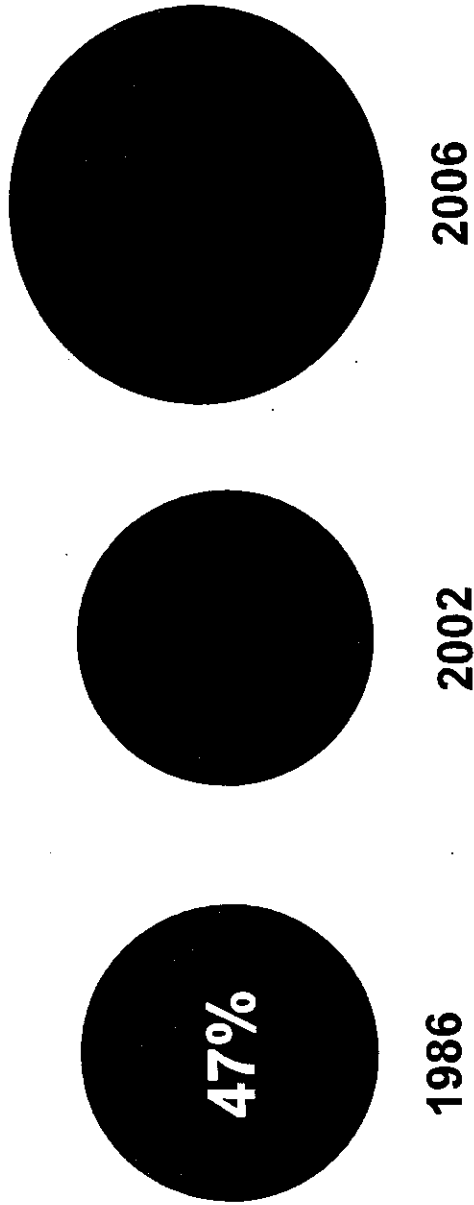
- > Placing a parent coordinator in every public school
- > Hiring district family advocates, so parents can get answers in their own neighborhoods
- > Creating new Office For Family Engagement, entirely responsible for helping NYC families
- > Engaging extensively with families and other community members through:
  - Holding public town hall meetings on new policies, including social promotion, pre-Kindergarten and Kindergarten admissions, gifted and talented education, Children First
  - Holding more than 500 meetings in the past year with parent associations and parent-teacher associations, District Presidents Councils, Language Access Advocates, citywide civic organization meetings, Community Boards, faith-based networks, and Community Education Councils.
- > Surveying all parents about their children's schools; including parents' opinions in school quality reviews
- > Giving parents access to new tools to monitor their children's learning

# RESULTS:

Mayoral control has helped us transform NYC  
public schools.

# MORE STUDENTS GRADUATING

New York City's graduation rates are the highest they've been in more than 20 years.



1986

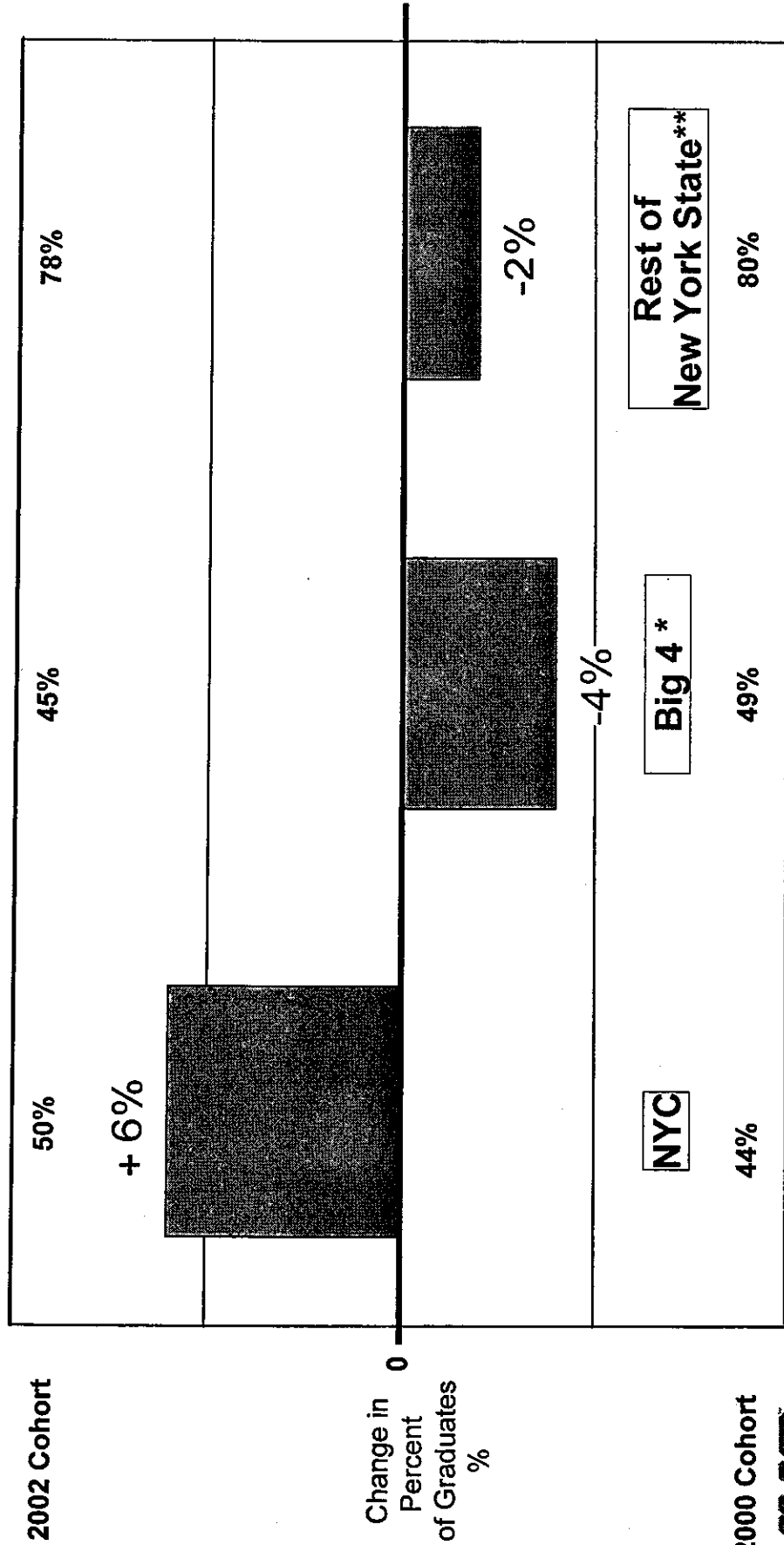
2002

2006

(first year NYC tracked four-year graduation rate)

# WE'RE GAINING ON THE STATE

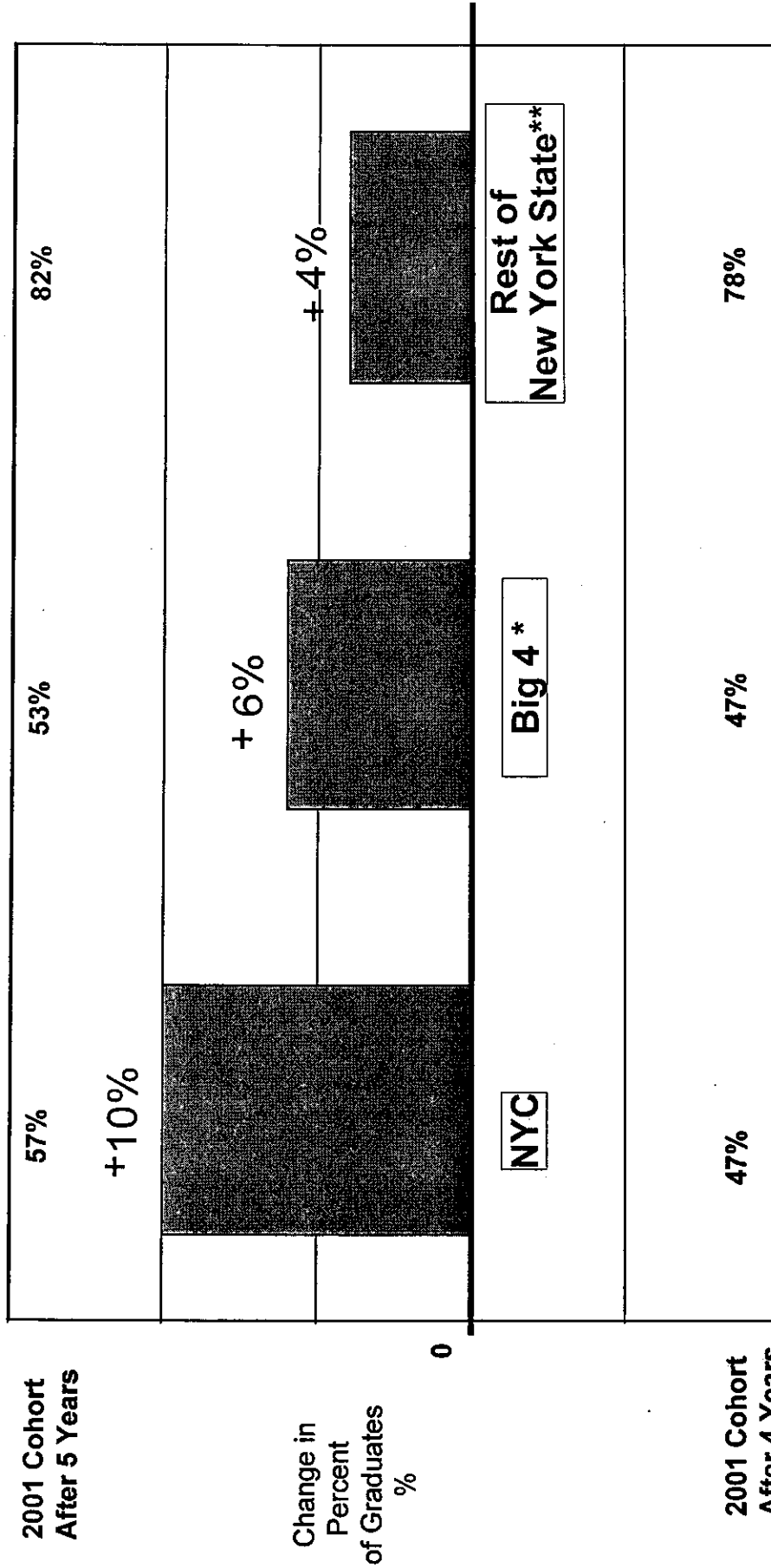
Using the State's graduation rate methodology, we made gains on the other big cities and the rest of the State between the 2000 and 2002 cohorts.



\* Buffalo, Rochester, Syracuse, and Yonkers; \*\* NYS - NYC

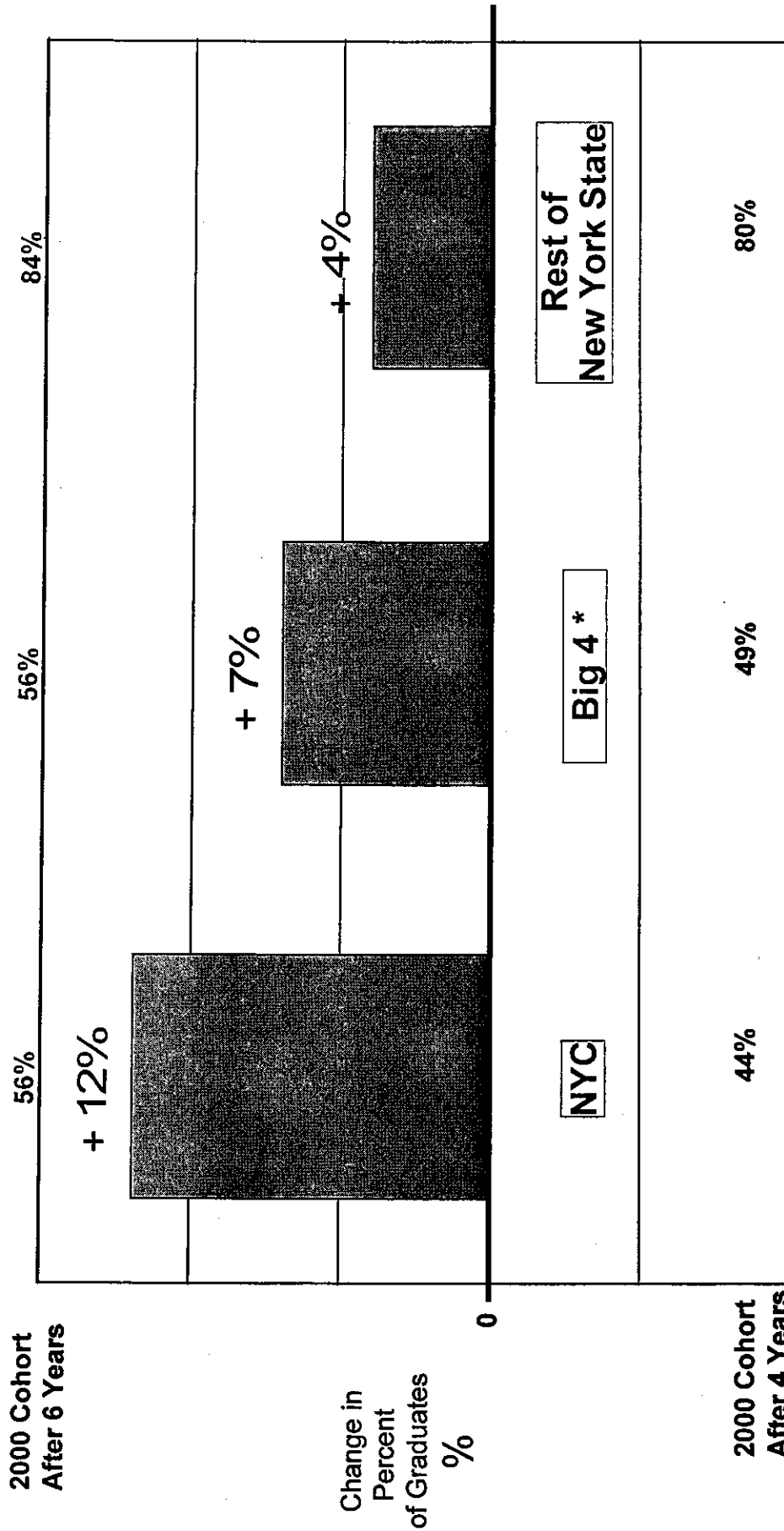
# AFTER FIVE HS YEARS, OUR STUDENTS ARE CONTINUING TO BEAT STATE GAINS

Our five year graduation rate is 57%, according to the State. That's a gain of 10 points from our four-year rate. That's 4 points bigger than the Big four gain and 6 points higher than in the rest of the State.



\* Buffalo, Rochester, Syracuse, and Yonkers \*\*NYS - NYC

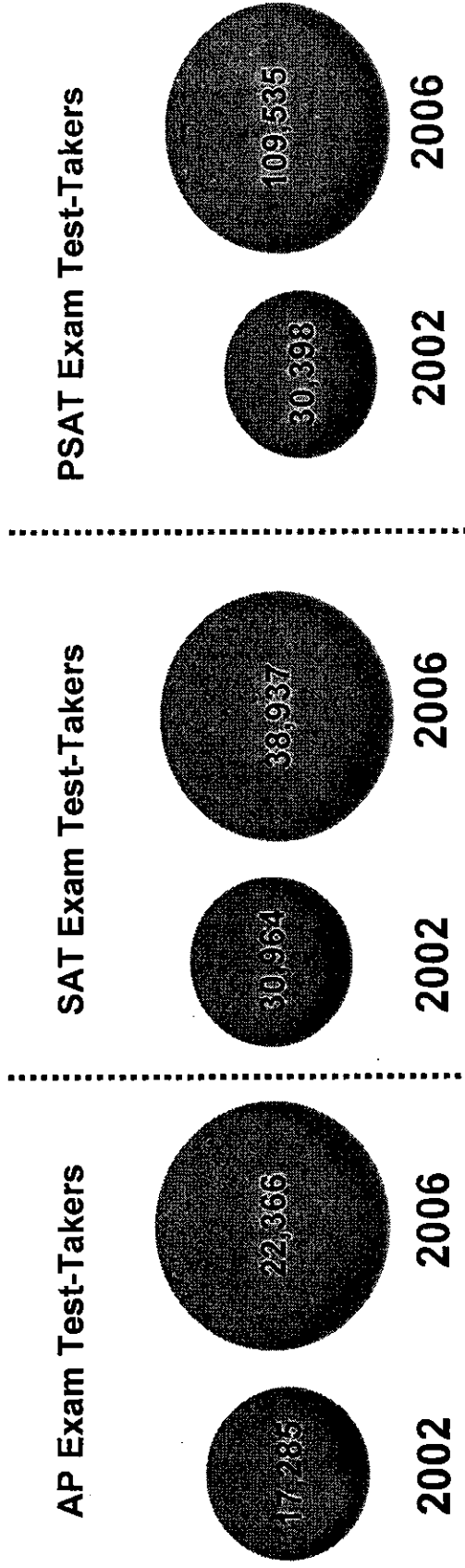
# AFTER SIX HS YEARS, OUR STUDENTS ARE CONTINUING TO BEAT STATE GAINS



\* Buffalo, Rochester, Syracuse, and Yonkers

# STUDENTS TAKING ADVANTAGE OF OPPORTUNITIES TO EXCEL

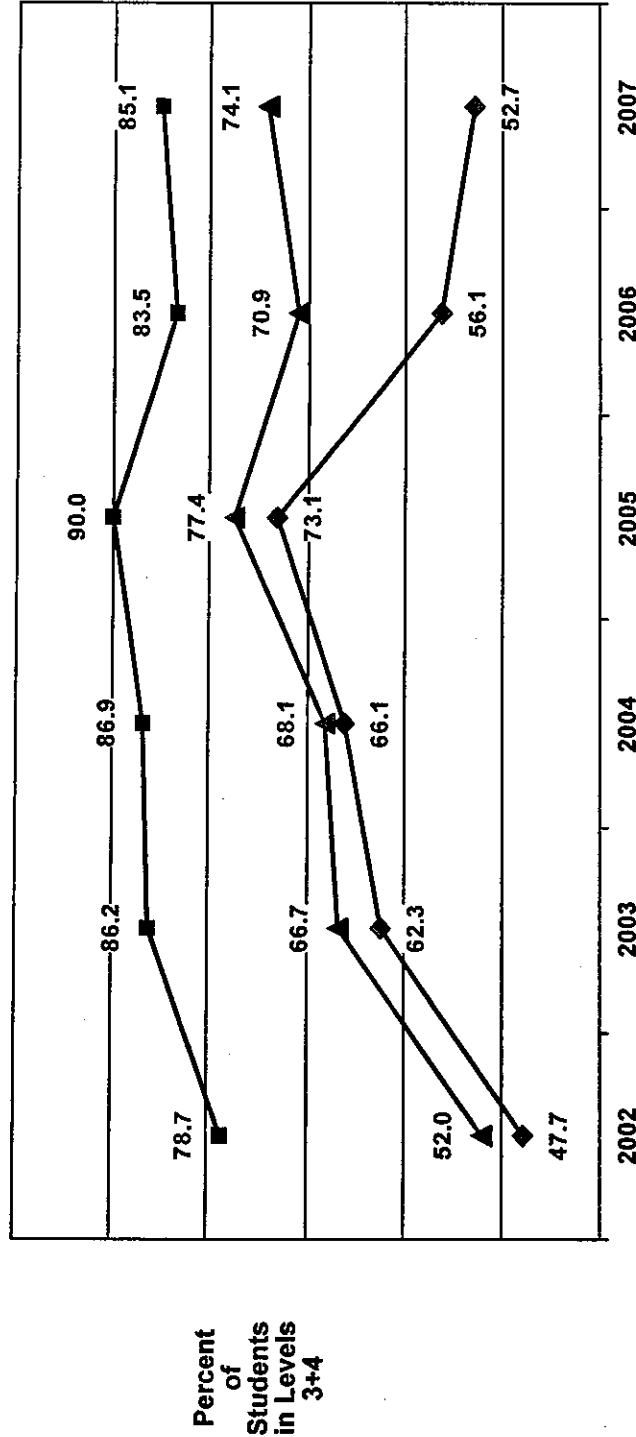
We're setting the bar higher and more of our students are pushing themselves to take on the biggest challenges.



# WE'RE MAKING GAINS IN MATH

The percent of students meeting and exceeding standards is rising.

## GRADE 4—ALL STUDENTS



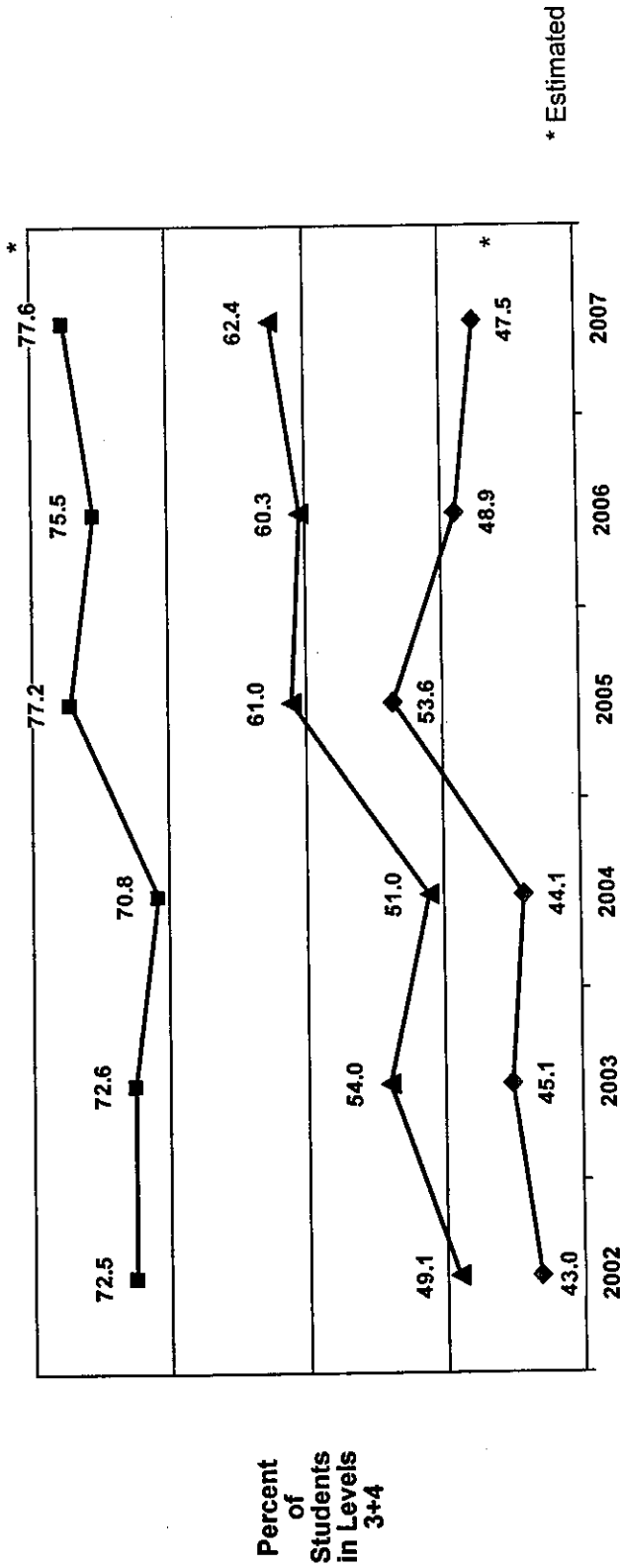
2002-2007 Change:	New York City	+22.1
Big Four	+5.0	
Rest of State	+6.4	

- ▲ New York City
- ◆ \* Big Four (Buffalo, Rochester, Syracuse, and Yonkers)
- \*\* Rest of State (NYS - Big Four and NYC)

# WE'RE MAKING GAINS IN ENGLISH

The percent of students meeting or exceeding standards is rising faster than in the rest of the State.

GRADE 4—ENGLISH PROFICIENT STUDENTS



▲ New York City

◆ \* Big Four (Buffalo, Rochester, Syracuse, and Yonkers)

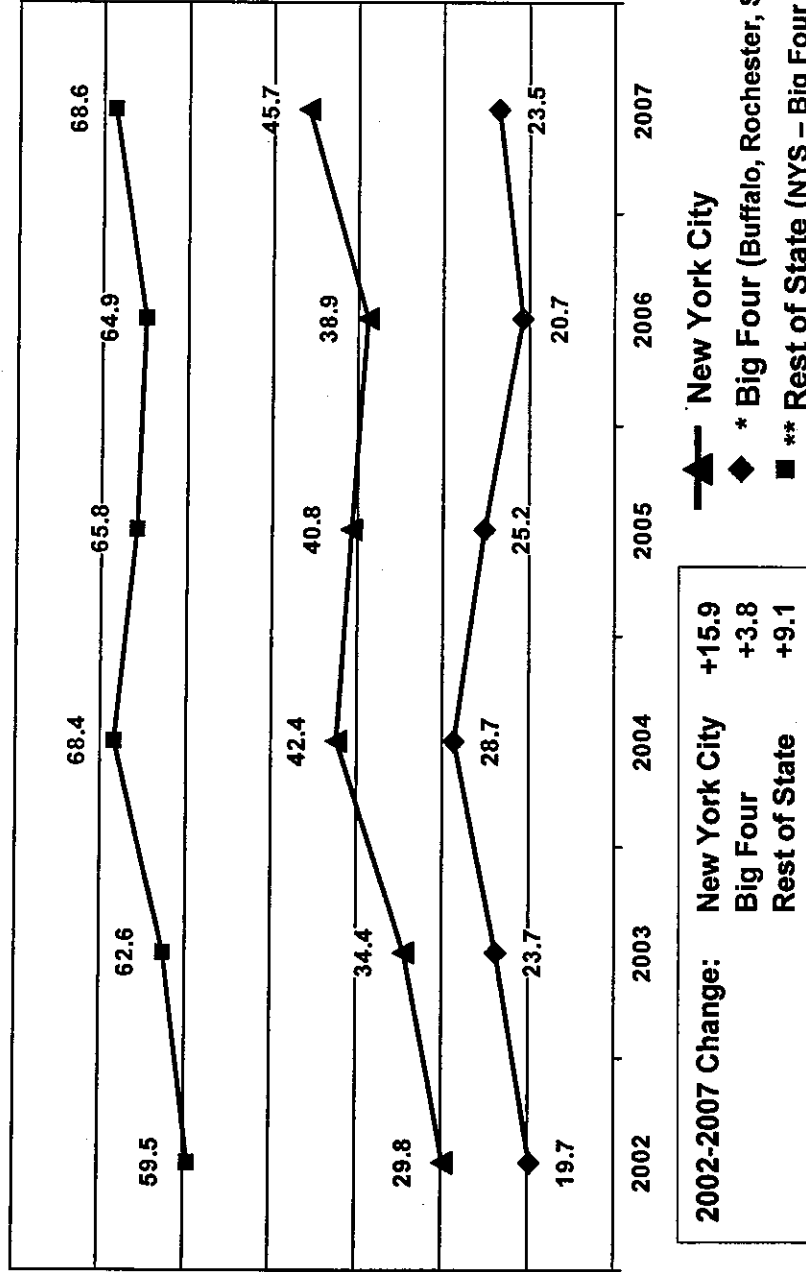
■ \*\* Rest of State (NYS - Big Four and NYC)

2002-2007 Change:	New York City	+13.3
Big Four	+4.5	
Rest of State	+4.1	

# OUR EIGHTH-GRADERS ARE MAKING GAINS IN MATH

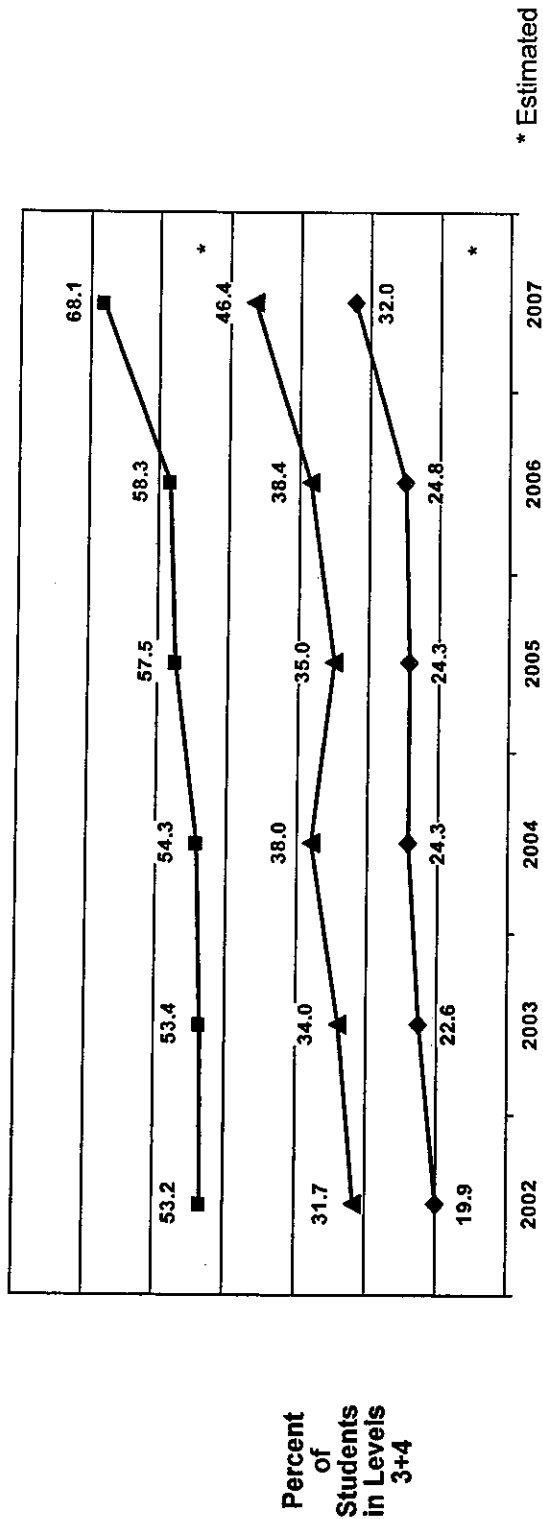
Still, far too few eighth-graders are succeeding, but we're moving in the right direction.

## GRADE 8—ALL STUDENTS



# MORE EIGHTH GRADERS ARE SUCCEEDING IN READING

## GRADE 8-ENGLISH PROFICIENT STUDENTS



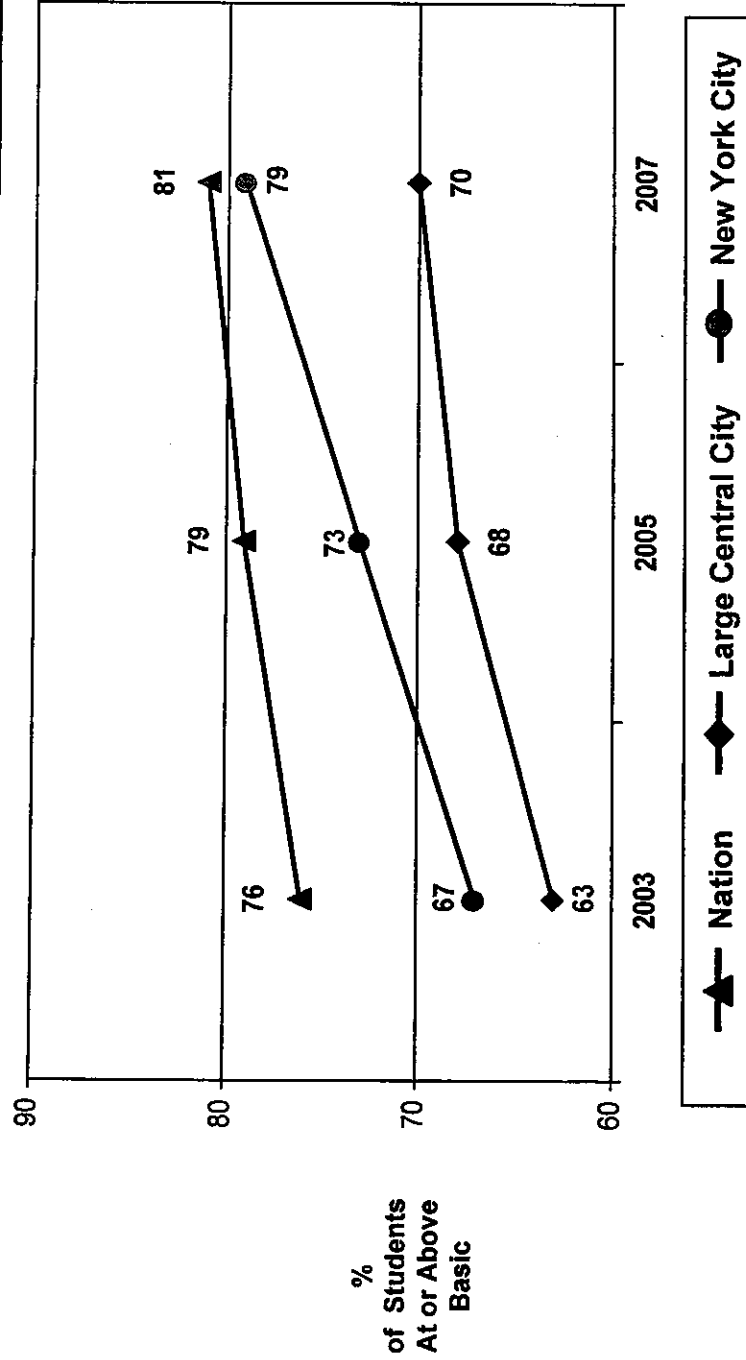
<b>2002-2007 Change:</b>	<b>New York City</b>	<b>+14.7</b>
	<b>Big Four</b>	<b>+12.1</b>
	<b>Rest of State</b>	<b>+14.9</b>

- ▲ New York City
- ◆ \* Big Four (Buffalo, Rochester, Syracuse, and Yonkers)
- \*\* Rest of State (NYS - Big Four and NYC)

# NYC 4<sup>TH</sup> GRADERS ARE GAINING ON MATH NAEP

2003-2007 Change:	
New York City	+ 12
Large Central City	+ 7
Nation	+ 5

## GRADE 4 ALL STUDENTS

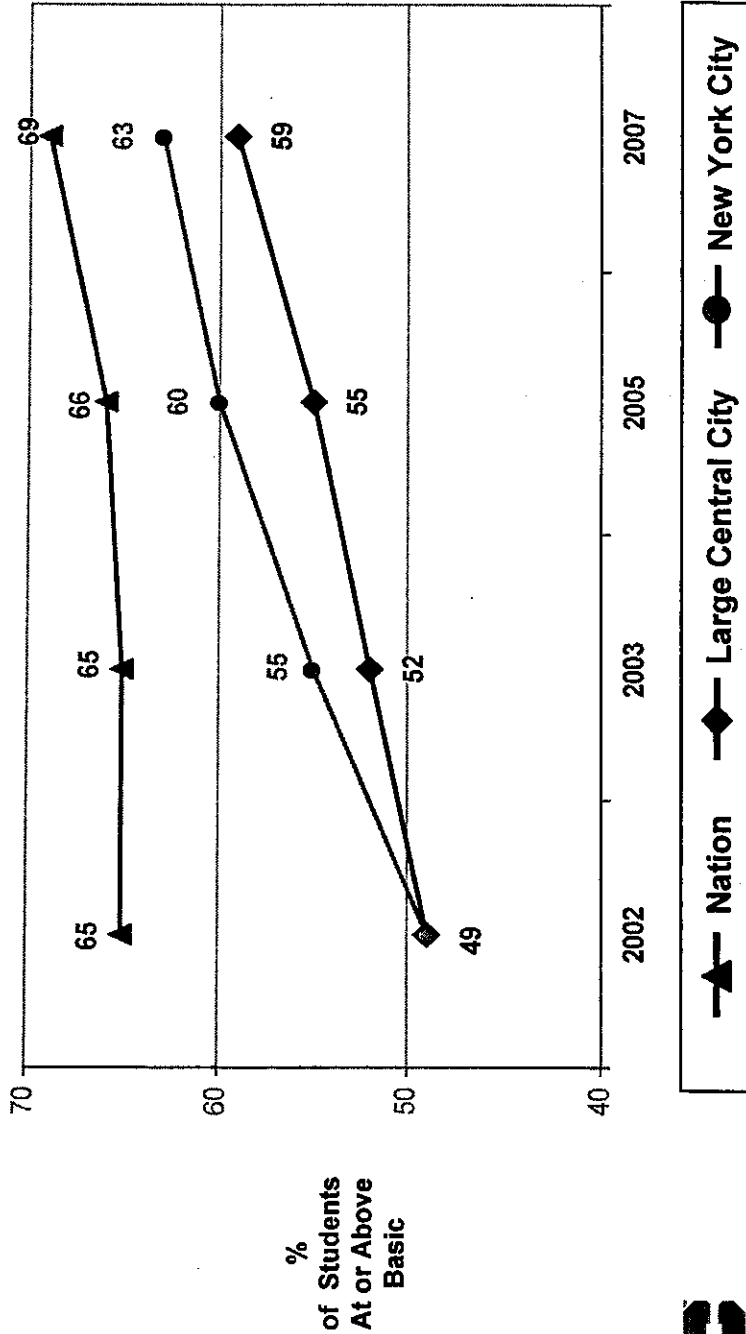


# NYC 4<sup>TH</sup> GRADERS ARE GAINING IN ENGLISH ON NAEP

More students are at or above basic.

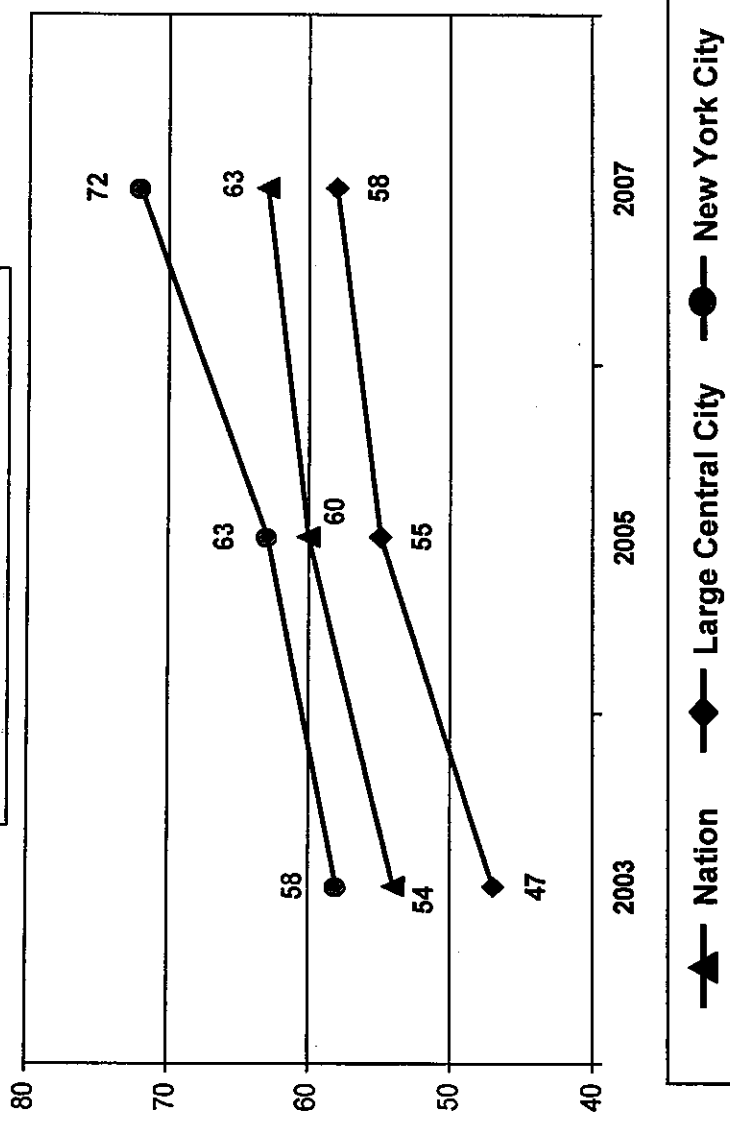
2002-2007 Change:		
New York City	+ 14	
Large Central City	+ 10	
Nation	+ 4	

## GRADE 4—ALL ENGLISH PROFICIENT STUDENTS



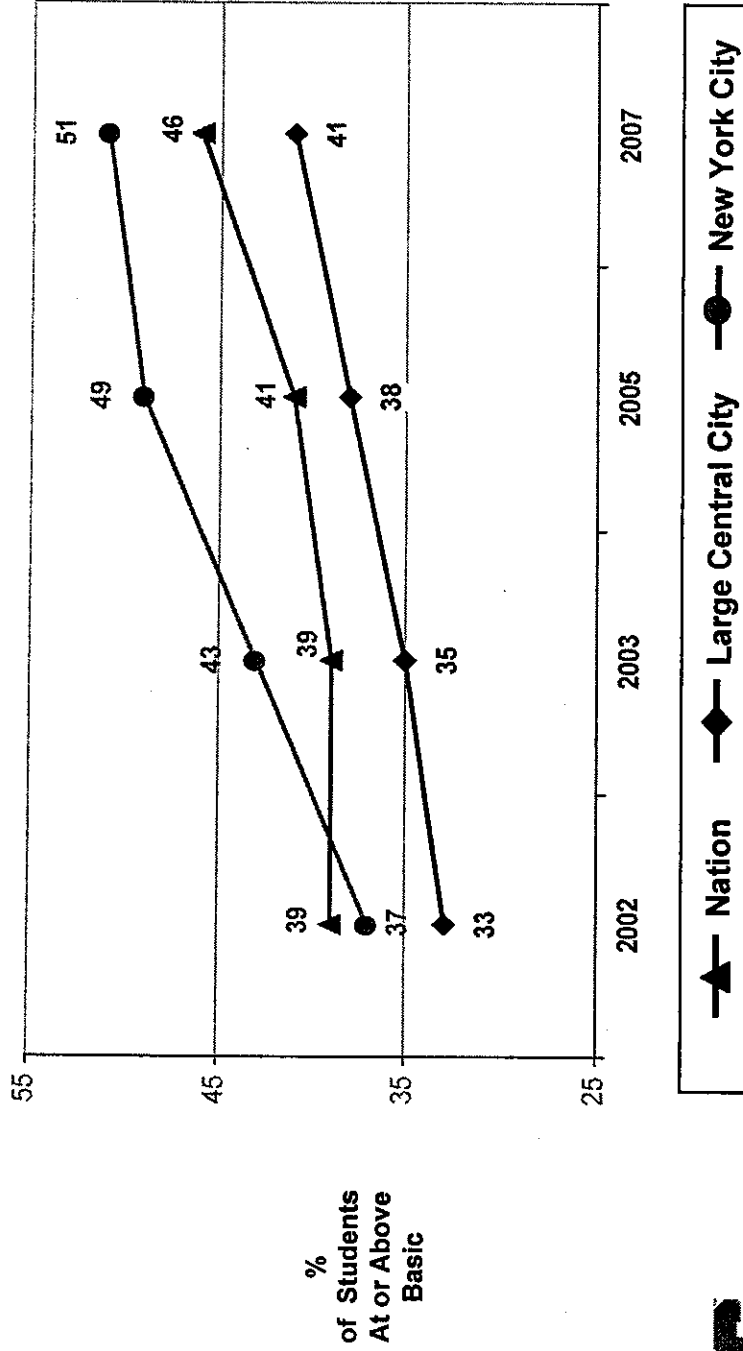
# AFRICAN-AMERICAN 4<sup>TH</sup> GRADERS ARE GAINING IN NAEEP MATH—AND BEATING U.S. AVERAGES

2003-2007 Change:  
 New York City + 14  
 Large Central City + 11  
 Nation + 9



# MORE AFRICAN-AMERICAN 4<sup>TH</sup> GRADERS ARE ALSO GAINING ON NAEAP READING

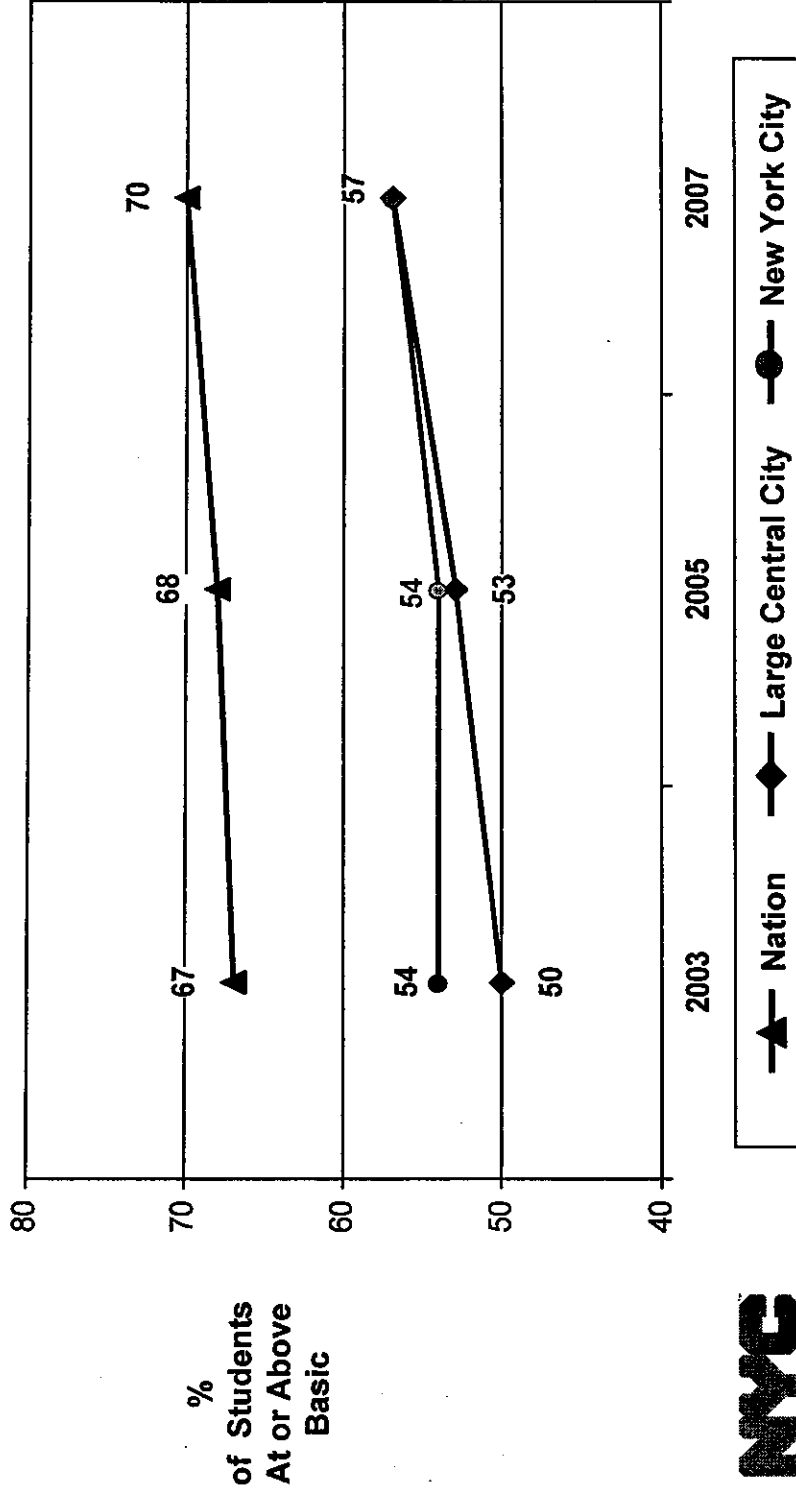
2002-2007 Change:	
New York City	+ 14
Large Central City	+ 8
Nation	+ 7



# SLIGHTLY MORE 8<sup>TH</sup> GRADERS ARE AT OR ABOVE BASIC IN MATH ON NAEP

<b>2003-2007 Change:</b>	
New York City	+ 3
Large Central City	+ 7
Nation	+ 3

## GRADE 8—ALL STUDENTS

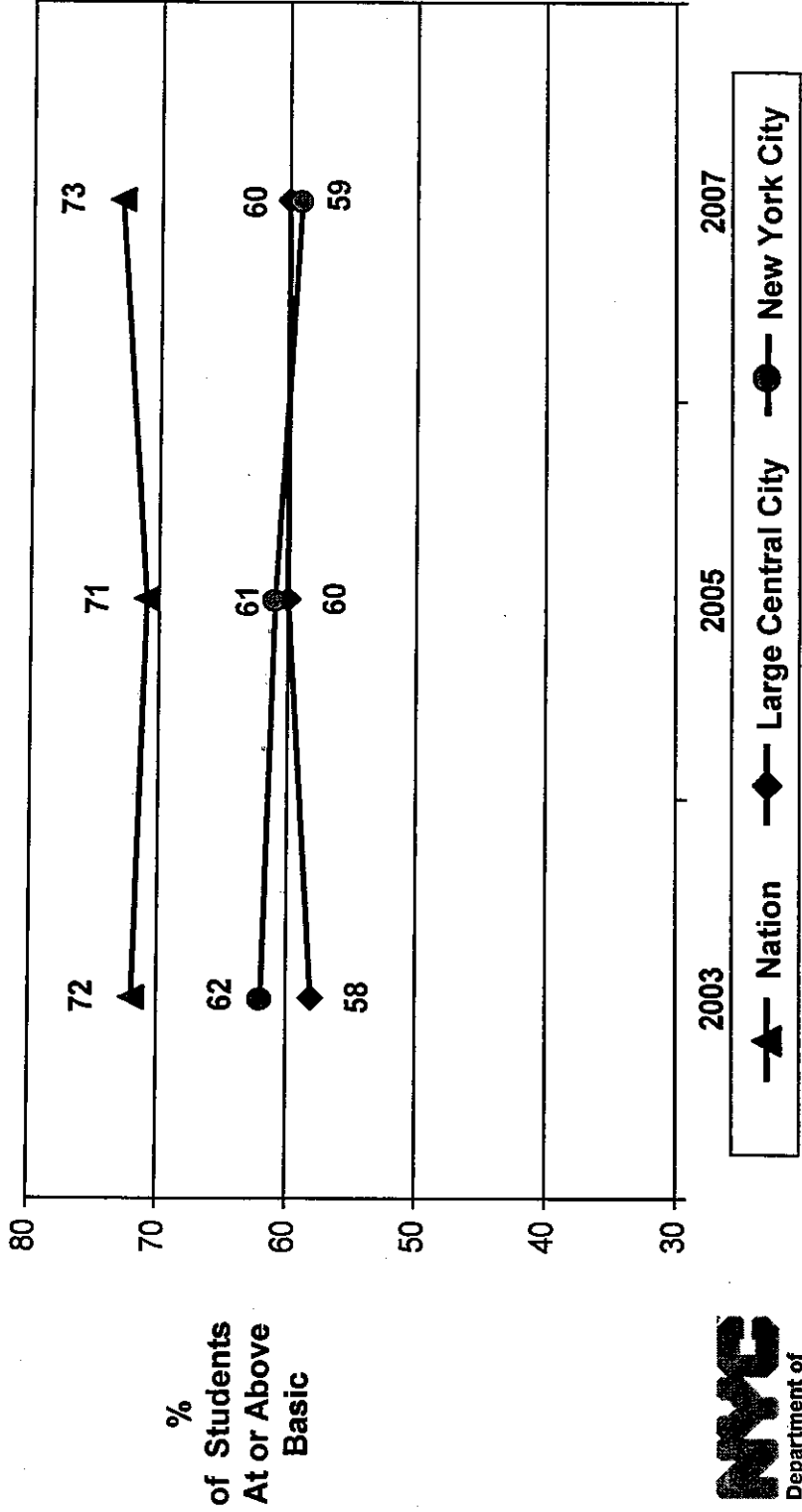


# THERE HAS BEEN A SLIGHT DROP IN 8<sup>TH</sup> GRADERS AT OR ABOVE BASIC ON READING NAEP

2003-2007 Change:

New York City	- 3
Large Central City	+ 2
Nation	+ 1

## GRADE 8—ALL ENGLISH PROFICIENT STUDENTS



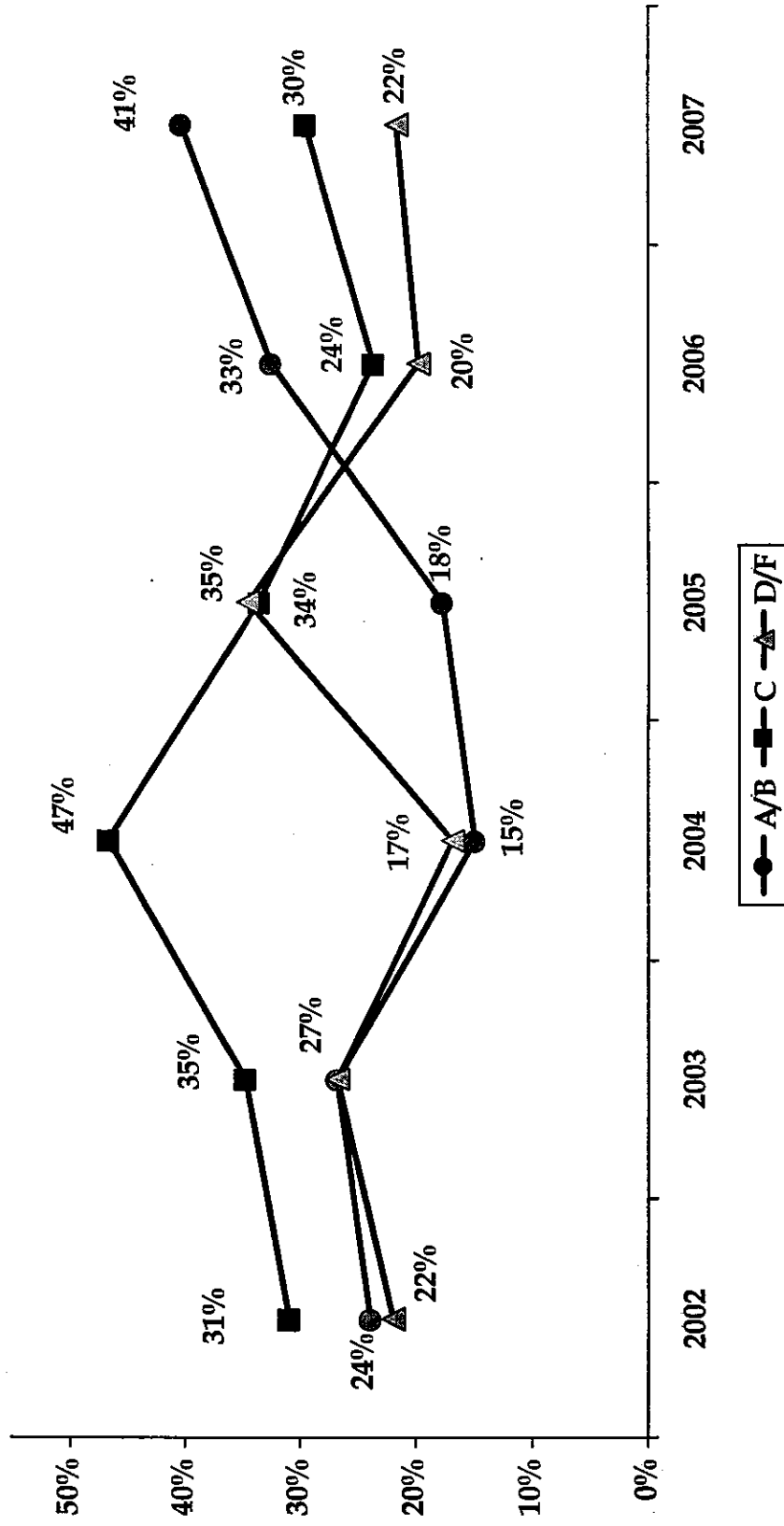
# 2007 BROAD PRIZE WINNER

The Broad Prize is the most prestigious national education award. It's given to the school district that made greatest overall academic improvement while reducing achievement gaps.

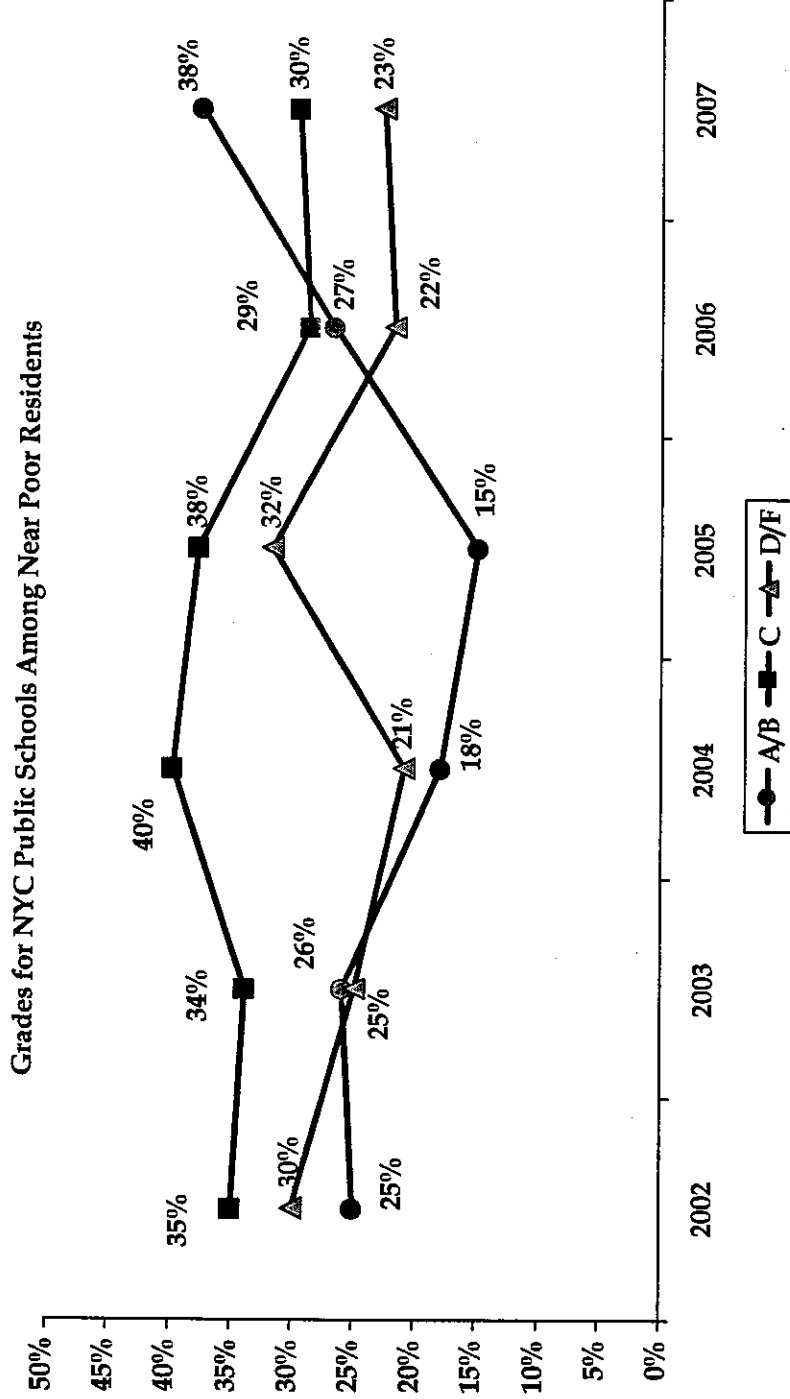
- > NYC won in 2007; \$500,000 in college scholarships will be awarded to students
- > NYC was a finalist in 2006 and 2005

# POOR NEW YORKERS' GRADES OF NYC SCHOOLS ARE ON THE RISE

Grades for NYC Public Schools Among Poor Residents



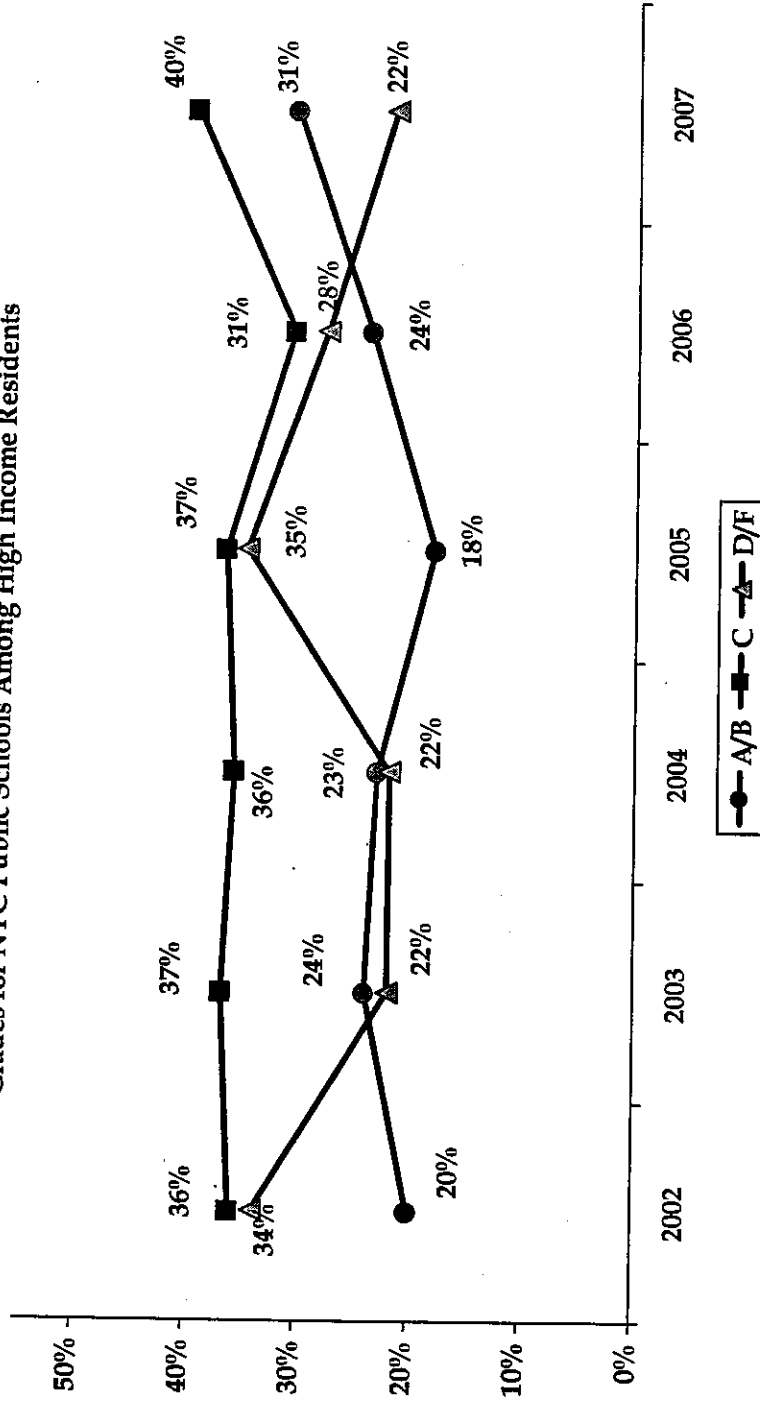
# NEAR POOR ARE MORE POSITIVE ABOUT NYC SCHOOLS THAN IN PAST



Source: Community Service Society

# MODERATE/HIGH INCOME NEW YORKERS ARE ALSO HAPPIER WITH SCHOOLS

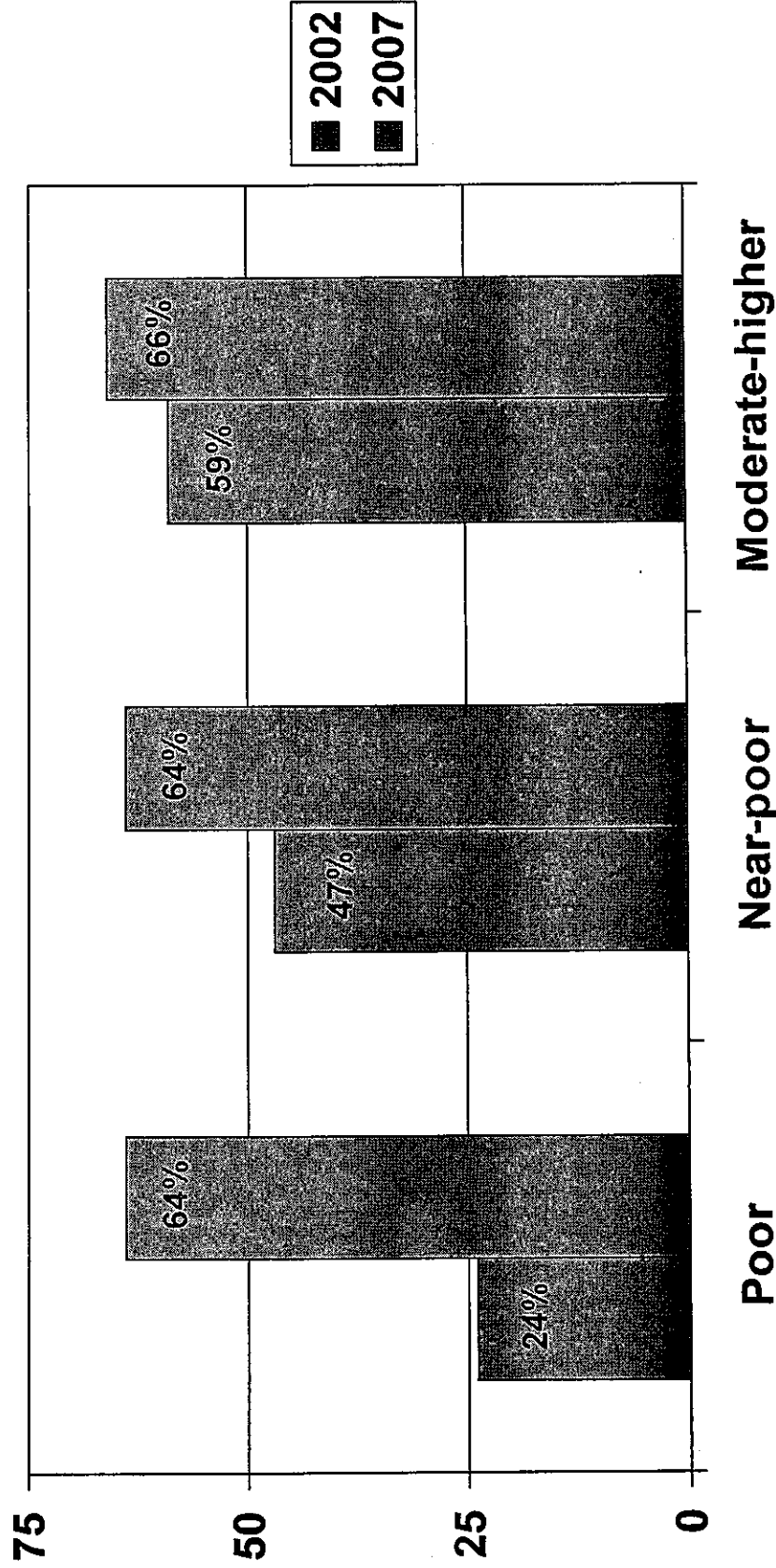
Grades for NYC Public Schools Among High Income Residents



Source: Community Service Society

# MORE SATISFIED PARENTS

Percent of public school parents who give their child's school a "Grade B" or higher is on the rise.



Source: Community Service Society



Council of School Supervisors & Administrators, New York City

New York State Federation of School Administrators  
Local 1 American Federation of School Administrators, AFL-CIO

FOR THE RECORD

\* TESTIMONY \*

Council of School Supervisors and Administrators (CSA)

Ernest Logan, President

Presented to

The City Council Committee on Education

Hearing On

Mayoral Control and School Governance

Monday, March 3, 2008  
New York, New York

President  
Ernest A. Logan

Executive Vice President  
Peter J. McNally

First Vice President  
Randi Herman, Ed.D.

Secretary  
Michael DeStefano

Treasurer  
Laverne Burrowes

Vice Presidents  
Mark Cannizzaro  
Alexander Castillo  
Robert Kazanowitz  
Richard Oppenheimer  
Nilda J. Rivera

Executive Director Operations  
Anita Gomez-Palacio

Executive Director Field Services  
Audrey Fuentes

Good morning Chairman Jackson and distinguished members of this committee. My name is Ernest Logan and I am the President of the Council of School Supervisors and Administrators (CSA). Thank you for this opportunity to present testimony on behalf of my members, the Principals, Assistant Principals, Supervisors and Education Administrators who work for the Department of Education. I applaud you for recognizing the critical importance of quality school leadership in our public schools. I also want to thank each of you for your continued advocacy and support for public education.

We are pleased that the Council is holding this hearing. A comprehensive assessment of the school governance law is essential and is one of our union's highest priorities. The time to do that is now so that the legislature is prepared to make an informed decision in 2009. Hearings like these are a great way for the Council to begin a public dialogue. The educational leaders and teachers who work in our schools every day are critical to this discussion, as are parents and community leaders.

16 Court Street  
Brooklyn, NY 11241-1003

718/ 852-3000 Tel  
718/ 403-0278 Fax

[www.csa-nyc.org](http://www.csa-nyc.org)

Our perspective on the changes we suggest stems from the following framework. In New York State, a free public education is a state right and function with important local and municipal involvement. Because New York City taxpayers do not have the right to vote on their school budgets and District Boards no longer exist, it is critical that the governance structure encourages interest and participation in other ways. The experiment with Mayoral control has not been successful in this regard.

Mayoral control in of itself is not a guarantor of a successful school system any more than another governance structure would be. Mayors and their strategies will differ because each mayor will have his or her own style, tactics and political interests. Mayors can also be limited by competition for their time and attention, and their lack of educational experience and knowledge. School systems need continuity and pedagogical expertise as well as good management practices. Although Mayoral control has ended the warring between the school system and City Hall, the experiment has not produced the transparency, efficiency or inclusion that was intended.

We support the notion of Mayoral control as a way to ensure New York City's brand of local and municipal involvement, but based on the many lessons learned in the last six years, we believe that it is imperative that the current law be revised and amended to address several major inequities.

In my testimony, I will outline several concepts and recommendations, as well as a guiding vision and context from an administrator's point of view. We hope they are considered seriously as this public discourse goes forward.

I want to note that this will not be the last word from CSA about School Governance. We commissioned a School Governance Task Force in June 2007. The group met regularly in the fall, and will reconvene in the coming months to put together a set of recommendations for the Legislature and the Governor to consider. We feel that the perspectives of school leaders as direct participants in the school system will provide Albany a unique and valuable viewpoint.

### **THE CENTRAL BOARD MUST HAVE REAL POWER**

The central board as it exists now (the Panel for Education Policy) does not function as a true advocate for our schools or as an effective system of checks and balances. Last Monday was only the second time I have heard a member of the Panel for Education Policy publicly criticize a Chancellor's policy choice, and even that criticism was muted. No public office holder, despite their best intentions, is perfect. Therefore it is important

that the central board of education members have the power and incentive to prevent flawed policies from being implemented.

We believe that a central board is essential, but there should be a voice at the table for all New Yorkers. There are many ways to do that. One solution might be to expand representation to include 13 total members: 7 appointed by the Mayor, 1 by each Borough President, and 1 by the Speaker of the City Council. By giving those members fixed terms, they should be independent of political pressures and able to use their judgment without fear of being removed on a whim. Of course, removal for malfeasance or misfeasance by the person who appointed them would be an available option and conversely they could be reappointed for additional terms. Furthermore, in order to add to the credibility of candidates wishing to serve on the Board, a “Blue Ribbon Commission” could offer recommendations of candidates for consideration by the Mayor, Speaker and Borough Presidents.

By making these changes, policies could still be generated by the Mayor and Chancellor, who appoint the majority of the board. However, the central board would ensure a meaningful discussion of those policies and act as a safeguard against poor planning or ill-considered policies. It is important that our communities have a venue to raise concerns about policy, and make that discussion public. Future mayors should present clear and attainable goals to the school board before implementing educational policies to ensure that they are appropriate and effective. This configuration will give the mayor responsibility and defined accountability for the performance of the city’s schools. It will also encourage the mayor to become an advocate and supporter of public schools.

Our schools are part of our community, and the public is part of public education. Currently, policies are set and decisions are made with little or no input from administrators, teachers, parents or the community. Unilateral decision making can yield positive results; however, collaboration would prevent many problematic policies from being implemented (for example: last year’s school bus issue). Furthermore, a unilateral decision-making process, without a system of checks and balances, opens the door to debilitating policy mistakes and wasteful spending. We need these checks and balances to ensure sound policies, cut down on wasteful contracts, and hold decision makers accountable for their actions.

In order to provide transparency and fiduciary accountability given the amount of state funding coming in, we believe this board must approve with public comment any contract of \$1 million or more. In addition, any no-bid contract of \$500,000 or more should also be publicly discussed, unless the contract is a renewal of an original contract with terms and conditions substantially the same.

The central board should also approve of all school openings and closings, along with hearing public comment on those matters. School closings dramatically affect our communities, and must be given the proper scrutiny and transparency.

### **CHANCELLOR'S AUTHORITY AND TERM OF OFFICE**

The Mayor should continue to appoint the Chancellor, but we believe that the Chancellor must possess all accreditation requirements of a school superintendent with no waiver of those conditions by the state commissioner. There are many good reasons for academic accreditation, not the least of which is so that the job holder truly understands how to foster a successful learning environment and can more effectively sift through the advice that is given.

We also believe the Chancellor should be appointed to a fixed term, to be fired only for cause, so he or she can make decisions independent of political pressure. While this could be viewed as diluting Mayoral control, it would foster more bilateral cooperation between the Mayor and the Chancellor.

### **COMMUNITY SCHOOL DISTRICTS, SUPERINTENDENTS, AND PARENT INVOLVEMENT**

Our schools are inherently an integral part of our communities, but parents have seen a marked decrease in access due to a shift from district-based to larger, more remote and impersonal offices. District offices should be fully staffed and have the resources to disseminate important information to parents and the community, answer questions from and provide support to parents, and facilitate community involvement in schools. The school governance law must ensure that Community School District offices are not merely in place to satisfy a requirement, but are viable access points for parents to be provided with information and necessary support.

The current school governance model has minimized the value of input and representation by parents and the community. To maximize student achievement, it is essential that parent and community participation are once again a priority. Again, there are many ways to approach this. The following handful of recommendations provide some examples of ways in which Community Education Councils can be strengthened, and community and parental involvement can be increased.

- Community Education Councils should be elected through direct voting by the community. This is the most inclusive way to choose members. Holding the elections on Election Day would increase voter turnout. This would increase parent and community access by legitimizing the boards, and giving the boards a stronger position in the system.
- The Community Education Councils should advise and consent on the appointment of the Community Superintendent, on the district budgets, district policy, and should vote on charges. This gives the CECs a meaningful and important role in their schools. I stress the power to create budgets and policy will still come from the Community Superintendent and Chancellor; however the advice and consent must come from the community level.
- Community Education Councils (CECs) should advise and give approval on any new charter school in their community school district. Their vote (pro or con) can be reversed by a two-thirds vote of the citywide Board. Charter schools are not right for every community, and the community needs a way to express their needs and preferences.
- CECs should be empowered to hold meetings in their community if and when the Chancellor or the Board is considering closing down schools. These CECs should make recommendations to the central Board, which can reverse the CECs recommendations with a two-thirds vote.
- CSA recommends that a strong emphasis be placed on creating and maintaining School Leadership Teams. These teams should have a mandatory and specifically designated role in advising school policy. The state has encouraged school communities to collaborate vis-à-vis these School Leadership Teams to make policy recommendations to the Principal for consideration. Also, District Leadership Teams and a Citywide (Chancellor's) Leadership Team are essential for a system that must solicit parent participation and stop marginalizing the valuable input of parents.

### **STRUCTURE, SUPPORT & ACCESS FOR ADMINISTRATORS**

School leaders provide the vision, structure, leadership and support that make academic success possible. Effective, quality school leaders have always been essential to the success of public education, but the roles of school leaders have undergone significant transformations in recent years. As a result, the value of quality leadership has never been

as critical. Recruiting and retaining top-notch people in these positions is vitally important.

Principals, Assistant Principals, Supervisors and Administrators are also shouldering the additional burdens of new reforms and mandates. They are the engines of change as well as the public face of education in this era of corporate standards and accountability that is sweeping the country. They must continually fight for true empowerment, a noble and worthy cause only achieved if school leaders are given the appropriate information, resources and support that allow them to link their visions with reality. The value of quality leadership can never be underestimated.

The following are real problems and issues that school leaders are currently facing, and examples of how these problems can be solved.

- In the current structure, support lines are complicated and blurred. Principals do not know to whom they should turn for help on specific issues, and under the new reorganization, schools actually are charged money to “purchase” the support they need. It makes sense that the person who is responsible for evaluating a principal should be the person a principal can go to for support, resources, and guidance. Therefore, the duties of a community superintendent to evaluate and support their principals should be clearly defined, and non-transferable.
- Principals have many new tasks to deal with such as increased testing, Quality Reviews, Fair Child Funding (Budgets), and Progress Reports. Professional development is essential in training school leaders how to comply with new requirements in an effective and efficient manner. Therefore, relevant professional development should be expanded to give our school leaders the tools they need to achieve.
- The time it takes to fulfill new requirements puts an added burden on our Principals and decreases the time they can spend supervising and instructing in the classroom. It is important that there be an Assistant Principal in every school to help carry the administrative burden.
- We need to create greater stability in the school system. A school year is carefully planned before the doors open each fall. Mid-year changes in budget, support structure or requirements, essentially de-stabilize our schools, and make it difficult for principals, teachers, and students to achieve their goals. Creating a Central board with more oversight power would help to achieve this stability.

The sunset of the School Governance law in 2009 creates the fortunate position of allowing us to evaluate and fix the problems of the past six years. I understand that the recommendations provided in this testimony are not exhaustive, and that there are many way to achieve our goals. I want to note again that this will not be the last word from CSA on this topic, as we expect to release a more detailed list of recommendations at a future date.

It is important that we work together to find appropriate ways to create checks and balances, provide our schools with stability and support, and increase transparency and participation across the system. We must not only identify the problems that currently exist in our schools, but must implement the solutions that improve our school system for our children today, and for years to come.

###



THE CITY OF NEW YORK  
OFFICE OF THE PRESIDENT  
BOROUGH OF MANHATTAN

SCOTT M. STRINGER  
BOROUGH PRESIDENT

**TESTIMONY OF MANHATTAN BOROUGH PRESIDENT**

**SCOTT M. STRINGER**

BEFORE

NEW YORK CITY COUNCIL COMMITTEE ON EDUCATION

Oversight Hearing on Mayoral Control and School Governance

Monday, March 3, 2008

Good afternoon Chairperson Jackson and members of the Education Committee. Thank you for giving me the opportunity to share with you my thoughts on what the future of school governance in New York City should look like.

I was a member of the New York State Assembly in 2002 when the State Legislature passed legislation revamping school governance in New York City. At the time, I voted in favor of granting the mayor control over our public school system because I believed that such a governance structure would promote a level of accountability that was lacking and badly needed in our system. While I still support mayoral control of the city's public schools, our collective experience with this governance structure over the past six years has convinced me that the legislation we passed in 2002 needs to be revised with a primary goal: ensuring that the establishment of a strong executive leadership for our schools does not result in the sanctioning of authoritarianism that excludes meaningful involvement by parents and the public. In short, we need some checks and balances in the reauthorized legislation.

I think Borough Presidents have a unique vantage point regarding mayoral control. Each Borough President appoints two members to each Community Education Council in his or her borough as well as a member to the Panel for Educational Policy. This means that Borough Presidents appoint more individuals to the school governance bodies than any other elected official. I myself am responsible for making a total of thirteen appointments. It is fair to say then that we Borough Presidents have had the unique benefit of learning from the experiences of our appointees the ways in which mayoral control has undercut meaningful involvement of parents and the larger public in our current public school system.

Let me note that I am hopeful that the State Legislature will consider adding revisions to the law that, to name a few, promote transparency of the New York City Department of Education's (DOE) budget and afford the City Council the power to intervene in schools regarding matters of health and safety. I, however, am going to focus my comments this afternoon on making recommendations on ways in which the State Legislature can increase parental and public

involvement in our schools by revising those provisions in the law that pertain to the Panel for Educational Policy and Community Education Councils.

### **The Panel for Educational Policy**

The Panel for Educational Policy (PEP), which replaced the Board of Education, is comprised of thirteen voting members: eight are appointed by the Mayor and five are appointed by the Borough Presidents. This structure assures that any policy and budget proposal brought before the PEP by the Chancellor will be easily approved. On the one occasion that some mayoral appointees indicated they would vote against one of the Chancellor's policy proposals, the Mayor hastily removed and replaced them within twenty-four hours of the vote—an action allowed by the fact that PEP appointees serve at the pleasure of the appointing official.

According to a description of the PEP found on the DOE's website, PEP members "have the responsibility to advise the Chancellor on matters affecting the welfare of the city school district and its pupils, and fulfill other legal responsibilities including approving standards, policies, objectives, and regulations proposed by the Chancellor directly related to educational achievement and student performance." The vague language of the state legislation regarding school governance, however, has enabled DOE officials to argue on numerous occasions that matters which any reasonable individual would consider "affecting the welfare of the city school district and its pupils," in fact, do not need to come before the PEP for approval.

The PEP should serve as a meaningful checks-and-balances mechanism against the potential abuse of mayoral control. Among my recommendations are the following:

- The PEP membership should be reduced from thirteen to eleven with six of the appointees appointed by the Mayor and the remaining ones appointed by Borough Presidents.
- Appointees should not serve at the pleasure of the official who appointed them – rather they should be appointed for terms of a designated length of time. Appointments to the City Planning Commission, the Industrial Development Agency, and Community Education Councils, for example, are for fixed terms.
- The ambiguity of language in the state legislation must be clarified with respect to which standards, policies, objectives, and regulations proposed by the Chancellor should come before the PEP for a vote.

### **Community Education Councils**

According to DOE, Community Education Councils (CEC), which replaced community school boards, serve to enable parents to provide "hands-on leadership and support" for public schools and "a voice in determining educational policies." Each CEC is charged with representing the interests of the parents in its community school district and is composed of nine parent members elected by Parent Association officers from the school district and two community members appointed by the respective Borough President.

The specific powers and duties of CECs are outlined in Section 2590-e of New York State Education Law. According to the provision, CECs have key responsibilities with respect to the review, assessment, and furtherance of the academic progress of the district; the evaluation of instructional supervisory personnel in the district; the approval of zoning lines; and the public review and approval of the district's annual capacity plans.

In 2006, my office authored a report that represented the first critical analysis of CECs since their inception. The report documented that these bodies are, in fact, not performing the integral, legally mandated functions for which they were created. Sixty-one percent of surveyed CEC members said their CEC was not enabled to fulfill one or more of its responsibilities as mandated by New York State Education Law. An astonishing 92 percent of surveyed CEC members indicated that they had not been trained on one or more of the CEC state-mandated functions.

It has been one and a half years since I issued that report and, sadly, CECs continue to face many of the same challenges that undermine their effectiveness and success. I think, however, that revisions in the legislation can serve to address the problems that have plagued CECs and make them into more meaningful vehicles for community-level involvement in our school system. Among my recommendations are:

- The ambiguity of the law with respect to CECs' duties, responsibilities, and powers must be clarified. Many have questioned why, for example, DOE did not consult with CECs regarding the development of progress reports for schools and the school closures that were recently announced. According to Section 2590-e of the New York State Education Law, CECs are supposed to play a role in the evaluation of the performance of schools within their respective districts. More specifically, councils are responsible for preparing and making public annual School District Report Cards that provide information to the public on student performance on State and City administered standardized tests and other measures of school and district performance. Additionally, according to Section 2590-e, the Chancellor must consult with a council before significantly expanding or reducing an existing school or program within that council's school district.

In many ways, Community Boards are analogous to CECs. Our City Charter clearly outlines the functions of Community Boards and there is no ambiguity on which planning decisions they are required to offer opinions. I would urge the State Legislature to use the language in New York City's Charter with respect to Community Boards as a guide for outlining the duties and responsibilities of CECs.

- The State Legislature should seriously consider expanding the eligibility criteria for CEC members so that the pool of individuals eligible to serve on these councils is increased. The survey that my office conducted of Manhattan CEC members revealed that many believe Parent Association Officers should be allowed to serve concurrently on CECs and more non-parents should be permitted to serve on these bodies.

Public education has been in existence in New York City for more than 150 years. Many of us fail to realize how many different iterations of school governance structure the City has experienced over this time period. I think that at this junction in our history we need strong executive leadership for our schools. However, irrespective of how each of us feels about mayoral control, I think most of us agree that parents and community members should have a greater role in making the decisions that affect our public schools. We have a challenge, an opportunity, and a responsibility before us in the next eighteen months to take an honest and critical look at our school governance structure and make some concrete changes so that the voices of parents and the public are not absent in future debates and decisions about our city's public school students. I look forward to working with all of you to ensure that we reach this goal.

Thank you for the opportunity to testify today.

Contact: SUSAN SHIROMA  
Citywide Council on High Schools  
New York City Department of Education  
45-18 Court Square, Room 259, Long Island City, N.Y. 11101  
Tel. 718.752.7478 Fax 718.752.7482

Direct contact for Susan Shiroma  
Office 212.807-2454 Email: susan\_shiroma@hotmail.com

Statement by Susan Shiroma, Citywide Council on High Schools  
for City Council Education Hearing on Mayoral Control and School Governance  
Monday, March 3, 2008

Thank you, Chairman Jackson and members of the City Council for holding this important hearing.

My name is Susan Shiroma. I am one of 10 parent leaders who serve on the Citywide Council on High Schools (CCHS), one of two citywide councils established by Chancellors Regulation D-160 after the Mayor received control of the school system. This year I serve as President of this advisory council. I have been a CDEC Vice President, a PTA President and member of two SLTs. It is my hope that your work, the work of the Public Advocate and others will lead us to a compelling vision for school governance.

I was a student in the NYC public school system in the mid-1960s through end of the 1970s. I remember the City's fiscal crisis. Classrooms were packed. I walked to school for six years, fearful for my safety on city busses. The only principal's name I remember was the bad one I had in high school. I hope these will not be the memories of my children.

Despite this, I loved my time in local public schools. I attended the good ones. I was fortunate to grow up in a district known for the quality of its public schools K-12. My neighborhood endured the effects of fiscal crisis, but it did not suffer, as one parent leader put it, from a system-wide "bigotry of low expectations."

What mattered was what happened inside the classroom, in the hallways, in the gymnasium and cafeteria, and in my neighborhood and home. Scores on citywide, state and then national tests were decent enough to get me into a competitive college. Graduating from high school with two foreign languages and 12 years playing the violin in public school music classes helped as well.

Can a tweaked school governance system insure that each child attends a great elementary school, an even better middle school and the best high school?

School governance statements by parent leaders currently reflect diverse opinions. For the most part, parents do not wish to return to the “old” system and its problems. We want to move forward and make current school governance work better.

1. Mayoral control with checks and balances. What is the role of City Council?
2. Community Education Councils need budgetary authority. Bring control back to Community Superintendents. Build the powers of the Community Education Councils, at the same time providing them with better training and regulation.
3. Redefine parent engagement along the K-12 spectrum to include parents in decision making. Bring parents into the decision making process, beginning inside schools first, then involve parent leaders in the creation of policy.
4. Bring control over local education back to the boroughs.
5. Strengthen and build capacity of the parent voice at the school level – beginning with each school and district having highly functioning parent associations, school leadership teams, district leadership teams and presidents councils.
6. Bring back publicly elected school boards (a minority opinion).

The CCHS recently gave Chancellor Klein a copy of our third annual report. The annual report for 2006-2007 concluded there is “undoubtedly positive potential in the educational reforms instated by the Mayor Bloomberg’s administration. A thorough accountability system, smaller schools, and broadened graduation options are crucial initiatives to improve the current New York City public school system. However, before the CCHS can support the reforms with confidence, we, as an elected body and as concerned parents, require assurance that the administration will address our concerns without dismissal. We believe that the administration should be forthcoming about, mistakes, maintain transparency, and actively involve the public as these ambitious reforms progress.”

It should be noted for the record, the CCHS has yet to address school governance this year. Our monthly meeting on Wed. March 12, 2008 at Tweed, 52 Chambers St. will be devoted to school governance. Thank you.

Testimony

Of

Randi Weingarten  
President  
United Federation of Teachers

to the

City Council Education Committee  
Hearing on School Governance

March 3, 2008

I spoke last month to the City Council's Working Group on School Governance, so my apologies if I repeat myself. Since then, events have only confirmed some of the points I made then.

I want to commend the Council for taking your bully pulpit responsibility seriously, so you can add your voice to the debate on school governance and try to come to closure well in advance of the mayoral control statutory sunset. I'm also pleased that this meeting is open to the public, and early enough in the process, too. All too often what government asks the public to do is react. Better that we're brought in at a formative stage of policy development.

You've asked me to testify on the UFT's thinking about school governance. You're grappling with such practical options as whether or not to return to a citywide school board system and who will supervise the chancellor and determine his or her duties. You're looking at the advisability of community districts... about the best ways to operate individual schools... and about a host of the other questions.

All good questions, but that level of detail is something I hesitate to comment on now. Why? First of all, there has been no comprehensive independent analysis of what has or has not worked under the current governance system. The mayor and chancellor – and it is clearly in their interest to do so – often talk about how much has been achieved. But no independent arbiter has looked at the data or has put together a number of policy questions that ask:

- What is a school governance system attempting to accomplish and did this one do that?
- What was done right or wrong in the last seven years? What can be done better?
- Is it a keep it/end it question or is there room for modification?

The UFT is still thinking through the answers to these questions in order to reach its own position on school governance. We are coming to the end of a much-needed union-wide discussion, which brought in other school stakeholders, most particularly parents and community leaders. Meetings were held in all five boroughs, the last one in Queens. All were well attended, and we got a lot of excellent feedback.

We have heard over and over from parents and educators who care about their schools and their communities that a permanent forum for the public to question policies before they are adopted must be re-established. The elimination of all public boards has left people without such a forum. The PEP and CECs have been rendered powerless. Decisions made by SLTs can be overruled by principals. As Paula Washington, a teacher of more than 20 years at LaGuardia HS, put it, ‘We have this rigid top-down structure, with no avenues for bottom-up communication.’ People are demanding more checks and balances on administrators. And repeatedly in every single borough we have heard calls for a requirement that the chancellor and others put in charge of the nation’s largest public school system be *experienced* educators.

The second reason I can’t be too specific is that we’ve established a nonpartisan taskforce on school governance to answer the questions I just posed. The taskforce is doing that as I speak, and I don’t want to presume on its conclusions.

But I can offer at least five principles that have emerged from the task force discussions. There is almost universal agreement on these elements, and let me note that these hold true regardless of whether the schools continue to be operated under the aegis of a mayoral agency or an independent board or even multiple boards.

First, any governance structure needs to support the basic mission of schooling – that is to educate children and to provide the conditions necessary so employees can do their jobs.

Second, accountability is important; not just to the mayor, but to the public, and it needs to be bottom up, not just top down. That means there has to be transparency and checks and balances, so all stakeholders, from the Council and teachers to parents and community leaders, understand what is going on in the schools and have ways to be involved and influence it.

Third, there needs to be meaningful public involvement in decision-making. This can’t be rule by technocrats, no matter how good-natured or well-intentioned. Input from stakeholders is critical.

Fourth, there needs to be a democratic vehicle that supports public involvement. Whether mayor control is continued in some form, or we

revert to an independent board or local boards, public involvement has to have a broad electoral component. Electing the mayor once or twice isn't enough.

Fifth, there needs to be a clear line of communications to solve problems. A common complaint we heard from parents is that they can't get information. The solution for them is not to call 311 or speak to a school's parent coordinator. If parents don't have access to decision makers, problems won't get solved. Frequently we have that problem as well, but the union has means to try to force solutions.

I expect the union's taskforce will report out a number of other rock-bottom principles once it completes its work, and I will be happy to forward them to you. But for now, consider these five a framework for ensuring that a governance system meets the needs of the city's children, parents, community leaders and teachers.

Now some things we didn't need a taskforce to re-invent.

Even the City has learned from watching and enduring the DOE's several reorganizations that school reform is tough. Getting results requires a number of key components. It requires qualified teachers and decent working conditions that foster real progress. It requires engaged parents and collaboration among teachers and principals. It requires an accountability system that's fair and accurate.

Ironically, the issue has never been primarily one of mayoral control. Mayors have run the schools for much of the last century, and it's a political fiction to think they did not. For example, since the Fiscal Crisis of the mid-1970s, mayors have had absolute control over collective bargaining and every other school fiscal decision. Mayor Giuliani and his predecessors pretended they were not in control in order to dodge blame, but the buck stopped at City Hall then, as now. In fact, as education historian Diane Ravitch reminds us, for most of the city school system's history, the mayor appointed each and every member of the central school board; and when he didn't, he virtually appointed the Schools Chancellor.

What did change, and what we applauded at the time, was Mayor's Bloomberg's agreement in 2001 to unambiguously say he would be

accountable. The then battered and under-financed school system needed the resources, stability and continuity the mayor was promising.

Indeed, the mayor's taking responsibility did move education to a higher priority in our city. Far more city funding was devoted to the schools, including to salaries that have attracted the most qualified teaching force in recent memory, even though attrition is still a big problem. It is clear that mayoral control has achieved some important gains for our school system.

At the same time, the last few years have shown limitations, too, namely, as our borough hearings revealed, the lack of transparency, checks and balances, and public deliberation is stymieing good schooling.

As Diane Ravitch and I wrote in a *New York Times* op ed back in March of 2004, headlined 'Public Schools, Minus the Public,' "We certainly commend Mayor Bloomberg for his willingness to take responsibility for improving the public schools. In recent days, however, many of us have realized that the legislation went too far by consolidating all power in the hands of one elected official."

We agreed that the mayor should have a larger role in running the school system than in the recent past, but we also said, "He should not have unchecked power to hire personnel, make contracts and set policy," and we called for "a mid-course correction by the Legislature to restore transparency, public engagement and accountability to the school system." I stand by that statement.

Now, isn't it axiomatic that any good school governance system needs checks and balances and a continuing voice by parents and teachers? Neither the military nor the corporate model is appropriate for schools. A mayor has to do more than say he is accountable; he or she has to preside over a system that operates rationally, transparently and consultatively. This present system does not do that reliably and consistently. And if a mayor falls down on the job, there has to be better redress than waiting until the next election to boot the mayor out of office—particularly since mayors are elected based on multiple issues and not simply on education policy. Accountability can't happen just once every four years, on Election Day.

A lack of checks and balances means that decisions—major and minor—are done without consultation, much less any real public discussion and debate.

That means no real accountability, certainly not more than existed under the old Board of Education.

It also means that there is no one on a daily basis who serves as the champion of children, of all children who attend our public schools, though I must add that this City Council and its oversight hearings on schools, school safety and budgeting have done a lot to champion children's needs.

It means that those who have been the traditional advocates for children—parents, community figures and, indeed, the union—are frozen out of any meaningful, institutionalized involvement. Even the School Leadership Teams, which were meant to give equal voice to teachers, parents and administrators at the school level, have withered on the vine in many schools. Any improvements in school governance should start by reinvigorating these valuable tools for parent and community involvement.

When the state revised the education law, it maintained the American tradition of allowing for public input through a school board of public representatives, in this case the Panel on Education Policy, but the way the law was implemented quickly dispelled any hope for a true public voice. The PEP can and must be the voice of the community that it was meant to be.

We have seen the result of such unilateral decision-making in the current budget cuts. Promises were made when it was easy to do so, but it's in times like these when commitments are tested. When decisions were made to make only negligible reductions in central spending and to send the lion's share out to the schools, who was there to speak for the children?

Incidentally, it's because parents and teachers and many civic officials care so passionately about education that the city sees so many protests over not only the lack of voice but over policy issues, too. Thankfully the U.S. Constitution still enables us to use the town square, which we will do later this month both in Albany and New York City as part of the Keep the Promises coalition.

Or take the three top-down school reorganizations that the city has undertaken in the last seven years. Where was the analysis of what worked and didn't work with the empowerment zone? Where was the analysis of what worked and didn't work in the regions? To date we've had no systematic public accounting about the dismantling of the regional structure,

other than, “We ended it because it was so successful.” And where is the analysis of whether the current scheme, a fully decentralized system of 1,500 schools -- each essentially standing alone and reporting to a computer system -- will work to help all kids achieve?

What is success anyway? In the aftermath of NCLB, this administration and many others have fallen back on default measures like scores on standardized math and English tests. But polls show that parents and, indeed, most informed people, yearn for a broader vision for our youngsters, one that includes literacy and numeracy, but also the ability to think critically, to appreciate the arts, to cultivate sound values and to be good citizens. We have a responsibility to educate the whole child, and that is what our current ad campaign is all about.

Each of the city’s three school reorganizations could have and should have provided the opportunity to spur citywide discussions on just what constitutes success. Instead there’s been silence. That discussion, I hope you’ll agree, must be a part of your deliberation, too.

The mayor famously said, “Judge me on the results.” The question is, Which results? We don’t have an independent source of data, let alone a nonpartisan public body to analyze the data.

The City Charter mandates an Independent Budget Office to oversee the city’s budget and requires that the process be transparent. There’s no comparable Independent School Oversight Office to act as a check and balance against Education Department claims or gauge its successes or even guarantee that we’re all talking the same language. Although I support the Research Partnership for NYC Schools -- established with the support of the Business Partnership -- I do not believe it can serve that role.

Last year, the City Council took a noteworthy step to establish a check on the Education Department when it passed, over the mayor’s veto, the city Whistleblower Law. That law protects workers reporting abuses by individual managers, but it doesn’t -- and can’t -- ameliorate systemic problems, abuses not the fault of individual supervisors but of a system that does not critically evaluate itself all the time. In the absence of any direct oversight of principals, there has been a huge increase in the number of complaints to the Special Commissioner of Investigation -- in fact, SCI

recently reported the agency received 2818 complaints in 2007 -- the highest in the agency's history.

So, as presently constituted, the current system allows little real opportunity for democratic participation by stakeholders. That's not just a bad thing for democracy, it also impedes our ability to educate the city's children.

For me, personally, the question is: How do we create a law that institutionalizes checks and balances so that other stakeholders have voice and roles? And equally important: How do we create a law that fosters collaboration and a sense of common cause in the quest to increase opportunity for students?

Education is the community's investment in its own future, and school governance needs to derive from the community's commonly set policies and goals. The politicians and administrators who run the schools are elected or appointed to implement that agenda, and they must see themselves as the PARTNERS of those who have a stake in the schools, not as their better-informed saviors.

Why partners? Research shows that schools with a collaborative environment work better for kids. While some of our schools do foster collegial relationships among teachers and administrators, in too many schools, teachers are colleagues in name only. That's too bad because according to a summary from the federal government's education research clearinghouse, teachers who work together see significant improvements in student achievement, behavior and attitudes. Schools, after all, are communities, and we build on each other's work.

Teachers and other educators, parents and community-based organizations have valuable contributions to make, and should be respected. We need to hear the voices of those who are most concerned with helping children learn and graduate and fulfill their dreams, not just those who are distracted by organizational charts and hierarchical structures.

Finally, I end where I began -- at the first principle: governance must support a school system's mission, and this is educating kids. Therefore, we need to return our attention to what the evidence tells us matters most: smaller classes, an orderly and safe environment, highly qualified teachers with the professional latitude to tailor their instruction to the needs of their students;

expanded pre-K and career and technical opportunities. Attention to structure and assessment without an idea of how they aid or harm instruction is a fool's errand.

This point was made by the American Enterprise Institute's Frederick Hess, who concluded in a study of mayoral control that "mayoral control can do no more than offer a heightened opportunity for effective leadership." Part of that leadership, I want to add, involves knowing how to listen.

We can take advantage of the 2009 reassessment to get governance right. But it won't come out right unless we do it together, parents and taxpayers, educators and elected officials, as equal partners in our city's most important enterprise – the education of future generations of New Yorkers.

#



THE CITY OF NEW YORK  
INDEPENDENT BUDGET OFFICE

110 WILLIAM STREET, 14<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10038  
(212) 442-0632 • FAX (212) 442-0350 • EMAIL: [ibo@ibo.nyc.ny.us](mailto:ibo@ibo.nyc.ny.us)  
<http://www.ibo.nyc.ny.us>

**Testimony of George Sweeting  
To the New York City Council Committee on Education  
Oversight Hearing on Mayoral Control and School Governance**

**March 3, 2008**

Good morning Chairman Jackson and members of the committee. My name is George Sweeting, and I am a deputy director of the New York City Independent Budget Office. Thank you for inviting IBO to testify at today's hearing.

While taking a position on mayoral control of the schools is outside IBO's role, there are a number of issues concerning budget process and fiscal oversight of the Department of Education (DOE) that I will address. These issues should be considered regardless of how the question of mayoral control is decided.

When the 2002 governance legislation was enacted, it changed only one small piece of state education law: the makeup of the Board of Education, with the Mayor gaining enough appointees to have a majority. Nothing else about the board's place in state and city law changed. As a result, the board, now operating under the name Department of Education, is in something of a nether zone: viewed as a city agency by much of the public, but still treated more like a state entity for legal purposes. This situation has led to ambiguity regarding the application of some city fiscal laws and regulations to the DOE.

One important issue concerns the oversight of contracts. Because the 2002 legislation did not transform the DOE into a city agency, the education department has been able to argue that it is not subject to city contracting laws and the regulations promulgated by the Procurement Policy Board. The DOE has also relied on this legal interpretation to—at times—bypass the City Comptroller's role in registering and auditing contracts. The applicability of city contract law and procedures to the DOE and the authority of the City Comptroller over DOE contracts should be clarified as part of the governance resolution, if not sooner.

A second issue is the lack of fiscal transparency due to ongoing delays in integrating the DOE's budget and spending data systems with those used in other city agencies. Because DOE is not fully integrated with the city's Financial Management System, it is difficult for IBO, the City Council, the City Comptroller, and other interested parties to dig as deeply into DOE's budget as we can with other city agencies. The DOE recently signed a contract to complete development of new computer systems that will eventually provide a level of integration with the citywide systems. It is important that this initiative be given a high priority in order to ensure necessary and proper oversight.

(over)

A third issue is the need to clarify the extent to which DOE is required to cooperate with outside agencies such as IBO, the City Council, the City Comptroller, the Financial Control Board, and the Deputy State Comptroller for New York City as they perform their fiscal oversight functions. Oversight of DOE budget actions has generally been handled separately from the monitoring process that emerged under the auspices of the Financial Emergency Act for other city agencies. Instead, an agreement signed during the Dinkins Administration has served as the basis for regular reports and meetings on the financial status of the education department. In the last year there is some evidence that this process has begun to break down with fewer meetings, delayed reports, and less information provided. Again, new governance legislation could also establish a statutory requirement that DOE participate in and cooperate with the oversight process.

Finally, fiscal transparency would be greatly enhanced if the DOE presented its budget in a way that units of appropriation—the basic building blocks of a budget—correspond to the programs the agency delivers. Under the DOE's current approach, a single unit of appropriation covers all of the \$6.2 billion budgeted for general education purposes in the city's schools. It was striking that when the Council and Mayor implemented the new functional analysis of the budgets for 16 major city agencies this year, the DOE was not included.

Again, thank you for the invitation to testify and I would be happy to answer any questions.



FOR THE RECORD

New York Lawyers  
For The Public Interest, Inc.  
151 West 30th Street, 11th Floor  
New York, NY 10001-4017  
Tel 212-244-4664 Fax 212-244-4570  
TDD 212-244-3692 www.nylpi.org

Testimony of  
DAVE PALMER  
on behalf of  
NEW YORK LAWYERS FOR THE PUBLIC INTEREST  
before the  
NEW YORK CITY COUNCIL COMMITTEE ON EDUCATION  
Oversight Hearing on  
MAYORAL CONTROL AND SCHOOL GOVERNANCE  
March 3, 2008

Good afternoon Chairperson Jackson and other members of the Education Committee. Thank you for the opportunity to provide testimony today. My name is Dave Palmer, and I am a staff attorney with New York Lawyers for the Public Interest (NYLPI). NYLPI is a nonprofit civil rights law firm formed in 1976 to address the unmet legal needs of New Yorkers. In 1991, NYLPI formed its Environmental Justice & Community Development Project to represent communities facing disproportionate environmental burdens. I represent community groups concerned about local schools on contaminated properties within New York City.

**RECOMMENDATION: Call On The State Legislature To Address The Loophole In The NYC School Construction Authority's (SCA) Leasing Program Upon Revisiting Mayoral Control in 2009**

I will keep my comments brief, as this issue of leasing contaminated facilities for use as schools without adequate oversight is a familiar one to this Committee. As you know, as part of its effort to reduce overcrowding in classrooms around the City, the SCA, in addition to creating seats through new construction, will also lease existing facilities to turn them into schools. Some of these leased facilities will almost certainly be sited on contaminated properties, as has happened in the past. Siting schools on contaminated properties is risky business; exposure to toxic chemicals can lead to behavioral problems, learning disabilities, decreased I.Q. for children, and has been linked to certain cancers.

To build a new school, state law requires the SCA to submit a site plan to the local community board, gives the City Council an opportunity to review the site plan, and requires environmental review<sup>1</sup>, all of which give communities notice and an opportunity to participate. Unfortunately, the SCA administers its leasing program as if it is not subject to the same requirements as new construction.<sup>2</sup> Under the current scheme for

---

<sup>1</sup> Public Authorities Law §§ 1730-1733.

<sup>2</sup> The Appellate Division, in *Park South-Tenants Corp. v. Board of Education of the City of New York*, 208 A.D.2d 394 (1994), held that the School Construction Authority's (SCA) leasing program was not subject

leasing, even where there is known contamination, there may be insufficient environmental review of proposed lease sites and no opportunity for the community and Council to weigh-in.

This is no small problem. According to the most recent amendment to the Department of Education's (DOE) five-year capital plan, 31% of all new schools seats will be created through the SCA's leasing program. We believe communities should have a right to know of leased facilities proposed nearby, and that the Council should be able to weigh in on those siting decisions. This review is essential where a property is contaminated. Further, it is arbitrary and unjustified to have less stringent review for contaminated school sites simply because a school is leased instead of newly constructed on city-owned property. Certainly children and teachers have a right to a healthy school environment regardless of how a school property is acquired, and this can only be provided after a thorough environmental review. Failure to conduct sufficient environmental review, given the history of placing children on contaminated school properties without the most protective measures in place, is reckless.

State legislation is needed to amend the Public Authorities Law (PAL) to clarify expressly that leased facilities are subject to the same community participation and political and environmental review processes applied to new school construction. Last June, under the leadership of Chairperson Jackson and this Committee, the Council unanimously passed a resolution in support of state legislation to address this concern. That same month, the State Assembly passed a strong protective bill (A.8838, Nolan). Over 30 of New York City and New York State's top environmental justice groups, healthy schools advocates, and environmental organizations support that legislation.<sup>3</sup> Unfortunately, the State Senate passed a much weaker bill that fails to address the central concerns (S.6393, Padavan) – largely because of intense Mayoral opposition to involving the City Council in toxic school siting decisions.

---

to the community participation and political approval processes codified in the Public Authorities Law (PAL). PAL § 1731. Upon information and belief, the SCA also interprets this decision as exempting their leasing program from environmental review requirements – a position with no basis in the law. Using this precedent to avoid accountability, the SCA places children at risk, because toxic chemicals pose a danger whether found in a leased facility or uncovered during new construction.

<sup>3</sup> The following organizations support A.8838: Asian American Legal Defense and Education Fund (AALDEF) • Bronx Committee for Toxic Free Schools • Bronx Health REACH • Center for Health, Environment & Justice (CHEJ) • Chancellor's Parent Advisory Council • Chinese Progressive Association • Class Size Matters • Coalition for Asian American Children and Families • Community District Education Council 26 • Concerned Residents Organization • Environmental Advocates of New York • Environmental Defense • Healthy Schools Network • Hillcrest Citizens for Neighborhood Preservation • Hillcrest Estates Civic Association • Institute for Health and the Environment at SUNY Albany • Institute for Urban Family Health • Make the Road by Walking • Natural Resources Defense Council (NRDC) • New York City Environmental Justice Alliance (NYCEJA) • New York Immigration Coalition • New York Lawyers for the Public Interest (NYLPI) • New York League of Conservation Voters (NYLCV) • New York Public Interest Research Group (NYPIRG) • Northwest Bronx Community & Clergy Coalition • Nos Quedamos/We Stay • Puerto Rican Legal Defense and Education Fund (PRLDEF) • Sierra Club • Sustainable South Bronx • United Federation of Teachers (UFT) • United Puerto Rican Organization of Sunset Park (UPROSE) • WE ACT for Environmental Justice • Wellness in the Schools.

For a variety of reasons, Mayoral opposition to this bill has been almost single-handedly responsible for stopping this widely-supported legislation from passing the State Senate. **If the Senate fails to pass a strong bill to close the leasing loophole this state legislative session, we urge the City Council to call on the State Legislature to close the loophole when it revisits the issue of Mayoral Control in 2009.** NYLPI will be preparing a legal analysis – to be shared with this Committee – with specific suggestions for addressing the leasing issue via revisiting Mayoral Control.

Thank you for the opportunity to testify.

**Testimony on “Mayoral Control and  
School Governance”  
Submitted to  
New York City Council Education Committee  
March 3, 2008  
by  
Veronica Montgomery-Costa  
President  
District Council 37  
and  
Local 372, DC 37, AFSCME  
Department of Education Employees**

Chairman Jackson and members of the City Council Education Committee

I am Veronica Montgomery-Costa, President of Local 372 and District Council 37 AFSCME. I am also a member of the Standing Committee of the Municipal Labor Committee and the School Employees Advisory Committee of AFSCME.

Local 372 represents approximately 26,000 employees of the New York City Department of Education and the New York City Police Department who provide essential support services to the children in our city’s schools. We want to make this point perfectly clear: these support services are by no means secondary services. They are services delivered by hard-working, dedicated employees who hold job titles which include School Aides, School Lunch Employees, Paraprofessionals, Health Aides, School Neighborhood Workers, Community Coordinators, SAPIS Counselors (Substance Abuse Prevention/Intervention Specialists), School Crossing Guards and Film Inspection Assistants all of whom operate under the belief that children are their life’s work. Eliminate these services and you threaten the nutrition, health, safety and overall well-being of schoolchildren while putting them at-risk of substance abuse.

Most Local 372 members work, vote and pay taxes in the communities in which they live. They not only take their jobs seriously, they take them personally. They perform their duties with determination and dedication to the children of New York City, because they feel personally responsible for the 1.1 million schoolchildren who are their life's work.

Local 372 commends the City Council for examining the issue of school governance and mayoral control and soliciting recommendations on how to move forward with school governance after June 30, 2009, when the current law is set to expire.

From my standpoint, the current law cannot expire soon enough. Local 372 has consistently said it takes a village—not one Mayor to raise a child. In the Mayor's zeal to achieve his vision of "a school system that works" he has locked the community out of the educational process. Transparency has gone out the window along with the ability for all stakeholders to have a seat at the table. Parents feel disenfranchised, shut out of having a say in their child's education. Teachers feel demoralized, robbed of their desire to make learning come alive. Members of our union, the working people who do critical services so that teachers can focus on their jobs, and who provide stability in the communities where children live, feel undervalued as they see their jobs being cut or undermined by **the Mayor's decision to award no-bid contracts to outside companies.**

Many problems **and bad decisions** have arisen out of the business model that the Mayor has imposed in his quest to transform education in New York City schools.

The Mayor's inner circle of education advisors—primarily corporate superstars with little experience in running a huge and diverse educational system—**have been content to make** decisions behind closed doors and in a vacuum, imposing their will without public discussion and review or the benefit of collaboration and the voice of other stakeholders. **Their thinking has been flawed. It was a bad decision to replace competent workers with high-priced consultants.** It was **further** unacceptable that parents did not have a say in the decision to teach students only in so far as they can pass a test.

The true measure of education reform is not how well students perform on standardized tests, but how much was learned. In taking over control of

New York City public schools, the Mayor has overlooked major components. Schools are much more than an institution of education; they have become a necessity within the community. By focusing solely on education while excluding the participation of families, community, and the elimination of critical support services, many schools will continue to underperform.

With few, if any, checks and balances, parents and children have not been protected from **misguided** decisions, and workers have remained susceptible to management abuses. Under mayoral control, the New York City school system was disrupted three times in the middle of the school year as the Mayor revamped how things got done.

Just about a year ago, the latest round of reform was handed down from on high. Billed as a plan to empower parents, teachers, and administrators, the “remedy” instead brought chaos and confusion. With the responsibility of educating more students in one city than in several states combined, how could the Mayor and the Chancellor drop the ball? Under the guise of “empowerment,” the Mayor rapidly decentralized the school system, increasing the autonomy of principals to run their schools but without equipping them with adequate staffing guidelines. If the Mayor really cared about seeing children do better, he should have taken more time to find out what is and is not working before destabilizing the system yet again and throwing children into disarray.

If the school system is a corporation it must have headquarters to match. Moving the headquarters of the Department of Education to the Tweed Building **was another bad call** that has not helped to foster a connection with the parents of New York school children, many of whom are low-income, people of color who feel intimidated by the ornate structure.

Under mayoral control, there has been a trend toward privatizing the system, bringing in companies like Snapple, and others, to service the needs of schools with high disregard for public sector workers and the welfare of children. Snapple has no nutritional value for kids. The Mayor didn't seem to care about what was good for children. More important was tallying the bottom line.

This model has spilled over into charter schools.

Under the Mayor, charter schools have been hailed as the antidote to all that is weak in public schools, **a damaging line of thinking**. Combining the independence and autonomy of private schools with public funding, charter schools are siphoning off precious resources that should go into making the bigger system work.

Many minority parents consider charter schools a ticket out of poorly performing public schools. In addition to being drawn by innovative educational ideas, there is a sense of desperation and frustration. They perceive that a new facility and a new dress code will somehow improve their child's education. Recent findings, in fact, show that students in charter schools do not outperform public schools students. Still, the waiting list for charter schools continues to grow.

The privatization of deregulated charter schools undermines the teacher and workers' unions while spending excessively. An expenditure report of a New York City charter school found that the cost of operating charter schools exceeds that of the public school system. If the trend continues, public schools still in existence will be starved of resources. How long will it take and how much must it cost before we act? In business, profit most often increases when costs are cut. In education, as in medicine, spending less almost always ends in tragedy.

As if matters could not get worse, the Mayor believes in his reforms, citing significant progress in test scores, drop out rates, discipline, and numerous other measures. Deputy Mayor Dennis Walcott has said, "It's about accountability. It's about focusing attention on schools directly and making sure we have results to show from it."

The results are not all that they are cracked up to be. A recent report by the Coalition for Educational Justice, a group of concerned parents, advocates, and educators, found that nearly half of middle schools are failing. Further, 32 New York City public schools are performing so badly that they are at risk of being shut down.

In summary, Local 372 believes mayoral control has not been in the best interests of New York's 1.1 million school children. The question is where do we go from here?

Local 372 reminds the City Council that mayors come and go, but the structure for ensuring that our children receive the best public education that our city can deliver must be ongoing. While the former system of running the schools through a Board of Education and local School Boards was not perfect, we could have isolated the problems and tried to fix them instead of throwing the whole system out.

As we grapple with what the system should look like after June 2009, we must bear in mind that any amended structure of governance must be responsive to the concerns and needs of parents.

Mr. Plius Myers is a parent advocate from P.S. 149 in East New York, Brooklyn. He and I both spoke out on mayoral control at the Black and Hispanic Legislative Caucus just a couple weeks ago. Mr. Myers is concerned that a corporate model is not working for the children of New York. He has said, "The philosophy of that mindset is that our investors have to make a profit. Unfortunately, the investors of the educational system are the parents and the teachers who gain our profit when our children do well, when we see a large number of students graduate, when children stay in school instead of dropping out." He described the present system of education as a "tyrannical regime that has systematically destroyed everything that was great about the New York City school system."

Many parents like Mr. Myers want to modify the current system. Like Mr. Myers, many regret that the Administration destroyed everything to fix one thing. They admit, however, that it may be too late to bring back the old governance structure as it once was. Mr. Myers believes that we can move forward by instituting a system that incorporates the best of the old and the new. He would like to see the community boards return but with a greater focus on fiscal accountability "at every level," as he says, from the teachers, to the parents, to the elected officials. Mr. Myers is the first to admit that parents have fallen short. Under a new system, the schools should make a contract with the parents, according to Mr. Myers, holding them accountable for volunteering for so many hours a week or a month, and attending PTA meetings. "Parents have to be indoctrinated that our children are the future," he says. "We fail each other when we no longer care."

Local 372 urges the City Council to listen to parents like Mr. Myers and not renew the current system as is. Changes are needed to ensure that our school children succeed.

The first change is that we need to involve parents in the system and let them know where to go for help. Manhattan Borough President Scott Stringer has said “I have never seen a time when parents felt more put off.” Council Member James Vacca himself has said, “There’s a blurriness as to who parents should call and reach out to.”

We also need more checks and balances while at the same time avoiding chaos and confusion. A new system would benefit from oversight. Perhaps the old community boards could be brought back or the City Council’s role could be enhanced.

We also have to stop running our educational system like a corporation. Children are human beings, not widgets. They are individuals with needs and we should treat them as such.

Finally, we need transparency. As previously stated, we lack a nonpartisan public body independently analyzing the data, gauging success, and curbing excesses. While the City Council did manage to pass a Whistleblower Law over the Mayor’s veto to protect workers from abuses, the law does not begin “to ameliorate systemic problems”.

### **In Conclusion:**

The Mayor’s sole governance of our schools has been flawed by a series of bad operating decisions.

- **It was a bad decision** to award no-bid contracts to outside companies that take jobs away from New Yorkers who are also parents in our schools and to replace competent workers with high-priced consultants housed in high-rent office space in private buildings.
- **It was a bad decision** to award contracts to vendors with obvious past histories of fraud—some with prior convictions and jail time—and not to penalize those vendors who failed to conform to contract requirements.
- **It was a bad decision** to increase the number of Charter Schools which take the life’s blood out of our neighborhood public schools.

- **It was a bad decision** to look for ways to make a fast buck by putting Snapple vending machines in schools without considering the health and nutritional impact on our school children.
- **It was a bad decision** to design a School Reform Plan that does not contain line items for staffing vital school life support services and to put School Planning Teams in the position of having to cut back on those services which send our students to teachers' classrooms learning-ready.

Who really pays for all of these bad decisions in the end? New York City's 1.1 million school children pay.

Local 372 asks the Committee to consider the impact of school governance on all elements of the educational process—the families, the support workers, the communities, the local elected officials, and particularly the children. It really does take a whole village to raise a child—not one Mayor.

There is little merit in a one-man plan with no checks and balances and no meaningful input from parents and community. An education department with a one-man vision and no real collaboration among all the partners in the city will be at great risk of failing.

Local 372 again thanks the City Council for holding these hearings and urges the Education Committee to seriously consider these and other recommendations for improving the governance structure of the City's public schools.

Children are our life's work, therefore we are accountable to them. If we fail, we fail ourselves and future generations.

# What Matters Most

By Randi Weingarten  
President, United Federation of Teachers

## In Hard Times, Who Speaks for the Children?

When hard times hit at home, parents try to protect their kids. But who advocates for kids when our government faces hard times? While recession fears are fueling school budget cuts across the nation, they have hit hard in New York City. As revenues fall, both the city and state are backing off promises of increased school funding. And sadly, the choices being made are hurting our kids.

Since 2003, New York City schools have been under the mayor's direct control. The absence of an independent chancellor or board of education that puts the children first is most keenly felt at times like this. Even the school principals, newly empowered to run their schools with fewer constraints, recently discovered that their authority is tenuous. Halfway through the school year, responding to gloomy revenue forecasts, Mayor Michael Bloomberg cut the current budget of the department of education by \$180 million.

Days later, via an evening email, Schools Chancellor Joel Klein summarily removed upwards of half a million dollars from each school's budget, leaving principals to scramble to make ends meet. They were forced to abruptly terminate after-school and weekend enrichment, remediation programs and

translation services for parents. They had to merge classes and cancel new instructional technology purchases, as well as cut music, art and other hallmarks of a well-rounded education. And, if the budget cuts are not restored, they will have to do the same and more for the next school year, when the cuts will be twice the size.

Meanwhile, despite having increased bureaucratic spending by hundreds of millions of dollars for more testing, more data collection and myriad no-bid consulting contracts, Chancellor Klein cut only \$80 million from the central bureaucracy.

Any advocate of school ac-

countability should be watching the budget fight carefully. Here in New York, parents, educators, unions and civic activists certainly are. The UFT and many others supported the school governance change in part because we thought that a mayor who was directly responsible for school performance would give the schools the resources they need to succeed in good times and bad. And, in his six-year tenure, Mayor Bloomberg has increased education spending by more than a third. But now, fearing economic uncertainties at the very time kids need to be immunized, the city has bucktrucked. That has demonstrated the need for some checks and balances to the governance system.

New York state is also bucking off a school funding promise. Last year, after 13 years of litigation, the state and city agreed to give New York City students an equal shot at academic success. A four-year pact promised city schools billions more in state and city funds; the payment from Albany next year was to exceed \$500 million. That money was to pay to

lower class sizes in all grades, beginning with the schools that serve the neediest children. But Governor Elliot Spitzer, also citing the weakening economy, proposed whittling that amount by \$200 million.



Randi Weingarten  
President  
United Federation of Teachers

Classes in city schools are

some 10 percent to 60 percent larger than statewide averages, depending on subject and grade. That can mean 10 or 12 more students per class, especially in our largest high schools. What difference does that make for kids? Less one-on-one time with the teacher; more questions unanswered; more classroom disruptions; and less time for instruction.

Teachers and principals know what accountability means. They would never dream of saying, now that we have less, we will do less for our kids. The mayor and governor should take a lesson from parents and educators: Tighten your belt, but don't squeeze the children.

Ny Times  
2/10/08  
P.02/02

## **JOSH KARAN STATEMENT ON NYC SCHOOL GOVERNANCE**

My name is Josh Karan. I have been an activist on issues of public education for 30 years. I am presently a Manhattan Borough President appointee to CEC 6. My testimony is informed by my experience as a CEC member, though I speak today neither for the Borough President, nor for CEC 6.

I can echo many of the criticisms that others have & will voice but I will not repeat a recitation of them.

Instead I offer some thoughts about how to move forward & then wish to place this investigation in a larger context.

### **1) Role of localities -**

Because interaction with the schools involves daily engagement by hundreds of thousands of families, and because research has shown that parent involvement in schooling improves outcomes for students, this makes the involvement different than with that of other city agencies. So there should be a role for localities, because authoritarian central control has been demobilizing -- most CEC's, SLT's, and PA's don't function, since people believe either that you can't fight City Hall, or that it takes too much effort

#### **That role should include**

- A. Real Superintendent to inform & involve their locality
- B. A Superintendent with power to choose principals, so that communities have someone directly accountable.
- C. Local governing body, call it CEC or school board, with power to choose the Superintendent, subject to veto by Chancellor, and override by Board of Education,

**What might be new in my suggestions is that if there is disagreement between the Chancellor & a local governing body this matter must go to the Board of Education which must set up an investigation, thereby making this body more than just a rubber stamp**

- ~~D~~ D. Real elections for local governing boards, with matching public funds for campaigns to those who have demonstrated a threshold of support
- ~~E~~ E. Candidates should not be limited to parents --- such limitation eliminates the accumulated knowledge over decades of locally based activists. Unless one has multiple children in the system, ones' service ends just as one begins to master the issues of education & the way this system works

**2) Citywide governance**

A) Board of Education with its own staff which can conduct investigations, not solely dependent on information from the Mayor's Department of Education

Some additional, perhaps new, thoughts

**B) Locally generated initiatives** -- analogous to the mechanism known in some states as initiatives:

For example, if a majority, or perhaps 2/3, of local school governing bodies, whether CEC's or school boards, formally concur on a policy resolution, either of their own origination, or in opposition to a policy of the central administration, such resolution should automatically become an agenda item of the Board of Education/ Panel For Education Policy.

**C) Independent Parent/Community Involvement Agency**

Similarly there must be an independent body devoted to training & mobilizing parents & communities for such involvement. Here too an analogy can be helpful -- that of a union dues check off. There should be an independent organization, akin to what United Parents Associations, once was, with a funding stream guaranteed by perhaps \$ 4 per child, so that organizers can be made available to every community to work with PA's, SLT's, and communities in leadership development. The executive leadership of this board might be elected by the CEC's/SLT's and PA/s. This independent organization should be charged with generating turnout in elections for local governing bodies, to make those bodies representative.

**More important than my specific proposals above, however I want to expand this discussion**

**3) Expanding the discussion: Structure in the context of goals**

I have indicated that structures can matter.

But the purpose of structures is to accomplish stated goals, and it is these goals which need revisiting & restating. Concentration on structure alone will have the same outcome as I have witnessed for most of the last 40 years, in which there has been central control, community control, decentralization with empowered school boards, limited power school boards, and recentralization. Chancellors have been educators, and not; yet through it all there has been little change in outcomes for the majority of students in New York City. Graduation rates, language and scientific literacy skills, preparation for democratic citizenry -- by each measure this system has failed most students for generations.

This period of revisiting issues of school governance provides an opportunity which will not come again soon to extend this discussion.

If this discussion on school governance is to have meaning for the 50% or more who are ill-served by this system, any modification of structures must create a system which articulates and is held to a commitment to provide educational excellence for all.

Some of these goals are provided in the principals articulated by the Campaign For Fiscal Equity. A colleague has called it a "sound basic education index" for all schools. whereby any legislation regarding school governance be placed in the context of requiring that system to provide

- A) Trained teachers, administrators, and support staff -- including the salaries necessary to attract and retain them
- B) Appropriate class size -- established by the consensus of educators as to what produces the best results
- C) Adequate facilities and equipment for a comprehensive curricula -- including science labs, art/music/dance/drama rooms, physical activity spaces
- D) Adequate counseling staff

**And: to address an educational issue which has almost disappeared from the agenda**

**E) Racially, ethnically, & income integrated schools ---**

If part of any proposal on governance pertains to returning some powers to districts or localities, then a critical component is how to define this locality. If the goal of promoting diverse, integrated schools, is important, then **the existing districts should not be considered sacrosanct**, as they too often reinforce segregated housing patterns.

These goals must be explicitly stated, along with a requirement that they be fulfilled.

Only then there will be a basis for measuring progress toward these goals, no matter what the specifics details of the structure.

I hope that the committee will thus expand upon this discussion, presently narrowly focused on revisiting Mayoral control, to proposals for a systematic linking with articulation and accountability to the goal of educational excellence for all, in which structure may play a role, but only in the larger context.

Moreover I suggest that today's hearing represent the start of a process rather than the end of it. You will have heard many opinions from people who are just starting to grapple with the complex issues involved here. I believe these need to be assimilated & then re-discussed. I propose that a report be issued by this committee within the next few months, and that this then be widely disseminated so that people have something concrete upon which to ponder, with hearings resumed in the fall to address specifics.

I. A. My name is Lisa Donlan and I am currently President of the CEC in Dist One, where I have served as an officer over the last 3 years. I want to thank the City Council and Education Committee Chair Jackson , as well as Chairs Yassky and Vacca for organizing this task force, convening these hearings and for giving us the opportunity to testify today.

B. In the short time available to me to speak to you today, I would like to leave you with 3 thoughts:

1. Governance alone can not provide a solution to the structural inequities and failings endemic to NYC public schools. It is the underlying values that inform education reform that should be in question.
2. How can we arrive at the necessary set of core values to inform education reform without democratic participation, discussion and debate?
3. An example of local control at its best: District One controlled admissions policy (1994)

C. 1. Governance alone can not provide a solution to the structural inequities and failings endemic to NYC public schools. It is the underlying values that set the agenda for educational reform initiatives and policies that need to be examined.

Local control and centralized control are both only as good as the visions and values that inform these structures.

It is these underlying values that shape and harness the political will and determine the application of resources that result in education reforms that we should be addressing as a city.

After all, wasn't the change in governance structure a response to a system that had failed to attend to the intractable challenges faced by a great many of the 1 million public school students and their families who suffer from such inequities and neglect that half of our kids drop out, that segregates our kids in largely separate and unequal schools, in buildings that still lack basic facilities such as gyms, science and tech labs, that can not provide enough qualified teachers and guidance counselors to reduce class sizes to that of the rest of the state and provide the social, emotional and academic support our kids need to succeed in school and beyond?

Given the societal forces of poverty, racism and deprivation that shape the lives of so many of our children both in and out of school, I question how much improvement has been made by the change in governance or if we can even expect reforms to school governance structure to lead to

improvement, unless we begin by scrutinizing the values that set the agendas for reform.

2. How can we arrive at the core values that we will use to direct education reform without democratic participation, discussion and debate?

The free-market ideology underlying recent urban education reform on both the national and local level has focused exclusively on data metrics and outputs as a way to address the system's inequities. The simultaneous centralization of power under mayoral control in NYC has removed stakeholders, ranging from parents to community groups to teachers to students themselves, from participating in this radical transformation of public education.

The current administration has created a system that deprofessionalizes teachers and discourages parents, especially low income parents of color, from participating in the debates or sharing in decision making on education policy and budget.

The families, students, communities staff and school leaders who are in the best position to determine the materials, structures and personnel that can best meet their school community need are locked out by an autocratic, bureaucratic, arrogant, unaccountable, centralized and undemocratic system. Lawyers, consultants and other "educrats" unilaterally determine the education policies that they claim will create quality, equity and the conditions to foster educational improvement. These value judgments and decisions rightfully should involve families, communities, and students, in consultation with administrative and government leaders.

The strength of democracy is that core values are not dictated but are debated and arrived at collectively. Where was the debate when:

the decision was made to use standardized tests to determine promotion?

high priced consultants rerouted the school buses mid-year, leaving kids stranded in the cold?

report cards that reduced the complex aims and results of learning communities to a single confusing grade?

Or when bureaucrats pulled 1.75% from each school's budget mid year, in the middle of the night, with no consultation from even the "empowered principals"?

To arrive at a set of values that can steer reform requires democratic engagement and representation at the community level. It is at the

community level that stakeholders of the public education system can elect representatives who share their values, histories, conditions, and world views, can establish a direct relationship and enter into dialogue, just as you, the elected representatives of the City Council do with your constituencies.

3. Finally, I would like to share with you today an example of local control at its best: District One's CSB controlled admissions policy ( 1994)

Back in the late 1980's and early 1990's, a coalition of parents and political activists in District One took back the local school board by reinvigorating the political process, driving parents to the polls for school board elections. By engaging the community around issues of equity in education, the district school board successfully instituted a host of policies that brought about real improvements in the local schools. Those policies, ranging from full day pre-k in all of our schools, to removing the catchment areas that were reinforcing the patterns of housing segregation in our schools, implemented a set of community values that are still in effect today.

Those values: diversity in the classroom as a pedagogical goal, family unity that gives preference to siblings in or out of district, and controlled choice for parents and students, continue to guide our community actions.

The school board policy of controlled choice admissions, whose main goals was to reduce racial isolation in our gentrifying neighborhood. has just been replaced by the DoE with a one-size-fits-all citywide policy that fails to accommodate the values, history and demography of our community. Despite centralized control that continually threatens these reforms and the progress they have led to, my district community of parents and educators continue to fight to maintain academic, racial, ethnic and economic diversity in our district schools.

To be successful in this fight, we need more than just opportunities for input- we need the possibility to engage in practices of shared decision making of the policies that shape and affect our local school community.

*If there is no struggle, there is no progress. Those who profess to favor freedom, and yet depreciate agitation, are men who want crops without plowing up the ground. They want rain without thunder and lightning. They want the ocean without the awful roar of its many waters. This struggle may be a moral one; or it may be a physical one; or it may be both moral and physical; but it must be a struggle. Power concedes nothing without a demand. It never did and it never will.*

Frederick Douglass

Prof. David C. Bloomfield  
Program Head, Educational Leadership, Brooklyn College, CUNY  
Parent Member, Citywide Council on High Schools

Testimony before the New York City Council Education Committee  
on School Governance & Mayoral Control of the New York City Public Schools

March 3, 2008

Thank you for this opportunity to address the Committee.

My name is David Bloomfield. I am a former elementary and middle school teacher and was General Counsel to the old New York City Board of Education. I now head the Master's Program in Educational Leadership at Brooklyn College, preparing administrators for the city's public schools. In this capacity, I have the opportunity to work with prospective school leaders and their principals, in class and on site. I am also a Member and former President of the Citywide Council on High Schools, a parent advisory body to the City Department of Education. I had a role in drafting parts of the 1996 School Governance law as General Counsel and Senior Education Adviser to the Manhattan Borough President. The plan I devised for the Borough President was praised in New York Newsday as "the single most substantial improvement in the governance of this city in decades." I did similar work for the then-named New York City Partnership, producing a Task Force report called "A System of Schools" and advising on mayoral recommendations for school district restructuring. My monograph, "Re-Centralization or Strategic Management," written with Prof. Bruce Cooper of Fordham University, analyzed the 1996 governance statute and was the subject of a citywide conference held at Teachers College, Columbia University.

In thinking about the current mayoral control statute, it is crucial to separate policy disputes with this Mayor from structural dysfunction. As you may know, I have many serious criticisms of the how schools have been run under this administration, including insular decision-making that has led to a vastly discriminatory and oversold small schools initiative, as well as ridiculously expensive, mishandled contractual and program initiatives in such areas as busing, leadership preparation, and school accountability. I should also note some important, if modest successes: achievement in some areas headed in the right direction and a general lack of old-style political patronage. But, whatever the current ledger of pros and cons, we have a sample of one when it comes to mayoral control. We should not overgeneralize from our experience with Mayor Bloomberg.

Having worked in the belly of the beast at 110 Livingston Street, I continue to be a strong proponent of mayoral control and its statutory formulation in Article 52-A of the State Education Law. My main reason is that as long as the Mayor maintains control over school funding -- and the current Charter gives particularly strong powers in this regard -- the Mayor should bear operational authority and accountability.

The former system of diffuse responsibility was a recipe for paralysis and finger-pointing. Children could not be served, so structurally broken was the system. Not only that,

Bloomfield Testimony  
School Governance  
New York City Council  
March 3, 2008

but, because the Mayor did not bear responsibility for these failures, schools were perpetually under-funded. It was that battle, rather than today's welcome wrangling over educational policies, that seized headlines. Today, we forget this former reality. We rarely hear the old budgetary war cry from education advocates. I do not think this is a consequence of Mayor Bloomberg's personal priorities or of the CFE lawsuit, though both may play a role, but because structurally the Mayor is responsible for funding his educational agenda, not someone else's, and knows that he will be held accountable for results.

The law having solved, I think, these structural problems of decisional paralysis and under-funding, what problems might amendment address? There can be no statutory protection against what some view as bad policy-making, so any attempt to do so will simply effect stalemate, a return to the *status quo ante*. But, as I previously suggested, the current statute seems to encourage irresponsible mayoral spending, a propensity to rig data, and autocracy. Some of this is the result of the election cycle: a Mayor intent on showing quick results during the first term to shore up re-election, then a lame duck under term limits lacking electoral accountability. Since the Election Law is outside the scope of this Commission, we are left to ponder remedies within Article 52-A.

To cure the problem of overspending, particularly in the area of sole source contracting, I recommend that all procurement, auditing, and financial review powers usually vested in the City Comptroller be put into place for oversight of the Department of Education. In the alternative, a special office of the New York State Comptroller should be legislatively established to ensure fiscal responsibility in these areas. No doubt such oversight will slow down the process of approving large scale contracts, but this seems a reasonable trade off to re-establish fiscal responsibility.

I also favor a return to full disclosure of all DOE contracts above minimal spending limits through notice, comment, and approval processes once followed by the old Board of Education prior to their business meetings, perhaps their only function for which I feel nostalgia. The current board, renamed the Panel on Educational Policy by Mayor Bloomberg, should assume this responsibility. Even if a rubber stamp, transparency of full public disclosure prior to approval would be salutary for a contracting system too often shrouded in secrecy and, potentially, in patronage.

Earlier, I spoke not only of the current statute's propensity to promote spending irregularities but also data manipulation. The temptation to put the best face on school data is political catnip. There must be a source of objective data assessment. For this role, I nominate the New York City Independent Budget Office. The IBO has proven to be a reliable source of objective, professional budget analysis. Its apolitical institutional culture is above reproach. Enlarging its portfolio for education – making it not only equivalent to its model, the

Bloomfield Testimony  
School Governance  
New York City Council  
March 3, 2008

Congressional Budget Office, but also to the U.S. Government Accountability Office (formerly the General Accounting Office) – would give the IBO appropriate scope to study the effectiveness of DOE programs. If provided with statutory power to obtain not only financial information but non-confidential student and other data, the IBO would enhance performance and public confidence in mayoral school governance.

Then there is the thorny problem of this Mayor's autocratic management of the school system. At this time, I do not favor returning to the prescriptive community school district structure since no amount of fine tuning will assure community access without overburdening public officials' and educators' need for bureaucratic agility.

However, there must be greater fidelity to the current statute's clear intent of broad, substantive community consultation. How to effectuate this necessary openness by legal, as well as political, means is a challenging task. Eliminating the Mayor's and Borough Presidents' power to remove PEP members is a possible step, but one which was hardly salutary under the old Board of Education. Adding members appointed by the Council, Comptroller, and Public Advocate gives no assurance of better policy-making, only more deal-making. Giving CECs greater authority presents legal problems unless they become more electorally representative and smacks of the old community school board system that was rejected less than a decade ago. I am thus left to suggest that current legislative guarantees be strengthened, with a clearly designed structure for parent and community consultation regarding policy and program initiatives. This intent must be clearly spelled out so that the Mayor and the courts are forced to recognize stakeholders' critical policy role.

And that's it. I would not recommend converting the DOE into a municipal agency, subject to micromanagement and further politicization by the City Council, though I would clarify its existing and meritorious oversight function. I would not return to the old Board of Education or even interfere with the Mayor's and Borough Presidents' current powers of appointment and removal. This would only foster paralysis without any guarantee of corresponding gains in decisional quality. Key to my remarks, however, are critical changes to the way the current statute handles contracts and budgets, data, and community consultation.

Thank you for your time. I am honored to have had this opportunity.

Contact:  
David C. Bloomfield  
Brooklyn College, CUNY  
2900 Bedford Ave.  
Brooklyn, NY 11210  
718-951-5608 (w)  
718-877-6353 (cell)  
davidb@brooklyn.cuny.edu

# Citywide Council on Special Education

45-18 Court Square - 2<sup>nd</sup> Floor-Room 260, Long Island City, New York 11101

Tel: 718-752-7393 Fax: 718-752-7481 Email: [ccse@schools.nyc.gov](mailto:ccse@schools.nyc.gov)

## Special Meeting

### School Governance in New York City

January 31, 2008

### Testimony of Citywide Council on Special Education (CCSE)

President, John T. Englert

Member, Dr. Robin Murray

Member (PA Appointee), Ellen McHugh

Chair and members of the New York City Council Commission on School Governance:

I come before you not only as a member of the Citywide Council on Special Education; but, as a parent of a multiply handicapped child who receives citywide special education services in District 75. We live this everyday of our lives. We walk the talk. Our children are projects in progress. They inspire us. They motivate us. They define our passion.

Today we will provide you with:

1. A brief introduction of the CCSE. How, when and why it was created. Who represents the CCSE and the powers given to the CCSE by law.
2. An assessment of the current school governance structure and how the leadership operates.
3. Some suggested improvements to benefit the children who are receiving special education services.

## CCSE - Introduction

### Birth

The Citywide Council on Special Education was created as a result of State Education Law 2590(c) which was passed in 2002 and became reality in July of 2004.

### Structure

The Citywide Council on Special Education consists of nine (9) parents of students receiving citywide special education services in District 75 selected by the PA/PTA Officers and two (2) appointees by the Public Advocate. A high school senior receiving citywide special education services in District 75 is selected by the Superintendent of citywide special education and serves as a non-voting member for one year.

# Citywide Council on Special Education

45-18 Court Square - 2<sup>nd</sup> Floor-Room 260, Long Island City, New York 11101

Tel: 718-752-7393 Fax: 718-752-7481 Email: [ccse@schools.nyc.gov](mailto:ccse@schools.nyc.gov)

## Powers

When the law was written the citation forming the Citywide Council on Special Education gave these powers to the Council:

The City-wide Council on Special Education shall have the power to:

(1) advise and comment on any educational or instructional policy involving the provision of services pursuant to article eighty-nine of this chapter<sup>1</sup>

*(A "child with a disability" or "student with a disability" means a person under the age of twenty-one who is entitled to attend public schools pursuant to section thirty-two hundred two of this chapter and who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education.);*

(2) advise and comment on the process of establishing committees and/or subcommittees on special education in community school districts pursuant to section forty-four hundred two of this chapter;

(3) issue an annual report on the effectiveness of the city district in providing services pursuant to article eighty-nine of this chapter and making recommendations, as appropriate, on how to improve the efficiency and delivery of such services;<sup>2</sup> *(Special services or programs"..... special services or programs shall mean the following: a. Special classes, transitional support services, resource rooms, direct and indirect consultant teacher services, transition services as defined in subdivision nine of this section, assistive technology devices as defined under federal law, travel training, home instruction, and special teachers to include itinerant teachers as provided by the schools of the district of residence with such terms and services to be defined by regulations of the commissioner.)*  
and

(4) hold at least one meeting per month open to the public and during which the public may discuss issues facing students with disabilities.

The City-wide Council on Special Education may appoint a secretary, pursuant to the policies of the city board who shall perform the following functions:

(1) prepare meeting notices, agendas and minutes; (2) record and maintain accounts of proceedings and other city-wide council on special education meetings; and (3) prepare briefing materials and other related informational materials for such meetings. The City-wide Council on Special Education shall be responsible for appointment, supervision, evaluation and discharge of the secretary.

---

<sup>1</sup> Article 89 of NYC Education Law

<sup>2</sup> Ibid

# Citywide Council on Special Education

45-18 Court Square - 2<sup>nd</sup> Floor-Room 260, Long Island City, New York 11101

Tel: 718-752-7393 Fax: 718-752-7481 Email: [ccse@schools.nyc.gov](mailto:ccse@schools.nyc.gov)

## **Future**

The law is due to "sunset" or end on June 30, 2009.<sup>3</sup> If the law "sunset" we do not know what voice children receiving citywide special education services will have.

## **CCSE Assessment of Current School Governance Structure & Leadership**

The current school governance structure operates as a dysfunctional corporation who does not seek input from their most important stakeholders, the parents of NYC Public School Children. Their actions resemble a management style which is not accountable to anyone. The current structure does not actively engage the parents in any decision-making when it comes to the public education of their children. The parents are the last people to find out about school reforms or changes effecting their children's education. Whether it's an IEP mandated service which is not being provided, a proposed change in the delivery of the child's educational vision and hearing education service or a modified busing route when transporting the child to and from their school, communication with the parents is an afterthought. The treatment of parent leaders is even more abominable. Meetings are scheduled at all times during the day so they conflict with children being picked up or dropped off at school. Multiple meetings are scheduled during the same day after work so that at least one meeting cannot be attended. There is no sign of respect for parents' time and no value of their input. More frequently than not, requests by parent leaders go unanswered and their concerns get dismissed.

After reviewing the simple DOE Organizational Structure currently displayed on their website, it is very apparent that they do not have an understanding of who's responsible for what. Instead of determining where the transparency exists, we will take this opportunity to discuss one of the many offices not listed on the DOE Organizational Structure and one of the offices that we interface with, The Office of Family Engagement and Advocacy (OFEA).

## **OFEA**

OFEA is the division charged with improving the way in which the DOE communicates with parent leadership and supports families to increase student achievement. OFEA is managed by Martine Guerrier, Chief Family Engagement Officer (CFEO) who at the time of her appointment in February of 2007 was to engage in an outreach program with communities, parent leaders and advocates and present a report to the Mayor and Chancellor including recommendations for improvements. The CCSE has been told that such a report does not exist. In an effort to assist Martine with valuable feedback from parents of children with special needs, the CCSE hand delivered to Martine the results of the CCSE Parent Survey which was conducted in the Fall of 2006. This was a survey conducted by parents of special needs children for parents of special needs children. OFEA did not take any

---

<sup>3</sup> The new legislation also amends the powers given to the Chancellor by Section 2590-h of the statute, that "Chancellor shall serve at the pleasure of and be employed by the Mayor of the City of New York by contract."

# Citywide Council on Special Education

45-18 Court Square - 2<sup>nd</sup> Floor-Room 260, Long Island City, New York 11101

Tel: 718-752-7393 Fax: 718-752-7481 Email: [ccse@schools.nyc.gov](mailto:ccse@schools.nyc.gov)

action with these results. Please note that the Public Advocate for the City of New York, Betsy Gotbaum, issued a Report dated June 2007 based upon the results of the CCSE Parent Survey.

In August of 2007, the DOE & OFEA assured the CEC's that they would be considered as lead partners in community discussions about new policies and specifically to:

- Provide information on schools that the DOE considers underutilized, which may be considered for additional programs/school citing.
- Support CEC's hosting community meetings regarding school citing.
- Provide support to CEC's on the adoption of resolutions which may influence the development and improvement of initiatives to improve student achievement.
- Acknowledge Council Resolutions within 60 days of receipt.
- Provide monthly newsletters with updates on issues and a related project assignment to gain community input.

Unfortunately, the changes proposed by the Chancellor to improve the Gifted and Talented Education Programs in October of 2007 did not include any participation by the CEC's.

After repeated requests by the CEC's, OFEA announced in October of 2007 the formation of internal workgroup meetings with the CEC's. These workgroup meetings were to focus on upcoming policy initiatives, seek CEC input and integrate whenever possible. The meetings were to be collaborative with mutually agreed upon Agendas. The Agendas of the Workgroup Meetings were unilaterally set by the DOE with no input and collaboration from the CEC's. At our first meetings, Group Leaders listed were either unprepared or were replaced by other individuals. Our second meetings were cancelled and our third meetings Agendas were modified the day of the meeting without any CEC involvement.

OFEA is also responsible for the mandatory training which is required under Section 2590-e7 (2) of the NYS Education Law which states, "Each community district education council member shall be required to participate in continuing education programs on an annual basis as defined by the Chancellor." Most of the training sessions that take place do not apply to the duties and powers given to the CCSE. Other training sessions that had been provided to the CEC's such as Reviewing the Five Year Capital Plan fall short of the training needed to evaluate their district's facilities and assess their capital budget allocations.

As of this testimony, OFEA is still the only Office which does not provide an active link on the DOE Website.

# Citywide Council on Special Education

45-18 Court Square - 2<sup>nd</sup> Floor-Room 260, Long Island City, New York 11101

Tel: 718-752-7393 Fax: 718-752-7481 Email: [ccse@schools.nyc.gov](mailto:ccse@schools.nyc.gov)

Though not OFEA responsibilities, the following actions by the DOE reinforce the continued need for a Citywide Council on Special Education for all students receiving IEP mandated services:

- Issuance of a parent and teacher survey in May 2007 requesting feedback about the quality of city schools except schools that serve children with special needs.
- Issuance of a NYC Family Guide 2007-2008 "Putting Children First" in September of 2007 excluding District 75 as a Community School District. Though revised, the Family Guide was never reissued as unanimously approved by the CCSE and other CEC Resolutions. Furthermore, the CCSE Resolution was never acknowledged or responded to.
- Lack of concern and awareness of the increasing space requirements for District 75 despite repeated requests by the community and PTA's. Though most boroughs are experiencing space issues, the borough of Staten Island has made their concerns more public. Unfortunately, the DOE has not responded to their concerns nor the CCSE's attempt to schedule a meeting with all parties to review the borough's issues.

## **Suggested Improvements**

City Council Education Committee Hearing, March 3, 2008  
"Oversight: Mayoral Control and School Governance"  
Testimony of Ann Kjellberg

My name is Ann Kjellberg. I am a parent at P. S. 41 and a founding member of a group called the Public School Political Action Committee, a consortium of political action committees from different PTAs working together to address issues of common concern. Lately we have been very active in trying to push for school construction in our neighborhood, which has seen, and will continue to see, extensive development but is not slated to receive any new seats under the current capital plan. We had little success working with the DOE on this issue, so we have begun working with our local community board, and pressing developers and city and state agencies and other groups to help us identify potential sites for schools. Many of the people we talk to say, why are you talking to us? Isn't it the responsibility of the DOE and the School Construction Authority to recognize trends in population and respond accordingly? Aren't they taking in taxes from these swelling neighborhoods to pay for new schools? Maybe so, but we aren't seeing the seats, and we have seen no cooperation with representatives of our community pressing the case. We have been amazed, after working with the DOE on school construction and overcrowding, at how responsive our community board and our elected officials are. We have not been accustomed to working with genuinely democratic institutions.

Other signs of the DOE's unresponsiveness to democratic pressures have emerged in our work. Many of us have questioned the large contracts awarded without competitive bidding or public review, which the DOE argues it is entitled to under state law; we've also questioned the growing bureaucracy and lavish salaries of the DOE itself. We have challenged the expanding regime of standardized testing, which has never been fully explained to parents or justified as part of a considered curriculum. Its implementation is also open to question. Tests designed to measure overall school performance are being used to retard student advancement; data that require years of comparison to be statistically meaningful are used right away; errors in the construction and grading of the tests are rife. Schools are closed on account of test results that were announced as provisional.

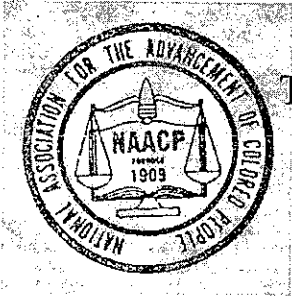
We also questioned the DOE's fair student funding initiative, under which highly functioning schools were granted budget increases they hadn't asked for, and failing schools were given no new resources to tackle their problems, and the successive reorganizations, which have gutted our schools' institutional supports without creating functioning alternatives. We were confused that the DOE's Contracts For Excellence did so little to fulfill the state's requirements, particularly for class size reduction, in return for Campaign for Fiscal Equity funding.

We have also been distressed by the careful dismantling of the citizen's role in the school system. The PEP, the CECs, SLTs, and other mechanisms for citizen involvement in the public schools have all been stripped of their institutional meaning and reduced to empty showpieces.

We feel that, had the DOE been structured as a genuinely democratic institution, it would not be so deaf to the concerns of its constituents, and some of its more misguided policies would have been checked. We call on the state legislature to give us a school bureaucracy that balances executive and legislative authority more effectively.

**Public School  
Political Action  
Committee**

PMB K-5  
332 Bleecker Street  
New York, N.Y. 10014  
[www.ps41.org/PS.PAC](http://www.ps41.org/PS.PAC)



The National Association For The Advancement of Colored People  
Metropolitan Council of New York City  
39 Broadway Suite 2220 New York, New York, 10006

Hazel N. Dukes  
President

Statement For Governance In New York City

Kenneth D. Cohen  
Regional Director

The NAACP founded in New York City in 1909 has fought to protect the Rights of ALL people. Education since before our founding was a serious issue. Working hard through the Courts Brown V. Board was won in 1954, which changed the course of public education. For the past 53 years we have fought hard to make that decision a reality. In 1993 a courageous man and his family sought to challenge the Educational system once again opening the doors for questions on the quality of Education and the fair distribution of funding throughout New York State to schools in the poor and underserved communities. Recently we thought that battle had been won and was on our way, but that is another story. In 1996 the New York State Legislature started a changed called Governance, which stripped the Community School Boards of most of their powers, and a movement for change was started. The Mayor wanted full control of the Board of Education. In 2002 that power was granted and a new era of Education. Today we are here to start discussion of governance, which has been on the minds of many. The NAACP Metropolitan Council has taken some serious thought to this process and though this is early in the discussion feel through the current process Parents and Community have been stripped of their abilities and POWER. Although we know we would get an argument we listen to the PEOPLE and the Communities and we know how they feel. Our suggestion at this time is to give the decision to the People at the Polls in November 2009. As they ELECT a new Mayor, let the public decide if that person should have full control. We would also hope that in the time prior to this election we can critic what is currently on the table so there are clear guidelines in what control a Mayor may have should the People decide to resume with what is now in PLACE. The one thing that is clear to the NAACP is that we cannot continue in this same manner. Everyone has POWER, but the People, But we are the one's who really hold the cards in the POWER of the VOTE!

Astoria

Bronx

Brooklyn

Co Op City

Corona/East  
Elmhurst

Far Rockaway

Jamaica

Mid Manhattan

New York

New York City  
Housing

Northeast  
Queens

Parkchester

Respectfully submitted by

Staten Island

Kenneth D. Cohen  
Regional Director  
NAACP Metropolitan Council  
646 210 9741

Williamsbridge

Doris J. Brosnan  
671 West 193<sup>rd</sup> Street  
New York, NY 10040

*djb2003@columbia.edu*

May 3, 2008

## STATEMENT ON MAYORAL CONTROL OF NYC PUBLIC SCHOOLS

Today, a concerned public offers ample testimony of *specific* complaints related to limited participation in school governance. Issues range from a call to fund smaller class size, to concern over the criminalization of troubled children, rather than provision of supportive services for them. These real and pressing problems are symptoms of a larger, *systemic* problem. The problem is the denial of our basic freedom to envision and to actualize a better society through participation in public institutions.

As a researcher on human rights, democratic processes, and urban schooling at Teachers College Columbia University, I cite the work of Maxine Greene, Prof. Emeritus and disciple of John Dewey. In her book, *The Dialectic of Freedom*, Maxine observes and describes the process of a "positive freedom" as an event that happens in an "authentic public space." Here, the public identifies a problem and accepts *shared* responsibility to resolve it. Maxine contrasts this notion of "positive freedom" with that of "negative freedom," defined as a condition of unobstructed personal freedom. Negative freedom indicates "a self-dependence rather than a relationship." Individuals and advocacy groups have come together around the issue of exclusive mayoral control, extending their sense of freedom beyond the negative to the positive. Indeed, it is through the relationships of "positive freedom" that the fabric of society is woven. According to Maxine, "Freedom is the capacity to take initiative, to begin." In this process, we engage with others to create new and more promising realities.

School and government officials have an obligation to collaborate fully in the design of public education system. Indeed, a global standard for cultural respect and inclusion in education has been set. From the earlier framework of the UN's Convention on the Rights of the Child, to the latest revisions of UNESCO's Education for All, consideration of the family and community life of children and students remains a central theme in quality education. This co-construction of education is a human right and an expression of essential, robust democratic practices to which all people are entitled. These human rights themes fully inform our work around education reform. They are central to the framework of our local project, the Independent Commission on Public Education (ICOPE) and to many other projects.

Educational research in the domestic sphere, as well, underscores the importance of family and community involvement in education. So why should families and communities be excluded to the extent that it has become an issue before us today? Shouldn't New York City, so much in the global spotlight, encourage and celebrate creative investment in our people through such an inclusive public education system? Students, their caregivers and their communities are the most vital and most vulnerable of stakeholders in our public education system. By standard, our public education system must reflect their values and aspirations.

The rationale around mayoral control of schools has been driven in part by a dissatisfaction with the previous system and with the outcome data on students. From first hand experience of my work as education consultant, an overemphasis on test scores has shamefully diminished the vitality and authenticity of student learning experiences. Communities, researchers and educators have challenged the test prep culture authored by private interests, claiming that more fundamental, philosophical issues at hand are ignored. Clearly, an inadequate education system continues to devalue the creative visions of our urban community, and the ever-narrowing view of what constitutes quality school outcomes has eroded the quality of education.

Non-politicized educational research is key to sound education design. However, this research is pushed aside by a narrowed sense of what counts. Whether the previous system was corrupt and ineffective, or education provision and funding have been sub-standard, it does not follow that the remedy should be denial of opportunity for communities to participate in reform.

Inclusion of many voices in school system governance is more cumbersome than the current linear system of centralized control. Whatever the cause, a narrowed plan for education governance devalues the richness of New York City's diversity. There is no 'quick fix' to sound educational design and fair civic practices. They must be met head on.

Over 10 years ago, parents of early high school students initiated the Campaign for Fiscal Equity in order to secure a meaningful education for their children. Where are those young adults now? I suggest that if the public education system had allowed for adequate community participation, those young

people could be in a different, more advantageous position than they are today. Or, perhaps we subscribe to an unspoken belief that our poorer communities and marginalized groups lack the capacity for meaningful engagement. Or, perhaps we just think that it will take too much time.

Current trends in education policy, including that of mayoral control, undermine the principle of participatory and creative democracy. Participants here, today, act in the "authentic public space" of the "positive freedom" suggested by Maxine Greene. The social learning from a collaborative approach can only be a benefit to our city. In the wisdom of John Dewey and Maxine Greene, let us take the precious time that is necessary for a more comprehensive approach to public education design. The challenge to us is whether this participatory moment in City Hall today will be merely symbolic, or the critical first step in fostering the shared practice of democracy.

#### REFERENCE

Greene, Maxine. (1988). *The Dialectic of Freedom*. New York: Teachers College Press.

Testimony for NYC City Council on Mayoral control  
by Eugenia Simmons-Taylor, District 4 parent leader

March 3, 2008

Good afternoon, my name is Eugenia Simmons-Taylor and I have been a parent and parent leader for over ten years in the NYC public schools, as PTA president, President of Presidents Council in District 4 in East Harlem, CPAC Vice Chair and now a board member of Class Size Matters.

In all this time, I have never seen parents so disenfranchised and so disrespected as during this administration, with no real input into policies at the city, district and school levels. This Mayor and Chancellor continually make decisions that have a huge influence over our children's lives and yet they consistently refuse to consult parents and other stakeholders or to take any of our concerns seriously. They wield absolute power, with no checks and balances, and as a result often make poor decisions that no one can overturn, no matter how destructive or absurd. The Mayor has gone so far to ban cell phones which radically restrict our rights to communicate with our children. He refuses to systematically reduce class size, even though this is the top priority of parents and now state law. And yet never during his entire term in office has he ever consented to meet with an actual parent group – neither CPAC, nor any Community Education Council.

There are no checks and balances when it comes to the policies the administration pursues and they openly defy city laws when it comes to our schools, whether it be on cell phones, anti-bullying laws, or environmental regulations. Many of their policies have been destructive, between their "fair funding system" which denied any extra resources to most of the failing schools in my district, to closing down schools in my district that are not failing, such as PS 101 – just so they can put a charter school in its place instead. Never once was the Community Education Council consulted in this decision, as they are supposed to by state law.

My daughter goes to an excellent small school, and I support the concept wholeheartedly of small schools. Yet I cannot support the way in which the small schools initiative has been handled under this administration, including the way they have excluded so many special needs and ELL students, who in turn have overwhelmed our large high schools and caused them to fail. The administration refuses to provide our larger high schools with the possibility of smaller classes – unlike the smaller schools – which doom these schools to failure and so many of their students to drop out.

Last year, the administration pledged to change its ways and to take parents more seriously. Martine Guerrier formed a task force on parental involvement, and I was part of that task force. We worked hard and came up with some specific suggestions as to how the role of the School Leadership Team could be strengthened to ensure that parents have a real voice in decision making at the school level. We emphasized their rightful authority to develop the school's comprehensive education plan and school-based budget through consensus, and made some recommendations so that this authority would be recognized and enforced.

And yet a few weeks later, the Chancellor issued revised regulations concerning SLTS, that would essentially eliminate these rights, and would instead give the principal total control to make the final decisions on these matters. In my mind, no episode reveals more clearly this administration's total lack of interest in listening to parents, and/or respecting our rights to have a real voice in our children's education.

In short, Mayoral control has been a disaster in my view and that of many other parents in our community. It is long past time to review and change this system so that real checks and balances are put in place, parents and other stakeholders are guaranteed a real voice in decision-making, and policies are implemented that will provide our children with a better chance to learn.

**Written Testimony of David M. Quintana - District 27 Parent**

**March 3, 2008**

**City Council Hearing  
City Hall New York, NY**

**"Oversight: Mayoral Control and School Governance"**

**I'd like to start off by thanking the City Council for giving me the opportunity to voice my serious concerns with mayoral control and the present school governance system on behalf of our children, students and the parents of Queens...**

**I am David M. Quintana, parent and former District 27 Representative to the Chancellor's Parent Advisory Council (CPAC) and present member of Community Board 10 Education Committee (Press disclaimer: these are my personal views, not those of Community Board 10)...**

**I am the prideful parent of two daughters and a proud product of the NYC Public Education system in District 27 - a graduate of PS 60, MS 210 & John Adams High School and the former Co-President of the MS210 Parents Association in Ozone Park...**

- I believe that the development of a whole child requires the reinstatement of the Arts, Music, Physical Education (Gym), Student Governments and the teaching of basic American Civics - so students can learn how a basic democracy works so they can make intelligent political decisions in their own and their families self interest as adults and concerned citizens...**

- **I call for the Elimination of the NYPD presence in the schools, which I feel creates a prison-like atmosphere in our schools...As the NYCLU has also noted, in its determined effort to bring these official vigilantes under control, that "this massive presence would make the NYPD's school safety division the fifth largest police force in the country—larger than [those of] Washington D.C., Detroit, Boston, or Las Vegas."**
- **I feel that we should Put Educators back into Tweed Courthouse and not corporate "media spin doctors" who misinform the citizenry about the problems in our schools..**
- **I feel the six year experiment with Mayoral control of the NYC Department of Education has not achieved improved student performance...**
- **Mayoral control has eliminated the public election of community oversight bodies which violates the basic human rights of our communities and parents to participate in their children's education...**
- **Mayoral control has resulted in educational leaders being replaced by lawyers and corporate consultants as policy makers and decision makers, causing widespread demoralization within the system...**
- **Mayoral control has resulted in costly no-bid contracts...**
- **Mayoral control has ignored the basic human rights of our children and had a major negative impact on an entire generation of student's elementary school experience; all of which has been**

driven by...

- high stakes testing and constant test preparation...
  - limiting the scope and depth of a comprehensive curriculum...
  - lack of fulfilling special education mandates... and;
  - constant upheaval causing high anxiety...
- 
- **I believe that City Council members should have authority to monitor schools within their districts...and;**
  
  - **I demand that our New York City elected officials and our Queens contingency of New York State legislators respond to this educational catastrophe and malfeasance by eliminating Mayoral control and remodeling the school system based on a human rights framework with a governance plan which incorporates local autonomy, school based decision making, parent and community involvement with strict oversight by independent bodies and the City Council...**

Once again I'd like to thank the City Council for this opportunity to speak out...

**David M. Quintana**  
**93-18 103<sup>rd</sup> Avenue**  
**Ozone Park, NY 11417-3114**  
**718-738-2163**  
**[dquintana1@nyc.rr.com](mailto:dquintana1@nyc.rr.com)**  
**<http://davidmquintana.blogspot.com>**

Olga Batyreva, Math teacher, Murry Bergtraum High School  
2007 Surf Avenue, Apt. 15 D, Brooklyn NY 11224  
Phone: (718) 333 – 9890, Cell: (646) 361 - 3414  
E- mail: [VChernyavs@aol.com](mailto:VChernyavs@aol.com)

## Summary

During 5 years of mayoral control “historic jumps” of state test scores resulted from lowering standards and tolerance for fraud.

In 2005, before mayoral reelection, 13% jump in 4-th grade Reading test scores occurred because the DOE exempted from the test most immigrant kids.

“Historic gains” in Math test scores showed up because the test in 2005 was easier than in 2002. Brooklyn College gave both tests to the same kids and passing percentage for the 2005 test was 7% higher.

In 2004 the passing score for Math A Regents was decreased by 18 points. In 2006 only 27% of correct answers (instead of former 55%) were sufficient to pass Math A Regents.

D. Andreatta, the author of the article “E-z pass for Math A Regents” (New York Post, 01.30.06), wrote: “When does 23 equal to 55? When it comes to grading Math A Regents exam”. No wonder that the graduation rate improved and the achievement gap reduced. Mr. Bloomberg was proclaimed an “Education Mayor” and reelected. If Math A Regents was at 2-d grade level, passing percentage in all ethnic and socio-economic groups would be 100% and the achievement gap would become equal to 0. In 2007 New York received \$5 million Board Foundation award and was the first in the country. But this was true only according to the state tests. According to the National exams New York State is far from 1-st place.

Under mayoral control Math A Regents Exam (a good filter and stimulus for learning) was damaged and factually cancelled (in good schools it makes no sense as the passing percentage is stable 100%). It made harm for kids. Before 2004 students took Regents many times until they learned basic skills and were ready for colleges. Now the quality of graduates essentially worsened. High school diploma guarantees nothing. Some students don’t know even 4 arithmetic operations. Many students are forced to pay for repeating high school Math in colleges. Thus the DOE deprived many students of their right for free quality education. Dropout in colleges is now about 50%, mostly because of Math. Only 20% of students in New York Community colleges graduate in time. College professors called the situation in Math a “complete disaster” as “traditional instruction does not work for most students”.

After principal’s bonuses and federal funds became dependent on test scores, Special Commissioner R. Condon stated that the number of cheating cases under his investigation increased. The reported cheating scandals may be only the top of an iceberg.

My documents present the direct proofs that under mayoral control encouraging cheating became the DOE policy. Not only school administrators, but also the top city and state officials tried to hide and justify cheating in scoring Regents. They saw “no wrongdoings” in using pencil #2 for scoring Regents instead of red pen/pencil required by all directions.

The situation existing now is a conflict of interests: the American society is interested in true results while those who should provide this (DOE and SED officials) – in “good” results. This is not acceptable. R. Weingarten said: “When everything is so high-takes, you have to be doubly, triply, quadruply sure of the accuracy of the data”. Along with high-stakes there are all chances for inflating the grades. Regents are administered and scored in the same schools

and by the same teachers, who are totally dependent on principles. The control of independent agencies will not help. If in a student's work a wrong choice is crossed out and replaced by a correct one, no expert will be able to define who did it, a student or a teacher. The only opportunity to be "sure of the accuracy" is to exclude all chances of cheating by removing students' works from schools immediately after the exams and assigning administering and scoring of tests to those who are not interested in the results, for example to teachers of the other schools.

The indirect proofs of the inflation the test scores are the following: the studies of some Harvard professors, discrepancy between the national and state results, DOE policy of replacing experienced teachers by new ones, and the absurd results of NYC school letter grading when some high-achieving schools received F while some dangerous schools – A. Let us ask Chancellor J. Klein: "Do you personally believe that dangerous and violent schools could essentially increase students test scores for one year?" If his answer is "yes", he should recognize that there is no connection between students' discipline and achievement. Then classroom observations make no sense and should be cancelled. If his answer is "no", it will mean that all his organizational and financial decisions (such as closing the schools, firing the principals or cash awards for schools graded A) are based on false test scores and should be immediately stopped.

My personal story reflects all problematic issues of the school system. I am a whistleblower. I reported on misconduct in scoring the Math A Regents in my school in January 2004: using erasable pencil #2 for scoring Regents instead of red pen/pencil. The top city and state officials (Ms. Mei and Mr. Katz) saw "no wrongdoings" in it. Mr. Katz referred to Special directions for field tests. I received these "Directions for schools in score validation study" which confirmed that their statements were false. In July 2005 Special Commissioner Mr. Condon renewed the case and transferred it to the Chancellor OSI for appropriate actions. I have not received any response yet. I informed on the matter Bloomberg and Klein, but received no answers from them. No actions were taken against anybody except for me.

No wonder that I am now in the "rubber room" with charges of incompetence and inefficiency seeking my termination. There are no objective evidences of my unsatisfactory service. My students' scores and individual progress were better than in the other classes. But the arbitrator Mr. J. Tillem refused to request from my school students' test and marking periods' scores for my defense. Thus his decision is predetermined. I had students who repeated the M\$A course up to 9 times; in my class they learned and passed the course. All teachers who failed them were "efficient", but I was not.

All my evaluations were based only on personal judgments of my supervisors. Math AP Ms. Tang did not know Math and made 25 mistakes in Math that was confirmed by Professional Conciliation. She provided fantastically high passing percentage at Math A Regents (about 95%) which was 20- 25 % higher than in the similar schools but failed to show up at SAT exams. She instructed teachers to violate Regents directions and was forced to retire in the beginning of semester earlier than her pension age.

My next supervisor Mr. Rubinstein was a criminal; he used the school computer for spreading pornography and neglected his job duties. He is now serving 10 years in prison.

But the personal judgments of these persons are in my file and my Charge and may result in my termination. The principal Ms. Esmilla practiced "dirty tricks" with my file documents: removed favorable and placed false derogatory documents; made false statements and tolerated cheating in Regents. She, a former Gym teacher, prohibited using

my version of Math Curriculum supported by the Math Department Meeting and the Regional Math Specialist. The DOE falsified my tape records and violated due process.

The DOE tries to save \$10-million by replacing experienced teachers with more “cheap” beginners. Many teachers in “rubber rooms” (mostly elder than 50) who after 20 or more years of good service suddenly became “incompetent and inefficient” are the victims of this policy. But the main victims of the system are kids. In all areas experience is appreciated except for Education. Mr. Bloomberg and Klein show disrespect and contempt to teaching profession. They could save even more millions if they replaced teachers by policemen with starting salary \$25,000. The order in classrooms would be perfect and the principals would provide further “historic jumps” of test scores. If the principals depended on true test scores and there were absolutely no chances for fraud, they would appreciate experience and would be forced to hire teachers who really can teach effectively and provide gains in true test scores. The situation in the school system would become cleaner and healthier.

For 5 years of mayoral control all changes were only changes in bureaucracy, not in instruction. The DOE ignored recommendations of Math professionals (NCTM) who defined Math Curriculum as “mile wide, inch deep”. But the new textbook for 9-th grade issued in 2007 again has more than 700 pages and 16 topics with only minimal changes. Even perfect students with perfect teachers cannot learn Math if they should study a new topic almost every day and cover 700 pages for one year. It is easier to believe that the DOE simply does not want to teach effectively low-income minority students than they want but don’t know how to do this.

The DOE is going to close about 20 schools with F and D letter grades. It is quite possible that honest people will be losers and dishonest – winners. What will be “improved” if a new school with a new name and a new principal will appear in the same building? - Maybe, discipline and attendance. But according to DOE letter grades, discipline does not matter if the dangerous and violent schools could essentially improve test scores.

Discipline and attendance are rather the consequences of poor instruction than its reasons. Kids often vote against the system with their feet. They don’t come to school and misbehave.

R. Weingarten said: “Right now, the system is terrible for everyone. It’s in everyone’s interest, I think, to change it”. She is quite right. The reason for poor educational quality is not in students or teachers, it is in the system. “The wonder is not that many students don’t learn, it’s that any do. The system is designed for the benefit and convenience of adults, not the success of children” (New York Post, November 20, 2006).

Bloomberg and Klein proclaimed accountability for schools, principals, and teachers. In 2007 Mr. Klein used \$80-million computer system for grading schools. But for teachers he proposed hiring lawyers to help principals to remove so called “bad” teachers without any references to students’ scores. In his letter to all teachers Mr. Klein opposed teachers with “an established record of improving achievement prosper” to teachers with “a history of poor success in improving student achievement”. If students’ records and histories really defined their teachers’ quality, it would be fine. But this has nothing to do with the truth. Real teachers’ evaluations have no relation to any students’ scores, depend only on personal judgments of supervisors, and are based only on a lesson appearance. So-called “classroom observations” are only tools of harassment and retaliation. Supervisors give “satisfactory” everybody except those whom they want to harass. Some teachers received U-ratings after any conflict with administrators occurred. Ms. M. Colon received S-rating in June 2005, but after she exposed information on changing the grades of English Regents Exams, in October

her rating was changed into U-rating. Even the "Teacher of the Year" (Mr. D. Pakter) received U-rating after he became a whistle-blower. Either Mr. Klein really does not know what is going on in the system he heads or he maliciously misleads the society by presenting false information. His words are excellent, but his deeds and the reality only discredited the good idea of accountability

Mayor Bloomberg tries to apply financial incentives and manage the public school system as if it was a private company. But DOE officials don't invest their own money; they waste a lot of money of taxpayers. Public Education is not the same as buying pants; a wrong choice in education (such as "fuzzy math") cannot be corrected because time does not go back. This is not a free market, this is a system without feedback; financial incentives in such systems contribute to reporting false results and inefficiency. After 5 years of his control the Mayor himself called the school system "failing and inefficient". But how can the system which recognized itself as failing and inefficient fire any individual teacher for inefficiency?

Mr. Bloomberg, a successful businessman, created the system very similar to the soviet economy, which reported the "great achievements" and "completing all plans", but really people suffered from lack of food and elementary goods.

In the USA the expenses for public Education for one student are the highest in the world (about \$11,000 per year), but the quality is one of the worst. Every 29 minutes one student drops-out of a school. The USA was 25-th (of 30 countries) in international Math tests for 10-th graders, but the first in the world by percentage of people in prison (1 to 100). Most of 2.3 million people who are now in prison could be in colleges if they were taught Math the same way as in the rest of the world.

Bloomberg is really an "Education mayor" because he succeeded to spoil something that seemed impossible to spoil: Public Education. This is especially true in my area - high school Math because under mayoral control Math A Regents exam was factually cancelled.

Is there at least one person who is against honest exams? Is there at least one person who thinks we don't need true standardized test results? Is there at least one person who thinks that now the test scores are 100% credible? I know none. First of all, we need true information; we cannot improve something we don't know. New education governance should build-in conditions which exclude all chances of fraud. Until this is ~~not~~ done, all money invested in Education is wasted. Let us ask the City Council: "Do you want to pay for fraud? Do you want to be 25-th in the world in Math? Do you want to have 1 of 100 adults in prison?" If you say "yes", then renew mayoral control. Otherwise, don't do it.

Olga Batyreva, Math teacher, Murry Bergtraum High School.

*Olga Batyreva*  
I am speaking as a teacher, a citizen,  
a taxpayer, a grandparent of 2 public  
school students.

**NEW YORK POST**

**News columns**  
 NYPD Blotter ..... 20  
 Inside Albany ..... 22  
 Weird But True ..... 23

**Gossip**  
 Page Six ..... 10-11  
 Cindy Adams ..... 12  
 Liz Smith ..... 18

**Weather p. 14**  
**Post Opinion p. 25-27**

**Business p. 29-31**  
 Christopher Byron ..... 31

**Features & Lifestyle**  
 Puzzles ..... 34  
 Pulse ..... 35-42  
 Movie Clock ..... 39-42  
 Horoscope ..... 42  
 Comics ..... 43

**NYP@Work**  
**starts after p. 44**

**Classifieds p. 56-58**

**Sports p. 67-94**  
 Racing ..... 67-70  
 Phill Mushnick ..... 82  
 George Willis ..... 91  
 Steve Serby ..... 93

**Television p. 95-99**

**POST contact numbers**

**Editorial** ..... 212-930-8000  
**Main Office** ..... 212-930-8500  
**News Tics** ..... 212-930-8500  
**Sports Desk** ..... 212-930-8700  
**Advertising** ..... 212-930-8100  
**Classified** ..... 212-930-8222  
**Retail** ..... 212-930-8222

**Circulation** ..... 212-601-0100  
**Customer Service & Back Issues:**  
 Mail subscriptions of address and  
 All orders changes of address and  
 Publishers: New York Post, P.O.  
 10036-8790, Philadelphia: P.O.  
 1-888-208-4157 or e-mail  
 philanfil@aol.com. Foreign and  
 domestic mail subscription rates  
 available upon request to the  
 advertising information center, Inc.  
 Publishers: Send address changes to  
 Postmaster: Post, 1211 Ave. of the  
 Americas, NY, NY 10036-8790.

**Treasurer:** Paula Wladyslawski  
**Secretary:** Laura O'Leary

Vol. 205 No. 76 Copyright 2006, NYP  
 Holdings Inc. (USPS: 383200) Published  
 daily by NYP Holdings Inc.,  
 1211 Ave. of the Americas,  
 New York, NY  
 10036-8790. Periodicals postage  
 paid at New York, NY and  
 additional offices. The Post uses  
 recycled paper.

# 'Sickenings' E-Z Pass Regents math exam

**EXCLUSIVE**

By DAVID ANDREATTA  
 Education Reporter

When does 23 equal 55? When it comes to grading the Math A Regents exam, Never before has the state required students to answer so few questions correctly on the mandatory test to take out a passing grade of 55 — and take one step closer to high school graduation — than it has this year.

Students who sat for the exam on Thursday needed just 23 out of 84 points — or about 27 percent — to earn a 55. Only last year, a score of 26 — or 31 percent — was required to reach the benchmark.

A score of 55 on five Regents exams is required for students to graduate with a local diploma. Earning the more prestigious Regents diploma requires a score of 65 on five exams. Getting a 65 on the Math A test required just 33 out of 84 points — or 39 percent.

The state Education De-



**Dumbing down**

Passing the Math A Regents exam year by year

Year	Score needed for a passing grade of 55
2006	23 out of 84 (27%)
2005	26 out of 84 (31%)
2004	28 out of 84 (33%)
2003	43 out of 85 (51%)
2002	42 out of 85 (49%)
2001	36 out of 85 (42%)
2000	34 out of 85 (40%)

Source: New York State Board of Regents

partment insists the exam questions were actually more difficult than last year's, therefore requiring students to get three fewer questions correct to pass.

"The Math A test is hard," state education spokesman Tom Dunn said. "Anyone who thinks this is an easy exam should go to our Web site, take the test, and see how difficult it is to achieve a passing score."

The exam is graded using a complex formula that converts a raw score to a final score that may not

correspond to the percentage of points earned. The formula is devised using psychometrics, which considers knowledge as well as attitudes and personality traits.

But the raw score for passing has dropped 20 points since June 2003, when the state was forced to rescure the exam after two-thirds of students failed, and critics have complained since then that the conversion has become too forgiving.

"It's getting more and

want to lower the bar to let the percentage of kids you would want to award a diploma go through," Posner said. "Math A is a harder exam for good students, and more difficult for weaker ones."

The exam comprises of 30 multiple-choice questions, each worth 2 points, and nine computation questions, each worth up to 4 points.

Probability suggests that a student who guesses on the multiple-choice section would get eight correct — leaving him or her just 7 points shy of passing.

Stephen West, the associate dean of SUNY Geneseo and a standards-committee member, agreed that the conversion formula has been tweaked, but said he believed the exam questions were rigorous.

"The first thing the average citizen sees is dumbing down. Nothing could be further from the truth," West said.

"But I might have the same feeling if I were not familiar with the mathematics of it."

david.andreatta@nypost.com

# Principals plead for \$\$\$ pay extension

Independent Commission on Public Education  
Testimony to the Education Committee of  
New York City Council  
Regarding School Governance  
By Cecilia Blewer

Governance of any kind is a means to an end.

What is it that we New Yorkers wish our school governance system to do? What end of education are we working for? The UFT has stated its perspective that governance should “support teaching and learning”. That’s a good start but it begs the question: “teaching and learning” for what? Is it just job training, as the new small themed high schools suggest? Is it prison, the military, and low wage jobs as the current outcomes for African American males suggest?

To answer this question we need to be clear about what kind of society are we trying to create in this city. Is it *this* society, where today an African American kindergartener has only a 3% chance of graduating college 16 years later? Or an educated population capable of participating in sports teams, local dramatics societies, and civic groups and attending college?

Any school governance system encodes values and outlooks whether stated or not. These values and outlooks find their way into schools in both the hidden and the apparent curricula children learn. Running schools like businesses and making principals frightened middle managers makes parents consumers, teachers line-workers, and children products. There is no room for the curious child in a test-driven environment. There is no room for long-term childhood friendships in a system where children are sorted by schools choosing their students for middle and high school.

As it is, we have a public education system in this city functioning without even a mission statement. If tomorrow the Mayor decided to give this public education system a mission statement, would we as parents, educators, students, and community members concur with it? How would we ever hold the Mayor accountable for this fulfilling this mission? By what standards?

The Independent Commission on Public Education urges all participants in the debate on school governance to disclose their vision of education and of the New York City they are trying to create. We need clear articulation of standards by which to assess any proposal.

ICOPE’s standards for a new public education for New York City are three principles. But first, we must look at what a school really is and is not. ICOPE recognizes the unique role and character schools play in the lives of families and communities. Schools, unlike any other public institution except the prisons their climates increasingly resemble, exercise significant custodial care of their children during a significant period of years.

ICOPE believes that the unique nature of schools requires a unique form of governance different from the model of city and state agencies. This is because as custodians of children schools and the education system must incorporate significant parent and community involvement decision-making. Because of this, and because of the pernicious influence of direct political control of schools, most school systems in this country have historically been independent of mayors and elected officials.

The three pillars of the ICOPE plan are: *a human rights framework; democratic partnership, and capacity building.*

*Human rights* are the natural rights of any human being and which governments are obligated to recognize, honor, and fulfill. Human rights concepts are embedded in this nation's political philosophy whether called *natural rights, human rights, or the Four Freedoms*. In human rights terms, the goal of education, and thus part of the mission of a school and an education system is the education of the whole child. Human rights principles also require deliberative mechanisms which fulfill parental rights to shape their children's upbringing and the civil and political rights of community members to participate in decisions concerning their communities. The human rights philosophy recognizes that all rights are interdependent and indivisible.

*Democratic partnership* ICOPE's standard for decision-making and oversight in the public education system. By *partnership* ICOPE means "*the relation of joint principals in a common undertaking*". *Democratic* means equitable principles and mechanisms by which all constituents have a *view over* and a *voice in* the functioning of a system. We believe the school system should practice democracy in its everyday practices.

*Capacity building* entails both opportunities and mechanisms for decision-making on the one hand and timely information and training on the other. Rebuilding the neighborhood school and making school districts co-terminus with the Community Planning Boards enhances local capacity for school governance. ICOPE calls for a Parent Union and a Student Union to be collective support and voices for their members. ICOPE also calls for a Parent Academy and a Student Academy to be publicly funded but constituted independently of the Board.

These three principles – *human rights, democratic partnership, and capacity building* -- are the standards by which ICOPE believes any system of school governance should be judged. We have fleshed this out into a specific governance proposal.

But, first things first: publicly articulated standards for the ongoing debate on school governance.

Otherwise, we are talking at cross-purposes and cannot hold our elected officials accountable for the outcome. This is what happened in June 2002. We must do better in June 2009.

Supplement to Testimony of Mark Diller  
Before the Council of the City of New York  
Monday, March 3, 2008

Mark Diller, the co-president of the PTA of MS 54, serving MS 54 / The Booker T. Washington Middle School at 103 West 107th Street in Manhattan, respectfully offers the following points to address substantive deficiencies in the current scheme of Mayoral control of the public schools in the City of New York.

1. Community Education Councils Should Appoint Members of the Panel for Educational Policy. To make the Panel for Educational Policy ("PEP") more responsive to communities, and in particular to parents, the number of members of the PEP should be increased and/or the number of the Mayor's appointments should be decreased to allow members of the Community Education Councils ("CEC") in each Borough to appoint one member to the PEP (in addition to the member appointed by each Borough President).
2. PEP Members Should Not Serve At the Pleasure of the Mayor. PEP members should not be removed from their position simply due to a disagreement over policy with the Mayor. To address this issue, the Mayor should not be empowered to terminate or dismiss any member of the PEP except for cause such as a newly-discovered conflict of interest, failure to attend meetings or to take part in the work of the PEP, or relevant criminal conduct.
3. CEC Approval Should Be Required for Certain Decisions By the PEP. To ensure that parent and community input is obtained and incorporated in a meaningful way, the approval of an appropriate majority of the CECs should be obtained for decisions such as the adoption of the Budget, significant changes in formulas for

the allocation of seats, the metric for determining whether and where new school construction is required, and the hiring of consultants and outside vendors whose fees individually or collectively exceed a defined threshold. In determining whether to so approve, the CECs would be charged with making time available at public meetings for input from School Leadership Teams and Parent Teacher Associations of the schools in their District, to ensure that parent, faculty and administration concerns and views are considered.

4. Invest CECs with Approval Power Over A Citywide CEP. To ensure that the goals and priorities of parents, faculty and administrations are properly heard and considered in making Citywide decisions, actions of the PEP should be required to be in consonance with a common statement of goals and objectives derived from or consistent with those approved by CECs. The CECs would in turn be charged with consulting with the SLTs and PTAs of their constituent schools. The collective consensus on key priorities and objectives, and the means to address them, could be achieved through an annual meeting of representatives from each CEC.
5. CECs, SLTs and PTAs Should Have Access To The Agenda for the PEP. An appropriate majority (or super-majority) of CECs, SLTs and/or PTAs Citywide should be able to require the PEP to take up a resolution or point of business.
6. CECs Should Report To The Public Advocate. To ensure that the composition, funding and administration of CECs reflects the will of the parents and other interested constituents in the communities they serve without actual or perceived interference from the organization which they monitor, CECs should not report to

or depend upon the City Department of Education. Placing responsibility for determinations of CEC composition (such as eligibility for and conduct of elections and seating of elected members), funding (for CEC budgets and staffing), or operations (including whether and to what extent the DoE may require CECs, PTAs, SLTs and other groups to provide documents and information) in the hands of an independent governmental home such as the Public Advocate would adequately address this concern.

Respectfully submitted,



Mark N. Diller  
Co-president, PTA of MS 54, Inc.  
171 West 79th Street, #33  
New York, NY 10024-6449  
[mdiller@nyc.rr.com](mailto:mdiller@nyc.rr.com)  
917-691-0865



empowering children to speak up about sexual abuse

Good Day Members of the City Council and Guests,

My name is Vivian Farmery. I have come here today to speak to you about the role of the Panel for Educational Policy, under Mayoral control of our school system. I sat on the Panel for a year and a half as the Manhattan Borough President's Appointee; serving first at the pleasure of C. Virginia Fields and then by reappointment of current Manhattan Borough President Scott Stringer.

The Panel is empowered to vote on all educational policy for the City of New York. However, under this mayor, it is a powerless body.

The Panel is comprised of 13 members: eight mayoral appointees, five borough representatives and the Chancellor. Thus the Borough Presidents' Appointees are automatically outvoted, since the majority of the Panel is comprised of Mayoral Appointees. Despite the wide experience and expertise of the panel members, they have had no say over the educational policy decisions brought before them. When I sat on the Panel, key educational policy decisions were presented to us as *faites accompli*. In fact, they had often been implemented before the Panel was even briefed.

After the infamous third grade promotional policy vote in March 2004, I think it was obvious to everyone that the mayor was not interested in hearing when even his own appointees thought there was an error being made. Do you remember that Third Grade Promotion Policy vote? Those appointees, both Mayoral and Borough Presidents', who would have voted against it were simply removed from the Panel before the vote.

It is my strong belief that if mayoral control is extended, it must not be without a system of checks and balances in place. Give the PEP real muscle to stop policies that parents and educators don't believe to be best practices. One such example would be the promotional policies. Another would be the cell phone ban. These policies, along with the ineffectual 80 Million dollar ARIS program, and many of the Capital Plans I have seen, should have been voted down, and reworked, before they ever took effect.

I urge you to give the Panel for Educational Policy real independence and real power. Members should serve for set terms and not be able to be removed before that time is up. Their votes should happen before policies are rolled out, and should be binding.

Thank you for your time. It has been an honor returning here to testify before you today.

Vivian Farmery, CSW  
Executive Director  
Just Tell

Former Manhattan Borough President's  
Appointee  
Panel for Educational Policy

New York City Council  
Education Committee Hearing on School Governance  
Monday, March 3, 2008

Formatted: Font: 14 pt

Good afternoon.

My name is George Rivera, and I am here today representing the NYC Coalition for Educational Justice or CEJ. I am a parent in the Highbridge neighborhood in the Bronx and have children attending P.S. 73.

Deleted: (C  
Deleted: )

CEJ joins the Alliance for Quality Education(AQE), the New York Immigration Coalition, ACORN, Make the Road New York and the Annenberg Institute for School Reform in our concern over the lack of parent and community involvement in decisions affecting how children in our public schools are taught. In the name of education reform, since the legislature enacted Mayoral Control in 2002, Mayor Bloomberg and Chancellor Klein have acted to systematically remove parents and school communities from participating in decisions affecting our children's education. These reforms however, have not produced the anticipated outcome of significantly increased academic achievement by students of color, as CEJ has documented for the city's middle grade schools.

Deleted: The Coalition for Educational Justice(  
Deleted: )  
Deleted: and

Mayoral control has also failed to inject more accountability into a system that is failing tens of thousands of children.

Deleted: unilateral  
Deleted: of  
Deleted:  
Formatted: Font: 14 pt  
Deleted: in another of its stated primary goals -

In 2001, it was difficult to imagine a less accountable school system. But in spite of reforms, and much talk of good intentions, parents have been alienated from influence in the school system and there is not a single check or balance on Mayor Bloomberg, and Chancellor Klein. Why is it that the talk of accountability has been placed only on the shoulders of the schools and none of it on the Mayor and Chancellor?

Deleted: 1  
Deleted: Department of Education  
Deleted: Members of the Board, we understand the responsibilities of managing such a large school system, but we also lean on the practice of social interdependence. At great consultation and material expense to the City of New York, Chancellor Klein has implemented misguided policies such as the school bus re-routing fiasco. You are all aware of the city wide re-organizations to centralize and then de-centralize the system and the unnecessarily secretive decision making without consulting with anyone affected by those decisions. You are impinging on both our right to know, and our duty to participate.

This needs to change in 2009.

The Coalition for Educational Justice strongly believes that parents and school communities should be considered value adding partners in educational decisions at the school, district, and city level. When parents and communities are involved in school decisions, stronger, more reasonable policies are designed and implemented. Students benefit greatly. Our school system is failing tens of thousands of students of color and this will not change until parents and communities are engaged in school improvement efforts and welcomed to the decision-making table.

Formatted: Font: 14 pt  
Deleted: Thank you for the work you do on behalf of all children. Shame on you if you yourselves are performing below the high standards you propose to impose on others. Be men and women of integrity; never stop insisting on doing what is right, and understand that we will not be idle observers anymore. You will all be held personally accountable. ¶

Thank you

Deleted: ¶  
¶  
¶



**class size matters**

124 Waverly Place, NY, NY 10011

phone: 212-674-7320

[www.classsizematters.org](http://www.classsizematters.org)

email: [leonie@att.net](mailto:leonie@att.net)

For immediate release  
NYC, NY; February 13, 2008

Contact: Leonie Haimson: 212- 674-7320; 917-435-9329

***The Independent Parent Survey***, a report released today by Class Size Matters and posted at [www.classsizematters.org](http://www.classsizematters.org), explores how New York City public school parents view conditions in their children's schools and the system as a whole.

The official parent survey developed by the Department of Education had some glaring deficiencies. It omitted any questions involving the overall direction of our public schools and the key policies put in place by this administration, and relegated critical concerns of parents about class size, testing, and other issues into a catch-all question towards the end of the survey – in an apparent attempt to minimize their importance.

Class Size Matters decided to develop an independent, parent-driven survey with questions covering some of the key areas left out of the official DOE survey. Hart Associates used the survey to poll a representative cross section of 604 parents by telephone. More than 1,000 parents responded to the survey online. The latter group was unusually active, involved, and informed about conditions at their schools and system-wide, with half of them either active members or officers of their PTA, School Leadership Team or Community Education Council.

Over 80% of both groups of parents said that overcrowding and class size had stayed the same or worsened over the last few years, and over 70% believed that class size reduction was the most important reform that should be taken to improve the public schools. On testing, over half opposed the DOE policy of holding back students primarily based on standardized exams, and felt that the emphasis on the results of such exams caused too much stress for their children. In the online survey, when asked about the new initiative that will pay students for high test scores, parents overwhelming opposed it.

A substantial majority of respondents said that Mayoral control should be ended or amended by the State Legislature. Nearly 800 parents provided detailed comments on this issue, which clustered around several main themes: In the current system of governance, there was a lack of checks and balances, leading to almost dictatorial powers being exercised by the Mayor and Chancellor. The views of important stakeholders such as parents had been routinely ignored, and the school system had been run more like a business than an educational enterprise.

Other common criticisms revolved around what parents saw as the results of this unchecked, unaccountable power. The DOE had mismanaged finances and spent too much money on consultants and contractors, had embarked on too many confusing reorganizations, and had put in place the wrong educational policies. Finally, many believed that schools and the educational system as a whole needed more separation from the political sphere and greater continuity than politics could provide.

When asked about the positive and negative aspects of their child's school, more than

a thousand parents responded in detail. Their views on this issue, as well as on Mayoral control, provide a rich source of information about the perspective of NYC public school parents, including some of our most engaged parent leaders.

*Comments from civic and parent leaders about the report, The Independent Parent Survey:*

**Council Member Robert Jackson, chair of NYC Council Education Committee:** "Parents are the most important voice in the education "chorus" because they vocalize for their children. The results of this survey show that parents are right on track in prioritizing what will most help their own children learn. The one question the survey did not answer was why the Department of Education had to resort to manipulating statistics and compounding answers to avoid the conclusion parents put forthrightly – that class size clearly matters."

**Randi Weingarten, President of the United Federation of Teachers:** "This survey confirms what educators in schools have heard from parents – that parents understand smaller class size is an important tool in helping children succeed and must be a priority. Parents, like teachers, are also concerned with the imbalance between testing and teaching and want to take real steps not to eliminate testing, but to ensure we actually educate the whole child."

**Bijou Clinger-Miller, parent and member of Presidents Council, District 3 in Manhattan:** "This report is detailed, easy to understand and looks at the data in all different and important ways. Unlike the DOE parent survey, it does not sweep major parental concerns under the rug. Though the DOE survey forced parents to choose only one priority for their children's schools, this survey provided us with a real forum to give our opinions on class size, standardized testing, Mayoral control and more. Bravo!"

**Public Advocate Betsy Gotbaum:** "I congratulate Leonie Haimson and Class Size Matters for their balanced survey, and for their commitment to listening to parents' views when the Department of Education would not. The DOE has completely ignored parents' unhappiness with overcrowded classes and the hyper-emphasis on testing. Hopefully, this survey will help get the message across."

**Sandra Trujillo, Senior Special Adviser to the Children's Defense Fund- New York:** "The Children's Defense Fund believes that the parent's true voice must be heard. In particular, the results of this survey confirm the fact that smaller class size is a no-brainer for any parent with a child in the NYC public schools. Smaller classes are especially important for Black and Latino students who are disproportionately at risk of failing and dropping out. Low-income students who were in smaller classes for four years more than double their odds of graduating on time, and less likely to be arrested and drawn into the "Cradle to Prison Pipeline". It's unfortunate that DOE has not made class size reduction a priority. They should heed this report."

**Diane Ravitch, Research Professor of Education at New York University:** "This important and thoroughly professional survey expresses the views of parents of the city's public school children. Of all the participants in education debates, they have the most at stake: their children and their children's future. They deserve to be heard."

**Maria Dapontes-Dougherty, President of Presidents' Council District 30, Queens:** "It is such a breath of fresh air to read a survey that actually measures the major concerns of NYC public school parents. When we participated in the hearings for Mayoral control, we emphasized accountability and parental input. Here we are, after numerous reorganizations, in overcrowded buildings run by non-responsive, non-educators that follow the business model for education and follow the mantra of teaching to the test. Thank you for representing what the priorities of NYC public school parents really are."

###



**class size matters**

124 Waverly Place, NY, NY 10011

phone: 212-674-7320

www.classsizematters.org

email: leonie@att.net

**Testimony of Leonie Haimson, Class Size Matters**

**Before the NYC Council Education Committee on Mayoral Control**

March 3, 2008

Thank you for holding these hearings on this very important topic. Last spring, along with parent leaders in Districts 1, 2, and 3, Class Size Matters developed an independent, parent-driven survey that would address some of the key areas left out of the official DOE parent survey. Hart Associates used the questions to poll a representative cross section of 604 New York City public school parents by telephone. More than 1,000 parents responded to the survey online.

As might be expected, the online respondents tended to be more highly educated, with a larger household income than those polled by telephone, and about half were parent leaders (PTA active members or officers, members of School Leadership teams and/or members of district Community Education Councils.) Despite these and other demographic differences between online and telephone respondents, there was remarkable agreement on many issues, including Mayoral control of our schools.<sup>1</sup>

A substantial majority of both groups (58% of those polled by telephone, 66% of those who responded online) believed that Mayoral control should be ended or amended by the State Legislature. Those who were parent leaders felt even more strongly that the current system needed changing.

Nearly 800 parents provided detailed comments on this issue, which clustered around several main themes: In the current system of governance, there was a lack of checks and balances, leading to almost dictatorial powers being exercised by the Mayor and Chancellor. The views of important stakeholders such as parents had been routinely ignored, and the school system had been run more like a business than an educational enterprise.

Other common criticisms revolved around what parents saw as the results of this unchecked, unaccountable power. The DOE had mismanaged finances and spent too much money on consultants and contractors, had embarked on too many confusing reorganizations, and had put in place the wrong educational policies, including an overemphasis on the results of standardized tests and a lack of attention to the need to reduce class size. Finally, many parents expressed the view that schools and the educational system as a whole needed more separation from the political sphere and greater continuity than politics could provide.

I urge you to read the report – and especially the verbatim comments from parents, so many of which were passionate, articulate and penetrating. I will not repeat them here; they are liberally quoted in the report itself. Instead, I will provide some historical background that may help

---

<sup>1</sup> Class Size Matters, "The Independent Parent Survey," February 2008; posted at <http://www.classsizematters.org/parentsurveyreport.html>

explain why so many NYC public school parents feel as though Mayoral control in its present form has failed, and how by its very nature has wreaked damage on the methods by which our children are being educated.

In the fall of 2002, I wrote an article for the Gotham Gazette about the two most critical questions facing our school system.<sup>2</sup> The first focused on my central concern, class size, and the way in which a lack of resources and focused leadership in this area could continue to doom our children to be stuffed into classes that were much larger than the state and national averages, and far too large to receive an adequate chance to learn.

The other was my fear that with absolute Mayoral control, the school system would become even more irrational and arbitrary in its decision-making than before, and even less receptive to the input of parents, teachers, and others who had a real stake in ensuring that schools improved in fundamental ways. Here is an excerpt:

***"The second critical question involves what can be done to ensure that the voices of parents and other members of the community concerned about education be heard. The central Board of Education has been eliminated, and the community school boards are to expire at the end of the school year. Without a workable structure for public involvement, the school system will be even less accountable than before, with all power concentrated in the hands of two men -- the mayor and the chancellor -- neither of whom have ever had children in New York City public schools. Most worrisome is the lack of any process to guarantee that decisions be openly discussed and are the result of solid research and evidence.***

***Certainly, the Board of Education was flawed, as were many of the community school boards. Their decision-making was too often political and unresponsive to parental concerns. But at least their existence and procedures allowed for the possibility of public engagement. Now, there is a real danger that the system will become even more arbitrary, secret and political than before."***

I think we can safely ascertain that what I warned of more than five years ago has indeed occurred.

In August of 2002, Mayor Bloomberg appointed a man with no experience or knowledge of public education as Chancellor, Joel Klein. Within nine days of his own appointment, Joel Klein selected as his Deputy Chancellor Diana Lam, who had a highly controversial track record and would be mired in scandal and let go less than two years later.

From the beginning, the "Children's First" reforms, as the administration likes to call them, were embarked upon with such rapidity, secrecy, and a lack of public input that it was breathtaking. Ten working groups were formed to address all aspects of the school system, from curriculum to staffing and organizational structure. The members of these groups were kept secret until a series of freedom of information requests were filed.<sup>3</sup> Although DOE officials had repeatedly claimed there were parents and classroom teachers in these groups, when the information was finally provided, it was clear that there had been none.

---

<sup>2</sup> Leonie Haimson, "Smaller Classes, Better Communication," September 23, 2002, <http://www.gothamgazette.com/commentary/139.haimson.shtml>

<sup>3</sup> The FOIL requests were made by Bas Braams, NYU Professor of mathematics, NYC HOLD, Dec. 15 and Dec. 27, 2002. The results are archived at <http://www.math.nyu.edu/mfdd/braams/links/foia-02.html>

These committees produced no reports, held no hearings, and when the initial set of changes were announced, there was nothing written that could provide a convincing rationale or explanation for any of the decisions that were made. As Bas Braams, a Professor of Math at NYU and a fervent critic of the constructionist math curriculum selected, pointed out in an email:

***"The New York City schools system is the size of that of a small country. I find it remarkable that the NYC DOE would select a mandated core curriculum through a process in which there is apparently no proper documentation of the considerations that went into that choice... There appears to be no clear record of the Department's priorities, no record of any comparative evaluation of candidate curricula, and no record of the expert testimony and opinion upon which you relied."***<sup>4</sup>

But this process would reoccur many times over the following years – as each phase of reorganization was implemented, with no public input solicited and few explanations offered for the changes made. In the first phase, districts were dissolved and new regional structures were built. Strict controls were placed over classroom techniques, guarded over by mandated literacy and math coaches in every school.

Subsequently, regions were dissolved, and districts re-instated, but in name only. The literacy and math coaches were eliminated, and instead, a radical decentralization of authority established, in which each school would be regarded as a separate fiefdom, and expected to achieve success or fail on its own, with little support or help offered by those at Tweed. More recently, a school grading system has been instituted, in which 50 schools on the state and federal government's failing list received "A"s. More than half – or 54% -- of these schools received either "A"s or "B"s. Meanwhile, many highly regarded schools with high percentages of students at grade level received "Ds" and "Fs".<sup>5</sup>

In a little noted interview that Joel Klein gave in December 2003, he explained that the suddenness and number of these changes were purposeful -- to produce "creative confusion", and that in eight years we might finally see improvements:

***"By doing the reorganization and actually causing some creative confusion in the system, it does make it harder for people to just rock back....I think in eight years you can expect the system will make adjustments."***<sup>6</sup>

In this interview, he referred to Jack Welch, former head of General Electric, who espouses a variant of this notion called "creative destruction." Creative destruction calls for divesting companies and subsidiaries and acquiring new ones, on a rapid and massive scale of experimentation, with the hope that this will lead to higher profits.

---

<sup>4</sup> Email from Bas Braams to Diana Lam, dated March 19, 2003. The arbitrariness, secrecy and lack of rationale also held with the 200+ schools that were to be exempt from the new curricula; few noticed that there was almost no overlap between those schools selected and the list of the most improved schools over the last four years that had just been released by the state just a few months before. Indeed, many of the schools that had made the most improvements in math and/or English had to switch to the new curricula, despite all the progress they had made.

<sup>5</sup> See Leonie Haimson, "Testimony before the City Council Education Committee on the DOE school grades," December 10, 2007; see also Diane Ravitch, "A Flawed Reform," NY Sun, December 17, 2007.

<sup>6</sup> Staten Island Advance, "Klein: I can overhaul the schools -- just give me 8 years," Dec. 7, 2003.

A few years before, Welch was quoted in the Wall Street Journal about his management philosophy: "A small company can only afford to make one or two bets or they go out of business. But we can afford to make lots more mistakes, and, in fact, we have to throw more things at the walls. The big companies that get into trouble are those that try to manage their size instead of experiment with it."<sup>7</sup>

This might have worked for GE shareholders, but it seems to me to be a particularly heedless approach when you have children's lives at stake.<sup>8</sup>

Confusion we have certainly had; whether we had real improvement is another story altogether. As pointed out by many others, there is little evidence of student achievement gains as measured by the most reliable of assessments, the national exams called the NAEPs.<sup>9</sup> In terms of parent involvement, mayoral control has been nothing short of a disaster.

In the words of Debra Eng, co-chair of President's Council from D22 in Queens in 2004:

***"Never has an administration been so unreceptive to parents and parent organizations, despite all the hype by the "Department of Education" to the contrary. In this past year the chancellor and the mayor have attempted to eliminate the independent elected parent bodies (PAPA's and Presidents' Councils) in our schools and districts and replace them with employees***

---

<sup>7</sup> Creative destruction was a phrase originally coined by the economist Joseph Schumpeter to refer to the speed in which capitalism created and dissolved wealth. The Welch quotation above is from Richard Foster, "The Welch Legacy: Creative Destruction," Op-Ed in the Wall St. Journal, May 1, 2002: reprinted at: [http://www.mckinsey.com/aboutus/mckinseynews/pressarchive/managersjournal\\_destruction.asp](http://www.mckinsey.com/aboutus/mckinseynews/pressarchive/managersjournal_destruction.asp) In this op-ed, Foster wrote, "What Mr. Welch recognized is that destroying one's own businesses – or knowing when to let go of them and move in a different direction – is a far surer way to generate value and outperform the market than to buckle down and try to protect what you've built, regardless of how grand.... Mr. Welch's greatest contribution to GE employees and shareholders has been to ... attack first, defend when necessary." Foster was a senior partner at McKinsey & Company. As we know, McKinsey had a central role as consultants in redesigning the school system in the first phase of "Children First." Many McKinsey's employees, long on management theory and short on educational experience, were subsequently hired by DOE and continue to play a role at Tweed to this day. David M. Herszenhorn, "Not So Long Out of School, Yet Running The System," New York Times, March 25, 2004.

<sup>8</sup> In an article about the reinvention of our schools by these corporate mavens, Carmen Fariña, at the time a regional superintendent but subsequently appointed as Deputy Chancellor to replace Diana Lam, said: "Jack Welch said one thing that really struck me... You can't allow an organization to grow complacent. When you find those kinds of organizations, you have to tear them apart and create chaos. That chaos creates a sense of urgency, and that sense of urgency will ultimately bring [about] improvement." See Business Week, "Can Business Save New York City Schools?", June 9, 2003; [http://www.businessweek.com/magazine/content/03\\_23/b3836084\\_mz021.htm](http://www.businessweek.com/magazine/content/03_23/b3836084_mz021.htm)

<sup>9</sup> NY Times, "Little Progress for City Schools on National Test," November 16, 2007; see also Diane Ravitch, "NAEP scores released: mostly bad news," Nov. 15, 2007, posted at <http://nycpublicschoolparents.blogspot.com/2007/11/naep-scores-released-mostly-bad-news.html>

(Parent Coordinators and Parent Support Officers), who ultimately answer to them. Without consultation, radical changes were made to the regulations governing everything from class trips, zoning, PA/PTA's and President Councils, to deciding what beverages will be sold in every school building and what snacks are appropriate for our children to eat, right down to the "cookie cutter" methodology of how to teach all children....

Cuts to school budgets, more students in the classrooms, seasoned administrators and teachers leaving the system either through retirement, often earlier than they had planned, or finding employment outside the New York City Public School system, and a top heavy and bloated aristocracy at Tweed and the Regions, is what we saw happen this year and we foresee nothing better for the upcoming school year. We cannot even get a copy of a budget to show us where all the "savings" are in this new reorganization, and we understand that ...our elected officials cannot get this information as well."<sup>10</sup>

The trend has continued apace. This fall, the Chancellor pushed through changes to the regulations pertaining to School leadership teams, state-mandated bodies made up of half staff, half parents at each school, that are supposed to make important decisions related to the school's spending and goals.

Without any consultation, the Chancellor decided to eviscerate the authority of SLTs by eliminating their powers to develop school-based budgets and comprehensive education plans through consensus; instead, the regulation calls for this decision should be left to principals alone.<sup>11</sup> Similarly, the administration has ignored the state-mandated authority of Community Education Councils to be consulted as to which schools in their districts will be closed or new ones inserted. Again, the officials at Tweed make these decisions, repeatedly, without explanation or justification.<sup>12</sup>

So why did the governance change occur, and why did too many of us sit back and essentially allow this to happen, without fervent or organized protest? Honestly, many of us were tired of petty squabbling between the Mayor, the Chancellor and the Board of Education, with each of them blaming the others when things didn't improve. At least, we figured, if one person was responsible for the schools, he couldn't try to displace responsibility onto someone else.

Unfortunately, this hasn't worked. Instead, the Mayor and the Chancellor continue to shift blame onto incompetent administrators, lazy teachers, uninvolved parents, and the "culture of complacency." Indeed, one of Joel Klein's favorite mantras is that anyone who opposes any of the changes he's made is a defender of the status quo, despite the fact that many of his critics have been fighting for positive changes and improvements to be made in our schools long before he moved to New York City. In fact, it is now the official position of those running the DOE that

---

<sup>10</sup> Despite the pleas of numerous parent and advocacy groups, the only proposal that came out of "Children First" related to class size was a promise to limit middle school classes to 28. Yet the administration failed to fund this program and average class sizes went up in these grades instead of down. See Independent Budget Office, "Despite Free Space in some Middle Schools, Many Packed Classrooms", News fax no.122, October 31, 2003.

<sup>11</sup> For more on this, see the NYC public school parent blog, "Restore parent power: send a message to Commissioner Mills today!" January 3, 2008; <http://nycpublicschoolparents.blogspot.com/2008/01/restore-parent-power-send-message-to.html>

<sup>12</sup> The relevant passage in state law is the following: "*The chancellor shall consult with the affected community district education council before... substantially expanding or reducing such an existing school or program within a community district.*" Yet the Chancellor has consistently failed to do so. See NY1, Some Say Klein Should Have Consulted Before Shutting Schools, Dec. 17, 2007.

the success or failure of individual schools is the responsibility of the staff at each school alone, and largely absolve themselves from any responsibility for helping schools improve.

The other reason many favored the change in governance was that since the Mayor controlled the budget for schools, he already had much of the power. Perhaps he would more adequately fund the system if he knew he was going to be judged on the results.

So has this worked? This picture is mixed. Spending has risen substantially, and teacher salaries are 40% higher, but there has been little improvement in terms of basic classroom conditions such as class size. In fact, class size has declined by only fractional percentages, in most grades slower than enrollment has fallen, showing that fewer classroom teachers and classes have been formed in these grades.

Much of the increased funding has gone to no-bid contracts, consultants, and Tweed's favorite initiatives, including a huge increase in the number of tests, the super computer called ARIS, Senior Achievement Facilitators, and "data inquiry teams" working overtime in all schools – costing an estimated \$100-335 million per year.<sup>13</sup>

Though the administration repeatedly claims that \$200 million had been cut from the bureaucracy and redirected to the classroom, in 2005, the City Comptroller released a letter to the Mayor, calling into question these claims. Instead, he found that the head count of the central administration at Tweed had increased, and that New York City schools had suffered a net loss of over 2,000 teachers in two years, with no improvement in the teacher-student ratio.

Comptroller Thompson concluded that "DOE fiscal reporting practices have become *markedly less transparent* since the Department's restructuring. ...DoE has misapplied certain units of appropriation to report expenditures, commencing with FY 2004, in a way that makes it difficult, if not impossible, to track its use of public funds."<sup>14</sup>

An analysis by the Educational Priorities Panel found that rather than reducing the bureaucracy, the first two years of the new administration had seen huge cuts to special education, with the result of a full year that had gone by without many special education students receiving their mandated services and/or referrals, and the percentage of spending devoted to instruction had declined.<sup>15</sup>

As of this fall, according to the Daily News, eighteen officials at Tweed earn more than the Commissioners of any city agency, more than \$190,000 a year, up from just two such officials last year. There are now 36 more who have salaries above \$180,000, compared to only two in 2004, and nearly 200 make more than \$150,000.<sup>16</sup> In addition, the DOE public relations staff has 33

---

<sup>13</sup> The \$100 million is from a statement made by Jim Liebman, head of the accountability office to the D2 Presidents council; \$335M is an estimate made by the Public Advocate's office. See press release, "335 Million on Standardized Tests is the Wrong Answer", January 16, 2007.

<sup>14</sup> Comptroller William C. Thompson, letter to Michael Bloomberg, Feb. 7, 2005; <http://www.comptroller.nyc.gov/press/pdfs/PR05-02-017-letter-to-bloomberg.pdf>  
See also, NY Times, "On How Much City Schools Cut Bureaucracy, a Rebuttal", Feb. 8, 2005; NY Daily News, "Ed Dept. savings called shell game," February 8, 2005.

<sup>15</sup> Educational Priorities Panel, "Adding up the Numbers: The Education Budget under Mayoral Control", Bulletin #2: January 20, 2006; [http://www.edpriorities.org/Info/CityBudget/Bulletin\\_2Jan06.pdf](http://www.edpriorities.org/Info/CityBudget/Bulletin_2Jan06.pdf)

<sup>16</sup> See NY Daily News, "18 Ed Dept. bigs making at least 190G," Dec. 18, 2007; NY Daily News, "Educrat pay hits 180G+ for 29", Nov. 14, 2006.

employees – far larger than that of any other city agency –with seven of them making over \$100,000 per year.

Large multi-million dollar no-bid contracts routinely bypass the City Comptroller's office or any form of public review.<sup>17</sup> In 2005, DoE distributed \$120 million in no-bid contracts, ten times the amount given out before Mayoral control, including \$17 million for Alvarez and Marsal, paying seven consultants each more than \$1 million in taxpayer dollars. Their expert advice led to the bus route fiasco, in which thousands of NYC children were left standing on the curb unable to get to school, in the middle of winter.

The lack of financial accountability has been particularly egregious in the area of class size. Since 2000-2001, the city received \$89 million annually for this purpose. In 2006, the State Comptroller's office released an audit showing that the NYC Department of Education had formed only twenty additional classes in these grades in 2004-5 over the baseline number, instead of the 1586 classes the Department had claimed.<sup>18</sup>

This means that only 1.3% of the required classes were actually created, with each one costing the taxpayer over \$4 million.<sup>19</sup> Instead, as the audit concluded, the DoE had used millions of dollars of state funds to pay for teaching positions which had existed before the program began – contrary to law – and the situation had gotten considerably worse over time.<sup>20</sup>

As part of the audit, the State Comptroller made numerous recommendations for how the city could improve its compliance and performance. Nevertheless, in their official response, DoE officials refused to adopt any of these suggestions.<sup>21</sup>

---

<sup>17</sup> NY One, "State Lawmakers Consider Limiting Mayor's Control Of Schools Budget," May 12, 2004, [www.nyl.com/ny/NewsBeats/SubTopic/index.html?topicintid=2&subtopicintid=4&contentintid=39767](http://www.nyl.com/ny/NewsBeats/SubTopic/index.html?topicintid=2&subtopicintid=4&contentintid=39767)

<sup>18</sup> NY State Office of the State Comptroller, "NYC Department of Education Administration of the Early Grade Class Size Reduction Program," March 15, 2006; 2005-N-3 at <http://www.osc.state.ny.us/audits/allaudits/093006/05n3.pdf>. See especially Exhibit A, p. 33., See also NY Daily News, "City flunks bid to shrink classes, Hevesi says," NY Post, "City Accused of Cheating in Cla\$\$," and NY Times, "Class Sizes Still Too Large in New York, Hevesi Finds," all from March 17, 2006.

<sup>19</sup> Ibid. See Exhibit A, p.33. The audit also found that over the previous four years, the number of early grade classes in NYC schools had declined by 876.

<sup>20</sup> Ibid, p.4: "Moreover, over the last four school years from 2001-02 through 2004-05, the total number of new early grade classes actually decreased, thereby increasing the amount of the shortfall." The audit concluded that "*we believe that the DoE's calculations are not consistent with the Law, because DoE's method substitutes Program funding for local funding that was used previously for early grade classes (and teachers) that existed prior to the Program's implementation.*" If the DOE had actually created the additional classes that city officials had claimed, class sizes in these grades would have averaged 19.1 students, and a majority of students would be in classes of 20 or less. Instead, more than 60% of NYC students in K-3 remained in classes of 21 or larger, with 26% in classes of 25 or more.

<sup>21</sup> See "NYC Department of Education's Formal Comments on OSC's Draft Audit Report on Early Grade Class Size Reduction," p. 59, Ibid. These comments were sent to the OSC on November 7, 2006 by the DOE – the day of the NYC Mayoral election. DOE's response also contains the following statement; "*...instances in which the early grade class size dollars may appear to have been budgeted to classes required under our local commitment represent no deliberate misuse of funds, but rather the difficulty of budgeting across thousands of schools.*" This statement appears to acknowledge that improper substitution of state dollars for local dollars has indeed occurred, while disclaiming any responsibility on the part of the administration for their massive failure to adequately oversee this program.

In 2005, the state passed a new audit law, to deter corruption, fraud and waste of taxpayer funds and to ensure better transparency and accountability in education spending. By January 2006, all school boards throughout the state were obligated to strengthen their financial oversight, including forming committees to review their annual audits. In New York City, the Chancellor was required to certify to the state that the DOE had a committee to review its annual audit and that in other respects, its oversight processes met or exceeded the requirements for transparency and accountability contained in the Education Law. Yet more than two years later, there is no evidence that such a committee has been established, nor has the Chancellor certified to the State Education Department that the appropriate financial processes are in place.<sup>22</sup>

Even as DOE routinely ignores state law, it openly flouts city laws. The official legal position of the Department is that since the Chancellor receives his authority from the state, no city law can restrict his actions or those of the Department of Education. Accordingly, the DOE refuses to comply with the many city laws and indeed the City Charter itself. Some examples:

- The DOE refuses to comply with the Dignity in All Schools Act, passed in 2004, which prohibits the bullying of gay students and other minorities, and requires record-keeping of bullying incidents. The Mayor said the act was "silly" and vetoed it. After the Council overrode his veto, DOE officials said they would refuse to abide by the law and/or enforce it, claiming that only the state has jurisdiction over educational policies.<sup>23</sup>
- The DOE continues to defy the cell phone legislation passed by the Council in 2007 that would give students the right to carry these devices to school and back. The law requires schools to provide a safe way for students to store cell phones or give them back at the end of the day rather than confiscate them. Parents view this measure as critical in order to be able to ensure their children's safety.
- The DOE refuses to comply with rules in the city charter, required of all other city agencies, which forbid the granting of no-bid contracts without public review.
- The DOE refuses to comply with any city environmental regulations, including the recycling required of every New York City residence, city agency, school, institution, and business.
- Finally, despite thousands of signatures of city residents, the city has successfully blocked any attempt on the part of citizens to be able to amend the City Charter in regards educational policies, for example in regards to requiring class size reduction to occur in our schools. Instead, the city has argued in court that no NYC resident can have any voice when it comes to education policy except for the Mayor and the Chancellor.

---

<sup>22</sup> See NYSSCPA newsletter, "Legislature Passes School Reform Bills," July 2005. For more on the requirements of this law, see [http://www.emsc.nysed.gov/mgt/serv/fiscal\\_accountability\\_legislation/](http://www.emsc.nysed.gov/mgt/serv/fiscal_accountability_legislation/) For the fact that DOE has still not certified that it is in compliance, email from Deborah Cunningham of NYSED to Leonie Haimson, Feb 1, 2008.

<sup>23</sup> NY Blade, "City Council passes anti-bully law", September 17, 2004 and Gotham Gazette, "Bully Busting", May 2005.

In short, instead of more accountability under this system, we have less. There is no transparency, no serious attempt to listen to the concerns of stakeholders on the ground, and a heedless and arrogant abuse of power.

*Here are the comments of a parent who responded online to our survey:*

***In theory, it sounded as if mayoral control would allow for improvements, but in fact, mayoral control seems to have somehow led to a system that does not answer to or even inform parents, teachers, students, or the public in any way and that instead makes drastic changes year after year, without input from the people who will be affected; at great cost, both monetary and in terms of stress and difficulty.***

***The endless reorganizations of the districts and of school oversight, the traumatic changes in school bus routes, the hiring of misguided consultants at great cost, the cell phone ban disaster, the increasing of standardized tests at the expense of teaching and learning time, the ostracizing of parents and teachers from all decision-making processes, all could have and should have been avoided. But somehow, instead of mayoral control cutting through such obvious mistakes, it seems to have insulated the bad decision making process.***

Solutions? I don't claim to have all the answers. But I am convinced that the myriad problems that we have experienced over the last six years are not merely a function of this particular Mayor, but that the current system is inherently flawed and must be fundamentally restructured.

Indeed, it is clear the Department of Education and those who run our schools should be subject to city law, as all other city agencies and civil servants are. Anything else runs against the concept intrinsic to our democratic system of checks and balances. The Mayor and the Chancellor cannot have absolute powers; no matter who sits in these positions; the governance system must protect our children from the sort of dictatorial and arbitrary decision-making that has occurred under this administration and is likely to recur in the next, unless the Legislature makes the necessary changes.

Indeed, as currently defined, the school governance system in this city is ripe for abuse. We no longer have kings or emperors in this country, and the Mayor should not be able to act like one by exercising essentially unlimited powers – especially when it comes to our schools. Our local City Councilmembers must be allowed to provide the necessary checks and balances, as they do in other areas, with the authority to overrule the most damaging and/or extreme of educational policies.

I don't buy the notion that this would so dilute the authority of the Mayor that it would detract from his theoretical accountability for our schools; no one argues, for example, that because the policies of the Police department are subject to city law that this Mayor or any previous Mayor have not been responsible for reducing crime.

It is simply unacceptable that city residents should have absolutely no voice, either directly or indirectly through their elected representatives, when it comes to public education, as opposed to any other governmental institution – when indeed, there should be more public input, stability and integrity required in this area than any other, since the schools have such a penetrating and profound influence over our children's lives.

Indeed, this is why in nearly every other school district in the state and the nation, there are elected school boards, with the power to set policy and budgets. Why it is that citizens and taxpayers who reside in NYC should be denied this same right is most likely a result of the fact that the elite in this city do not send their children to public schools and thus do not trust the decision-making of those that do.

Though a system of directly elected school board is probably unlikely given the political climate, I would like to point out that the Legislature was indeed planning on putting into place such a system in 1972 -- a Board of Education made up of members elected from each borough, when this system was found to be unconstitutional because it violated the principle of proportional representation. Rather than modify the proposal so that each voter would have equal say, they simply put into place a board with members appointed by borough -- a solution which proved to be less fair and democratic.

If we are not to have a directly elected school board, the Board of Education must be restructured to become far more independent and professional than it currently is. If the previous version of the BOE was often disappointing, the current BOE, now called the Panel on Educational Policy, is a disgrace. Most of its members never ask a single question or say a word but sit there like potted plants. No minutes or contact information are provided; it is actually easier for NYC parents and community members to communicate with school board members in San Diego or Los Angeles than those who make up their own Board of Education.

Though the law establishing the new BOE forbid the appointment of city employees, the Mayor purposefully disregarded this when he fired two of his appointees (those who opposed his proposal to hold back students on the basis of test scores), and instead put two men on the Panel who head public authorities and are thus answerable to him for their livelihoods-- deliberately defying the spirit if not the letter of the law. The law on this must be clarified and sharpened so that no Mayoral appointee can be a governmental employee or an employee of one of the Mayor's companies.<sup>24</sup>

Perhaps the BOE would be improved if the City Council, the Public Advocate, and the City Comptroller had appointments to the Panel along with the Borough Presidents, and thus would be obligated to take more notice of educational policies and spending priorities. The Mayor has tremendous advantages in comparison to all these other governmental bodies in that he retains most of the budgetary authority as well as the bully pulpit -- he doesn't also need the majority of appointees on the Board.

Finally, the powers of the Community Education Councils and the School Leadership Teams must be significantly strengthened and clarified -- to provide an authentic vehicle for parental input into decision-making at the district and school level.

I will end with comments of one of the respondents to our survey, a Manhattan middle school parent and SLT member:

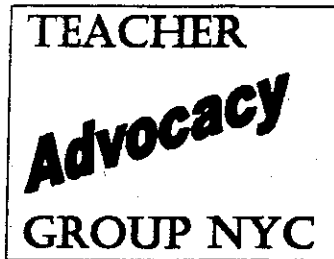
***The school system is not a private body; it is a public body accountable to the dreams and hopes of parents and the city at large. The business community is only one group among many. Please return the schools to the public - and allow educators to lead the way, supported by parents' hopes for their children, and informed by the business communities' needs for the future workforce.***

Thank you for the opportunity to speak to you today.

---

<sup>24</sup> See NY Times, "Amid Growing Criticism, Klein Defends Policy on Promotion," March 18, 2004; especially comments of State Assemblyman Steven Sanders, an author of the bill that changed the governance system in 2002, quoted as follows: "The question is what do you do when a mayor really is not obeying the law," Mr. Sanders said. "What do you do when a mayor takes the law and basically says he is going to obey those parts that he likes and he is going to try to get around the parts he doesn't?"

## TAGNYC



We are a group of NYC teachers and counselors who are angry and determined to protect ourselves from the teacher abuse encouraged by the Bloomberg-Klein team. We **DON'T** advocate protection of incompetence and we **WON'T** tolerate the harassment of competent teachers, especially senior teachers, with the goal of depriving them of their livelihood or forcing them into an unwanted retirement. The Teacher Advocacy Group (TAG) intends to give a Voice to teachers

who are being heard by no one else.

TAG seeks to bring the message to NYC teachers that harassment is happening citywide. It wants to expose the atmosphere of fear that permeates too many of our schools, especially schools serving inner city students. The Teacher Advocacy Group wants our Voice to say loud and clear that teaching is our profession and that we intend to stay in our profession, as the competent teachers we have always been judged to be. We seek to reveal that while school administrators engage in smoke and mirrors and just plain academic fraud to push up graduation rates and test scores, targeted teachers are harassed, badgered, and given U-ratings. TAG seeks to alert all teachers to the need to keep records, documenting instances of harassment, and responding to letters in the file and U-ratings.

### **REORGANIZATION encourages TEACHER ABUSE**

The Bloomberg-Klein Reorganization Plan is yet another attempt in a fifty year history to raise the academic performance of the inner city school. Central to every failed plan, and all have failed, are two constants:

1. Refusal to confront the real reasons inner city schools have low performance rates;
2. Erroneously blaming the **TEACHER** for students' low academic performance.  
"Students don't learn because **TEACHERS CAN'T OR WON'T TEACH.**"

As long as we teachers allow this fifty year old 'passing of the buck' to be repeated by politicians, pseudo-reporters like John "Jerry Springer" Stoessel, and the public in general, the teaching profession is lost and no variations on reorganization schemes, or flavor of the month curriculum, will improve the performance of the inner city school.

The current Reorganization Plan is no good for teachers (and therefore for students) because:

1. Principals are given ultimate accountability for raising academic performance. Performance data will not have a longitudinal life. Like with all the education experiments, the Reorganization wants instant achievement. Teachers can expect to be scapegoated- as always- when/if those results don't occur.
2. Because results are measured in test scores, standards will collapse, "hard markers" will be penalized, and teachers will become robots who prepare students, not to conceptualize, apply, synthesize, and analyze, but to take the next test.
3. With the closing of large schools, many experienced teachers are excessed and turned into ATRs (Absent Teacher Reserve). Substitute teachers! Their training and content knowledge are wasted while they draw the same salary. They live a miserable existence until they quit or retire. (See #4 for why these excessed teachers will find it hard to find a permanent position).

4. The Reorganization demands that the principal be a business manager. A new funding plan holds the individual school accountable for the salaries of all its teachers. NOT GOOD for the hiring/retention of experienced teachers. The following comes from the DOE Homepage "How Teachers' Salaries Work."

*"...With the greater control over budgets that the new approach creates, principals will have both new opportunities and new responsibilities. Schools can choose how to combine their investments in different types of teachers, services, and supports to improve student achievement. Smart principals will invest in great staff. They also will recognize that the more they spend on staff, the more recurring expenditures they will have down the road. Whatever their decisions, schools will bear the real costs of their new hires, both currently and in the future."* (Italics added)

5. Reorganization means many of the bureaucrats - -yes, Bloomberg-Klein have a bureaucracy- - will be out of a job. Look for many of them to turn back up in the schools as part time teacher, part time administrator. And guess whose jobs they will be taking.

Plain and simple, teachers have kept this inherently broken system going for the past many years. When Bloomberg took over the schools and destroyed the old bureaucracy, assistant principals wept because they did not know who to contact to resolve problems. And the school life went on because whatever new scheme is devised, on the first day and thereafter, teachers, irrespective of age, seniority, and transfer status, enter their classrooms and begin to teach.

## What can we do to FIGHT BACK?

1. **DON'T GO DOWN WITHOUT A FIGHT!**
2. Contact *Teacher Advocacy Group NYC* and let us know your situation.
3. Document, Document, Document.
4. Expose the academic fraud that you will be sure to see (contact us for how to proceed).
5. Expose the lack of compliance with mandated students' needs (contact us for how to proceed).
6. Let the UFT know what is happening to you and document its response.
7. E-mail our flyers to your teacher friends, whether or not they are experiencing difficulty.
8. Use your Voice and our Voice to expose the smoke and mirrors that is going on in the schools --to the detriment of teachers and students.
9. Be **COMPETENT** and never insubordinate.
10. Reprint this flyer and put it into your schools.

To join our email lists, attend our meetings, request our help, and/or distribute our leaflets, email us at: [tagnyc@hotmail.com](mailto:tagnyc@hotmail.com)

Visit our blog: <http://teacheradvocacygrpnyc.blogspot.com>

**Press release if you can**

**03 - 02 - 08**

**! Please help ! Forcing the resignation ! now ! ! Please help ! ! help ! ! help !**

**Our third consecutive week, demonstrating around City Hall demanding Mr. Bloomberg's resignation. Monday through Friday, 4:00 PM. Please, help our children anyway you can.**

**BLOOMBERG PRETEND TO KEEP IGNORING THE BLOODY TERRORISM, TORTURE AND ABUSES THAT OUR CHILDREN ARE FACING EVERY DAY IN NYC PUBLIC SCHOOL; WHICH WE HAVE BEING DENOUCING FOR YEARS. 21,000 DROP OUT, THIS YEAR ALONE. & adding more cuts. PLEASE, HAVE SOME COMPASION.**

**Bloomberg didn't filed valid signatures to be a candidate in 2005, he was not a candidate; then, he is not a legal re-elected mayor, but, an usurper. The case ran from the NY State Supreme Court, to the United State Supreme Court. The Dominican Mission to the United Nation ( UN ) denied filing the Appeal to the International Court.**

**Bloomberg's companies, MCI, HP and Bank of America, closed our phone, internet and fax; during the whole campaign; plus took our car and cash; keeping our bank account and credit closed; now, already for three years, adding lots of harassment and political repression. Does not care, not even for children and senior citizens.**

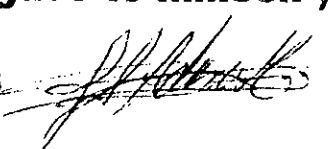
**BLOOMBERG IS LEAVING. His CLOSING BUDGET IN DEFFicit. AFTER 8 YRS. Plus. \$ 324 M. MORE CUT TO PUBLIC SCHOOLS**

**POLICE SALARY \$ 25,000 YR. & \$ 95 M. MORE CUT TO the Police DPT. \$ 5000 PENALTY TO A VETERAN'S BAR, DUE TO A SIGN. \$ 2000 PENALTY TO ANYONE THAT PICKUP FROM THE CITY GARBAGE.**

**Is he leaving almost in bankcruptcy, as he leaving the city ? NOouu He made around 8 Billion Dollars, while been a mayor. His bank, Bank of America, is finishing an sky scraper in 6<sup>th</sup> Ave. & 42St., and created around 400 new branches. While the other banks are in fear, the Federal Control of Monopoly, is at sleep. Renowned as one of the largest landlord, he gave \$400 ( from our taxes ) per unit, per year, to every landlord ( is not known how much he gave to himself )**

**Jose Adames**

**The Legal Mayor of NYC ( 718 ) 825 - 3036**



## Culp, Jennifer

---

**From:** A. S. Evans [asevans88@yahoo.com]  
**Sent:** Sunday, March 02, 2008 11:26 PM  
**To:** Atwell, Jan; Culp, Jennifer  
**Subject:** No to Mayoral Control!

Dear Councilmembers,

"Power corrupts; absolute power corrupts absolutely."

We are a democracy. Our public schools are the first line and defense of democracy. By having and continuing mayoral control of public schools, our rights have been eroded and this noble experiment of public education has become endangered. This reason in itself is enough to reject the concept of one man dictating or ruling over our public schools.

The second reason is Mayor Bloomberg has arrogantly disregarded and even derided the true stakeholders in the system, principals, teachers, parents and children by ignoring and ridiculing their concerns and by enacting his heavy-handed and destructive policies. Some of his missteps have been the overcrowding of classrooms; creative accounting with class size, graduation rates, schools' success, progress or failure; spending enormous amounts of money on ill-conceived and ill-fated programs and services, like an overbloated bureaucracy, the \$80 million ARIS computer debacle, paying overinflated fees to non-competitive consulting firms, cutting bus routes that stranded children in winter, trying to cut the educational budget mid-year after principals have already make up their budgets, squeezing small, privatized schools into already existing, overcrowded schools, poorly conceived and expensive testing. The list goes on and on.

The whole point of mayoral control was so the mayor would be the sole person responsible and accountable for the public schools, but all I see is the Mayor blaming everyone except himself for his mistakes and bunglings.

I urge you, the Council, to reject mayoral control of the public schools and instead support a democratic system of public school governance, that includes checks-and-balances, and places the decision-making with the City Council and a citywide-elected, new Board of Education.

Thanks you.

Annette Evans

---

Be a better friend, newshound, and  
know-it-all with Yahoo! Mobile. Try it now. [http://mobile.yahoo.com/;](http://mobile.yahoo.com/;_ylt=Ahu06i62sR8HDtDypao8Wcj9tAcJ)  
[\\_ylt=Ahu06i62sR8HDtDypao8Wcj9tAcJ](http://mobile.yahoo.com/;_ylt=Ahu06i62sR8HDtDypao8Wcj9tAcJ)



## THE NEW YORK IMMIGRATION COALITION

137-139 W. 25<sup>th</sup> Street, 12<sup>th</sup> Floor

New York, NY 10001

Tel: (212) 627-2227

Fax: (212) 627-9314

[www.thenyic.org](http://www.thenyic.org)

### *Testimony of Deycy Avitia, Coordinator of Education Advocacy for the New York Immigration Coalition, for the New York City Council Oversight Education Hearing on Mayoral Control & School Governance*

March 3, 2008

Good evening. Chairman Jackson and distinguished members of the City Council Education Committee, thank you for convening this hearing. My name is Deycy Avitia, and I am the Coordinator of Education Advocacy for the New York Immigration Coalition, an umbrella policy and advocacy organization for over 200 member groups throughout New York State that fight for justice and opportunity for our newest New Yorkers.

We applaud the City Council for engaging stakeholders on this defining issue for our schools. As April Humphrey just mentioned, we are part of an initiating committee that will look closely at the impact of Mayoral Control and bring together a coalition of groups to formulate a position and a strategy for 2009.

While we are still in the process of discussing with our community partners a formal position, the New York Immigration Coalition has identified three major questions that must be addressed in evaluating mayoral control: Are ELL students doing better under mayor control? If not, why? What structural checks & balances are needed to ensure a strong public education system? How do we strengthen avenues for meaningful public engagement, particularly for parents who are learning English?

#### ***Have Outcomes and Services for ELLs Improved?***

Mayor Bloomberg asserted that by securing power over the public schools, he would turn our schools around and improve outcomes for the most at-risk students. The City Council must ask; **has this been the case for the 140,000 immigrant kids in our school system that are not proficient in English?** We know that English Language Learners (ELLs) are facing a dropout crisis. Even by the DOE's own statistics, they are graduating at less than half the rate of other students. Last year, the City reported a shocking ELL graduation rate of 26.2% (compared to 61.1% for English Proficient Students), representing a decrease of 9% from the 2005 four-year ELL graduation rate of 35.3%.

Important reforms for immigrant and ELL students have taken place, including the creation of an ELL weight under Fair Student Funding and the establishment of a regulation for translation & interpretation services. Yet, these and other reforms have not been sufficient to reverse the dropout crisis facing ELL students. The city council must ask: WHY? We know more must be done! Increased funding and bolder reforms are needed to guarantee improved outcomes for ELLs.

***What Structural Checks & Balances are Needed to Ensure a Strong Public Education System?***

We support efforts to demand improved outcomes, particularly for populations that traditionally have been overlooked and underserved, but accountability should not be solely imposed on students and schools. We believe that stronger checks and balances are needed to ensure accountability and transparency from the DOE. This would avoid reforms that either destabilize ELL programs or adversely neglect or harm ELLs (as has been the case with small high schools).

Another important question to consider is: Would we have more progress if the City Council had more authority over funding and school reforms? While the City Council were partners in pushing forth Intro 464 to guarantee translation and interpretation services for parents, your hands were tied in a possible showdown with the Mayor. While a Chancellor's Regulation is now slowly being implemented to guarantee language services for parents, there are other areas, such as education funding, where the Council could be instrumental.

***How Do We Create Strong Avenues for Meaningful Parent Engagement for Immigrant Parents?***

The Department has undertaken dramatic reforms aimed at improving student outcomes; however, the reforms have immigrant communities worried over the lack of public input on what is needed to achieve educational equity for all students. Decision-making structures for parents, educators and community members are limited. While language access is the necessary first step toward empowering immigrant parents, changes in policy and improved parent engagement mechanisms will also be required to ensure the adequate representation of immigrant and ELL parents in decision-making entities within their schools and the school system. [As a side note: last year, the City Council had the opportunity to take a step forth in this area by supporting the Immigrant Parent Education Initiative introduced by Chairman Jackson, we hope that the council will work with us and the DOE to cease that opportunity this year.]

Thank you for your time and consideration. We look forward to working with the City Council to ensure a governance structure that guarantees improved outcomes for historically underserved students, particularly English Language Learners.

# # #



**Alliance for Quality Education**

2 – 4 Nevins Street, Brooklyn, NY 11217  
Tel (718) 222-1089 Fax (718) 246-7939  
nycinfo@aqeny.org • www.aqeny.org

TESTIMONY OF APRIL HUMPHREY TO THE

**EDUCATION COMMITTEE OF THE NEW YORK CITY COUNCIL**

MONDAY, MARCH 03, 2008

Good afternoon. My name is April Humphrey. I am the New York City Coordinator for the Alliance for Quality Education (AQE), a statewide education advocacy group. AQE's mission is for every child in New York State to have access to a quality education from pre-K through high school graduation. To accomplish this we work to achieve fair and adequate school funding and smarter school spending.

Working with all stakeholders, but emphasizing the involvement of parents and youth, AQE combines leadership development, community organizing, electronic activism, media relations, policy work, and lobbying within a cohesive campaign for fundamental education reform. We have successfully made adequate funding to create quality schools for every child a high profile issue throughout the state.

I am here today primarily to discuss Mayoral Control as it relates to parent and community involvement in decisions that affect the education of children.

Under Mayoral Control, the Chancellor and those in charge of making high-level decisions regarding the school system have not engaged parents and other stakeholders in any meaningful way. Many reforms have been ill-received despite their positive intentions. A good example is the 37 ½ minute extended day for struggling students that was implemented a couple years back.

Probably if you were to ask any parent of a struggling student whether they would like that child to have extra instructional time in a small group setting, they would jump at the chance. But the way the extended day program was rolled out, as a fait accompli, with no consultation with parents, teachers, students or even administrators left many with a bad taste in their mouths. In addition to feeling disrespected by having another reform "forced" on them by DOE, the implementation of the program hit a lot of snags which could have been avoided with input from these groups in the planning process. For example, parents with several school aged

children who had one child in extended day had trouble figuring out how to pick up their children at different times, something DOE had not foreseen or prepared for.

It was because of the lack of meaningful parent involvement in school policy decisions that AQE fought to get public engagement requirements and a parent grievance process into the school finance reform legislation that created the *Contracts for Excellence*. Beginning in 2008-09, New York City is required by law to consult with parents and the public in developing its *Contract*.

It was partly because of the resistance of the Chancellor and Mayor to reforms advocated by parents and teachers, such as class size reduction, that led AQE to fight tooth and nail in Albany to ensure that the law required expenditures of new funds to be limited to five proven educational strategies including class size reduction. In addition, we successfully fought to have included in the legislation a requirement that the new funds predominantly benefit the highest-need children including children with special needs, English language learners and children in poverty. But these requirements only applied to a little over \$250 million of the entire school budget last year, which is estimated at \$18 billion!

Studies have shown that parent involvement improves student performance. At AQE we believe that parent involvement in all levels of decision-making affecting schools makes the final policies stronger and more effective. We are joining together with the New York Immigration Coalition, the Coalition for Educational Justice and other groups to work towards reform of the school governance legislation. We want to ensure parent and community involvement will be key components in the upcoming reauthorization of school governance in 2009.

For submission as testimony on Mayoral Control  
March 3, 2008

For over 20 years, up to 2003 parent volunteers throughout the city worked diligently to bring about real parent involvement and were finally making real gains. Parents were part of the process working on School Leadership Teams, having genuine input into school budgets, and an effective role in the choice of Principals and Superintendents through the C-30 and C37 process. We were consulted on curriculum, zoning, special programs, etc. within our schools and our districts. Since the onset of Mayoral control all those gains have been lost and then some. School Leadership team regulations have been changed to do away with consensus decision making which gave parents real input to advisory panels expected to listen to decisions that principals have already made. C-30's no longer have any real say in what principals are chosen that decision is made by central. In effect, parents have remained as figure heads so that the Mayor can say they are involved but every system that was in place to give them genuine power has been changed or eliminated. They are expected to sit and rubber stamp policy and when they refuse they are attacked for being against change.

Parents have never been so disenfranchised as they are now. We have not only lost the gains we made, but we have moved back to the Dark Ages of Parent Involvement, where parents were expected to run bake sales and do homework and that was the limit to what their involvement was expected to be. Their concerns have been trivialized such as the statement "they only want to know whether to make chicken or beef for dinner" so definitely highlights.

An education dictatorship has been created in the City of New York. Parents warned early on and repeatedly that giving the Mayor, any Mayor, no matter how well meaning he might start out, complete control with no system of checks and balances was asking for abuse of that power.

Obviously the framers of the Constitution realized that a system of checks and balances of branches of the Federal government was necessary to avoid abuse of power, yet a Department of Education was created to be run by one person with no oversight. Since the change to education law, parents ceased to receive information from the Department of Education but on the contrary every effort was made to keep all policy changes secret until they were actually being implemented. They talk about parent involvement, but have actually done away with it in its highest forms. Vast amounts of money are spent and in some cases wasted with no oversight and definitely no input from parents. Why even have a Panel for Educational Policy if they are completely controlled by the Mayor?

Mayoral control must be ended. The law should be allowed to sunset back to the original form of districts and Board of Education and then maybe some changes could be made to allow for greater oversight to prevent abuses. Return the power back to the districts and communities to make the decisions on governance of their children.

**Dorothy Giglio**

**Co President James Madison HS, Brooklyn, NY**

**Former President - Presidents Council Reg 6 HS**

**Former President - Presidents Council District 22, Brooklyn**



**Campaign for Fiscal Equity, Inc.**

110 William Street – Suite 2602, New York, NY 10038

Tel (212) 867-8455 Fax (212) 867-9460

[www.cfequity.org](http://www.cfequity.org)

**Testimony to the New York City Council Education Committee  
on  
Mayoral Control and School Governance  
by Geri D. Palast  
Executive Director of the Campaign for Fiscal Equity**

March 3, 2008

Good afternoon. My name is Geri Palast, and I am the Executive Director of the Campaign for Fiscal Equity (CFE). I want to thank Chairman Robert Jackson and the New York City Council Education Committee members for this opportunity to submit testimony concerning mayoral control and school governance in New York City (NYC).

For fourteen years, CFE led the litigation that established the constitutional right to a sound basic education for all public school students in New York and the legislative efforts that secured historic reforms for unprecedented funding distributed based on need and tied to accountability, transparency and public participation measures. CFE now monitors and analyzes the state and city education budget and policies, and organizes parents and the public to ensure full funding and proper implementation of these reforms.

School governance in NYC must balance administrative leadership and democratic participation in service of the primary goal of student achievement and academic excellence for all students. As many experts have commented, no one governance structure is the all time panacea, and fine tuning is necessary to maintain the appropriate checks and balances. As a watchdog and advocacy organization, CFE will address its comments to: public input and participation in decision making; accessible information and transparency in reporting; accountability for results; and the role of independent oversight by the state, advocates or other third parties.

CFE is concerned that major decisions concerning public education in NYC are made without adequate information or meaningful public input. The new Education Budget and Reform Act of 2007 (Act) provides a lens through which to observe and comment on these key issues that apply in other contexts. The Act can provide a model since it is designed to incorporate public participation, accountability and transparency in the decision-making, in this case for the development of the Contract

for Excellence (named for CFE, known as C4E), the state approved agreement with NYC that determines how the new classroom operating dollars will be spent

### **Case Study: New York City Contract for Excellence—School Operating Aid**

The Act provides operating money for the schools through a foundation formula based on need. NYC, a district with low performing schools receiving substantial new funds, must enter into an agreement with the State regarding how these funds will be invested in five specified strategies. A Contract must be developed at the citywide and community school district levels by the NYC Department of Education (DOE), and these proposed Contracts must be approved by the State Education Department (SED) prior to monies flowing to NYC schools. The law requires public input into the development of these Contract proposals, meaningful comment on the proposals, as well as providing for a complaint and appeal process. In 2007, the first year of operation, NYC was only required to seek public comment in some form. In the subsequent three years, NYC is required to provide for review of Community School District plans by the Community Education Councils at a public hearing and hold public hearings in each borough on the citywide plan. Transcripts of these hearings must be included when the Contract is submitted to the State Commissioner for review. Although, in 2007, SED failed to set specific timelines in its emergency regulations for these processes, new proposed final regulations allow for reasonable notice and a 30 day comment period. These proposed final regulations will be open for public comment in March and are slated for adoption by the Regents in April 2008. Still, the framework that requires input, review and final agreement by both the public and the state government provides checks and balances on the DOE's decision-making at multiple points in the process, and can serve as a model for city decision-making with different levels of scrutiny depending on the size of budgetary impact or the breadth of school or student impact.

#### *Impact of Public Participation on the Contract for Excellence Process*

In April 2007, the State provided the DOE with \$470 million in foundation aid, of which \$258 million was required to be distributed predominately to the highest need students in the lowest-performing schools by investing in five research-proven strategies for improving educational achievement. While there was admittedly limited time between the finalizing of the state budget and the DOE school budget allocations distributed in May, no effort was made to involve the public in this process. When DOE provided the schools with their allocations, DOE determined that \$110 million of this new money would go to fund its Fair Student Funding (FSF) initiative and asked principals receiving these funds to further allocate this money among the five strategies. The DOE stated that FSF was implemented to correct historic funding inequities. The basic guiding principle of the initiative was to drive money directly to the schools based on student characteristics of poverty, English Language Learners and Special Education. CFE performed an analysis of the distribution that also included reviewing the performance data for these schools and found that about 40% of these funds were going to high performing schools.

SED originally set the Contract submission deadline for July 1<sup>st</sup> but later extended it to July 15<sup>th</sup>. Despite repeated requests by CFE for consultation and announcement of a formal process, the DOE waited until close of business on July 5<sup>th</sup> to post its proposed Contract covering only \$228 million of the \$258 million Contract dollars. The proposal was posted in a very complicated format on the web, and the public was notified for the first time that public hearings were to be held the following week from July 9-12 in the five boroughs. The initial DOE Contract only broadly defined the distribution of the new funding to the five required strategies and provided no school level detail. After the four days of public hearings, DOE did reallocate some funds, provided information on the \$30 million missing from their original proposal and added some school level data. DOE still failed to provide the 32 Community School District plans, as well as program data, benchmarks and measurements to hold schools accountable and make it possible to measure results - *as required by the law*.

CFE acknowledges that this was an expedited first year of a four-year process; however, it must be noted that DOE treated the Contract process largely as an act of notification providing limited information to the public until after the fact consistent with their current practice.

The Contract, originally scheduled for approval on August 15<sup>th</sup>, did not receive final approval until November 19, 2007 due to objections raised by CFE, other advocates and the public. During the four months of negotiation, advocates played a significant role in the revision of the Contract. Given that the Act clearly intended an active public role by providing the public with statutory rights and tools, CFE and other advocates were able to raise concerns and gain access to additional information from both DOE and SED throughout the negotiation and approval processes. Our work resulted in major changes to the final Contract, including the reallocation of approximately \$18 million to the highest need low performing schools and students and the use of performance as an indicator of need. The final Contract includes some additional programmatic information on how the schools will spend their investments but fails to provide the public with accessible benchmark and measurement information. Perfect—no. A step in the right direction—yes.

On the city level, the 2007-08 Contract process now informs the planning for 2008-09. Based on the changes made to the 2007-08 Contract and supporting information, CFE and other advocates are better able to track the dollars and make recommendations at the outset on how to target money to the highest need students in the lowest performing schools. Building on last year's experience, we can engage in an informed input and planning process with DOE to maximize the impact of the new investment in closing the achievement gap, and target the development of the class size reduction plan to low performing and overcrowded schools - *as required by the law*.

On the state level, CFE and other advocates are working closely with the SED to shape final regulations to be issued in April 2008. The revised regulations should provide greater clarity and specificity on the rules for public participation, transparency and accountability for Contract development—including coordination with the budget process, specific timelines for each aspect of the process, and accessible formats for

reporting information. There is conceptual agreement with SED staff that meaningful public participation requires: input at the front end in framing decisions, adequate and timely notice to the public, understandable information made available on the web and in a variety of locations in the most common primary languages as well as English, a reasonable comment period, and a right of appeal on both policies and implementation.

These are approaches that can be considered in designing a more democratic governance structure that provides for meaningful public input in a wide variety of policy decisions. The extent of public input and review can be determined by setting thresholds based on factors such as the size of the budgetary impact or breadth of impact on students.

The opportunity for meaningful public input is fortified by the availability of third party review, appeal, and/or decision-making. Providing a mechanism for third party check or review should also be considered. In the case of the Contract, the state role in approving the Contract, controlling the release of the funds, and acting as the final arbiter in the complaint process provides the third party for decision-making, complaints and review, as well as providing the public with another forum to raise concerns.

#### **Case Study: School Capital Plan—School Construction Aid**

There can be no meaningful democratic input without transparent and accessible information, and measures of accountability. The Contract experience proves the value of school governance processes that are inclusive, collaborative and transparent. We understood the value of these processes all the more because they were not put into place by the state in 2006 (despite our call for them) when the state provided \$11.2 billion in a combination of direct aid and borrowing authority to subsidize the City's \$13.1 billion 5 year plan to nominally resolve the CFE litigation. The state capital funding came with "no strings"—no reporting and specific accountability requirements nor any direction to spend the funds to target the neediest students and schools.

While there are statutory requirements for hearings and input for the capital plan and its amendments, the plans are a complex set of documents that are difficult to understand and may not provide all the necessary information to track projects. Their limitations challenge the ability of experts, let alone the public, to monitor the progress the school system is making in completing the projects ostensibly funded in the capital plan and, ultimately, accomplishing the plan's goals. In order for the public to have meaningful input, there must be an accessible and transparent means for the public to track the long-term impact of the expenditures of capital funds. While the city's five year school capital plan and amendments list all of the projects in every different program category from new school construction to roof repair to auditorium upgrades and beyond, neither the amendment nor any other document details whether projects are completed on time or on budget, whether projects have changed nor do

amendments specifically articulate what criteria were used to alter the plan. The narrative gives a broad overview of some changing criteria such as increased construction costs but no specific analysis of the impact of the changed criteria is provided.

These reports should be more readily accessible on the DOE and SCA websites; adding narrative introductions explaining how to view and read the documents; modifying and augmenting the reports in specific areas; and creating an entirely new report to specifically track project status.

At present only the five year class size reduction plan required as part of the city's Contract for Excellence calls for linkage with the capital plan, creating some backdoor accountability. In sum, without transparent and adequate information provided in an accessible form, there can be no meaningful public input or accountability.

### **Conclusion**

As we said at the outset, school governance in NYC must balance administrative leadership and democratic participation in service of the primary goal of student achievement and academic excellence for all students. The experience gained through the Contract for Excellence process provides a model for public participation that has produced positive results. The concepts can be adapted to fit other circumstances. We would like to work with the City Council in exploring how to incorporate the concepts of accessible, transparent information provided to the public in a timely manner so that there is an opportunity for meaningful public input, comment, review, approval and complaint in major budget and policy decision-making with accountability for results and third party review. Providing a structured forum for meaningful public input will help restore the democratic balance in the governance of the NYC schools.

Thank you.

## Concepts for Meaningful Public Participation

### Attachment

**The following information lays out a generic model structure embodying key elements of a public participation regulatory scheme that can be used as a tool in developing a more inclusive public participation component of a governance structure.**

A. Budget and Policy Changes—Set threshold levels of impact based on cost, number of students affected and other factors. May want differing notice and input requirements based on impact.

1. Proposals must be made publicly available in writing at government agencies, schools, and libraries, and on the internet. Schools and community school districts must provide the proposed Contracts, either by mail or electronically, to all the members of the school community who provided input or comments, or participated in planning meetings.
2. The proposals must follow a format that is a clear and user-friendly, and that allows the public to see the impact by relevant factors including: (1) by school; (2) by program area; (3) by affected populations; and (4) by performance target. The proposals must also detail benchmarks, goals, and indicators that will be used to measure school improvement as a result of the policy.

B. Notice Regarding Public Hearings:

1. The school district must provide 30 days notice of public hearings on the proposed Contract.
2. Notice must be clear and user-friendly and must include: (1) a general description of the proposal; (2) information on where to obtain the proposal; (3) a description of the public hearing processes and the means for providing comments and participating in the hearing; (4) a description of how public comment will be taken into consideration and the response the school district will provide to such comments; (5) the timeline for approval; and (6) the authorities responsible for ultimately proposing and approving the policy.
3. Notice must be provided in written form and made available to the public by any appropriate means, including at a minimum: mailing notice to the relevant school community; utilizing existing outreach methods in the school, community school district, or school district to provide notice to parents and the school community; posting written notice in schools and central offices in conspicuous locations; publishing such notice on relevant websites; and publishing such notice in community newspapers. Notice must be provided in the primary languages spoken by the parents or guardians in the school district, community district, and school. In New York City, notice must be

provided in the eight most common primary languages other than English as identified by the New York City Department of Education.

C. Format, Transcripts and Response:

1. Public hearings must provide for oral and written testimony from the public, ensuring a reasonable amount of time for oral testimony, with no less than 5 minutes per testimonial. Public hearings must be transcribed, and transcripts must be made available to the public on the internet and upon request within 20 days of the hearing.

2. The school district must consider all formal public comments and provide a substantive response. Each school district must create a Comment and Response document no more than 30 days after a public hearing is held. The school district shall make clear how the comments of the public have been taken into account during the review of the proposed Contracts. The document must include a list of all of the commentators who submitted comments, either oral or written, during the public hearing. All comments should be summarized and grouped according to subject matter, with miscellaneous comments in a separate category. At the end of each summarized comment, the commentators who submitted related comments should be listed. Each comment should be followed by a response from the school district and/or community school district. The response from the school district should include an explanation of changes that were made as a result of the comments, or if changes were not made, the reasons why the school district does not agree with the comment.

3. A record of all persons or organizations providing comments and their mailing or electronic addresses must be recorded at the public hearing. A copy of the Comment and Response document must be mailed to each commentator, community school district, and school, and must be made available to the public on the school district websites and upon request.

D. Timeline for Public Hearings:

1. In all school districts, public hearings on proposals must take place at least 30 days prior to the date on which proposed budgets are scheduled to be completed.

2. The scheduling of a school district's public hearing on the proposal should reflect the relevant timeline for implementation.

a) There must be a process for input and review by the Community Education Councils prior to the public hearings on proposal.

## II. Complaint Process

A. Parents or persons in parental relations, individually or collectively, and their representatives, may use the complaints procedure described in this section to register a complaint regarding budget and policy decisions.

B. Standardized Complaint Form

1. The DOE shall develop a standardized form for public complaints regarding implementation of the budget and policy decisions by the districts, community school districts and schools. This form shall be drafted, to the extent possible, in simple and easily understandable language. For a 30-day period prior to finalization, the complaint form shall be made available for public review and comment.
  2. The complaint form shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.
  3. DOE shall translate the complaint form into the eight most common primary languages other than English.
  4. DOE shall ensure that complaint forms are available at each district office and each public school. The complaint form shall also be made available to download from the DOE website.
  5. An individual who would like to file a complaint shall not be required to use the complaint form so long as he or she provides a description of the subject matter of the complaint. A complaint may be filed anonymously.
- C. Notice of Complaints Process
1. DOE shall be responsible for developing a notice that:
    - a) summarizes the budget or policy decision;
    - b) explains the existence of a complaints procedure;
    - c) provides the location at which to obtain a complaint form; and
    - d) specifies the location at which to file a complaint.
  2. DOE must provide written notice by means calculated to ensure the most effective reach practicable to all potentially interested parties, including at a minimum: mailing notice to the relevant school community; utilizing existing outreach methods in the school, community school district, or school district to provide notice to parents and the school community; posting written notice in schools and central offices in conspicuous locations; publishing such notice on relevant websites; and publishing such notice in community newspapers.
    - a) Notice must be provided in the eight most common primary languages other than English as identified by the NYC Department of Education.
- D. Complaints Procedure
1. The chancellor of the city school district of the New York City shall ensure that a complaints procedure that accords with the requirements of this section is developed and fully implemented. Such complaints procedure shall provide that:
    - a) complaints may be:
      - i) filed with the appropriate designated authority with a an appeal to the next level of authority; or
      - ii) in the case of a citywide matter, filed directly with the chancellor;
    - b) appeals from the determination of the chancellor shall be made to the State Commissioner of Education.

2. Investigation. The principal, community superintendent or superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority. The applicable authority shall remedy a valid complaint within a reasonable time period but not to exceed 30 business days from the date the complaint was received. A complaint about problems beyond the purview of the authority to whom the complaint was directed shall be forwarded in a timely manner, but not to exceed 10 business days, to the appropriate school district official for resolution.
3. Written response. The applicable authority shall report in writing to the complainant, using the address provided on the complaint form, the results of the investigation and the resolution of the complaint within 30 business days of the initial filing and provide an explanation of the procedures for appellate review of the determination if dissatisfied. The written response shall also be sent to the applicable appellate authority. The response shall be written in English and the primary language in which the complaint was filed. If the complainant does not identify himself or herself, the written response and procedures for appellate review shall be made available on a designated website and in a designated office of the school district.
4. Appeal
  - a) A complainant who is not satisfied with the initial resolution of the complaint by the principal, community superintendent or superintendent may appeal to the relevant institution designated by the school district.
  - b) An appeal may be taken within a reasonable period of time following receipt of a response from the institution with original jurisdiction over the complaint or beginning 35 business days after the date the complaint was filed, if no response has been received.
  - c) The institution designated for an appeal shall follow the same procedure for investigation and the same timeframe for response to the complainant as provided above.
  - d) The determination of the chancellor may be appealed to the commissioner of Education within a reasonable period following receipt of the response of the determination by the appropriate authority or beginning 35 business days after the date the appeal was taken if no response has been received.
- E. No reprisal of any kind may be taken by the SED, the school district, or any employee of the SED or a school district against any person bringing a complaint under this procedure. Any person who believes that retaliatory action has been taken against him or her for bringing a complaint may make such a claim in the first instance on any appeal from such complaint or may file a separate complaint under this procedure directly to the relevant institution identified in paragraph.
- F. A school district shall submit a report on a quarterly basis summarizing the nature and resolution of all complaints to the governing body of the school district and to the SED. The reports shall also be made publicly available on the school district's website and on the website of the SED. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. For complaints designated as resolved, the report should

state how the complaint was resolved. For complaints designated as not resolved, the report should state why the complaint was not resolved. The reports shall be considered by SED in the approval process for the proposed Contracts for the following year.

- G. The complaints and written responses shall be available as public records on a designated website and in a designated office of the school district with personally identifiable information redacted.
- H. The use or availability of the procedure provided in this section shall not be construed as limiting, in any manner, exercise of any of the rights or remedies available to any person under state or federal law.