

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON EDUCATION

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September 23, 2009

Start: 1:00pm

Recess: 4:48pm

HELD AT: Council Chambers
City Hall

B E F O R E:
ROBERT JACKSON
Chairperson

COUNCIL MEMBERS:
Bill de Blasio
Gale A. Brewer
Simcha Felder
Lewis A. Fidler
Daniel R. Garodnick
Vincent Ignizio
G. Oliver Koppell
Jessica S. Lappin
John C. Liu
Domenic M. Recchia, Jr.
James Vacca
Peter F. Vallone, Jr.
Albert Vann

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

Michael Lasher
Executive Director of Public Affairs
Department of Education

Dorita Gibson
Senior Supervising Superintendent
Department of Education

Michael Best
General Counsel
Department of Education

George Sweeting
Deputy Director
Independent Budget Office

Michael Mulgroove
President
United Federation of Teachers

Carol Gersol
Counsel
United Federation of Teachers

May Lee
Executive Director
Chinese Progressive Association

Daisy Avedia
Coordinator of Education Advocacy
New York Immigration Coalition

Jim DeVoor
Chairman
Community Education Council, District 15

Ben Shanahan
New York City Student Union

Rodney Deeds
Parent

CHAIRPERSON JACKSON: Good

afternoon everyone and welcome to today's Education Committee hearing on the Department of Education's implementation of the new school governance law. Before we begin, let me introduce my colleagues that are present this afternoon. Over there is Jimmy Vacca of the Bronx, Simcha Felder of Brooklyn and Vincent Ignizio of Staten Island and we will be joined by other committee members. There's another committee meeting next door in the chambers, the Youth Committee, and you may see members coming in and out.

In August of 2009, the state passed a new school governance law that effectively renewed Mayoral control of city schools but made a number of changes to improve transparency and accountability and increase parent involvement. Among the laws key changes are new powers for the Independent Budget Office, commonly known as IBO, to evaluate and report on a variety of topics including student performance, enrollment and ELL, which is English Language Learners and special education programs.

The law also grants the City

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2 Comptroller explicit powers to conduct operational
3 and programmatic audits in addition to financial
4 audits.

5 Changes have also been made to the
6 structure and functions of the Panel for
7 Educational Policy, commonly known as PEP. The
8 Chancellor no longer serves as the PEP Chair but
9 rather is a non-voting ex officio member and the
10 Board elects its own chairperson. The Mayor still
11 appoints a majority of the PEP, 8 out of 13
12 members but two of the Mayor's appointees must be
13 parents of public school students. PEP members
14 still serve at the pleasure of their appointing
15 authority and can be removed as any time.

16 The Panel for Educational Policies
17 new powers include approval of contracts valued
18 over \$1 million and no bid contracts as well as
19 regulations proposed by the Chancellor. The PEP
20 must also approve significant changes in school
21 utilization, including school openings and
22 closings, co-location of schools and grade
23 reconfigurations.

24 The new law also strengthens the
25 role of the Community Superintendent, giving them

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2 explicit authority to supervise and evaluate the
3 performance of principals, approve school based
4 budgets and resolve school leadership team
5 disputes concerning school based budgets.

6 Additionally, superintendents are to provide
7 assistants to parents and must have sufficient
8 staff to meet the responsibilities. Finally,
9 superintendents must work predominantly within
10 their districts rather than be assigned to work in
11 other districts, as has been the recent practice.

12 Community District Education
13 Councils, commonly known as CECs and School
14 Leadership Teams, commonly known as SOTs, also
15 have expanded roles under the new law,
16 particularly regarding school closings, openings
17 and restructuring. Now CECs are required to hold
18 joint hearings with the Chancellor and the School
19 leadership Team of the affected school of any
20 proposed significant changes in school
21 utilization.

22 The law also specifically states
23 that SOTs must develop a comprehensive educational
24 plan, commonly known as CEP, by consensus. It
25 must be consulted regarding the school based

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2 budget and can bring disputes regarding the school
3 based budgets to the community's superintendent
4 for resolutions.

5 Changes intended to enhance parent
6 involvement include creation of a new citywide
7 Council on English Language Learners and
8 codification in state law of the citywide Council
9 on high schools, which was previously established
10 by the Chancellor's regulations only. In addition
11 to all these new provisions, the state Senate
12 added four amendments of their own after
13 negotiating a deal with Mayor Bloomberg and his
14 administration.

15 The four amendments would one,
16 require schools to have an annual meeting with
17 parents to discuss school safety, two, institute a
18 parent training center run by CUNY, which is the
19 City University of New York, three, establish an
20 arts advisory committee and four, grant more power
21 to district superintendents. Although these
22 amendments have not yet been passed by the State
23 Assembly, as part of the Senate's deal with Mayor
24 Bloomberg. The Department of Education has agreed
25 to begin carrying out them immediately.

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2 We have a chart available on the
3 side summarizing the key governance changes that I
4 just described. The chart looks like this and
5 Janette, while the policy analysts put them on the
6 table there. So if you wish, please pick up a
7 chart which describes the new changes.

8 Although the law was passed just
9 last month and there has been little time to make
10 many of the changes that were adopted, it is not
11 too soon to hear from the Department of Education
12 regarding their plans for implementing all of the
13 new law provisions. However, critics say that the
14 new law doesn't go far enough in correcting the
15 flaws in the old Mayoral control law.

16 The primary concern is that nothing
17 will really change as a result of the new
18 governance law. This concern is especially true
19 when it comes to the Panel for Educational Policy.
20 A recent New York Times headline said it all and I
21 quote "Newly Empowered Educational Panel Looking
22 Like the Compliant One of Old". That same article
23 also referred to the PEP as a committee of puppets
24 and a rubber stamp board.

25 I have to tell you that my

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2 experience at the first meeting of the Panel for
3 Educational Policy leaves me extremely skeptical.
4 When I arrived at the Department of Education
5 headquarters just around the corner, about 7:30 pm
6 on the night of the Panel for Educational Policy's
7 first meeting I was confronted by security
8 officers who told me that the Tweed building was
9 closed and asked me to leave the building.

10 Let me just say that my blood
11 pressure raised immediately. I was outraged. I
12 told them I am not leaving the building. And I
13 asked the security officers to call their
14 supervisor. I said to them, how can the building
15 be closed when there is a public meeting going on
16 inside? Once inside, I was dismayed to see so
17 many people sitting outside of the room where the
18 Panel for Educational Policy was meeting. They
19 were unable to get in because the room was too
20 small to accommodate the approximately 50 to 75
21 people that were sitting outside the room.

22 In addition, as you know at Tweed
23 in the main conference room there are many big
24 columns in the room. When I was testifying I
25 could not see all of the panel members because

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2 columns were in the way. Obviously, if I couldn't
3 see them, they couldn't see me. If you really
4 want to encourage public participation, you, and
5 I'm referring to the Department of Education and
6 the Panel for Educational Policy, they should hold
7 their meetings in the largest space, like City
8 Hall. I think we could arrange to get the Council
9 chambers open for evening meetings if the Panel
10 for Educational Policy would like to have them
11 held here.

12 Say what you will about the old
13 Board of Education, but in those days the building
14 remained open as long as a meeting was going on
15 and the public was admitted throughout the
16 duration of the meeting. Now, as many of those
17 meetings at 110 Livingston Street went on passed
18 10:00 pm, I know that because I attended a lot of
19 them myself.

20 In terms of the new parent bodies
21 and all the new consultation requirements, the
22 bottom line is that all of that is meaningless, a
23 meaningless window dressing if the Department of
24 Education doesn't listen to parents and
25 incorporate their input into policy decisions.

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2 The City Council of New York is
3 extremely anxious to see that the new law is
4 implemented in a way that reflects the true intent
5 of state lawmakers. The Council's working group
6 on Mayoral control and school governance made a
7 number of recommendations for improvements, some
8 of which are incorporated in the new laws.
9 Others, such as granting more oversight by the
10 Council, were not included. We will be watching
11 this implementation very carefully.

12 Today's hearing seeks to gather
13 information concerning the Department of
14 Education's plans to implement changes required
15 under the recently passed state law that
16 effectively renewed Mayoral control of city
17 schools. The Committee will also hear from
18 parents, advocates, unions and other interested
19 parties regarding their concerns and ideas about
20 implementation of governance changes and will
21 explore recommendations for greater accountability
22 and improvements in this area.

23 We will also be considering Intro
24 951, a local law to amend the New York City
25 charter in relation to requiring the New York City

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2 Department of Education to provide the MTA, the
3 Metropolitan Transit Authority with certain
4 student enrollment information. I want to point
5 out, however, that we will not be voting on this
6 introduction today as this is just the first
7 hearing.

8 We will first hear from the primary
9 sponsor of Intro 951, Council Member Vincent
10 Ignizio and any other testimony on this bill
11 before commencing the oversight hearing on the
12 Department of Education's implementation of the
13 new governance law. Anyone who wishes to testify
14 today must fill out a slip with the Sergeant of
15 Arms at the back of the room in order to testify.
16 To allow as many people as possible to testify
17 today, verbal testimony will be limited to three
18 minutes per person.

19 Now I'd like to turn it over to my
20 colleague, Council Member Vincent Ignizio to make
21 a statement regarding Intro 951. Council Member
22 Ignizio.

23 COUNCIL MEMBER IGNIZIO: Thank you
24 very much Chairman Jackson. I want to thank you
25 and your efforts in helping with this bill along

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with staff members Asia, Jan and Retina. This bill is just about streamlining the efficiency of the current transportation system. MTA and DOE across both state and city jurisdictions and sometimes don't communicate as well as they should and that's what this bill is about. I read and I'm pleased that the administration is currently in support of the bill. To continue the greater transparency between the two entities of government, but I read the comments and maybe we'll hear from the Department of Education that refers to that conversation is ongoing.

The reason why this bill came out, Mr. Chairman, is because that didn't occur in my district when it was open. When a school was opened in my district, the MTA was not informed. When I called the superintendent myself he said, I didn't know if it was opening this week or in January or when the school was going to be ready. So what this does is I think it codifies what is a policy in which the MTA has to be notified from the DOE so we can make sure we get our kids to and from school in an efficient manner.

So I'm happy to take any comments

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2 that you have or anybody on the Committee.

3 Hopefully we'll be able to pass this bill in short
4 order. Thank you very much.

5 CHAIRPERSON JACKSON: Thank you
6 Council Member. We've also been joined by Council
7 Member Dan Garodnick of Manhattan and Council
8 Member Oliver Koppell of the Bronx. With that,
9 I'm going to ask any witness from the Department
10 of Education to give testimony on Intro 951 to
11 please step forward. Michael Lasher the
12 Department of Education, would you please identify
13 yourself and your position with the Department of
14 Education. If you have any written testimony,
15 please submit it and which I believe you have.
16 You may begin your testimony.

17 MICHAEL LASHER: Thank you Chairman
18 Jackson. I'm Michael Lasher, Executive Director
19 of Public Affairs for the Department. I just want
20 to thank you for the opportunity to testify today,
21 briefly on 951 A which would require the
22 Department to provide the MTA student enrollment
23 information as outlined by Council Member Ignizio.
24 I want to express our thanks to Council Member
25 Ignizio, to the Committee, its Chairman, its staff

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2 and to Speaker Quinn for collaborating with us to
3 ensure that the legislation is operationally
4 feasible for the Department.

5 We maintain a generally close
6 working relationship with the MTA. Sometimes we
7 may have ships passing in the night but we
8 certainly share the goal of making sure that the
9 MTA has up to date student enrollment information
10 and with the changes that have been made to the
11 legislation, we certainly have no objections and
12 thank you again for working with us on it.

13 CHAIRPERSON JACKSON: Where do we
14 stand as far as providing that information? Is it
15 currently in place right now or are you expecting
16 to have it in place? How soon, give me an update
17 where we stand right now.

18 MR. LASHER: Sure, generally
19 speaking our Office of Pupil Transportation works
20 pretty closely with the MTA. They almost speak
21 daily and there's sort of a free flowing exchange
22 of information. This obviously would be a formal
23 mandate to provide certain information in a
24 certain form on a specific timetable and we'll
25 comply with that mandate.

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2 CHAIRPERSON JACKSON: So currently,
3 from an operational point of view concerning the
4 issues and concerns that were raised by Council
5 Member Ignizio, does MTA have all of the
6 information that they need from the Department of
7 Education at this point in time concerning the
8 beginning of this school year?

9 MR. LASHER: We met with Council
10 Member Ignizio's staff on the issue. Clearly
11 there was some confusion as it related to the
12 opening of that school. By and large, we do, as I
13 said, have a pretty good working relationship with
14 the MTA. To our knowledge prior to this
15 legislation, we had not been made aware that they
16 felt that they were not getting information that
17 they needed. Again, this is a goal we share and
18 this is a mandate that works for us and we're
19 happy to comply. Again, at this particular moment
20 all is well with the MTA in terms of the
21 information they need. We'll continue working
22 with them as we have done and we will additionally
23 comply with the mandate of this law.

24 CHAIRPERSON JACKSON: Okay. And as
25 far as the mandates of the law, Council Member

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2 Ignizio indicated that that was or is a policy of
3 the Department of Education to provide that, is
4 that correct?

5 MR. LASHER: Yes, generally
6 speaking, yes. When we are opening new schools,
7 when we have dramatic enrollment changes we are in
8 touch with the MTA. They are responsible for
9 moving pupils around and we make sure that they
10 are armed with the information to do that. Again,
11 this will in a regimented way make sure that on
12 the most substantial enrollment changes, they have
13 the information in a documented, regimented form.

14 CHAIRPERSON JACKSON: And the
15 Department of Education has no problem in moving
16 forward with us making this into actual law?

17 MR. LASHER: No. And again, the
18 operational implementation of this stuff, as we're
19 going to talk about shortly, is sometimes complex.
20 We're again greatly appreciative of the
21 Committee's work with us to make sure that we can
22 achieve the Council Member's goal in a way that is
23 feasible for the Department.

24 CHAIRPERSON JACKSON: Any questions
25 from any Committee members on Intro 951? Thank

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2 you.

3 MR. LASHER: Thank you.

4 CHAIRPERSON JACKSON: Are there any
5 other witnesses on Intro 951? Okay. With that,
6 then we're going to move to the primary focus of
7 the hearing today is implementation of the
8 Department of Education's new school governance
9 law. I'm going to ask the Department of Education
10 officials that are present to please come forward
11 and identify yourself and your position and submit
12 any testimony that you may have for the record.
13 We've also been joined by our colleague Al Vann of
14 Brooklyn.

15 Any time you're ready. Just before
16 you begin your testimony, could each one of you
17 identify yourself and your position with the
18 Department of Education and whoever is going to be
19 the spokesperson or the lead point person may
20 begin.

21 MR. LASHER: Again I'm Michael
22 Lasher, Executive Director of Public Affairs for
23 the Department.

24 DORITA GIBSON: Good Afternoon, I'm
25 Dorita Gibson. I'm the Senior Supervising

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Superintendent for the Department of Education.

CHAIRPERSON JACKSON: I'm sorry,
what's your first name please?

MS. GIBSON: Dorita.

CHAIRPERSON JACKSON: Dorita
Gibson? Okay.

MICHAEL MR. BEST: Good afternoon,
I'm Michael Best. I'm the General Counsel for the
Department of Education.

CHAIRPERSON JACKSON: Okay.

MR. LASHER: Thank you Council
Member Jackson and to the Committee for the
opportunity today to discuss changes to New York
City's school governance law passed by the state
legislature and signed into law by Governor
Patterson. I served as the Department's
representative to the legislature during the
governance debate and negotiations. Along with
Michael, who is advising the Department on
implementation of the law. As Dorita said, she is
the Department's supervising superintendent to
whom community superintendents report.
I want to apologize in advance, we
may cover some of the ground that the Council

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2 Member covered in terms of the statutory
3 provisions and I'll try to edit on the fly. I'd
4 like to start out by making a few observations
5 generally about the statute. First, partly
6 because it doesn't undermine the fundamental and
7 essential tenants of mayoral control and
8 accountability that the legislature created in
9 2002.

10 The new law is often portrayed or
11 perceived as a simple extension of the pre-
12 existing system of mayoral control. That is far
13 from the case. Rather the legislature passed into
14 law a comprehensive set of reforms that were
15 responsive to issues raised over the course of
16 more than 40 hours of hearings convened by the
17 Assembly Education Committee in all five boroughs,
18 with input from a board range of stakeholders
19 including the Council's working group on
20 governance.

21 These concerns and the legislature
22 changes to the previous governance law, more than
23 40 changes in all, focused on parental engagement
24 in every level of the system and the transparency
25 of Department operations and information.

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2 Second, focus on the issue of
3 school governance intensified during the period
4 when the Senate was engaged in a leadership
5 struggle and the governance statute actually
6 briefly expired. As a result, the four chapter
7 amendments proposed by the Senate has garnered a
8 disproportionate amount of media attention, even
9 though those amendments were non-structural in
10 nature, modest when compared to the underlying
11 legislation and have not yet been passed into law.

12 The bulk of our testimony today,
13 therefore, will focus on the underlying
14 legislation sponsored in the Assembly by Speaker
15 Silver and Education Committee Chair Nolan and in
16 the Senate by Senators Pat Avan and Scholdran and
17 signed into law by Governor Patterson.

18 Third, please know that we are
19 committed to the implementation of this statute.
20 That is a process that is not without its
21 challenges. There are many mandates in the law
22 that are labor intensive, some of it represents a
23 truly new way of doing things. The law's own
24 procedural requirements mean that the
25 implementation of some of its provisions can not

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2 happen overnight. But overall legislation will
3 result in greater public investment and confidence
4 in the vital work of educating our school children
5 and that is a goal we all share.

6 Finally, in our discussion today of
7 statues and mandates and operations, we shouldn't
8 lose sight of the dramatic progress that has
9 occurred in our schools because finally the Mayor
10 and the Chancellor have the power to make needed
11 change and be held accountable for it. As the
12 years go by memories fade, caricature just how bad
13 it was, in fact, under the old Board of Education.
14 "The outrageous tales of corruption" as the New
15 York Times wrote in 1996 of "the debilitating toll
16 that pervasive political infighting, patronage and
17 favoritism can take on children in the
18 classrooms". According to a Times analysis, in
19 fact, at the time "school performance in districts
20 where investigators have identified some
21 improprieties is worse than at other schools, even
22 after controlling for socio-economic differences
23 between communities".

24 That broken system was laid to rest
25 in 2002. The legislation, thankfully, does not

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2 resurrect it but rather enacts substantive reforms
3 to the system of mayoral control and
4 accountability established seven years ago. The
5 system under which, according to analysis this
6 year by the New York Times "city schools have
7 dramatically gained on school's in the rest of the
8 state. In fact, during the last seven years, each
9 of New York City's five counties made more
10 progress than any other county in the state on
11 average combined scale scores in reading and math
12 across all grades." That controls for
13 fluctuations in the test and some of the other
14 criticisms that people have made.

15 Additionally, State Board of
16 Regents has measured a 10 point increase in the
17 graduation rate for city schools over just the
18 last four years. The city calculation, which goes
19 back farther shows a 15 point increase during the
20 period of mayoral control. This comes after
21 decades of stagnation on graduation rates leading
22 up to 2002. This is progress that changes the
23 life outcomes of thousands of children every year.
24 It goes without saying that our work is nowhere
25 near complete. But the new governance statute

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2 will crucially allow it to continue. That linkage
3 between governance structure and student
4 achievement is at the heart of our work in this
5 area, even though it is not the focus of today's
6 discussion.

7 Our testimony will cover the key
8 components of the governance law but should not be
9 taken as an all inclusive itemization of the
10 legislation. I'll focus my remarks on parental
11 engagement. Dorita will be speaking on the
12 changes in the role of the Community
13 Superintendent. And Michael will discuss the
14 Panel for Educational Policy, procurement and
15 oversight.

16 At the district and citywide levels
17 the law expands parental access to existing
18 governance structures and creates or codifies
19 several new ones. As the Council Member
20 mentioned, two of the eight mayoral appointees of
21 the PEP must now be parents. This means that for
22 the first time, a majority of panel members will
23 have to be portents. To meet this requirement
24 Mayor Bloomberg has appointed panel members Linda
25 LaSalle Bryant, the Executive Director of the

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2 Inwood House and who has a child in public middle
3 school in Brooklyn. And Joe Chan, who is
4 President of the Downtown Brooklyn Partnership and
5 who has a child in public pre-K program in
6 Brooklyn and a second child in a Brooklyn
7 elementary school.

8 The legislation does a great deal
9 to enhance the participation of parents with
10 special needs. It reserves a seat on each
11 community education council for a parent of an
12 English Language Learner and one for a parent of a
13 special education student. The law creates a new
14 citywide council on English Language Learners and
15 expands eligibility for the citywide Council on
16 Special Education to all parents of students with
17 an individualized educational plan, where
18 previously it was limited to parents of children
19 in District 75. Additionally, the Citywide
20 Council on High Schools, previously established by
21 regulation is now law.

22 Implementation of these provisions
23 will require amending existing Chancellor's
24 regulations on Community Education Councils, the
25 Citywide Council on High Schools and the Citywide

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2 Council on Special Education as well as the
3 promulgation of a new regulation to establish the
4 citywide council on English Language Learners. In
5 some instances the legislation leaves questions
6 open about selection procedures for and
7 composition of these bodies. Martine Garrier, who
8 is the Department's Chief Family Engagement
9 Officer, is in the process of gathering feedback
10 on these issues, with the goal of effecting the
11 smoothest possible transition.

12 Once done, we will propose the new
13 regulations to the Panel for Educational Policy,
14 which can vote on them only after a 45 day period
15 for public notice and comment, which is another
16 requirement of the new law. We expect this
17 process to be complete by the end of January.

18 In a small but meaningful change
19 that will expand the pool of parents able to
20 participate in governance structures, the
21 legislation now allows for parent association
22 officers to serve on Community Education Councils
23 and Citywide Parent Councils. Previously parents
24 had to choose, in a sense, between getting
25 involved in their school and getting involved at

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2 the district or citywide level. We could not
3 therefore benefit from the fullest efforts of some
4 of our most invested and active parents.

5 The law also mandates that Parent
6 Associations be open to the public beyond just the
7 parents of that school. The Chancellor will
8 propose an amendment to the regulation on Parent
9 Associations to align with this provision.

10 At the school level, the
11 legislation strengthens the role of School
12 Leadership Team or SLTs. All members of a
13 school's SLT must be consulted before the appointment
14 of a principal by the Chancellor or community
15 superintendent. This is in addition to the
16 existing C30 process. The SLT now will develop a
17 school's Comprehensive Educational Plan in tandem
18 with, rather than following, the development of
19 the school based budget. And SLTs will play a
20 consultative role in the development of that
21 budget. Principals must demonstrate in writing
22 that their school based budgets are in line with
23 the intended CEPs.

24 The law then gives each SLT the
25 right to appeal to its superintendent if members

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2 reach a consensus that their principal is acting
3 in contravention of the CEP. Each SLT may provide
4 its superintendent with an annual assessment of
5 the principal's collaboration with the team.
6 Finally, SLTs jointly conduct hearings on
7 significant changes in school utilization.

8 I know that this Committee and its
9 members have been keenly focused on issues related
10 to school co-locations, relocations, phase outs
11 and restructurings. This is some of the most
12 meaningful work the Department does and it
13 reflects our drive to create a system of great
14 schools for the students we are serving right now.

15 Where the pre-existing statute did
16 not outline a process for community consultation,
17 the new law precisely delineates a set of
18 requirements and a timetable to ensure that there
19 will be ample opportunity to consider, review,
20 discuss and where necessary, change, school
21 planning proposals. The Council Member outlined
22 this, but we have to give six months notice before
23 the start of a new school year and we must issue
24 an Educational Impact Statement to go along with
25 any proposal covering a broad range of subjects

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2 attendant to the proposal. Between 30 and 45 days
3 after that statement is issued, there must be a
4 hearing jointly held by the Department of Ed, the
5 affected Community Education Council and the
6 affected school's School Leadership Team. That
7 hearing must take place in the affected school.
8 In instances of closure, the Chancellor must
9 personally attend. Following the hearing and in
10 consideration of public input, the Chancellor may
11 revise the proposal and if a substantial revision
12 occurs, there is a new statement and a new hearing
13 15 or more days thereafter. If the revision
14 involves more or different schools than the
15 original proposal, the 30 to 45 day clock applies.
16 The Panel of Educational Policy must give final
17 approval for all such actions.

18 Finally, no action can be
19 implemented until after the end of the school year
20 in which Panel approval is given. I can tell you
21 that our Office of Portfolio Planning, which
22 handles this work, is diligently preparing to
23 implement this new procedure for all such
24 proposals it makes this year.

25 Additionally, the Office is

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2 creating staff teams in each district, led my
3 superintendents in conjunction with the
4 Department's portfolio planners, which will confer
5 with district leadership teams and advise the
6 Chancellor prior to the issuance of any formal
7 school planning proposals. Not required by law
8 but we believe that this will make for proposals
9 better and earlier informed by facts on the
10 ground.

11 Again, this process will also be
12 codified in a new Chancellor's regulation. We
13 don't anticipate any lag in the practical
14 implementation of these provisions of the law and
15 we anticipate that all school planning moves we
16 make this year will be in compliance.

17 Now, Dorita Gibson, who is the
18 Department Supervising Superintendent will address
19 the role of community superintendents under the
20 new law.

21 MS GIBSON: Thank you Council
22 Member Jackson and the Committee for the
23 opportunity to testify today. I have serves as an
24 educator for nearly 30 years in the Department of
25 Education, first as a special education teacher, a

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2 middle school principal, a deputy superintendent
3 in District 25, a deputy regional superintendent
4 and a regional superintendent where I was covering
5 Staten Island and Districts 20 and 21 in Brooklyn.

6 Today I'm the Department's
7 Supervising Superintendent overseeing all 32 of
8 our community superintendents. I'm currently
9 working with our superintendents to refocus on
10 local districts and local schools. This is in
11 accordance with a key provision of the school
12 governance law, which requires that
13 superintendents be assigned to task predominantly
14 within their districts.

15 We have met with superintendents to
16 outline a new job description, supervising and
17 working with principals and districts, conducting
18 quality reviews of those principals and helping
19 lead discussions about school planning decisions
20 and holding at least two public forums within the
21 district each year and resolving concerns of
22 parents that could not be resolved on the school
23 level.

24 This last responsibility is
25 outlined specifically by the school governance

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2 statute, which gives superintendents the power and
3 duty to provide assistance and direct support to
4 parents in accessing information, addressing
5 concerns and responding to complaints not being
6 able to be resolved on the school level. This was
7 a prominent theme during the school governance
8 debate and we view it as critical, an aspect of
9 the job of the community superintendent as defined
10 by the law.

11 The statute also provides for the
12 staff to support the superintendents in their work
13 with parents. District family advocates who
14 previously reported to the Central Office of
15 Family Engagement and Advocacy now report directly
16 to the community superintendent. Taking together
17 the return of the superintendents to their
18 districts and the assignment of district family
19 advocates to report to them will make a real
20 difference for parents seeking to resolve problems
21 in getting questions answered.

22 My colleague, Michael Best, will
23 address the expanded powers of the Panel for Ed
24 Policy and the provisions of the law dealing with
25 procurement and oversight.

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MR. MR. BEST: Thank you, Dorita.

Thank you Chairman and thank you to the Committee for the opportunity to add to the testimony. I will cover three major areas; the Panel for Educational Policy or PEP, new rules governing our procurement process and provisions of the statute providing for independent oversight of the Department. I'll also address the four chapter amendments proposed by the State Senate and discussed by the Chairman earlier.

The new statute makes two key changes to the composition of the PEP. As mentioned earlier, two of the mayoral appointees must be parents. Additionally the Chancellor, previously a voting member and the Chair of the panel, now serves ex-officio and the PEP selects its own chair. Panel members have elected David Chang, Chancellor of the Polytechnic Institute of New York University as the Chair.

The Panel's powers have been significantly expanded under the new statute. The Panel must approval all Chancellor's regulations and any amendments of those regulations. They must approve a general procurement policy proposed

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2 by the Chancellor and it must approve all school
3 closures or significant changes in school
4 utilization. These matters require an extended 45
5 day notice and comment period and the Panel must
6 respond to public comments it receives. In the
7 case of substantial revisions to any proposals,
8 there has to be an additional 15 day comment
9 period.

10 The Panel now must authorize all
11 contracts except competitive sealed bids under \$1
12 million, contracts of state and federal agencies
13 or purchase made directly by schools. It's worth
14 noting just how sweeping this mandate of the new
15 legislation is. The Panel's approval power
16 extends far beyond exception to bid contracts to
17 include all contracts awarded by RFP or request
18 for proposal and for amounts above \$1 million,
19 even competitive sealed procurements where there
20 was no judgment or qualitative evaluation made and
21 the award simply goes to the lowest bidder.

22 In effect, the lion's share of
23 Department contracts going forward will require
24 panel approval. Notice for these votes along with
25 the agenda for each Panel meeting must be posted

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2 10 days in advance. Panel meetings must include
3 public comment on agenda items before the Panel
4 votes. After contracts are approved, the
5 Department must register those contracts with the
6 City Comptroller as is required of other city
7 agencies.

8 These new approval powers of the
9 Panel, along with the requirements for notice and
10 comment, represent significant legally mandated
11 transparency and an opportunity for debate around
12 a wide range of the Department's most important
13 decisions. As you may know, the Panel held its
14 first meeting on September 14, 2009.

15 Let me take a moment here to
16 express our apologies to the Committee Chair, who
17 expressed earlier his frustration at having
18 difficulty in getting into the building.
19 Chairman, that was the result of a
20 miscommunication, a communications failure between
21 the Department and the Department of Citywide
22 Administrative Services which is in charge of
23 security for the Tweed Courthouse. We regret it
24 having happened. It's a mistake and it's not
25 going to happen again. We're also looking to have

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2 future meetings in larger spaces with better lines
3 of site, including schools which have large
4 auditoriums, which will be a better place to have
5 those meetings than the space that's available at
6 the Tweed Courthouse.

7 At the initial Panel meeting on
8 September 14, the Panel adopted a temporary
9 procurement policy as well as a set of bylaws.
10 That temporary procurement policy was adopted on
11 an emergency basis under the emergency provisions
12 of the governance statute. The Chancellor will
13 shortly propose a permanent procurement policy to
14 replace this temporary policy subject to a 45 day
15 notice and comment period as was discussed
16 earlier. The Panel also approved a number of
17 contracts in accordance with the requirements of
18 the statute.

19 The new governance law also expands
20 outside oversight and account ability. It
21 authorizes the Independent Budget Office to issue
22 public reports regarding educational data and the
23 Department's finances, requires the Department to
24 provide information to the IBO in a timely fashion
25 and increases the city charter mandated funding

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2 level fro the IBO to ensure the Office will be
3 able to execute its new responsibilities. The law
4 also codifies the City Comptroller's audit
5 authority over the Department of Education.

6 Together we've covered most of the
7 provisions of the governance law and certainly its
8 key areas of focus. As the Committee can see,
9 it's multi-faceted and it substantively changes
10 the way the Department of Education does business,
11 particularly in how the Department serves and
12 engages parents and achieves operational
13 transparency.

14 At the same time it maintains a
15 system of clear accountability straight to the
16 Mayor. Implementation of the statute is a complex
17 process but we're deeply invested in it and well
18 on our way to completion.

19 Finally, I'd like to address the
20 four chapter amendments mentioned by the Chair
21 earlier and proposed by the State Senate. Though
22 the amendments haven't been passed into law,
23 Chancellor Kline committed to Senate Democratic
24 Leader James Samson and Assembly Speaker Sheldon
25 Silver that the Department would implement the

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amendments as follows.

A chapter amendment dealing with community superintendents would add "the quality of curriculum and instruction" to the criteria in which the performance of principals is evaluated by superintendents. The Department will direct superintendents to include this in their evaluations of principals.

A second chapter amendment would establish a parent training center at the City University of New York. The Department is in preliminary conversations with CUNY officials about the establishment of this center. The Senate's proposed amendment, however, did not create a funding stream for this center. Instead it would require the City of New York to match any funding appropriated by the State of New York. At this moment, no such funding has been appropriated by the state. We stand ready, however, to work with CUNY.

A chapter amendment sponsored by Senator Josea Sorzano would create an arts advisory committee to advise the Panel for Educational Policy on matters related to arts in

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2 the schools. Paul King, the Department's
3 Executive Director of the Office for the Arts and
4 Special Projects is working now to get such a
5 committee up and running.

6 A final chapter amendment would
7 require that each school hold at least one public
8 meeting each year for parents to discuss concerns
9 related to school safety. The Chancellor will be
10 proposing an amendment to regulation A414 to
11 establish this requirement.

12 We thank you again for the
13 opportunity to testify before the Committee today
14 and we're happy to answer any questions the
15 Committee may have.

16 CHAIRPERSON JACKSON: First, let me
17 thank all three of you for appearing on behalf of
18 the Department of Education and giving testimony
19 regarding the implementation of the new
20 governance law. I'm going to turn to my
21 colleagues first with questions and then I'll
22 follow up as the Chair on specific questions and
23 concerns that I have.

24 But before I turn to our first
25 Council Member, let me just introduce the other

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2 members that also arrived, Peter Vallone, Jr. of
3 Queens, Dominic Recchia of Brooklyn, Gale Brewer
4 of Manhattan and Jessica Lappin on Manhattan.

5 With that, let me turn to our colleague, Dominic
6 Recchia of Brooklyn.

7 COUNCIL MEMBER RECCHIA: Thank you
8 Mr. Chairman and thank you for calling this
9 hearing to this vey important. I'd like to thank
10 Chancellor Kline for appointing Dorita Gibson as
11 the Supervising Superintendent. She was my
12 superintendent. I worked with her for many years
13 and she's outstanding. It's very different seeing
14 her on the opposite side of the table.

15 There is one issue that is
16 extremely important in my district and in all of
17 the districts I go to. And that is the
18 superintendent having power to worry about that
19 district. I've spoken to several superintendents
20 before coming here today and they still have 20 to
21 30 schools outside of their district that they are
22 responsible for. You might not say they're not
23 responsible. I believe it's an SALF or an SALT,
24 something like that.

25 The law says superintendents to be

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2 assigned tasks predominantly in their districts
3 with sufficient staff. What does predominantly
4 mean to you? Because to me it means in District
5 21 and they focus on District 21, they're there
6 full time in District 21. They're not traveling
7 to Queens, they're not traveling to Staten Island;
8 they're not traveling. That is an issue that must
9 be directed because I'm going to tell you right
10 now, it's an issue.

11 MS. GIBSON: Thank you, Dominic. I
12 do supervise the superintendents and I work very
13 closely with them, explaining what their role is
14 and that their work is predominantly in their
15 districts. They are doing quality reviews in
16 their districts for their schools. They're doing
17 business council meetings within their schools.
18 They're also working very close with the School
19 Leadership Teams and the District Leadership Teams
20 in their schools.

21 Parent engagement has really become
22 their focus. They're working with the district
23 family advocates to make sure that parents really
24 have an understanding of the transparency of the
25 district office and can answer questions that

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2 really can't be answered on the local level. So
3 they're work is predominantly in their districts
4 and they are in their districts doing the work.
5 It's a process by which we're going to change the
6 work that they've done over the couple of years
7 but predominantly their work is in District 21 and
8 all of the community superintendent districts.

9 COUNCIL MEMBER RECCHIA: But am I
10 correct in saying they still have...

11 MS. GIBSON: Yes.

12 COUNCIL MEMBER RECCHIA:
13 ...responsibilities to schools outside of their
14 districts?

15 MS. GIBSON: We're in the process
16 of transitioning the work of inquiry in schools
17 that the schools superintendents really worked on
18 in the SAF work that they did in terms of working
19 with the data in their schools to really move them
20 into a different accountability stage. However,
21 at this point there no longer is a need for them
22 to be in their schools. But because we can't
23 change the work that they've done over the last
24 two years, they're working predominantly with the
25 network leaders and transitioning that work in to

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2 the schools with the network leaders. So that the
3 school support organization and network leaders
4 are going to be taking over that work. So the
5 work is really not in the schools like it was.
6 The work has really transitioned in to the school
7 support organizations. Superintendents have the
8 knowledge and it's important for them to share
9 that knowledge so we can build capacity in all of
10 our school's across the city.

11 COUNCIL MEMBER RECCHIA: I agree
12 with you but I want that knowledge to be spent in
13 my district. What we're hearing from
14 superintendents is that it's an over burden.
15 They're worried they're being expected to work
16 with these 20 to 25 schools and it has to stop.
17 They need to concentrate in the district that
18 they're assigned to. I think that was the intent
19 of the law. The intent of the law was to work
20 full time in that district that you're assigned to
21 and bring that district together and deal with the
22 problems. There is no way, whether they're
23 advising or going in to do quality reviews, they
24 can not do this any longer and that has to stop.
25 Is that going to stop?

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2 MS. GIBSON: The way you described
3 it, it is going to stop because that's not what
4 they're doing. I meet with them, I speak to them,
5 I really outline what they're work is. They know
6 that their work is in their districts, whether
7 it's doing the inquiry work with the schools that
8 are in their districts. They also know that
9 they're meeting with network leaders, could be in
10 their districts and their transitioning the work
11 to them. They're not going into the schools.
12 They don't need to go into the schools across the
13 district because the network leaders have a team.

14 COUNCIL MEMBER RECCHIA: Is this
15 the district or across the city?

16 MS. GIBSON: Across the city.

17 COUNCIL MEMBER RECCHIA: But
18 they're still responsible for those schools.

19 MS. GIBSON: They're not
20 responsible for those schools at all.

21 MR. LASHER: Council Member, if I
22 may just clarify. We are transitioning that work.
23 By the end of this school year they will have zero
24 out of district responsibilities. They are
25 spending a small fraction of their time right now

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2 transitioning that work, which is now being headed
3 up by network leaders. If there were any instance
4 in which that out of district work came into
5 conflict with their in district work as provided
6 in the statute, we'd step in because it's clear.
7 And we believe that their district work needs to
8 be predominant, primary, and not impeded.

9 COUNCIL MEMBER RECCHIA: I tell you
10 right now, no superintendent is going to say it's
11 over burdening. Okay? The way this system is set
12 up. But you said something that I just want to
13 make clear, you said here today, on the record,
14 that by the end of this school year these
15 superintendents will have no obligation to other
16 schools outside of their district.

17 MR. LASHER: That's correct.

18 COUNCIL MEMBER RECCHIA: And
19 they'll just be concerned about their own district
20 they're assigned to.

21 MR. LASHER: That's correct.

22 COUNCIL MEMBER RECCHIA: Okay. I
23 could deal with that. I just have one other, just
24 a recommendation. When you're putting the art
25 advocacy council together, I would appreciate it

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2 if that you would have a spot there for a City
3 Council member. I think it's vey, very important
4 that the City Council have an input in this art
5 advisory council. We would like to have a seat on
6 that or have an appointment to that. I think it's
7 very important to be a part of it, not against
8 you. We want to work with you for the best
9 interest of our children.

10 CHAIRPERSON JACKSON:

11 Superintendent Gibson, I heard what Dominic
12 Recchia said as far as that superintendents are
13 not totally within their districts. I heard the
14 Department of Education's response was that
15 they're transitioning and that they're handing
16 over a lot of the work to network leaders. Why
17 isn't the work of the superintendents being handed
18 over directly to the superintendents whose
19 district that is in - directly? Because if
20 superintendents are now responsible for
21 supervising principals and are responsible for
22 their district, why isn't the work being handed
23 over to that superintendent for follow up in that
24 appropriate district?

25 MS. GIBSON: They have a history of

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working with the schools in various places over the last two years. They established relationships with principals in that respect and we would like that work to continue to grow in those schools and that's why they can best inform the network leaders what they need to do to go to the next level to really reinforce the work that we've been putting into place for so many years with the Department.

CHAIRPERSON JACKSON: The network leaders are not principals in the schools. Those are outside consultants or employees that are working to help the principals in carrying out their duties and responsibilities. Is that correct?

MS. GIBSON: That's correct. They're a support organization but they also have an instructional team that is with them. They understand that the work this year is not going to be done by superintendents but is going to be done by them and their teams, to go into their schools that are within their networks to support this work around inquiry.

CHAIRPERSON JACKSON: So you're

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2 saying that the work that the superintendents are
3 doing are not going to be instructional?

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MS. GIBSON: It is.

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CHAIRPERSON JACKSON: They're not
6 going to be supporting the principals?

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MS. GIBSON: They will be
8 supporting the principals in their school
9 districts, of course.

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CHAIRPERSON JACKSON: Right. But I
11 don't understand is that if in fact now
12 superintendents are responsible for their
13 district, they are the education leaders in their
14 district. Am I correct?

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MS. GIBSON: Mm-hmm. You're
16 correct.

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CHAIRPERSON JACKSON: Okay. Then
18 why aren't you giving issues and concerns of
19 District 21 to the superintendent in District 21.
20 I'm in charge of 21 now, give me all the issues
21 and concerns that any superintendent had that was
22 spread all over the city. Give it to me. Let me
23 work with the principals and the network leaders
24 and what have you. Why are you giving it to the
25 network leaders? That's what I don't understand.

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2 Maybe you can help me to understand from an
3 organizational point of view, why is it best to
4 give it to the network leaders instead of the
5 educational leaders, superintendents like
6 yourself.

7 As you describe in your opening
8 statement, you were principal or deputy
9 superintendent. All of the things that in essence
10 made you to be appointed to where you are today,
11 why aren't the superintendents getting that work?
12 I just don't understand that. Maybe I'm not
13 within the DOE system. Maybe that's why I don't
14 understand it but help me to understand the logic
15 in giving particular work of a district to network
16 leaders who are not the superintendent. Why not
17 give it to the superintendent? Give me a list of
18 the 50 or 100 issues or concerns, especially if I
19 have staff, I can deal with that. But if you
20 don't give it to me, how are you going to hold me
21 responsible for my district. So help me to
22 understand that.

23 MR. LASHER: Council Member, I
24 think what we are talking about is two overlapping
25 and complimentary areas in which we support our

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schools.

CHAIRPERSON JACKSON: Please explain it to me so I can understand it and maybe my colleagues also.

MR. LASHER: The structure of the networks in which schools sometimes geographically near each other and sometimes not, but they may share pedagogical or whatever. The structure of networks is a structure that we do believe has been an effective way of supporting schools. Those networks are well established. The schools are comfortable working with them. Those networks have real capacity to support our schools.

We don't believe that it would be a service to the school children nor required by the statute to walk away from the work that those networks are doing. So they provide needed supports to the schools. In an effort to free up the superintendents so that they can focus on the statutorily mandated supervision of the schools in their district and other areas of work that we're going to have them do with schools in their district. We are asking them to hand over the inquiry work that they had previously been doing

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to the network leaders.

The networks provide needed services to schools and now they will be running the inquiry work. In addition to that, schools in districts will be receiving support, guidance, professional development and supervision from their district superintendents in compliance with the law.

CHAIRPERSON JACKSON: Whose decision was that?

MR. LASHER: That was made by the Chancellor and the Deputy Chancellor for Teaching, Learning, the Chief School Support Officer, Eric Needlestorm and Dorita Gibson.

CHAIRPERSON JACKSON: When was that decision made?

MR. LASHER: That's been made over the course of the summer. The beginning of the school year we reviewed and discussed how to implement the school governance statute.

CHAIRPERSON JACKSON: Mr. Lasher, you had, in response to colleague Dominic Recchia, indicated that by the end of this school year you would make the full transition. The law doesn't

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2 give you a year to transition. We need that
3 implemented now, not a year from now. In fact, I
4 say to you that the law is effective immediately.
5 It's very simple, in my opinion, to communicate
6 effectively to superintendents that you're the
7 superintendent in District 1 or 3 or 5 or 6 or 35
8 and that you're responsible for your district and
9 to give them that authority.

10 A year to implement it is totally
11 unacceptable to me as the Chair of the Education
12 Committee and it should be totally unacceptable to
13 every member of this City Council. In fact, I
14 have heard over the course of years as far as the
15 financial management system of the Department of
16 Education that we're working on it. We're working
17 on transitioning to incorporate the financial
18 management system of the Department of Education
19 into the Office of Management of Budget. For
20 years, we're working on it, we're working on it,
21 we're working on it. We did not meet the
22 timeframe.

23 Even as of last May in Executive
24 Budget hearings, I asked the Independent Budget
25 Office. I've asked the Office of Management and

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2 Budget. I've asked the Department of Education.
3 Will it be implemented and incorporated by
4 December 31, 2009, the end of Mayor Bloomberg's
5 term and I could not get a yes answer. So I say
6 to you, as a Chair of the Education Committee, a
7 year's transition is not acceptable. The
8 Department of Education needs to do what they need
9 to do to implement it immediately.

10 MR. LASHER: Chairman Jackson I
11 understand your concern and I want to just make
12 two comments and reassure you in this regard.
13 First, in 2002 the law did interestingly provide
14 for a phase in. This year, the changes do not and
15 the reality is that there are provisions of the
16 law that make it literally impossible to
17 immediately implement other provisions of the law.

18 For example, you need to pass a new
19 Chancellor's procurement policy. However, that
20 requires a 45 day notice and comment period by the
21 Panel for Educational Policy. But please know
22 that we are not looking to buy time here. I want
23 to clarify what I said to Council Member Recchia,
24 which is, as it happens in this area we are
25 currently in compliance with the law.

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2 Which is to say that this
3 transitional work, this hand off, if you will, to
4 the network leaders, number one is occupying only
5 a small fraction of the superintendent's time.
6 Therefore they are spending the predominant amount
7 of their time, as the law requires, in their
8 districts. As I said, if there were any instance
9 in which that presents a conflict, we would step
10 in and we will take away from this Committee
11 meeting, obviously, the need to make sure that
12 that is not happening and to reconvene with our
13 superintendents and make sure that it is not, as
14 Council Member Recchia suggested, over burdensome.
15 But we are in compliance with that provision of
16 the law right now.

17 The network leaders are in charge
18 of the work that the superintendents previously
19 did. But it is important work and the
20 superintendents have real knowledge that can't
21 simply be transmitted overnight. I think it would
22 be leaving schools in the lurch if we simply
23 flipped a switch and said, you're out of this and
24 you're in it. So I think we're effecting a smooth
25 transition, but one that should not be impeding

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the superintendents' work in the district.

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I hear your concern, I share your concern but we are in compliance with the law and we will make every effort to make sure that superintendents' work in the district is not impeded.

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CHAIRPERSON JACKSON: In response to Dominic Recchia, you're telling us that right now that the superintendents, the majority of the work, not majority almost all of the work that they're doing is within their district.

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MR. LASHER: As in accordance with the law, superintendents are working predominantly in their districts right now.

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CHAIRPERSON JACKSON: Okay. Let me turn to our colleague, Dan Garodnick. Let me introduce our colleagues that have additionally joined us, John Liu of Queens, Bill de Blasio of Brooklyn. I'll turn to our colleague, Dan Garodnick of Manhattan.

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COUNCIL MEMBER GARODNICK: Thank you Mr. Chairman and thank you to the representatives of DOE. I wanted to focus specifically on one area of the testimony

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2 provided, the PEP. Mr. Best you presented it as a
3 sweeping a mandate. Obviously there were some
4 positive changes there but I really just wanted to
5 put a little meat on the bones on some of the
6 things that you said. As I understand it, the
7 Panel as reconfigured or reconstituted here needs
8 to approve Chancellor's regulations and
9 amendments, general procurement policy as proposed
10 by the Chancellor and all school closures or
11 significant changes in school utilization.

12 On the first, Chancellor's
13 regulations; help us understand what types of
14 policy must be done through Chancellor's
15 regulation as opposed to just Chancellor's action.
16 What needs to be formalized through regulation, so
17 we understand what must go now through the PEP.

18 MR. BEST: There's nothing
19 specifically delineated in the law as to what the
20 Chancellor has to issue a regulation on except for
21 certain. There's a requirement, for instance,
22 that he have a procurement policy. It's not a
23 regulation but procurement policy gets approved by
24 the Panel by the end of the new statute.

25 There's a requirement to have some

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2 regulations related to budget that are going to
3 have to get done. But for the most part, there
4 are not specific requirements. There are a few
5 but there are very few specific delineations in
6 the statute. That said, there is a general grant
7 of authority as there always has been going way
8 back long before mayoral control of the
9 Chancellor's power to issue regulations. The new
10 legislation, as you've discussed, adds the Panel
11 approval to the implementation of Chancellor's
12 regs for the first time. The old board didn't
13 have to approve most Chancellor's regulations, for
14 instance, pre-Mayoral control.

15 That said what may be useful and I
16 hope is in response to your question, is to look
17 at some of the things that we have Chancellor's
18 regulation on. We have, for instance, the
19 Chancellor's regulation on enrollment. We have
20 the Chancellor's regulation on zoning. We have a
21 Chancellor's regulation on various things related
22 to school safety. We have Chancellor's
23 regulations on corporal punishment. We have
24 Chancellor's regulations on equal employment
25 opportunity. There are a number of transportation

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2 regulations governing various things relating to
3 transpiration. There are a number of Chancellor's
4 regulation governing various personnel matters
5 internally. There's a conflict of interest
6 regulation that supplements the city's conflicts
7 of interest law.

8 There are probably, I don't know
9 the exact number off the top of my head. I
10 probably should. But there are probably about I
11 would say 50 to 60 Chancellor's regulations, all
12 of which are publicly available on our web site.
13 If there are any specifically that you or the
14 Committee are interested in, I'd be happy to
15 follow up.

16 COUNCIL MEMBER GARODNICK: Thank
17 you, that is helpful. So it sounds like there is
18 nothing that specifically requires these things to
19 be done through regulation but they are, in fact,
20 regularly done through regulation if I understand
21 you correctly.

22 MR. BEST: Yes. There are a few
23 that are specifically required but for the most
24 part they are regularly done. Because as with
25 most, I think, government agencies, we view

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2 regulations as a means of implementing legislation
3 and where legislation leaves procedures that need
4 to be filled in. For instance, on elections of
5 the Community Education Councils we'll come up
6 with a regulation to codify that so everybody
7 knows what it is. There is a Parent Association
8 regulation that goes through a lot of things
9 related to them; that sort of stuff.

10 COUNCIL MEMBER GARODNICK: Any
11 amendments to existing regulations now would have
12 to go through the PEP, is that right?

13 MR. BEST: That is correct.

14 COUNCIL MEMBER GARODNICK: On the
15 subject of significant changes to school
16 utilization, I want to just see if I can take you
17 through a few examples of things just so we can
18 all understand what would be covered and what
19 would not be covered. Presumably a rezoning
20 counts?

21 MR. BEST: Actually, no. I say no
22 because there's another provision of law related
23 to zonings. Zonings are covered by the statute on
24 the powers of the Community Education Council.
25 Which say that the Community Education Council

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2 approves zoning lines within the district that are
3 proposed by the community superintendent. Because
4 there is a separate statutory power in that, I
5 don't read the new Panel provisions as covering
6 that subject.

7 COUNCIL MEMBER GARODNICK: Okay.
8 How about opening a new school?

9 MR. BEST: If I may have one
10 second.

11 COUNCIL MEMBER GARODNICK: Sure.

12 MR. BEST: I do not believe that
13 opening a new school would be covered by this, no.
14 What would be covered is let's say we have a
15 building where we're opening a new school. There
16 is one school in it and the Chancellor believes
17 that there's additional space in the school to
18 house a new school. The opening of the school
19 itself, the fact that there is going to be a new
20 school would not be covered by this. But the fact
21 that we're co-locating it with another school
22 inside an existing building would be covered so
23 that would go through the whole public process.

24 COUNCIL MEMBER GARODNICK: So co-
25 location of a school, yes for PEP. The creation

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of a new school, no for PEP.

MR. BEST: Yes.

COUNCIL MEMBER GARODNICK: How about dividing a school? Taking a single school and making it into two schools?

MR. BEST: I think that would probably fall within the restructuring language that's--the reconfiguration language.

COUNCIL MEMBER GARODNICK: I'm sorry, which reconfiguration language?

MR. BEST: The exact language of the statute is this, any proposed school closing or significant change in school utilization, including the phase out, grade reconfiguration re-siting or co-location of schools. That's the language of the statute.

MR. LASHER: I think in general the best way to think of it is that when we are making a change that is going to substantially affect an existing school population, that is subject to this process and educational impact statement and Panel approval.

COUNCIL MEMBER GARODNICK: So to put a charter school into an existing school

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building for example, that would fall under this?

MR. LASHER: Yes, it would.

COUNCIL MEMBER GARODNICK: How about overcrowding? We saw bursts of kids on wait lists in Kindergartens on the east side of Manhattan and L Square.

MR. BEST: Hypothetically.

COUNCIL MEMBER GARODNICK: It's a complete hypothetical situation. The question is does that count as significant change in school utilization so as to put it within the purview of the PEP.

MR. BEST: I would say it doesn't. That doesn't minimize the importance of the issue in any way. There are many important issues that come before the Panel and many that will not. I wouldn't view that as a change in school utilization, no.

COUNCIL MEMBER GARODNICK: And the statute does not either?

MR. BEST: That's what I mean. What I mean by that is I don't view that as what the statute was getting at.

COUNCIL MEMBER GARODNICK: Is there

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2 any provision in the statute to allow for the
3 Panel to take on an issue su sponte.

4 MR. BEST: Yes, there are a couple
5 of them.

6 COUNCIL MEMBER GARODNICK: Tell me.

7 MR. BEST: Again, first let me go
8 back to the beginning of the discussion. In the
9 section of the law that creates the Panel, if you
10 will, an establishes its power. The law says that
11 its job is to advise the Chancellor on educational
12 policies affecting the city district and its
13 students. So any subject that the Panel wants or
14 provide advice to the Chancellor on they could.
15 And in fact, at the meeting on September 14, there
16 was a presentation on the Department's response to
17 the swine flu virus. It's not something that
18 would come before the Panel for a vote but it was
19 something they got a briefing on and they were
20 able to make comments and ask questions and get
21 follow up information. They can advise the
22 Chancellor in any way they want.

23 Secondly, there is a provision of
24 the law that allows Panel members to add items to
25 the agenda, et cetera, with the Chair or Panel's

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2 permission. So there are a number of ways in
3 which the Panel could, on its own, take up an
4 issue if it's interested in getting information on
5 something or wants to make a recommendation it can
6 certainly do that. I would say that in fact, even
7 under the old governance statute from 2002 that
8 happened frequently, that the Panel would ask for
9 a briefing on something and would give the
10 Chancellor advice at the meetings on what they
11 thought should happen.

12 COUNCIL MEMBER GARODNICK: The
13 Panel now would be able to elect its own Chair,
14 correct?

15 MR. BEST: Yes.

16 COUNCIL MEMBER GARODNICK: And that
17 Chair will presumably have the power to call its
18 own meetings?

19 MR. BEST: That's correct.

20 COUNCIL MEMBER GARODNICK: You
21 noted that they have collectively the power to
22 give advice to the Chancellor on any subject. Do
23 they have the power to propose Chancellor's
24 regulations?

25 MR. BEST: Well, I believe that the

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2 power to propose the regulations resides in the
3 Chancellor. But if they were to propose, they
4 could advise the Chancellor that they would like
5 to see a regulation covering the following areas.
6 Then if the Chancellor wanted to propose it, he
7 could. They can't on their own adopt a
8 Chancellor's regulation, they are Chancellor's
9 regulations after all.

10 COUNCIL MEMBER GARODNICK: So I
11 think I have an understanding of the purview here.
12 There was one that we really didn't cover in great
13 detail here but that was the general procurement
14 policy. The last thing I wanted to ask was
15 obviously the state legislature left the essential
16 composition where you have a majority of the PEP
17 appointed by the Mayor at will in place. So
18 presumably there could be a situation where if the
19 Mayor felt strongly about an issue or an amendment
20 to a regulation and the PEP appeared to be
21 disagreeing with him. He could replace his
22 members on this Panel, is that right?

23 MR. BEST: Well, I think you have
24 read the statute correctly to say that it's not
25 only the Mayor's appointees but also the borough

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2 president's appointees all serve at the pleasure
3 of the appointing official.

4 COUNCIL MEMBER GARODNICK: Okay, so
5 the answer is yes?

6 MR. BEST: The answer is that if
7 any appointing official were unhappy with their--

8 COUNCIL MEMBER GARODNICK:
9 [interposing] Right. There's only one that has a
10 majority on the Panel.

11 MR. BEST: That's also correct.

12 COUNCIL MEMBER GARODNICK: The
13 question was about the Mayor specifically. So if
14 the Mayor didn't like what the PEP was up to, he
15 could replace his members still.

16 MR. BEST: That's correct.

17 COUNCIL MEMBER GARODNICK: Has the
18 Mayor or the Chancellor said anything about their
19 willingness to not make changes in the PEP based
20 on individual issues rather--obviously he has the
21 power to remove at will. But has he said anything
22 or has the Chancellor said anything about leaving
23 the Panel in place for the purpose of considering
24 individual issues so as to not exercise as much
25 power as he has, frankly.

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2 MR. BEST: Well, I would say a
3 couple of things. Number one is I can tell you I
4 have not had any conversations with the Mayor,
5 certainly, or even with the Chancellor about that
6 topic. Secondly, as far I thin the philosophy
7 goes I think Michael Lasher indicated earlier that
8 the Mayor and the Chancellor both have said
9 publicly that mayoral control and the Chancellor
10 being in charge of the school system are a
11 fundamental. That was one of the things that was
12 important to them in terms of what they wanted to
13 see in the law.

14 COUNCIL MEMBER GARODNICK: I'll
15 conclude by saying that I agree with the
16 fundamentals here, most certainly. I think that
17 the Mayor should have control of the system. I do
18 also believe that a PEP should be robust and able
19 to really challenge when they disagree. So I hope
20 that that will be the outcome here and I hope that
21 if there are individual issues that the Mayor and
22 Chancellor will exercise respect of the PEP going
23 forward. So thank you.

24 CHAIRPERSON JACKSON: Thank you.
25 Mr. Best, let me just clarify something in

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2 response to Council Member Garodnick. I believe
3 your response was that only the Chancellor can
4 propose Chancellor's regulations. Anyone can
5 propose a regulation to the Chancellor. It
6 doesn't have to come from the Chancellor. A board
7 member or any member of the public can propose a
8 regulation to the Chancellor for implementation.
9 Isn't that correct?

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MR. BEST: I certainly don't want
11 to imply that--I was using the word propose in
12 sort of this general meaning. Of course the
13 Chairman is correct that anyone can propose that
14 the Chancellor adopt a regulation. As a formal
15 procedural matter, the Chancellor would propose a
16 regulation and...

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CHAIRPERSON JACKSON: The PEP.

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MR. BEST: ...then the PEP would
19 have the power to approve it and that's how it
20 would work. If somebody wanted to propose to the
21 Chancellor that hey, you should propose this
22 regulation, I don't think there's anything. The
23 statute certainly doesn't prevent that from
24 happening.

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CHAIRPERSON JACKSON: Okay. Next,

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2 let me turn to our colleague Simcha Felder of
3 Brooklyn.

4 COUNCIL MEMBER FELDER: Thank you
5 very much. First I want to thank my colleagues
6 who cheered me on. I'd also like to echo the
7 comments that Council Member Recchia made about
8 Ms. Gibson. Delighted to have you and delighted
9 to see Mr. Best as well, who I would say has been
10 very responsive in the past when issues came back.
11 I don't know Mr. Lasher. He may be a wonderful
12 person. I hope you are. I have no reason to
13 believe you're not.

14 I would also like to just say I'm
15 humbled to be in the Chair's committee. I think
16 it's one of the only committees that ever allows
17 the members to ask all the questions and then sort
18 of allows everybody to leave and he's the only one
19 left here and then picks over the leftovers, which
20 is really very, very humble.

21 CHAIRPERSON JACKSON: Leftovers are
22 good sometimes.

23 COUNCIL MEMBER FELDER: Okay, so I
24 don't mind leaving you the leftovers then. I just
25 wanted to touch on a topic that I sometimes feel

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2 like I have to discuss it. I want to discuss the
3 issues of the non-public school parents. Can you
4 tell me how many non-public school parents there
5 are in the city, about?

6 MR. BEST: We don't have that data.

7 COUNCIL MEMBER FELDER: About.

8 MR. BEST: I really don't know off
9 the top of my head. I think I would have to get--
10 we can try to find that out. I'm not sure what
11 data we have on that. Probably the state
12 education department has more accurate data on it
13 than we do since they regulate the private
14 schools.

15 COUNCIL MEMBER FELDER: Since I'm
16 here to help you, just like the other people.
17 Like Dominic Recchia wants to help you with the
18 arts advocacy, I want to help you with this as
19 well. At a minimum we have at least a quarter of
20 a million non public school students. I think
21 it's much more than that but I don't know. The
22 authority and responsibility, I agree with Council
23 Member Garodnick with the Mayoral control. If you
24 want to have somebody accountable, that's the only
25 way that you can do it. Everything good has bad

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in it and even bad has some good.

Under the old system with the school boards, non public school parents had some mechanism. Can you explain to me today, for example, with all that has taken place where non public school parents and predominantly I would just say that the issues come up predominantly with special education needs. Where are they in this picture? Where are they in the school advisory councils or anywhere else?

MR. BEST: Obviously, it was the legislature that build the statute. I don't want to pretend that I speak for the state legislature because I don't. That's not what I do. But the fact is that I think, as I read this law, that what the legislature was going was to try to come up with a governance system for the New York City public schools and not for non public schools. So the statute we're talking about today really isn't directed to that.

What I could say in response to your question, specifically in response to special ed is that there are a number of laws, including Title 1 and the Individuals with Disability

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2 Education Act that do provide for services to be
3 provided to students in non public schools and we
4 comply with that and also transportation. We
5 comply with all of those statutes.

6 For instance, there is a
7 substantial number of students in private schools
8 who, although they are paying private school
9 tuition, have asked for what's called their
10 proportionate share, under federal law, of
11 services. We provide services. We send special
12 education instructors and therapists in to provide
13 those services to supplement the private school
14 education that students are getting.

15 COUNCIL MEMBER FELDER: I like what
16 you said. Whatever you said is true but it has
17 nothing to do with my question. So let me clarify
18 it. Is that you've clarified to me that my
19 question has nothing to do with the law and should
20 not be posed at this hearing. But with the
21 permission of the Chair, I will pose the question
22 anyway. So now forget about the state or anything
23 else and make believe we're back at the birth of
24 mayoral control. All I'm posing to you is that
25 there is a gap. The gap that I think exists is

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that non public school parents, there is no mechanism for them to participate in the process that we're talking about.

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For example, one of the things, can you tell me whether the Department of Education has a security plan for non public schools?

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MR. BEST: Well, we don't have any jurisdiction over non public schools in that regard.

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COUNCIL MEMBER FELDER: But you do provide transportation, textbooks, lunch.

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MR. BEST: We provide things that are mandated by law for us to provide.

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COUNCIL MEMBER FELDER: So in other words, until the state mandates you to provide safety for non public school parents you're not going to do anything about it?

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MR. BEST: We have a statutory mandate--

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COUNCIL MEMBER FELDER:
[interposing] No, no, no.

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MR. BEST: I'm trying to answer your question Council Member.

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COUNCIL MEMBER FELDER: Please.

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2 MR. BEST: You asked if we're not
3 going to do things for private schools that are
4 not mandated by statute. There is a vey strong
5 argument that it would be unconstitutional for us
6 to do so for the reason that. I can tell you the
7 state education department has said to me when
8 we've had, let's say, heated discussions about
9 various issues with them. That our mandate only
10 goes so far as the law, as with any school
11 district in the state, under New York State law,
12 our mandate to provide services goes only so far
13 as the law says that we do.

14 If we were to spend public money on
15 things unrelated to that, there are Constitutional
16 arguments that say we can't do so.

17 COUNCIL MEMBER FELDER: Would you
18 say that installing cameras in the streets near
19 schools, whereas that the city installs cameras in
20 the streets throughout the city, for safety
21 purpose would violate the Constitution?

22 MR. BEST: That's actually a
23 slightly different question.

24 COUNCIL MEMBER FELDER: That's why
25 I did it.

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2 MR. BEST: It's a very good
3 question but respectfully, I do not believe it's
4 one that's actually best directed at the
5 Department of Education as we do not control the
6 city streets nor would we be able to put up
7 cameras in the city streets. We can put cameras
8 up on public school property. That would be
9 something better directed to the Mayor's Office or
10 the Police Department or the Department of
11 Transportation, I would suspect to us, although
12 I'm not an expert in the mandate on that subject.

13 COUNCIL MEMBER FELDER: I
14 understand. That was a good answer. I almost had
15 you but it didn't work. I don't want to take
16 advantage. The point of my comments really is--I
17 would have like to have caught you on the
18 question. But the point that I'm trying to make
19 is that the normal process that existed prior to
20 mayoral control that gave non public school
21 parents, Catholic, Muslim, Jewish, whatever, an
22 opportunity for parents to be involved in some way
23 do not exist today.

24 I'm not going to argue with you at
25 a hearing that has nothing to do with it, maybe,

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2 about whether it's good, bad or otherwise. But it
3 just doesn't exist and I think it's something that
4 should be looked into. Thank you Mr. Chairman.

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CHAIRPERSON JACKSON: Let me ask a
6 question regarding that concerning the new
7 governance law. What impact the new governance
8 law has on non public schools, if any at all.

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MR. BEST: I don't believe it's
10 really changed any of the mandates that we have in
11 regard to non public schools so I don't think it
12 really has had any.

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CHAIRPERSON JACKSON: And what
14 about the role of the superintendents in the
15 districts? Superintendents are responsible
16 overall for all schools, whether its non public
17 schools as far as certain items and what have you
18 and so forth or at least they used to be. For
19 example, if a parent that was home schooling, they
20 had to get, I guess, their educational plan
21 approved by the superintendent. That has to do
22 with whoever it is. So is there any jurisdiction
23 that the superintendents are going to have with
24 non public schools under the new governance law?

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MR. BEST: I don't believe they do.

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2 They didn't have any--I don't believe that the
3 superintendents have ever really had jurisdiction
4 over non public schools at any point. Home
5 schooling is a slightly different situation
6 because under state law there are certain
7 requirements as to what the school district as far
8 as New York City if a parent chooses to home
9 school. The plan that you mentioned, Chairman,
10 and those sorts of things, that has not changed in
11 the transition from the pre-2009 governance law to
12 the new governance law.

13 CHAIRPERSON JACKSON: Thank you.

14 Council Member Gale Brewer of Manhattan.

15 COUNCIL MEMBER BREWER: Thank you
16 very much. I'm not on this committee but I have a
17 lot of interest because I have 29 schools. On
18 this piece of paper it doesn't mention the
19 networks because as Dominic Recchia or someone
20 told me they're not new, there are no new
21 regulations under the legislation. But my
22 question is when I talk to my superintendent and I
23 meet with her regularly, what we do in reality is
24 if she can handle the problem she does. If she
25 can't, she says go to the networks. If we don't

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2 like the networks we just avoid the networks,
3 that's how we are in District 3.

4 But in general, there is still a
5 lot of conflict between what the superintendent
6 does--I wouldn't say conflict. I would say
7 overlap, confusion between the networks and the
8 superintendents. How does that change under the
9 current scenario, if at all.

10 MS. GIBSON: The work that I'm
11 doing with superintendents now really involves
12 them communicating more with the network leaders.
13 Therefore they would be able to answer that
14 question. The superintendent of District 3 should
15 not be able to say to you I don't know go ask the
16 network leader because she should have that answer
17 because she's been articulating with the network
18 all along around school issues.

19 COUNCIL MEMBER BREWER: Let me ask
20 you another question. We have a great
21 superintendent but sometimes the networks, we
22 don't like the networks. So we just go around
23 them. My question to you is who has ultimate
24 jurisdiction on a particular issue? We have a lot
25 of problems with maybe some situation in school.

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2 I guess in reality what ends up happening is
3 whatever can be negotiated. But I'm just asking.
4 This is not the public cares about this issue,
5 it's more of an internal issue.

6 I guess I still don't quite--in the
7 past, certainly the superintendent would try to
8 work with the networks also. It wasn't like
9 something that they avoided. When you say they
10 have to talk to each other, how is that different
11 from the past? Because they were talking before
12 this law passed.

13 MS. GIBSON: I don't know if they
14 were talking to the extent that they are now and
15 making decisions to the extent that they are now.
16 The fact that they are communicating and the
17 superintendent ultimately does make those
18 decisions about what happens in schools.
19 Principals are in power to make decisions. If it
20 doesn't work the superintendent is the supervisor
21 of superintendents, the reigning officer and yes,
22 they can enforce changes in that respect as well.

23 COUNCIL MEMBER BREWER: Okay. What
24 does the network do then in that situation? The
25 superintendent, I understand his or her role. I

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2 understand the principal's role but when we do
3 another piece of paper it would be good to put the
4 network's role down here so that people understand
5 that. So what does the network do that's
6 different than the superintendent.

7 MS. GIBSON: The network leaders
8 support the superintendent, supports the
9 principal.

10 COUNCIL MEMBER BREWER: The
11 principal, right.

12 MS. GIBSON: The principal, as does
13 the superintendent. I would service to say that
14 when schools join networks they join networks for
15 different reasons. Maybe there's a commonality
16 about the types of programs that are in schools
17 and the network leader really has a team that can
18 work with that group of people to help move their
19 initiatives. The superintendent is aware of the
20 different initiatives that are in their districts
21 so they can specifically answer questions about
22 schools that are in their district around what the
23 network leaders are working with, even though--

24 COUNCIL MEMBER BREWER:
25 [interposing] I guess it's a little bit of the--

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2 you have to be able to devise your own system of
3 working with people and a little bit somewhat
4 different in what the actual law is. In reality,
5 some principals get along with their networks and
6 some don't.

7 MS. GIBSON: My feeling here is
8 that superintendents are on the job to really show
9 the transparency to help parents understand what
10 it is a network leader does, what happens in the
11 network and what's happening in the schools. So
12 they're able to answer the questions. They should
13 not be able to say I don't know. They should be
14 able to find out those answers. They're privy.

15 COUNCIL MEMBER BREWER: I know but
16 just in reality if a superintendent gets along
17 with a network, it's easy. If they don't then
18 they don't and then they call me.

19 MS. GIBSON: You don't have to get
20 along with the network leader to know what's
21 happening in your school.

22 COUNCIL MEMBER BREWER: The network
23 leader be effective--anyway, it depends, that's
24 all. I don't think that's changed. The other
25 question I have is how do the high school, if at

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2 all, there's a high school council or some sort.
3 How does that fit into this? Let me be specific.
4 Nobody ever knows what they do. Nobody ever knows
5 who is appointed. I understand that they don't
6 have anything specifically to do with the local
7 councils. I don't know. Nobody else knows
8 either.

9 MR. BEST: The original, the 2002
10 governance law--I can't remember if it was the
11 2002 or the amendments in 2003, which established
12 the CECs did not include citywide council on high
13 schools. When the Chancellor decided back in that
14 time that there should be a citywide council on
15 high schools that was similar to the CECs for high
16 school parents. The legislature has now codified
17 that in statute and we are working on an updated
18 regulation that will implement that selection
19 process for the now statutorily mandated citywide
20 council on high schools.

21 It will, in some ways, perform a
22 similar function to community education councils
23 for high school students. It's probably worth
24 saying that this regulation has been publicly
25 posted since it was enacted back in 2003, I guess.

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2 I wasn't at the Department then but I think it was
3 2003. Whatever new regulation we do is going to
4 have to go through a 45 day public review process
5 and then a vote by the Panel for Educational
6 Policy before it is implemented. So there should
7 be plenty of opportunity for people to learn about
8 it as that process goes on.

9 COUNCIL MEMBER BREWER: But
10 obviously, one of the perhaps changes would be
11 some kind of coordination between the local CECs
12 and that high school whatever it's called. I can
13 just promise you that nobody really knows who is
14 on it. Obviously, as you know, I think the whole
15 world knows we're working on a high school on the
16 west side. I said, oh, what's this group? I'm
17 just saying that people don't know it exists and
18 it could be helpful as you're planning some of the
19 local changes. How does that impact on the high
20 school situation? Nobody knows. No one knows who
21 is on it and nobody knows what it does.

22 MR. LASHER: One thing I would just
23 add Council Member is that two members--

24 COUNCIL MEMBER BREWER:
25 [interposing] Yes, Michael, yes.

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MR. LASHER: Good to see you.

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COUNCIL MEMBER BREWER: He lives around the corner. He's okay by the way.

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MR. LASHER: Two members from each borough are going to be selected by the officers of the parent associations of that borough for the citywide council so we do have Chancellor's regs to implement this. But the regulation spells out some--

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COUNCIL MEMBER BREWER:

[interposing] Is that how it was done before? I don't--who knows.

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MR. LASHER: I believe that the selection process spelled out in fairly great detail in the law, which I don't have memorized is a new selection process.

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COUNCIL MEMBER BREWER: I would say because I don't remember this from the past. So what you're saying to me is that the CEC from a borough, I think that's what you're saying, will pick people for the high school whatever it's called.

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MR. LASHER: That statute said that the parents associations collectively will select

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2 two members from each borough. That will make up
3 10 of 13 members. Then additionally, there will
4 be one voting member who is a parent of a student
5 with an IEP and that would be appointed by the
6 citywide council on special education. Then there
7 will be one voting member, who is a parent of a
8 student, who is an English Language Learner or who
9 is bilingual that would be appointed by the
10 citywide council on English Language Learners and
11 the last member would be appointed by the public
12 advocate.

13 I think in response to your
14 concern, I think you've have 10 members that are
15 coming out of the borough, coming out of the
16 parents associations. Look, again, I think the
17 point is well taken and we'll work to create
18 linkages between the citywide council of high
19 schools. I think one of the things legislation
20 will do is make it a more robust body than it's
21 been.

22 COUNCIL MEMBER BREWER: Just
23 finally, maybe, discuss this arts council that we
24 all feel so strongly about. That will be in
25 existence when? And is it possible to put

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somebody from the City Council, et cetera? Does it have to change legislation in order to do that?

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MR. LASHER: It's funny that the Council mentioned that. We had a internal meeting last week just to sort of discuss how we're going to go about soliciting feedback in terms of the composition of this panel, et cetera. At that time, that question crossed my mind and I'm not sure what the legality of that is. We've have to look into it but I thought--I don't want to make that statement.

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What I would say that in the process of sorting this out, we'll sit down with Council Member Recchia and the Chairman of the arts committee and anybody else you suggest we sit down with to get input on how to make this a constructive body.

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COUNCIL MEMBER BREWER: I think the new chair of NYCHA is phenomenal, John Ray. I'm a huge supporter and he has an arts background. People may not know that and he is now getting all the arts organizations in the city to work with NYCHA. I just throw that out as anther part of what you should be thinking about. Thank you.

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CHAIRPERSON JACKSON: Council

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Member Al Vann of Brooklyn followed by Council

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Member Ignizio.

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COUNCIL MEMBER VANN: Thank you Mr.

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Chairman. Good afternoon. I guess a point of

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reference, I was opposed to mayoral control while

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my years in the Assembly and when I came to City

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Council, just for your information. My colleagues

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have asked a lot of questions which has clarified

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a lot of ambiguity that I have and I appreciate

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the question that they raised and the responses

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that you gave. One area that I'm just a little

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unclear.

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Since we reiterated or

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reconstituted mayoral control by this law, what

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new power or what new change has occurred to give

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greater access to parents? Or has that occurred

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as a result of the reconstitution of mayoral

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control?

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MR. BEST: Mr. Lasher touched on

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this in a number of ways. I don't want to rehash

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his whole testimony but it's in a number of places

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in the law. The law has strengthened the

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prerogatives of the school leadership teams, which

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2 obviously have parents on them. There are parent
3 associations involved in selecting, for instance,
4 citywide council on high school members as he
5 said.

6 There is a much more transparent
7 process throughout that allows for much more
8 robust public comment at all stages of major
9 decisions on Chancellor's regulations, on school
10 sitings and the like. There are a host of things.
11 Not only additions of English Language Learner and
12 special education parents to the community
13 education councils but also the codification of
14 the citywide council on high schools, the creation
15 of the citywide council on English language
16 learners, the revision of the membership of the
17 citywide council on special education to include
18 all parents of special education students being
19 represented.

20 All these things are ways in which
21 the legislature enhanced the ability of parents to
22 participate in the process, to get more
23 information, to know more about what's going on.
24 And to ultimately, have their voices heard.

25 COUNCIL MEMBER VANN: Very good.

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2 That sounds important, very formal. If a parent
3 has a problem in his or her school and they're not
4 getting a satisfactory response at the school
5 level, where do they go?

6 MR. BEST: The statute actually
7 addresses that do and I probably should have
8 mentioned this in response. Forgive me for not
9 doing that in response to your previous question.
10 The statute specifically says that the community
11 superintendent has the power to resolve parent
12 complaints that are not resolved at the school
13 level. That, in fact, they have to have staff to
14 do that and now the district family advocates, who
15 used to report to the central Office of Family
16 Engagement and Advocacy are reporting directly to
17 the superintendents in each district to help them
18 to resolve these sorts of complaints you're
19 talking about.

20 COUNCIL MEMBER VANN: That
21 sufficient staff thing under the superintendent,
22 how is that defined? How defines sufficient
23 staff?

24 MR. BEST: It's not defined in the
25 statute. It says sufficient staff. The first

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2 thing we did on the passing of the statute in this
3 regard was we decided to have the district family
4 advocates reporting structure change so that there
5 was immediately staff responsible for the
6 community superintendents who were in charge of
7 dealing with family complaints. A lot of what the
8 superintendents are doing now are dealing with
9 family and parent issues in the district.

10 We think for now that that's going
11 to be sufficient. Obviously if it turns out not
12 to be, we're going to have to take a look at what
13 kind of staff is sufficient and superintendents
14 will have to do that. But so far it appears
15 things are manageable in this way. We believe
16 it's sufficient as of right now and we'll see what
17 happens in the future.

18 COUNCIL MEMBER VANN: Do I
19 understand you to say that parent advocates report
20 to the superintendent?

21 MR. BEST: Yes, the district family
22 advocates all report to their respective community
23 superintendent now?

24 COUNCIL MEMBER VANN: And the
25 principal, though now right?

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2 MR. BEST: Those are the parent
3 coordinators in the school. Each school still has
4 a parent coordinator who reports to the principal
5 but each district office will have a district
6 family advocate who is responsible for dealing
7 with, at the district level, with parent
8 complaints and issues. That person, the district
9 family advocate, is reporting to the
10 superintendent.

11 COUNCIL MEMBER VANN: Is there any
12 relationship between the district family advocate
13 and the principal parent advocate, necessarily or
14 not necessarily?

15 MR. LASHER: There's no formal
16 hierarchal definition but if this is working
17 properly, the parent coordinators in the district
18 are going to have a good working relationship with
19 the superintendent and with the district family
20 advocate. So when a parent has a concern and it's
21 not being dealt with at the school level, it can
22 smoothly be dealt with at the superintendent's
23 levels.

24 COUNCIL MEMBER VANN: Okay.
25 Finally, the establishment of the parent training

1
2 center with CUNY, is that related to anything
3 else? Is this isolated parent training? What is
4 the mission of the parent training? What is it
5 supposed to achieve?

6 MR. LASHER: Speaking generally,
7 the mission of the parent training center is to
8 provide support and training for parents, both in
9 terms of how they can support their child's
10 educational progress and also how they can
11 participate in the various governance structures,
12 CECs, leaderships teams, et cetera, outlined by
13 law. I think that the desire to have CUNY do it,
14 the idea behind that was that you would have a
15 structure that was outside the walls of the
16 Department of Education doing it. Obviously,
17 we're going to continue doing the parent
18 engagement work that we're doing at the
19 Department.

20 I think we would look forward to
21 working collaboratively and supportively with CUNY
22 if and when the parent training center gets up and
23 running. But I think that there's a real level of
24 distance in terms of the work of that training
25 center.

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2 COUNCIL MEMBER VANN: May I ask one
3 last question? Who determines who would take
4 advantage of the training? Is it purely volunteer
5 or are there parent officers.

6 MR. LASHER: I think there would be
7 a lot of questions that need to be figured out in
8 terms of the implementation and the offerings.
9 Presumably it would be open to any parent that
10 would want to participate. And I would imagine
11 for training centers to be effective, it would be
12 doing a fair amount of outreach in trying to get
13 folks involved.

14 COUNCIL MEMBER VANN: So the law
15 does not imply any relationship or coordination
16 between the Department of Education and CUNY.
17 CUNY develops this independently, completely on
18 their own without any consultation or
19 collaboration?

20 MR. LASHER: No. Well, I think--by
21 the way in response to your earlier question. The
22 one thing that the chapter amendment, which again
23 isn't the law. But it does say that training has
24 to occur in all five boroughs so it can't be
25 something that's in Queens or in Brooklyn and not

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elsewhere.

Again, I think you have competing views, I suppose. Some folks would say for the training center to be effective, it needs to be independent of the Department of Education. Other folks would say for the training center to be effective it needs to have access to the information, knowledge that's housed in the Department of Education. Again, I think we would work collaboratively with CUNY to get it up and running so we would be supportive and collaborative in their efforts. But they would be running the show.

COUNCIL MEMBER VANN: The statute is quiet on that aspect.

MR. LASHER: I was looking. I thought there might be a reference to the center acting independently, per se but it does not, as I'm looking at it quickly now, I'm not seeing language to that effect. That may have been in some draft at some point.

COUNCIL MEMBER VANN: Is there an allocation of resources to establish this center or is CUNY supposed to come up with its own?

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2 MR. LASHER: The statute is pretty
3 specific in that regard. It provides that the
4 funding for the center would come in equal amounts
5 from the state and the city, that the city would
6 have to match any funding that the state provided
7 in an amount not to exceed \$800,000. As I said
8 earlier--

9 COUNCIL MEMBER VANN: [interposing]
10 Not to exceed what?

11 MR. LASHER: In an amount not to
12 exceed \$800,000 or a cumulative amount of \$1.6
13 million. But as I mentioned earlier, as of yet,
14 at least certainly to the best of my knowledge no
15 funding has yet been appropriated by the state.
16 But we're ready to go.

17 COUNCIL MEMBER VANN: An unfunded
18 mandate?

19 MR. LASHER: It is at this moment
20 an unfunded mandate. I guess we're waiting and
21 seeing.

22 COUNCIL MEMBER VANN: Is there a
23 mechanism for this to be funded before we pass
24 another budget?

25 MR. LASHER: I think there are any

1
2 number of ways, whether it be through a members
3 appropriation or other mechanisms the state could
4 provide. Again, the state could provide any
5 amount of funding. It doesn't have to provide a
6 full \$800,000 to the parent training center. As
7 soon as that happens, one way, we're in a tough
8 budget climate but we'll figure out a way to match
9 that.

10 COUNCIL MEMBER VANN: The city will
11 be compelled to match.

12 MR. LASHER: As part of our
13 agreement. Again, we're not legally compelled
14 because the chapter amendment hasn't been passed
15 into law but as part of our commitment the
16 Chancellor sent a letter on August 14 to Senator
17 Samson, Speaker Silver to that effect.

18 COUNCIL MEMBER VANN: Thank you.
19 Thank you Mr. Chairman.

20 CHAIRPERSON JACKSON: Thank you
21 Council Member. Council Member Ignizio from
22 Staten Island.

23 COUNCIL MEMBER IGNIZIO: Thank you
24 very much Mr. Chairman and thank you to my
25 colleagues. The question I'm going to ask is the

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2 one coming out of the CEC in Staten Island with
3 regards to the composition of the CEC and the
4 mandated special education and mandated ELL
5 parents. How that concern is for dually elected
6 members that currently serve on the board and
7 basically how is this going to play out?

8 MR. BEST: That's a difficult
9 question to answer because the sort of difficult
10 spot that everyone is in on this. This is one of
11 the many complications that Michael Lasher was
12 eluding to earlier. The difficulty is this, prior
13 to July 1 there was already a statute on the books
14 under which we ran elections for CECs. The members
15 were elected. The current law, which says that
16 it's retroactive to July 1 and in effect a
17 seamless transition between laws mandates that the
18 composition of the CEC be different than it was
19 when we held the elections under the old law.

20 One of the many things,
21 procedurally,. We're trying to figure out is how
22 does that get effectuated if the CEC doesn't
23 currently have the mandated ELL and special ed
24 parents. The answer is we don't know yet. We are
25 open to suggestions from anybody and in fact,

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2 Martine Garrier of the Department is our Chief
3 Family Engagement Officer. She is currently
4 trying to get feedback from CECs and suggestions
5 on what should happen.

6 We don't know exactly how it's
7 going to play out yet so I can't give you an
8 answer because while we're doing it--what I can
9 tell you is that once we've heard feedback and
10 decided what we think the best way to go is. It's
11 going to be embodied in a Chancellor's regulation
12 which will be subject to a 45 day public review
13 process before the Panel on Education Policy votes
14 so there will be plenty of time, even after that
15 for the public to weigh in on whether the way
16 we've gone about doing this makes sense or not.

17 COUNCIL MEMBER IGNIZIO: I just
18 have a concern that this will ultimately find its
19 way to judicial branch, both on its merits. That
20 they would carve out set asides and not open to
21 all parents as it originally was written. I was a
22 dually elected member and ultimately why am I not
23 able to serve at the time at which people went to
24 the polls and elected me to do so.

25 MR. BEST: These are the kinds of

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2 concerns that obviously can lead down the path. I
3 can tell you that, as the Department's general
4 counsel, I'm always hoping but worrying that
5 things might go. I don't want them to go to
6 litigation but sometimes they do and I hope this
7 doesn't. Again, we're at the point where we're
8 considering it. We want to do something that
9 makes sense and has the most fairness and has the
10 most representatives for all of the districts.

11 COUNCIL MEMBER IGNIZIO: I
12 understand. I was up in the Assembly, you may or
13 may not know and I know my colleagues put these in
14 with the best of intentions to ensure that there
15 is representation for parents of said children.
16 However, I think there is an issue coming down the
17 pike visa vee, I was elected and now I'm un-
18 elected by this. I question the Constitutionality
19 of that as well. Being a Council Member myself,
20 that's a little disconcerting that we can undo
21 limits and we can undo elections. You wanted to
22 say something, Mike?

23 MR. LASHER: Yes. I would just
24 add. We heard some of the concerns about this and
25 we're trying to figure it out. I would say that

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2 we're far from a situation where we're saying
3 folks are going to get bumped from these councils.
4 Again, I think there would be real questions on
5 whether that would even be appropriate or
6 allowable limitation of the law.

7 One of the things we're looking at
8 is where there are vacancies that we could fill
9 without disrupting the current composition of the
10 council. Where there are already parents of
11 special education and English language learners.
12 You're in District 31, sir?

13 COUNCIL MEMBER IGNIZIO: 31.

14 MR. LASHER: We don't have full
15 information yet. We're trying to get information
16 back from members of the Council so it's very
17 partial information but it does appear that that
18 council has at least one of the two seats is
19 covered on that council. These are all the
20 factors that we're taking into consideration with
21 the goal of not having sort of a disruptive
22 implementation of this part of the statute.

23 COUNCIL MEMBER IGNIZIO: The answer
24 is we don't know yet. That's basically where
25 we're at. Okay, that's a fair answer if we don't

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know. Thank you.

CHAIRPERSON JACKSON: Following up on that, I had mentioned yesterday, if in fact a CEC has already nine members on their then because the law states that there must be parents on there representing ELL and children with special needs then they should be put on, regardless. Even if there is 11, if the law says one each representative then there should be at this point and time 11. Quite frankly, the law says that they should be represented. Just from an operational point of view, I guess if I was a Chancellor I would put them on and have them be represented on the body, even if it exceeds nine.

I'm curious to know when do you plan on implementing this. When does the Chancellor plan on implementing this?

MR. BEST: As I said in my testimony, our anticipation is that we should have the Chancellor's regulations out and barring--

CHAIRPERSON JACKSON: [interposing] I know, you explained the process.

MR. BEST: I also said by the end of January. I would expect the process should be-

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CHAIRPERSON JACKSON: [interposing]

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The end of January, half of the school year is

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over.

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MR. BEST: Remember, on these there

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is a 45 day notice and comment period so if you're

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working backwards from let's just say the end of

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January and I'm leaving us a little room there.

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That takes you back to mid-December. You've got

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the holiday period so I'm not sure we want to

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depend on that period as part of the notice and

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comment period.

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This, in particular, is a

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complicated decision and we want to get it right.

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We're trying to get--

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CHAIRPERSON JACKSON: [interposing]

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Why is it so complicated? I'm serious; I'm not

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being smart. I don't understand what's so

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complicated about it when the law--let me just

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finish please, if you don't mind. When the law

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says that there must be representatives on the

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CECs from children with special needs and for

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English language learners, I don't see why it's so

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complicated. You can just expand it temporarily

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2 by two slots and until such time it gets down to
3 nine or until you have another election.

4 I personally don't see why is it so
5 complicated. Maybe you can explain to me--

6 MR. LASHER: [interposing] I can
7 try Chairman.

8 CHAIRPERSON JACKSON: Okay, maybe
9 somebody can explain to me why it is so
10 complicated.

11 MR. LASHER: I think that your
12 suggestion is one that certainly would avoid the
13 feelings that some have expressed to Council
14 Member Ignizio and that make this difficult. It's
15 something we will definitely take a look at. The
16 possible problem with it, and I don't want to
17 commit to saying it is a problem at this point
18 because we're open to considering all
19 possibilities. The possible problem with it is
20 that the statute provides. It doesn't say at
21 least nine members. It doesn't say nine members
22 plus one special ed. It says if I remember
23 correctly, nine members including one ELL and one
24 special ed parent.

25 The problem with that language is

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2 that it presumes nine people total read in a
3 certain way. That's what makes it complicated. I
4 don't think that that means that we've gotten to a
5 point where we've categorically ruled anything
6 out. We haven't. But it is a complicated
7 question.

8 CHAIRPERSON JACKSON: I don't think
9 it's a complicated question. It's a question as
10 far as the legality as far the nine members.
11 Bottom line is what was the intent. I think that
12 this is where I expect a proactive situation in
13 order to move the agenda. The agenda is to have
14 representation of ELL and children with special
15 needs, that's the agenda. That's what the intent
16 of the law was and I think we should move it
17 forward.

18 So let's take the 45 days. Let's
19 assume 60 days. I don't see why--this is
20 September. I don't think that we should delay any
21 longer. As I've said before, I've heard where
22 dates have been given and then you're not able to
23 meet that and it goes on. Quite frankly, like I
24 said, I don't think it's too complicated. If in
25 fact what you should do is ask the state

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2 legislature to amend the law temporarily to
3 include up to 11 people until such time it gets
4 back down to 9, that can easily be done.

5 In fact, I think I'm going to
6 entertain those questions with the Chair of the
7 various two committees. I expect the proactively
8 of the Department of Education in order to move
9 forward in implementing so that there is the
10 representation of those individual groupings, Ell
11 and special needs, on the CECs.

12 MR. BEST: Message received and
13 rest assured, we are working as quickly as we can
14 to get this implemented. We're not going to wait
15 a day longer than we need to, to get this
16 regulation out there. We're trying to come up
17 with an approach that makes sense. Message
18 received and we're working as fast as we can.

19 CHAIRPERSON JACKSON: Okay. Now
20 you had indicated that Martine Gerrier was
21 soliciting feedback from anyone concerning what
22 suggestions they had in order to try to move
23 forward in this. Is that information going to be
24 posted on a web site and be made available for
25 anyone to observe to give feedback as to

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2 suggestions that are made?

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MR. BEST: Martine is getting feedback in two ways. One, and this is important as it relates to this issue we've just been discussing. She's been trying to get a comprehensive picture on which CECs already have a parent of a special education student or English language learner because in a lot of cases we may be there already. That's a process that takes some time. That information needs to be solicited from each individual Council Member and there are nearly 400 across the city. That's one project.

The other thing she's doing is she's reaching out and she's talking to Council Members, really specifically the CEC members to get their thoughts and guidance and make them feel like they have a stake in how this process is going to move forward. Certainly, again, Martine, Michael, myself, any member of the Department is eager to gather thoughts. That process really is an informal one.

The statute provides for a formal notice and comment period in which public comments are officially received, considered and then the

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2 Panel votes on the policy. I guess what I'd say
3 is we're basically doing an extra and preliminary
4 feedback gathering process to help us come up with
5 a proposal that makes sense. Once we put that
6 proposal out there, there will then be a formal
7 public comment process in which comments will be
8 publicly. It will be in a Panel meeting or it
9 will be posted and all of those comments will be,
10 as you say, publicly available.

11 CHAIRPERSON JACKSON: Clearly to be
12 continued and especially the timeframes in
13 implementing that. Because, as you indicated,
14 Martine and her I guess employees within her
15 jurisdiction are reaching out to the CECs to see
16 which CEC members are parents of children with
17 special needs or ELL to see whether or not they
18 would, I guess, qualify to be in that slot even
19 though they were not elected to be in that
20 particular slot. That's a big difference. Do you
21 know what I mean?

22 I know that that situation, in my
23 opinion, should not take a very long time. I'm
24 more concerned about how long it is going to take.
25 That's what I'm mainly concerned about. Okay?

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2 Let me turn to Dominic Recchia who had a follow up
3 question.

4 COUNCIL MEMBER RECCHIA: Thank you
5 Mr. Chairman. I just want to follow up. My
6 colleague left, Simcha Felder, but about special
7 ed and the new law. A big problem is that parents
8 don't know where to turn when they have a special
9 needs question. They get the run around,
10 especially those parents whose children go to non
11 public schools. The Department of Ed is now
12 saying that they contracted with certain providers
13 and these parents are being forced to use these
14 providers you contracted with.

15 There are many children out there
16 who have therapists, OTs and PTs and non public
17 schools who have therapists for a number of years
18 and they're being forced now to use these health
19 care providers that you're coming out and saying
20 you have to use it. This is not in the best
21 interest of children.

22 Now where do they go? Is it the
23 network leader? Is it the superintendent? Is it
24 Tweed? They don't know. Do you know where they
25 wind up? In the elected official's office and I

1
2 could give you a list of parents that have come to
3 my office with these problems. I think that is an
4 issue that you--

5 The district office should have a
6 sign, we're re-opened, everyone welcome, come here
7 with you problems. Superintendents should have
8 staff because it says in there they should have
9 staff. Do you know what? In my district offices
10 I don't see staff; all I see is a family advocate
11 and maybe one or two secretaries. So when can we
12 expect staff and how much staff?

13 MR. BEST: As I said earlier, we
14 believe at this point that having the district
15 family advocates in the district offices reporting
16 to the superintendent is going to be sufficient
17 staff to deal with the family complaints and
18 issues. It's something we'll have to keep
19 visiting as time goes on and we see what happens.

20 With that said, in regard to your
21 other question. I have a little litigation and
22 other things about special education so I know
23 some things about it. I think probably the best
24 suggestion I can give is, as you're aware, the
25 Chancellor recently appointed Laura Rodriguez as

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2 the Chief Achievement Officer for special
3 education and ELL. If it's okay with you, what
4 I'd like to do is ask Laura to reach out to you
5 Council Member and discuss these things.

6 COUNCIL MEMBER RECCHIA: Yes, I'll
7 definitely do that. When Mr. Felder was saying
8 that, that is one of the big problems and it's not
9 really addressed under the new governance law. It
10 doesn't talk about the special needs children. It
11 doesn't talk about prior to mayoral control there
12 was a special ed office, special ed coordinators
13 in every district. These parents knew where to
14 go. They don't have that anymore. When we had
15 the Regents they knew where to go. Now there's no
16 more Regents and they don't know where to go.

17 Getting back to the network
18 leaders, they don't talk about the network leaders
19 in the new governance laws. Because, I guess,
20 they really didn't understand it or they just
21 didn't realize that network leaders today work
22 with the principals and really the superintendents
23 can't tell a principal what to do and what not to
24 do is my understanding. Of course, they're there
25 basically to work with the parents, resolve

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2 problems. But as far as curriculum is concerned,
3 it's up to the network leader.

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5 These network leaders have between
6 20 and 33 schools. How could they address and be
7 effective to the schools that they are covering?

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9 MR. BEST: I just want to address
10 the first part of what you asked and I'll ask
11 Dorita to speak to the work of the network
12 leaders. But I just want to be clear that the
13 superintendents have are the supervisors of
14 principals and have the final say over principals.
15 The statute is quite clear on that fact. The
16 statute doesn't reference the network leaders.
17 Networks are a construct and network leaders are
18 individuals that are an important part of our
19 pedagogical work and there are many individuals
20 and constructs within the Department of Education
21 that are important parts of our pedagogical work
22 that are not outlined in the statute.

23

24 It's not a governing structure.
25 It's not a legally mandated role but it is work
and a role that is important to the work the
Department does supporting schools. But at the
end of the day, it is the superintendent who does

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2 the quality reviews of the principals in their
3 districts, that supervises the principals in their
4 districts and have final say over issues related
5 to that. The network leader--

6 COUNCIL MEMBER RECCHIA:

7 [interposing] When you say final say so if there's
8 an issue and the network leader disagrees with the
9 superintendent or the superintendent disagrees
10 with the network leader that means whatever the
11 superintendent says--

12 MR. BEST: [interposing] The
13 superintendent has final authority in that
14 instance, it's quite clear. But with that I'd ask
15 Dorita to speak to the work that the network
16 leaders do and how the networks of multiple
17 schools function.

18 MS. GIBSON: The work of the
19 network leader basically is to support principals
20 and empowering principals to do what's best in
21 their own particular school community around
22 curriculum, around student achievement. They're
23 there to support that work, to take it to another
24 level. So if a network leader has 20 schools,
25 there's not one particular way that the network is

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2 telling the principal to do anything because
3 they're not really telling the principal how to do
4 their work. They're really supporting the
5 principal to do their work very well.

6 If a principal has initiatives in
7 their school around special ed youngsters and they
8 want to have a special intervention program, they
9 can bring that to the table. Maybe what they
10 would need from the network leader is to support
11 them around that work, to help them find different
12 vendors, to implement a new program in the school.

13 The superintendent is aware of
14 this. The superintendent doesn't come in and say
15 you can't do this or you can do this. We're
16 supporting the work. If, for instance, that
17 curriculum is not a good curriculum to be used
18 then that's a discussion the superintendent would
19 have, with the principal, with the network leader
20 or together. Our goal here is to make principals
21 responsible for the achievement of all the
22 children in their schools.

23 COUNCIL MEMBER RECCHIA: I
24 understand that, Dorita. It's very hard to
25 question you because I have so much respect for

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2 you. I think you're great. But I just want to
3 say that I just think that network leaders, in my
4 personal opinion, is I've been waiting for six
5 years to change the law. The superintendent
6 should have authority over the network leaders.
7 The network leaders should report to them, that's
8 my personal opinion.

9 I think that network leaders should
10 only have a certain number of schools. I think 30
11 schools for some of these network leaders are a
12 lot for them to have. I just think that...

13 MS. GIBSON: In Staten Island a
14 superintendent has 60 schools and they're doing
15 the same kind of work.

16 COUNCIL MEMBER RECCHIA: But that's
17 different. When you're the superintendent of all
18 the schools, those are your schools. You're
19 focused, you're framed, you know what's going on.
20 When you have a network leader that has five
21 schools in District 20, two schools in District
22 21, ten schools in Queens, two schools in
23 Manhattan and one school in Staten Island. How
24 can they focus?

25 MS. GIBSON: Because that's the

1
2 nature of the work and the work is to support the
3 principals. They're not expected to dictate to
4 the principals, they're expected to support the
5 work that they're doing.

6 COUNCIL MEMBER RECCHIA: Yes,
7 support the principals but they're all over the
8 place, how could they really support them? I just
9 think it's extremely difficult. You never see
10 network leaders, very few network leaders go to
11 PTA meetings. Parents have questions. I just
12 think it's a system that is too wide. There's too
13 many problems with it and there's not enough focus
14 on really helping the schools.

15 MR. LASHER: I hear your point and
16 look, it may be that bringing the superintendents
17 back to the districts is going to help address
18 some of your concerns. I would just say that a
19 lot of the work of the network leaders and the way
20 that those networks are formed. Those
21 confederations are not as much about geography as
22 they are about common vision and pedagogical
23 approach of the schools. I think the fact that
24 the schools in a given network may not be
25 geographically clustered is not necessarily an

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2 impediment to that network working effectively.

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 The last thing I would just say on this is one of the nice things about networks is principals choose. The networks are there to serve and support the principals. In events where the principal is not feeling well served or well supported by his or her network, they can find a new one. I hear--

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 COUNCIL MEMBER RECCHIA:

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[interposing] One thing you also left out, the network leaders have a say in who the new principal is going to be in the C30 process.

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 MR. LASHER: There's a C30--

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 COUNCIL MEMBER RECCHIA: The final choice is up to the superintendent but the network leader...

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 MS. GIBSON: In consultation, they work together to select Level 1 and Level 2--

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 COUNCIL MEMBER RECCHIA:

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[interposing] Right, so the network leader has a say in who the principal is going to be in a building.

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 MS. GIBSON: Just as the school

25

community will have.

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2 MR. LASHER: Again, that wouldn't
3 affect the standing principal's decision as to
4 which network to affiliate with. They've already
5 become a principal. At any rate, it's ongoing
6 work.

7 COUNCIL MEMBER RECCHIA: The school
8 community we said has input. They have very
9 little input today on who the new principal is
10 going to be. The superintendent has the final
11 say, the network leader in consultation with the
12 network leader. I just want to say.

13 CHAIRPERSON JACKSON: Thank you.
14 Let me ask a question as far as that. I heard you
15 indicate several times that the district family
16 engagement officer is assigned and reports
17 directly to the superintendent and that's enough
18 staff to handle right now at the superintendent's
19 office. What is the minimum staffing level of
20 superintendent's office currently today?

21 MR. LASHER: Again, just keep in
22 mind, we effectively went from a superintendent's
23 office where the superintendent had
24 responsibilities both in and out of the district
25 to a new vision of the superintendent's office

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2 where their responsibilities, as we said, are
3 predominantly in the district and there's a major
4 focus on parent complaints. I think there's a
5 dramatic increase in resources just on that
6 assignment alone.

7 Then the re-deployment of the
8 district family advocate to the superintendent is
9 an additional, I think, deployment of resources.
10 In addition to that, in each district office the
11 superintendent has an administrative aid. That's
12 the current staffing levels--

13 CHAIRPERSON JACKSON: [interposing]
14 I'm sorry, I didn't understand. What is the
15 minimum staffing level? What is the staffing
16 right now? You have a superintendent.

17 MR. LASHER: The superintendent,
18 the district family advocate and an administrative
19 aid.

20 CHAIRPERSON JACKSON: That's it?

21 MR. LASHER: That is the current
22 staffing.

23 CHAIRPERSON JACKSON: And you
24 expect a superintendent to supervise all of the
25 principals in the district and deal with all of

1
2 the family issues and concerns and carry out all
3 of the other responsibilities and that's all
4 you're providing superintendents?

5 MR. LASHER: Look, we've--

6 CHAIRPERSON JACKSON: [interposing]
7 And you feel, when I say you, the Chancellor and
8 the Mayor feels that's enough in order to staff a
9 superintendent's office.

10 MR. LASHER: I'd say two things
11 about that.

12 CHAIRPERSON JACKSON: No, I'm
13 asking you.

14 MR. LASHER: Let me--

15 CHAIRPERSON JACKSON: [interposing]
16 I'm sorry.

17 MR. LASHER: Let me answer your
18 question.

19 CHAIRPERSON JACKSON: Let me first
20 state my statement. Does the Chancellor and the
21 Mayor feel that that is sufficient to address, to
22 supervise. They have to evaluate and supervise
23 all principals in their district. They have to
24 deal with all issues and concerns that come to
25 them from parents and you know there are plenty

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2 full of those. And deal with everything else that
3 has to be dealt with and you're telling me that
4 the Mayor and the Chancellor is saying that the
5 superintendent, the district family advocate and
6 an administrative support staff person is enough
7 to deal with that?

8 MR. LASHER: This is a new mandate
9 that we believe this is how we are implementing
10 it. Obviously if those resources prove
11 insufficient to meet the requirements of the law,
12 we change it. I would just say one thing on this
13 point which is that there's a balance here to be
14 achieved between obviously providing the necessary
15 resources to comply with the law and not
16 resurrecting a massive bureaucracy from which we
17 have saved a great deal of resources and put them
18 back in the classroom.

19 I know that the difficult budget
20 climate is a major concern of yours, Chairman.
21 There are difficult choices down the road and I
22 think it would be ill advised to jump the gun on
23 creating massive bureaucratic structures that may
24 not be necessary. We believe this will be
25 sufficient to meet the statute. If it's not we'll

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2 make adjustments as need be.

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CHAIRPERSON JACKSON: Has the new duties and responsibilities of the superintendent have been outlined to them? And if so, by what means and methodology? Is that information available to the members of the public and more specifically, to myself as the Chairman of the Education Committee that has oversight of the Department of Education.

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MS. GIBSON: I have personally gone through their duties.

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CHAIRPERSON JACKSON: Can you speak directly into the mic if you don't mind, please.

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MS. GIBSON: I have personally gone over their duties as to the work in their districts. Yes, they know what their supposed to be doing with their schools in terms of the quality reviews, in terms of building councils, in terms of working with the district family advocates around district leadership teams and school leadership teams. They do know what their work is. They're putting it into practice already. They've already started it, they're working with their CECs, they've been working with

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2 their district family advocates to do just the
3 things that we've been talking about today. It's
4 just starting. So far it seems to be going well.

5 MR. LASHER: In response to the
6 second part of your question Council Member, as
7 the Department issues any written guidance to
8 superintendents in this regard, we'll be happy to
9 provide it to you and your staff.

10 CHAIRPERSON JACKSON: I can make an
11 assumption that you've already issue--the
12 Chancellor has already issued a memo to the
13 superintendent or the supervising superintendent
14 outlining what their duties and responsibilities
15 are, more so than just a verbal meeting.

16 MR. LASHER: At this point, we're--

17 CHAIRPERSON JACKSON: [interposing]
18 I'm asking a question. Has a memo from you,
19 supervising superintendent or the Chancellor been
20 issued to the superintendents outlining what their
21 new duties and responsibilities are. If so, when
22 was it issued?

23 MR. LASHER: One has not been
24 issued but one will be forthcoming and again,
25 we'll provide it to you and your staff.

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2 CHAIRPERSON JACKSON: One has not
3 been issued?

4 MR. LASHER: No. We're three weeks
5 into the school year. Ms. Gibson met with all of
6 the superintendents to convey these
7 responsibilities. As we get the written guidance
8 out to them, we'll get it to you as well. I think
9 as Ms. Gibson testified, I think there is a
10 feeling on our part that these responsibilities
11 have been conveyed to the superintendents and
12 they're at work doing these tasks. Again, I
13 understand the desire--

14 CHAIRPERSON JACKSON: [interposing]
15 Mr. Lasher, you know and I know, in dealing with
16 this bureaucratic system of the Department of
17 Education which has how many employees?

18 MR. LASHER: I think 140,000.

19 CHAIRPERSON JACKSON: 140,000
20 employees and has a \$22 billion budget and you're
21 communicating to 32 superintendents, some may be
22 new and you're only communicating to them verbally
23 what their duties and responsibilities are?

24 MR. LASHER: As I said, we are
25 three weeks into the school year.

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2 CHAIRPERSON JACKSON: But the law
3 has been in place since it was adopted.

4 MR. LASHER: I understand your
5 concern. As I said earlier, we are in compliance
6 with the law. These are senior managers in the
7 Department and these are strong educators with a
8 lot of experience. They understand their jobs.
9 Ms. Gibson has met with them. We're three weeks
10 into the school year and we're shortly--but I
11 understand your concern. We're going to have
12 written guidance going to the superintendents and--
13 -

14 CHAIRPERSON JACKSON: [interposing]
15 The question is when.

16 MR. LASHER: Shortly.

17 CHAIRPERSON JACKSON: What's
18 shortly? No, I'm serious. I've heard you say
19 that we're working on it shortly but the question
20 I ask over and over again is when.

21 MR. LASHER: I would imagine in the
22 next few weeks Council Member.

23 CHAIRPERSON JACKSON: Let me ask
24 the supervising superintendent, when did you have
25 the meeting in order to explain to them what their

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new duties and responsibilities are?

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MS. GIBSON: I've had several

meetings with them. I just met with them on the

16th of this month but I have also met with them

as a group, all 32 of them plus the high school

superintendents. I've also met with them by

borough so I've had several meetings with them.

I've been meeting with them all along. I've

shared the governance with them. We've gone

through the governance of what their work is going

to be. I've talked about the regs on the C30s.

A lot of good work. I know that I

can't show you paper but that's the work that I do

and that's the work that I know. I've been a

superintendent in the world prior to 2002 so I

know what superintendents did and I know what

district office looked like. But I also know what

they looked like during the regional structure and

I know what they look like now. I know that the

work that they're doing is not the same work that

we were talking about that happened a year or two

ago.

I know what their work is about.

They know what their work is about. They're not

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2 new to the system. They've done this work before.
3 They really trust me when I say that they know the
4 work that they should be doing has changed.

5 CHAIRPERSON JACKSON: Do you have a
6 list of all of the superintendents...

7 MS. GIBSON: Sure.

8 CHAIRPERSON JACKSON: ...and what
9 their jurisdictions are?

10 MS. GIBSON: Yes.

11 CHAIRPERSON JACKSON: Is that
12 listed on your web site?

13 MS. GIBSON: Yes, it is.

14 CHAIRPERSON JACKSON: So if I go to
15 the DOE's web site, where would I go? Help me out
16 here. Help me navigate the web site quickly.

17 MR. LASHER: I don't have it
18 memorized. I will send your staff a link this
19 afternoon.

20 CHAIRPERSON JACKSON: And that will
21 list all of the superintendents and their
22 jurisdictions?

23 MR. LASHER: Yes.

24 CHAIRPERSON JACKSON: Let me just
25 ask a couple of quick questions, if you don't

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mind. You talked about, I believe Mr. Lasher

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about the parent institute training center with

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CUNY and that the City of New York will match up

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to \$800,000. Is that being worked on right now or

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are you waiting? What's the current status of

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that - the current status?

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MR. LASHER: The current status is

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that, as I said, we've had some preliminary

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conversations with CUNY. There is a limitation on

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what they can do without money. We stand ready to

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match any funding provided by the state. I can't

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speak for the state.

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CHAIRPERSON JACKSON: But as far as

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moving forward with a proposal and a contract, the

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Department of Education you're committed up to

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\$800,000. I'm asking you to be proactive.

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Parents have indicated to me and to Council

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Members they've been shut out under the Bloomberg

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administration. Here's an opportunity to show

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that they're not shut out.

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Be proactive. Enter into an

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agreement or work on coming with a final proposal

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with CUNY in order to move forward on the parent

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training center and let's assume that it costs

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2 \$1.5 million. The maximum amount of money is 8
3 and 8, \$1.6 million. Be proactive and saying
4 we're not waiting for the state to come with the
5 money. We're going to put our money up right now
6 in order to move forward with this. That's the
7 type or proactivity [phonetic] that I would like
8 to see the Department of Education take.

9 If you were the Chancellor right
10 now, I would be telling the Chancellor that but
11 the Chancellor is not here. The Deputy Chancellor
12 is not here for curriculum and instruction. The
13 Deputy Chancellor for administration, Kathleen
14 Grimm is not here. The Deputy Mayor overseeing
15 education is not here. The Mayor is not here.
16 Now you're here, Michael Best the general counsel,
17 Ms. Gibson the supervising superintendent of all
18 of the superintendents out here and Mr. Lasher as
19 the director or the chief person in regard to
20 public relations, you're here. But the bottom
21 line is none of you make a decision. None of you
22 make a decision.

23 The Chancellor and the Mayor makes
24 the decisions. Now, you may recommend as chief
25 staff because you're clearly in my opinion and you

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2 know it yourself, you're in the staff line where
3 you are making recommendations to the Chancellor.
4 More than likely he will probably go forward with
5 your recommendations. But the bottom line is that
6 you're not in charge. As an oversight body I say
7 to you that we want to see people that are in
8 charge.

9 I'm sorry. Let me just move on to
10 a couple of other questions. Mr. Best you spoke
11 about the PEP. The 10 business days in advance,
12 that's being implemented right now, is that
13 correct?

14 MR. BEST: That's correct.

15 CHAIRPERSON JACKSON: As far as
16 procedures for ensuring public participation.
17 Right now when an item is being discussed and then
18 before the Panel votes for it the public who has
19 signed up has an opportunity to speak. Is that
20 correct? I believe that's correct.

21 MR. BEST: That's correct.

22 There's also for certain things like Chancellor's
23 regulations or the school closing issues we were
24 talking about earlier. There's the 45 day public
25 review process in addition to that. But yes, for

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2 any item that the Panel is going to vote on the
3 public is given an opportunity to comment on it at
4 the meeting before the Panel votes.

5 CHAIRPERSON JACKSON: Can I make a
6 recommendation to you to take back to the Panel?
7 You're the secretary right now of the Panel.

8 MR. BEST: That's right. I'd be
9 happy to take any suggestion you have back,
10 Chairman.

11 CHAIRPERSON JACKSON: I would
12 recommend that there be a general public comment
13 upfront. So for example when I was president of
14 community school board 6 in northern Manhattan,
15 parents they have kids to take care of, get
16 children ready for bed, homework. Get a 20 to 30
17 minute general public comment right up in the
18 beginning so people who have anything to say to
19 the Panel will have an opportunity to say that.

20 I would recommend that that happen.
21 Sometimes we have people that went beyond the
22 period of time that we've allocated for the other
23 public sessions so we will put that at the end. I
24 would recommend that there be a public comment
25 before and at the end so that everyone has an

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2 opportunity to speak on any subject matter in
3 front of the Panel, which is basically has
4 replaced the old Board of Education.

5 But also, I would recommend that if
6 you have not signed up by, I think it's by 6:30
7 then basically they pull in all the sign in
8 sheets. That's not inviting public participation
9 throughout the process. I would recommend that
10 you take my recommendations back to the Panel for
11 consideration as the secretary.

12 MR. BEST: I'll be happy to mention
13 them to the Panel. I should say, since under the
14 Panel Bylaws the Chairman is in charge of the
15 agenda and the conduct of the meeting so I'm going
16 to go directly to the Chairman with your
17 suggestions.

18 CHAIRPERSON JACKSON: I know that
19 you will do but I ask you to take those
20 recommendations so that the public will have more
21 input into the process. Because quite frankly
22 sometimes some people get there past 6:30, if you
23 pull all the sheets in at a certain time then they
24 don't really have an opportunity to participate.
25 It's really important that people participate as

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much as possible.

Concerning the procurement changes, I believe the Panel voted on that at the last meeting, is that correct?

MR. BEST: Only a temporary policy under the emergency power--

CHAIRPERSON JACKSON: [interposing] That's 60 days?

MR. BEST: It's in effect for a maximum of 60 days, that's correct. We're hoping to get, in relatively short order, a proposal for a final procurement policy that would be subject to public review and comment and then would be voted on by the Panel.

CHAIRPERSON JACKSON: Mr. Best, can you please explain what changes have the amended law made on DOE regarding contracts and procurement?

MR. BEST: I can try. I'm happy to answer that question. Basically what the temporary procurement policy does is it, with a couple of minor changes, it codified. It did two things. Number one it adopted and formalized our standard operating procedures for contracting.

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Some things that weren't in writing before but for the most part they were procedures we were already doing.

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Plus it added some things to make sure we're in compliance with, say, the registration requirement of the law. That is there's a specific requirement. There was never anything in the law about whether we had to register our contracts with the Comptroller. We always did but now it's in the governance statute and there are specific procedures set forth that are very similar to the city charters for charter agencies and that's in our temporary procurement policy.

We're going to go forward with a more detailed final procurement policy that adopts some other things from the current city PPB rules both preserves some of the ways in which--because we're a decentralized school system we need to be a little bit different. Basically, most of the procurement methods are the same as the city has. What we're going to do is we're going to add some things related to the documentation that's required that's in the city's rules and some other

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2 things to make it more closely aligned to city
3 rules. But the processes we already have are
4 roughly the same that the city follows.

5 CHAIRPERSON JACKSON: To be
6 continued. I guess my final question is that the
7 amended law, and correct me if I'm wrong,
8 emphasizes that the Department of Education must
9 adopt a recruitment policy that takes into
10 consideration the diversity of the students and
11 enhanced diversity and equity in recruitment and
12 retention. What, if anything, is the Department
13 of Education doing to diversify its workforce.

14 MR. LASHER: What the law requires
15 is that we have a policy in for diversity of
16 recruitment and that the Chancellor then report on
17 its impact, which of course, will be further down
18 the road to the Panel. The Panel has to adopt the
19 proposal made by the Chancellor.

20 What we are doing is we have our
21 human resources department and our director of
22 equal employment opportunity and diversity
23 management have been meeting to start the work
24 involved in that. As I'm sure you're aware, work
25 related to diversity matters in personnel, when it

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2 intersects with the civil service laws and the
3 union contracts it becomes complicated to do these
4 things in a way that is both Constitutional and
5 Supreme Court cases in this area. And also
6 comport with different laws and also promotes
7 diversity in the way we want to see it happen and
8 that the law intends to have happen.

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We're working through all that now.
10 We expect later in the school year to have a
11 proposal for the Panel. It's going to take a
12 little bit of time, though. This is not one of
13 the things that we're going to be able to rush
14 particularly because we want to get it right and
15 we don't want to be in a position where a court
16 strikes it down.

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CHAIRPERSON JACKSON: With respect
18 to notifying principals, SLT members, parents and
19 UFT staff, principals about the new duties and
20 responsibilities of all the parties, has that gone
21 out yet? If not, when is that going out to all
22 the interested parties to inform them of the new
23 duties and responsibilities of the SLTs and all of
24 that, the CEPs.

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MR. BEST: What we're doing is a

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lot of those are going to require regulatory changes, that is changes in our regulations. We are hoping, in very short order, to have most of those embodied in draft regulations that can be put out for public comment and that the field will know about. What we want to do is embody a lot of those things.

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For instance, the changes to the principal selection process to empower School Leadership Teams in that process, we need to change our regulation that selects principals. That requires talking to the principals' union. It requires considering what the best ways to do this but in short order we hope to have a revised C30 regulation for the selection of principals, which is one example of how this stuff is changed. That will be out there for public comment and I'm hoping it happens very soon.

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CHAIRPERSON JACKSON: Let me thank you Mr. Best and Ms. Gibson and Mr. Lasher for coming forward, representing the Chancellor. Please express to the Chancellor that we want to see him as a point person for the Department of Education. It's always good to see the three of

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2 you, but quite frankly the Chancellor should be
3 here. Under Mayoral control, the Mayor should be
4 here because this is about the Mayor is totally in
5 charge of the system. We want to speak to the
6 person that's totally in charge of the system so
7 thank you very much for coming.

8 MR. LASHER: Council Member thank
9 you.

10 MS. GIBSON: Thank you.

11 CHAIRPERSON JACKSON: Next we're
12 going to hear from George Sweeting from the
13 Independent Budget Office, which in the new law
14 has a role and responsibility. We're going to
15 hear from Mr. Sweeting, the Deputy Director for
16 the Independent Budget Office. Would you please
17 identify yourself and your title and you may begin
18 your testimony; if you have written testimony,
19 please submit it and we'll listen to your verbal
20 testimony.

21 GEORGE SWEETING: I have some brief
22 written testimony, which is being distributed now.
23 Good afternoon Chairman Jackson. My name is
24 George Sweeting and I am the Deputy Director of
25 the New York City Independent Budget Office. I

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want to thank you for the opportunity to speak to the Committee about the new school governance law.

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As you know, the new law was signed by the Governor just six weeks ago. As a result, many of the changes required under the legislation are now in just the first phase of their implementation. Given this early stage, much of the effort to build the new governance regime is likely going on behind the scenes in ways we can not yet see and we saw some of that earlier.

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But I can pull back the curtain and discuss where IBO is in the process of implementing its enhanced role under the new legislation. I am particularly pleased to discuss this at this hearing because we know that one reason we were given this broader role was the recommendations made by the Council's working group on Mayoral Control and School governance during the debate on school governance.

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As suggested by Chairman Jackson and members of the working group, under the new law IBO has a mandate to review and report on all aspects of the Department of Education. From our traditional role of tracking the school system's

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2 revenue and spending to broader issues concerning
3 student outcomes and other performance data.

4 To put this broad new role into
5 action we are working on three tracks
6 simultaneously; hiring the necessary staff,
7 defining our oversight goals and establishing the
8 procedures for accessing and processing the data
9 we will need. IBO is well into the process of
10 seeking the additional staff necessary to fulfill
11 our new responsibilities. We have advertised
12 widely and received literally hundreds of
13 applications. We are reviewing the applications
14 and interviews are now under way.

15 Given the broad mandate under the
16 new legislation, we're also reaching out to many
17 different stakeholders in the city's public
18 schools to help us determine how our resources can
19 best be used. We began a listening tour to begin
20 our understanding of the issues that concern New
21 Yorkers, meeting with parents, policy makers,
22 advocates, academics and others to identify how
23 our expanded capacity can be used.

24 That is another reason I am pleased
25 to be here today, it allows IBO to extend an

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2 invitation to this Committee and the Council as a
3 whole to discuss with us the issues you think we
4 should address and the data we should review.

5 Also under way is the development of procedures
6 for accessing and processing that data. We have
7 had a preliminary conversation with the Chancellor
8 as a first step in beginning to discuss with the
9 Department of Education how we will routinely get
10 the student level and other data that we need in a
11 timely manner.

12 In a system with more than 1
13 million students and roughly 85,000 teachers, the
14 data we will be accessing is much larger than what
15 our information systems now handle. So we are
16 also determining what computer hardware and
17 software we will need for processing, storing and
18 protecting this data as well as identifying staff
19 to help us manage it all.

20 Thank you for the opportunity to
21 update the Committee on the steps already under
22 way at IBO to meet our new responsibilities under
23 the new school governance legislation. I'll be
24 glad to answer any questions you may have.

25 CHAIRPERSON JACKSON: Thank you for

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2 coming in and representing the Independent Budget
3 Office. I'm glad that you are here during the
4 entire testimony and question and answer period
5 from representatives from the Department of
6 Education. I hope that you sitting through the
7 testimony gave you some insight into the current
8 status as to the Department of Education in moving
9 forward in implementing changes in the new
10 governance law.

11 But my question to you is from a
12 monetary point of view. How much additional money
13 is the Independent Budget Office going to receive
14 in order to fulfill their mandates under the new
15 governance law.

16 MR. SWEETING: Under the law, the
17 IBO's budget got an increment equal to 2.5% of
18 OMB's budget. Previously we have been receiving
19 10% of OMB's budget and that was defined in the
20 City Charter. The new legislation does it in
21 state law, it says in addition to that 10%, IBO
22 gets an additional 2.5%. In round numbers that
23 works out to an additional \$750,000 for our
24 office.

25 CHAIRPERSON JACKSON: Does the

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2 office feel that is a sufficient amount in order
3 to carry out its duties and responsibilities as
4 outlined in the law?

5 MR. SWEETING: We think it does.

6 CHAIRPERSON JACKSON: You had
7 indicated that you're in the process of hiring the
8 necessary staff. How much staff currently in the
9 opinion of the IBO, additional staff will you need
10 in order to fulfill the requirements of the law,
11 as far as numbers of staff and/or positions, if
12 you can give any details of clarification.

13 MR. SWEETING: I can't give you a
14 precise number because it's going to partly depend
15 on some interesting choices we will have about the
16 kind of people and the kind of skills and
17 therefore the salaries that they command. It's
18 probably in the neighborhood of somewhere between
19 four and six additional people. That will be an
20 add on to--for a long time IBO had one person
21 covering the Department of Ed. Clearly, that is
22 not as much as we wanted.

23 We had to say no to a lot of vey
24 interesting questions and requests that came from
25 Council Members and other elected officials and

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2 the general public. We actually added one
3 additional person earlier this year. We shifted
4 resources within our budget because we recognized
5 there is too much going on in the Department of Ed
6 to not put as much as we could into it so that
7 brought us up to two. Those two members, they
8 will be part of this new group.

9 At the end of the day between the
10 two that we had and probably four to six new
11 people, we'll wind up with six to eight people in
12 that group.

13 CHAIRPERSON JACKSON: You had
14 stated in your testimony that the IBO began a
15 listening tour. Is that tour publicized anywhere
16 and where are you scheduled to go in the future?
17 I personally have not seen anything and I'm
18 curious myself. I may want to be able to stop in
19 to listen also on the listening tour.

20 MR. SWEETING: The listening tour
21 may not be exactly the right term. I may regret
22 having pout that in here. What we've been doing
23 is a series of private meetings with various
24 people that we identified. We have, I think, a
25 pretty broad range. The elected officials are

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2 sort of at the end of that list and we it not out
3 of any disrespect but I think our sense was since
4 we had a pretty good sense of what many elected
5 officials were interested in having the IBO do
6 from the legislative process last spring and
7 summer that we said, okay, we have a pretty good
8 idea there. We want to go talk to some other
9 people that we hadn't necessarily heard from first
10 but we are planning to come back to the elected
11 officials.

12 CHAIRPERSON JACKSON: I'm curious
13 as to the parents more specifically because as you
14 know there are parents whose primary concern is
15 making sure they get their children to school safe
16 and sound. As long as their children is doing
17 well, they have many other things to take care of.
18 There are parent leaders at the local, regional
19 and district level and citywide levels. I'm
20 curious to know when you say meeting with parents.

21 MR. SWEETING: It's been leaders of
22 parent groups that we've been meeting with, so far
23 anyway. But we're nowhere near done with this
24 process. We would be interested in hearing
25 suggestions of other people we should talk to.

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CHAIRPERSON JACKSON: As far as computer hardware and software, I guess you know as a Deputy Director of the Independent Budget Office you've heard me say this over and over again as far as the financial management system of the Department of Education not being aligned with the Office of Management and Budget. So that in my opinion there is not any real independent oversight because we have to depend on the Department of Education's computers and staff in order to give you the information that you need.

I hope that the Independent Budget Office, being independent of the Office of Management and Budget and the Department of Education, please put in a system that you can truly be independent of the Department of Education. So you can give us an objective analysis of whatever data that you ascertain from the Department of Education.

MR. SWEETING: We certainly are planning on doing that. You deserve a lot of credit for asking everyone these related questions at every budget hearing. I think it was at the Exec Budget hearing last spring that we talked

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2 about this. I mentioned that there was some
3 relatively good news on this front. In that
4 they've actually brought at the moment, the OTPS,
5 the other than personnel spending, side of their
6 budget into a system that's essentially FMS. They
7 call it FMS3 and it's automatically aligned with
8 their internal spending numbers.

9 Curiously, they had done that and
10 didn't tell us. I presume didn't tell other
11 interested parties. It was news to us when they
12 sent us a memo saying would you like to come see
13 what this new system is. It had actually been up
14 for a while and we didn't know about it. That's
15 some progress. It, of course, still leaves out
16 the personnel spending side which is the largest
17 piece of their budget. Although their intention
18 is to complete also bringing that over in to FMS3
19 by January was the date I've heard. The finally
20 do seem to be making some progress on it so it may
21 be that you won't have to ask these questions come
22 March and May next year.

23 CHAIRPERSON JACKSON: I hope I
24 won't have to. I know that I've asked these
25 questions for several years, both at preliminary

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and executive budget hearings. Both to Mark Page, the Director of Office of Management and Budget and I believe also with the Chancellor Joel Kline. Quite frankly, I've asked this question also of the Comptroller Bill Thompson and everyone else. The bottom line is that we still don't have a system that's aligned to independently evaluate the Department of Education's budgetary process. Quite frankly it's been way too long.

In fact, I've been in office eight years; this is my eight years. The same time as Mayor Bloomberg and eight years is way too long with respects to hearing over and over again that we're working on it. Well we're working on it when? The time is now and we can't wait another eight years. So I say that to you with respects to financial management system should have been in place, in my opinion as a layperson, and it should not take eight years to get it in place.

MR. SWEETING: I completely share your frustration with it. But as I said, it may finally be getting better. The other thing I'll say is although we're just beginning the process of negotiating with the Department. But I suspect

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since the law makes it very clear that we're entitled to a substantial amount of information that we think we need to do the job that we will. If there are pieces of their financial systems that we still can't see, even once they get everything into FMS3 that we will ask for our own terminals or whatever is necessary to look at that material. So we would have that information available.

CHAIRPERSON JACKSON: Let me thank you on behalf of your Director and your staff at the Independent Budget Office. We look forward to working and hearing from you regarding moving forward and evaluating the various aspects of the law in which you are mandated under new governance law.

MR. SWEETING: We look forward to it.

CHAIRPERSON JACKSON: Thank you very much.

MR. SWEETING: Thank you.

CHAIRPERSON JACKSON: And next we're going to hear from Michael Mulgroove, the President of the United Federation of Teachers.

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2 Good afternoon and welcome, just identify yourself
3 and your position and any party that's with you
4 and you may begin your testimony.

5 MICHAEL MULGROOVE: Good afternoon.
6 My name is Michael Mulgroove and I am the
7 President of the United Federation of Teachers.
8 Carol Gersol, counsel for the United Federation of
9 Teachers is also joining me. Thank you Council
10 Member Jackson for bringing these hearings and
11 thank you Council Member Fidler for attending.

12 I submitted testimony and I just
13 want to speak about this process that we've begun
14 over a year ago in this City of New York called
15 the governance debate. It was a very long process
16 but I felt that it was a good process because it
17 did involve the community. It involved hearings
18 throughout the city and it brought people an
19 awareness to what it means to govern the schools
20 of the City of New York. The process continued in
21 Albany as we are all very well aware. It went
22 throughout the month of July.

23 But in the end I do believe that we
24 came up with a law, by acting together as a
25 community with all constituents voicing their

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2 opinions, a law that will help the school system
3 of New York City become a better place. Now we
4 have started the school year. So the issue is how
5 do we make sure that what this community called
6 New York City did last year, how do we make sure
7 that all of our work is implemented properly? And
8 that is really the question we have before us.

9 It is early in the school year and
10 I'm hoping that this will only be the beginning of
11 the City Council's oversight looking into this
12 governance law as we go through the school year.
13 There are many pieces I've heard already being
14 discussed here today. I was very happy to hear
15 that the Department of Ed explain the law. That
16 is a good thing and I hope that they will start
17 explaining it to the school system because that is
18 really where it makes a difference.

19 School leadership teams, district
20 leadership teams will begin meeting this month.
21 They have been given no guidance whatsoever on the
22 changes to the law and what it means to the work
23 that they do. It is very important, especially as
24 we are moving into a year where we have financial
25 constraints that are new to the school system,

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2 that they have not had to deal with under this
3 current administration. That we do everything in
4 our power to help stabilize them, give them the
5 information and the support that they need to run
6 their schools properly, efficiently to bring the
7 community inside of them, which I believe is the
8 clearest intent and spirit of this entire
9 legislation was that all parties must be
10 respected. That guidance is still not existing
11 out in the field.

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13 So we're hoping that we can start
14 seeing this roll out because it needs to roll out.
15 There is no phase in process to this law. The law
16 took effect when it was voted in, that's it. I
17 understood earlier today, my colleagues from the
18 Department of Ed were talking about a one year
19 phase in. That is not something that the school
20 needs at this point in time. We do not need
21 continual changes throughout a year where the
22 schools are already dealing with difficult
23 situations as I said before.

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25 It is my hope by testifying here
today that we can all make sure that the focus of
this city, of the Department of Ed, of the Mayor's

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2 office, of the United Federation of Teachers, of
3 the City Council is to make sure that we quickly
4 implement this law so that the schools can be
5 stabilized and do the work that they want to do in
6 the best conditions possible, which is to educate
7 children.

8 That is what is reflected in my
9 testimony and it is the belief of the UFT that
10 that is what is best for the schools. We will do
11 everything in our power to work with people or to
12 compel them to do this. Thank you very much.

13 CHAIRPERSON JACKSON: Even though
14 you submitted your written testimony, you
15 summarized, I guess in a nutshell, what the
16 position of you as the President representing your
17 members are here today. Let me just say that you
18 are right. When Mr. Lasher, the Director of
19 Public Relations indicated in response to a
20 question either from one of my colleagues or
21 myself with respects to how long is it going to
22 take in order to give the superintendents total
23 jurisdiction in accordance with the law. He said
24 that he felt that they would have it implemented
25 by the end of the school year.

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2 My response was that is not
3 acceptable. In fact, the law states as you
4 indicated, effective immediately. I've been
5 around this system as a parent activist since 1980
6 when my oldest daughter entered public school up
7 in Washington Heights. In reading the New York
8 Times article about you, I believe yesterday,
9 you've been around a long time, too.

10 You know and I know a lot of people
11 that are here know that the duties and
12 responsibilities of superintendents, this is not
13 rocket science. This is something that I've asked
14 whether or not the duties and responsibilities
15 have been issued in writing. They have not. I
16 personally don't see and understand why is it
17 taking so long, knowing that the duties and
18 responsibilities. The law says that the
19 superintendents shall supervise and evaluate
20 principals in their district. Not majority,
21 almost all of the work has to be within their
22 district.

23 To me, that's pretty clear. I
24 don't understand why it's taking so long. If you
25 or your representatives were here, I kept saying

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2 that the intent of what they were saying was that,
3 yes, we are moving forward with that. I've heard
4 many times before where they said we're working on
5 it in essence. These are my words not their
6 words. I asked a question but we've heard that
7 before. When is it going to happen and that's the
8 real question. With everything else, it's about
9 implementation.

10 Quite frankly, in response to one
11 question they said it was complicated. I, quite
12 frankly, didn't understand what was so complicated
13 about the law. The law says that there are nine
14 members of the CEC but the law says there shall be
15 a representative of children with special needs.
16 The law says there shall be a representative from
17 ELL. So if there are nine members, I don't see
18 why they can't be proactive in saying, until such
19 time, let's just add two people so we make sure
20 that those constituencies have representation.

21 Obviously they said they are
22 evaluating to determine whether or not any of the
23 CEC members, whether the members themselves have
24 children with special needs or ELL so maybe that
25 they can be representative. Maybe, I would assume

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2 this to be the case, representative of those
3 constituencies that are mandated by the new law.
4 I've said before that those individuals were not
5 elected by those constituencies to be
6 representative of those various groupings on the
7 Panel. I don't think it's very complicated I
8 think they just need to move forward with an
9 action plan.

10 Obviously, as the law says, things
11 that are implemented by the Chancellor's
12 regulations there is a 45 day comment period so
13 forth and so on. So where we're restricted to
14 implement stuff by statute based on time then
15 obviously that time has to take place. But quite
16 frankly, what I expect the Department of
17 Education, as I indicated, is to be more proactive
18 in moving forward in implementing the aspects of
19 the law. That's what I expect as the Chair of the
20 Education Committee.

21 MR. MULGROOVE: I believe the
22 Department of Education would receive nothing but
23 cooperation and collaboration on all the
24 interested parties behalf if they move forward
25 quickly to implement this law. It was very

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2 significant when both the Chancellor and the Mayor
3 of New York stood up and said, this is the law
4 that we want. So they have the law. It is
5 incumbent upon them now to make sure that the law
6 becomes a reality.

7 I hear your words very, very
8 profoundly saying this is what you want and I'm
9 assuming this is what the rest of the City council
10 wants. Maybe there's a way to say to the Mayor,
11 listen let's just get this done now.

12 CHAIRPERSON JACKSON: That's what
13 we have advocated. I've said regarding the parent
14 training center, they said that the law says
15 matched by the state legislature up to \$800,000.
16 I said don't wait; move forward with an action
17 plan and upfront the money. Let's move forward.
18 From a parent's perspective and I've heard it from
19 parents all over this city and to coin a phrase.

20 Parents under the Bloomberg
21 administration were shut out. That's why, I
22 believe that the new governance law brings parents
23 back into the fold from a training point of view,
24 from a SLT point of view, from a CEC point of
25 view. All of the aspects concerning parents is

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2 giving parents more of what they really are, which
3 is full partners in their children's education.

4 So let me just thank you as the
5 President of the United federation of Teachers
6 because its seems as though, based on what you
7 said and what I said, that we're on the same page.

8 MR. MULGROOVE: Yes.

9 CHAIRPERSON JACKSON: That we're
10 aligned and moving forward in implementing the
11 law. So I'm glad to see that we're aligned.
12 Hopefully if the message is out from everyone that
13 everyone is aligned then the Mayor and the
14 Chancellor would say, hey, let's be proactive.
15 Let's move forward and let's not wait for anyone
16 else to take the action. This is an election year
17 so hopefully the message is getting out there.
18 Let me turn to my colleague Council Member Lou
19 Fidler of Brooklyn.

20 COUNCIL MEMBER FIDLER: Thank you
21 Mr. Chairman. I want to apologize to you and to
22 everyone hear for having arrived late to this
23 hearing. I was chairing a joint hearing of Youth
24 Services and Health next door. Then we had budget
25 negotiating. I wanted to be here in the worst

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2 possible way. The advantage of having the
3 opportunity to read written testimony is that you
4 get to hear what was said when you weren't in the
5 room.

6 I am kind of shaking having read
7 Mr. Lasher's testimony. Quite frankly, I am so
8 sorry he was not here and I wonder whether or not
9 I would have been so rude as to interrupt him.
10 His testimony is just more of the Mike Bloomberg,
11 Joel Kline, media machine, nonsense that we see in
12 the 30 second commercials and in the junk mail
13 that's been coming over my mailbox that is trying
14 to tell me something that every teacher, every
15 parent, every supervisor, anyone who has any
16 actual connection to the school systems knows
17 isn't true.

18 For him to site in his testimony
19 that parents are going to be represented on this
20 panel by Joe Chan, without mentioning the fact
21 that Joe Chan is the Executive Director of an
22 organization making six figure salary that is a
23 sole source contract with the Bloomberg
24 administration. And he's going to be an
25 independent voice for parents? That is an outrage

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2 to me. I just wish I had been here when Mr.
3 Lasher had the capital Hutspa to say that in this
4 room. It is just an absolute insult to parents in
5 this City of New York for that appointment to go
6 on unquestioned. 97% of our schools are As and Bs,
7 haven't we heard? That's more of this absolute
8 crap that this testimony was. I'm very sorry I
9 wasn't here for it.

10 I have one question for you and it
11 goes to the superintendent issue because to me one
12 of the most important changes that was made was
13 that the superintendent shall in fact supervise.
14 And they shall in fact be superintendents for
15 their community school district so that we
16 actually have a place to go to redress grievances
17 and problems.

18 I can tell you as an elected
19 official when my constituents come to me, that's
20 probably the last place they should go. The
21 Bloomberg administration could care less what
22 elected officials have to say on behalf of
23 parents, of kids in their district. I once had a
24 parent whose child got accepted to Midwood High
25 School who wanted to go to Madison. At the exact

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2 same time I had a child at Madison that wanted to
3 go to Midwood. And they refused to switch them.

4 So that just tells you just how
5 responsive they are. It's an election year so
6 maybe it will be different this year. I don't
7 know. The fact of the matter is that the
8 superintendent change is critically important.

9 Just for the record I want to make it clear that
10 no one has asked me to ask this question. That
11 was a joke. Have your teachers found that the
12 superintendents are in fact spending the
13 overwhelming majority of their time in the
14 districts, supervising the schools in their
15 districts because that's not what I'm hearing from
16 parents.

17 MR. MULGROOVE: The reports that we
18 have is that the superintendents, the provision in
19 the law are about the superintendents has not been
20 implemented. I believe earlier when Mr. Lasher
21 was here, his answer was it would be a phase in
22 process over the year. The members from the UFT,
23 different reports from different districts, they
24 have various frustration because they have not
25 assumed the role as it was written in the law.

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2 COUNCIL MEMBER FIDLER: That is in
3 fact consistent with what I'm hearing from
4 parents. So now we have parents and teachers
5 indicating that the Department of Education is
6 flaunting the law and in a most significant way.
7 I guess we can all wag our finger at his royal
8 highness, the Mayor of the City of New York and
9 his crown prince Chancellor will decide to do what
10 they want to do. But the fact of the matter is
11 that the law says they need to be doing something
12 different and for very, very, very good reason.

13 I share the Chairman's frustration
14 and clearly your frustration that they're not
15 implementing the law at the time it was supposed
16 to. We all understand little delays. Hey, we
17 didn't anticipate. This bill and this provision
18 has been debated for a year so the fact that they
19 can't get around to implementing it, like they're
20 surprised, is kind of ridiculous.

21 I'm not glad to hear that you find
22 the same thing but I'm glad to know that we are
23 all on the same page in this room. Now we just
24 got to add the Chancellor on the same page with
25 the law that was passed in the City of New York.

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2 Thank you.

3 MR. MULGROOVE: Thank you. Have a
4 good afternoon.

5 CHAIRPERSON JACKSON: Thank you.
6 Next we're going to hear from Daisy Avedia, the
7 New York Immigration Coalition and Arlene Benjamin
8 Gomez from Advocates for Children and May Lee, the
9 Chinese Progressive Association. Please come
10 forward. Good afternoon ladies. Please identify
11 yourself and you may begin your testimony.

12 MAY LEE: Good afternoon. Thanks
13 for sitting through all of this and hearing all
14 this testimony from us. My name is May Lee, I'm
15 the Executive Director of the Chinese Progressive
16 Association. We're a community based organization
17 in Manhattan's China Town, lower east side. We
18 work in China Town lower east side and we're
19 dedicated to raising the living and working
20 standards of those who live, work or go to school
21 in the at neighborhood.

22 While we serve all community
23 members, increasingly our clients and constituents
24 are individuals who have lived in this country for
25 three years or less. In the area of education, we

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2 run a matching program for immigrant youth. Some
3 are in school, some are out of school. We have
4 educational program like career and college
5 readiness classes and we also work with the
6 immigrant parents. We provide workshops to teach
7 them about the school system and how to get
8 involved in their children's education.

9 All of our students are English
10 language learners and they go to one of the larger
11 public schools. About one-quarter to one-third of
12 them don't graduate from high school on time. So
13 when they graduate they take a little longer. By
14 the time they graduate they are a little older.
15 The parents we work with do not speak English well
16 and they have little experience dealing with the
17 school bureaucracy. Half of the parents are high
18 school graduates and actually one-third of them
19 didn't even finish high school and they went to a
20 school in another country.

21 We often also receive a lot of
22 calls for help from parent association leaders who
23 actually really want to reach out to them and
24 involve them but they don't have the resources to
25 do so. While we recognize that DOE has made

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progress in meeting the needs of immigrant students and their parents, there is still much that needs to be done.

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We're pleased to hear about the proposal for the parents and student training center. But just dealing with our one community is already as you can see, challenging and complex. Dealing with many immigrant and non-immigrant communities is even more challenging and complex. I was a little dismayed to hear today that if you have the CUNY funds and the matching funds it's about \$1.6 million. So that's not enough to do what this training center ought to be doing.

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We're also interested to hear the details about this newly proposed citywide council on ELLs that hopefully will increase parent voice and school governance. Again, from the parent leaders and the parent association leaders we often hear one thing, is that we need to go beyond the bake sale. We need to have a real voice. Parents may not be knowledgeable about the school bureaucracy at first but they are experts when it comes to their children's education and they ought

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2 to be at the table. We hope that this citywide
3 council on ELLs will be a vehicle where parents of
4 English language learners can have a real
5 representation in the New York City public
6 schools. Thank you.

7 CHAIRPERSON JACKSON: Thank you.

8 Daisy.

9 DAISY AVEDIA: Good afternoon
10 Chairman Jackson and Council Member Fidler. My
11 name is Daisy Avedia and I'm the Coordinator of
12 Education Advocacy for the New York Immigration
13 Coalition. As most of you are aware, the New York
14 Immigration Coalition was part of an effort that
15 sought significant improvements to our school
16 governance system. In particular, we sought
17 stronger checks and balances, greater transparency
18 and policies to foster more meaningful parent
19 engagement.

20 While the legislation that passed
21 by the Assembly and the State Senate fell far
22 short of our expectations, we now need to focus on
23 ensuring that the positive developments of the
24 legislation are implemented rapidly and
25 thoughtfully. So that they begin to make a real

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2 difference in the lives of ELL and immigrant
3 students, their parents and all members of New
4 York City school communities.

5 In terms of the expanded role of
6 the Independent Budget Office to review DOE
7 financial and performance data, we see this as a
8 significant step forward and also represents an
9 opportunity for us to begin to look at finances,
10 particularly as they pertain to immigrant students
11 and ELL students. As you know, as a result of the
12 campaign for fiscal equity settlement, ELLs are
13 generating significant new funds for the city
14 through to contract for excellence. Yet only a
15 small percentage of these funds can actually be
16 traced back to ELL programs and services.

17 At the local level, parents still
18 do not know and they don't have answers to
19 important questions about the real results of the
20 campaign for fiscal equity settlement. How many
21 new ESL or bilingual programs have been created?
22 How many after school or drop out prevention
23 programs have opened in my district? How many
24 qualified teachers or guidance counselors have
25 been hired specifically to support immigrant and

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2 ELL students? These questions might sound
3 familiar because these are the same question that
4 we've been asking for over two years. We're
5 hoping that with the expanded role of the
6 independent budget office, parents will finally
7 get some answers to these questions.

8 In terms of the structures to
9 foster parent engagement, we heard wide consensus
10 during the debate that the current avenues for
11 parent engagement weren't enough. That is why the
12 creation of this independent center is important.
13 Just as you were, we were equally surprised about
14 the fact that so far there hasn't been any
15 proactive measures on the part of the Department
16 in terms of brining together communities, working
17 with CUNY to start outlining a robust and
18 comprehensive outline of next steps and a timeline
19 for opening the center.

20 For years we have also been
21 advocating for expanded leadership opportunities
22 for parents of ELLs. The citywide council on ELLs
23 also created a new opportunity. It provides a
24 chance for parents of ELLs, for immigrant parents
25 to be heard on issues affecting their children so

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2 that they don't continue to be an afterthought in
3 school reform. The Department of Education must
4 make public a timeline and implementation plan for
5 the citywide council on ELLs. We agree that there
6 is no reason to wait until next year. We want to
7 make sure that something is created this year.

8 While we're clear that this is not
9 the end but just the beginning of the reform
10 process. We now know better than before through
11 this long engagement over the past year what we
12 need to do in our school system. We look forward
13 to working with you to see those reforms through.
14 Thank you.

15 CHAIRPERSON JACKSON: Let me thank
16 both of you representing your organizations for
17 coming and giving your perspective and your
18 opinions on the new governance law. I hope that
19 as you said, Daisy, with respect to some of the
20 issues and concerns that I raised. Obviously
21 those were the same issues and concerns that you
22 had, I guess, raised and thought about in your
23 position as a coordinator for the New York
24 Immigration Coalition.

25 Clearly, all of us need to stay

1

2 focused to push DOE, the Mayor and the Chancellor
3 to move forward as quickly as possible in
4 implementing these. Obviously, in my opinion,
5 based on the past history they're not going to be
6 proactive in moving forward on the parent's
7 center. When you ask the majority of parent
8 leaders their history under mayoral control, it's
9 a shut out parents. Obviously some people differ
10 on that but that's my opinion based on everything
11 I know. If you heard me say at the end, they
12 should be proactive in moving forward, even
13 without the money from the state. Especially,
14 especially in an election year if they were smart.

15 But obviously, they may not be so
16 smart. Time will tell. I say to you that we're
17 going to stay focused on pushing them. As Mike
18 Mulgroove said that this was the first hearing but
19 he hopes that this is not the last hearing and
20 oversight on the implementation.

21 So maybe we should think about this
22 and hold another oversight hearing in a couple of
23 months to find out where they are and not wait
24 until the end of the school year in order to keep
25 pushing them when they know we're going to have an

1
2 oversight hearing. Then we're going to know that
3 you said to us on September 23, this is where you
4 are. Now October, November, December 23rd, three
5 months later, where are you in the process. So
6 maybe we need to talk about that and holding
7 continuous oversight hearings and moving forward
8 with the implementation.

9 So that parents, especially parents
10 that as you indicated that one, their primary
11 language may not be English, number two, their
12 involvement in education is mainly focusing on
13 getting their children to school and working to
14 support their families. They may not understand
15 all of the bureaucratic policies and procedures
16 because many of them are from different countries
17 and did not grow up here; as part of that. To get
18 them more involved in educating them as to what
19 their rights are and understanding the different
20 roles and responsibilities of the various players
21 so they can become more actively involved in their
22 children's education.

23 MS. LEE: We appreciate your
24 leadership on this.

25 CHAIRPERSON JACKSON: Thank you.

1

2 Council Member Fidler, do you have any comments?

3 Thank you both for coming in. For the record, we

4 received testimony from Community Education

5 Council 31 and for those of you who don't know,

6 Council 31 is the community education council for

7 Staten Island. And also we've received testimony

8 for Advocates for Children on the record, which is

9 now part of the record.

10 Next we're going to hear from

11 Granville Leo Stevens, an independent parent

12 organization and Jim DeVoor, Community Education

13 Council for District 15, which is in Brooklyn, Ben

14 Shanahan, New York City Student Union, a student

15 constituency in my council district and Rodney

16 Deeds, he's a parent from Brooklyn. Please come

17 forward the four of you. So we'll move forward in

18 the order in which I called you, Granville.

19 Everyone identify yourself, what position you hold

20 and then you may begin your testimony.

21 GRANVILLE LEO STEVENS: Thank you

22 Mr. Chairman Jackson. Our hair grows grayer over

23 the years that we've been in this struggle and

24 fight. I'm glad you're still in it. --, Jan,

25 Council, greetings. My name is Granville Leo

1
2 Stevens. I've been a parent of children in the
3 school system for 35 years, I think continuously.
4 Is still have two more years to go. During that
5 course of time I not only had to advocate for my
6 five daughters, successfully I might add, but also
7 for their peers and children in other underserved
8 communities, principally, African American,
9 Latinos, ELLs and children with special needs.

10 We must live in a parallel universe
11 because a lot of the things that I've heard today
12 basically don't relate to the needs of the almost
13 900,000 African American and Latino children,
14 particularly African American and Latino boys, who
15 are being mis-educated we believe in the school
16 system. One of the constants has been that the
17 different administrations of the city and the BOE
18 and now the DOE basically have a concern and a
19 goal and a mission.

20 We go back with Randy Weingarten
21 and have a history with the union since 1968 when
22 Albert Shanker battled the underserved community,
23 not passing judgment on that. But there's been a
24 divide and one constant has been that parents,
25 whatever the structure has been and whatever the

1
2 administration has been. I've been involved with
3 Chancellor since Kinonis and everyone since then.
4 Parents have been excluded. I think what we heard
5 today only proved that.

6 We're talking about several billion
7 dollars worth of budgets. We're talking about
8 increase this and increase that and all of this
9 bureaucracy. But what we have is a parent
10 training center that is being funded by the way up
11 to \$3.2 million over two years with matching
12 funds. I think that is a disgrace.

13 The other thing, as you pointed out
14 Chairman Jackson, where is it when the deal when
15 down on the big governance issues and the chapter
16 law amendments were passed, which I think have
17 been minimized in the comments by DOE. The
18 Chancellor said he was going to implement those
19 immediately. You pointed out that they should be
20 proactive. Well, according to the Mayor they
21 should have done that back in August. I think it
22 was clear from the comments in response to your
23 questions that there is no contract, there is no
24 real discussions. I didn't hear anything specific
25 on that.

1
2 But the question becomes, who is
3 going to do that work and is it going to be
4 independent. One side administrative thing I
5 think that wasn't asked is was there any
6 supplantation [phonetic], anti supplantation laws.
7 Will, for example, if the \$800,000 per annum
8 that's coming from the DOE is that in any way
9 going to be taken out of the budget and activities
10 of OFEA or is it going to be incremental. We
11 don't know that, do we? There's a lot of
12 discussion and rumors going around about OFEA,
13 their effectiveness, what they're doing, gathering
14 information and so forth.

15 I think it's clear. Our history is
16 clear that we must have independent parent
17 training because there's no way the most exquisite
18 details, laws, regulation, etc are going to deal
19 with the 900,000 kids that I'm principally
20 concerned with. That is clear that we don't have
21 equity, equality or anything else and it starts
22 with the parents.

23 Parents have to be trained in order
24 to be their own advocates. They can not rely on
25 the DOE, BOE and in many cases in my district,

1
2 can't rely on the politicians nor the unions. We
3 just had a situation here in District 2, where
4 there is a slight majority of Black and Latino
5 kids where parents raised over \$2 million in extra
6 soft funds. These parents have been opposed fair
7 student funding formula, which is at the heart of
8 CFE, Contracts for Excellence and so forth. They
9 advocate against this. They advocate against
10 that.

11 This relates to the political
12 structure, too. I hope I'm not stepping on too
13 many toes. I'm crushing them. But we had a
14 situation where the school with the most egregious
15 violation of the prohibition against parent paying
16 school aids, the lab school P.S. 77, 43 aids hired
17 by parents - 43. The worst out of 195 that was
18 discovered belatedly. What happened there is that
19 a Council Member, Mr. Mulgroove, the Chancellor
20 came up with an excellent compromise. The
21 compromise was you can continue paying them but
22 we're going to put them on an existing DC37 line
23 while the DC37 employees that look like us get
24 cut.

25 The outrageous, outrageous moral

1

2 violation in my opinion was the fact that this lab
3 school principally white and Asian, is a guest in
4 198, which in all of these years has been the only
5 ser school that I know of under Alvarado. So
6 everyday Black and Latino kids come into a school,
7 no money, ineffective PTA and the school that's
8 white, doesn't look like them, 43 school aids,
9 raised \$450,000 a year. P.S. 6, where my daughter
10 used to go who is 39 now, used to raise up to \$1
11 million. 234, 160, etc, etc.

12

I think when we talk about engaging
13 parents, I think it is incredibly important and
14 absolutely necessary, especially if we're going to
15 talk about equity in this day and age that we
16 direct and insulate and have this function
17 embedded in communities that have the greatest
18 need. You've been the subject and the target of
19 sophisticated parent commission kinds of efforts,
20 lobbying and so forth and so forth. Believe me,
21 those are the ones that don't need to have this or
22 to hijack any further campaign for fiscal equity
23 funds.

24

25

I would invite; we can talk. One
last quick thing in this regard; 133 out in

1
2 Brooklyn. I'm talking with the Council Member de
3 Blasio now about this but 133 was going to be
4 expanded. The Council approved a new building for
5 them that's going to have 900,000. Unfortunately
6 the plan right now is that they're going to bring
7 in students from two different districts, 13 and
8 15. They're going to have disparate demographics,
9 if you know what I mean and they're going to have
10 separate entrances.

11 If anyone understands or remembers
12 Board v. Board of Education, the doll experiments
13 that have been replicated today, Dr. Clark's work.
14 What this does to Black and Latino kids to see
15 what they don't have every day and what we tell
16 them about themselves, I think you would want to
17 get involved. Basically bring people together to
18 work on this.

19 In closing I just want to say that
20 Senator Perkins says that there's been an elephant
21 in the room. The elephant is class and race. I
22 think your Council, the union, everybody, we need
23 to go and have civil open conversations on this
24 issue which we don't talk about and we haven't
25 talked about today. Thank you for the opportunity

1

2 to address you Chairman Jackson.

3 CHAIRPERSON JACKSON: Thank you.

4 Chairman DeVoor Community Education Council

5 District 15.

6 JIM DEVOOR: I wasn't planning to
7 testify today but having heard the testimony that
8 we did hear I felt moved to comment. I've been a
9 member of Community Education Council for District
10 15 since its inception and I guess as the last one
11 standing now I'm the president of that Council.
12 By the way, intimately involved in negotiations
13 over 133 and have a very different take. We can
14 talk about that later. We can talk about that on
15 the question by the Council Members. But that's
16 not why I came here to testify.

17 It used to be a practice that was
18 exposed with a terrible grafuffle [phonetic] that
19 questions were being fed to Council Members. I
20 would like to stand up for tradition that perhaps
21 there should have been more feeding of questions,
22 with all due respect to the current incumbents
23 here because there are some questions that I would
24 have like to have had asked. Among other things,
25 for example, given the track record of the

1
2 Chancellor and the Mayor with regard to district
3 superintendents. Given that the original mayoral
4 control law explicitly provided for the continued
5 existence of district superintendents.

6 The response by the administration
7 to sort of use district superintendents as the
8 first among equals, among so called instructional
9 superintendents, having no significant authority
10 in their school, which would require a lawsuit to
11 be brought by sponsors of the bill to rectify
12 that. We then now create district superintendents
13 who have offices in one location. And the next
14 step was we created student achievement
15 facilitators out of district superintendents. So
16 that means that the reason they were sent out and
17 was deliberately set up to put them outside of
18 their districts, in many cases 90% of the time.

19 Now we're told by Mr. Lasher--this
20 is really hard for us to try to bring this back
21 into creating district superintendents. It's sort
22 of like the person who murders their parents and
23 then demands mercy from the court on the ground
24 that they're an orphan. They created their own
25 problem, deliberately did so and now we're asking

1
2 your indulgence to try to rectify something that
3 was always intended in the law, was litigated in
4 terms of the settlement and was reiterated again
5 in the last passage and they need another year. I
6 would have liked that question made clear to Mr.
7 Lasher.

8 The other concerns I would have,
9 just as factual issues. There has been no
10 consultation with the council that I'm aware of
11 and I'm president of a council about what to do
12 with the fact that some councils are fully
13 positioned without ELL or special needs parents.
14 By the way, I suspect that that's not as big of a
15 problem as you might imagine. Some of those
16 districts are not fully staffed already. They
17 don't have full council membership. Some have
18 qualifying parents. But it's interesting.

19 I had occasion to ask my state
20 Senator, to my chagrin, was one of the sponsors of
21 the bill and asked him what he thought that I had
22 heard rumors to the effect that DOE felt that the
23 elections had to be run over again in districts
24 like mine. My understanding under the statute is
25 that their intent under these circumstances would

1

2 be that the next available vacancy, if there was a
3 missing slot, but would be filled by the CEC but
4 would have to be filled with a parent from one of
5 those groups.

6

7 Again, those vacancies are going to
8 happen fairly frequently. Parent members of CECs
9 tend to go missing sometimes. There are fairly
10 strict rules under the legislature that says three
11 absences that are unexcused mandate that a CEC
12 member is expelled, creating a vacancy. That was
13 his understanding of the law, too and as I said,
14 he was one of the sponsors of that bill.

15

16 Apparently nobody from Doe asked him because why
17 would you ask the sponsor. No one asked me if
18 these were available.

19

20 The next question I would have
21 about district superintendents. I just wonder if
22 it would be okay for Robert Jackson to hire Mr.
23 Lasher's press assistant because that's the logic
24 at this point of having a DFA who is hired by
25 Martine working for the district superintendent.
That's their idea of the only profession to be
working under the district superintendent is not
hired by that district superintendent.

1
2 I would ask another question,
3 having our experience in District 15, we had two
4 DFAs. One who is widely regarded and who had been
5 in the district for some 15 years and was
6 terminated in favor of somebody newly appointed
7 six months earlier. It was made very clear to us
8 that DFAs are employees at will even though we
9 objected and passed resolution and my district
10 doesn't pass a lot of resolutions.

11 Yet one question I would ask Mr.
12 Lasher, are those DFAs employees at will and can
13 the district superintendent terminate them at will
14 and hire their own staff member for the one
15 professional position that district
16 superintendents have been given to handle all of
17 the parent complaints, parent issues, etc and so
18 forth. That was a question we kind of missed.

19 Another question I might consider
20 asking Mr. Best. It was my understanding on the
21 procurement issue and over contracts, Patrick
22 Sullivan the Manhattan representative who
23 unfortunately is not my representative because
24 it's across the waters, started asking questions
25 about whether or not the actual contacts should be

1
2 presented to the PEP. And was chastised by one of
3 the members to require some of these things would
4 violate their fiduciary obligations to the
5 vendors.

6 I happen to be an attorney. It's
7 one of the few areas in law school that I got an A
8 was ethics. I am totally unfamiliar with how you
9 establish a fiduciary obligation, that a public
10 officer approving city contracts has a fiduciary
11 obligation to a vendor. I would really like Mr.
12 Best, as the secretary of the Panel for
13 Educational Policy who was present at that
14 meeting, to explain to me what those fiduciary
15 obligations might be or what action the Mayor
16 might take or what corrective action that might be
17 taken by Mr. Best, an admitted attorney and has
18 important responsibilities to cure those
19 misperceptions by his folks that they are to
20 represent the interest of vendors.

21 Those are, again, some of the
22 questions I might want to ask. Another question I
23 would like to ask, for example. In June of last
24 year as chaos was unfolding, there was a number of
25 districts, District 1 and District 15, my

1

2 district, where the district superintendent left
3 to go to better fortunes. He is actually a
4 network leader, ironically, in my district. There
5 was an appointment of an interim acting
6 superintendent, that I actually like very much. I
7 kiddingly said as long as we didn't exist she had
8 tenure because otherwise she would have to go to a
9 district community school board, which I claimed
10 we were. But by the time I was prepared to make
11 that presentation to Governor Patterson's office,
12 the legislature recreated us.

13

14

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21

There is a process in the existing
Chancellor's regulation called the C 37 process.
I have been presented with nothing about a C 37
process although I am the president of my CEC, I
am on the district leadership team. I haven't
been presented with none of that. I know it's a
tough time. Why would you actually start the ball
rolling on a C 37 process because they only have
140,000 employees.

22

23

24

25

I'm a solo practitioner and I
guarantee you I am an expert about blowing off
clients about how something that was due
yesterday, I'll take care of it the day after

1
2 tomorrow; it will be done in front of them. But
3 my excuse is I'm the only guy in the shop and
4 sometimes I show up with forums like this and
5 sometimes I fall behind in my work. I don't have
6 the luxury of 140,000 employees. I don't have
7 the luxury of a legal staff over a dozen. I don't
8 have the luxury of a press office over several
9 dozen.

10 I don't really understand the logic
11 that says that these things take time and we don't
12 understand them. I don't understand, for example,
13 why under the Administrative Procedures Act and
14 under various common concepts of administrative
15 law, that you can come in with interim procedures,
16 much like the procurement policy somehow managed
17 to get passed this notice and public comment
18 period in the interim. But somehow this doesn't
19 occur to the general counsel for the Department of
20 Education and I really wish, with all deference
21 and respect to the Chairman and to the other
22 Council Members, that some of those questions had
23 been asked.

24 I don't mean to be abusive or
25 disrespectful because as you know I have the

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highest respect for both you and Council Members.
They may not know that but you should know that
Mr. Chair. I appreciate the time you spend.
Thank you.

CHAIRPERSON JACKSON: A quick
comment, next time text them to me.

[Laughter]

CHAIRPERSON JACKSON: Ben Shanahan,
student intern in my office. Where are you at
high school at Ben?

BEN SHANAHAN: I'm a student at
Hunter College High School on 894th and Madison.

CHAIRPERSON JACKSON: And you're
representing New York City Student Union.

MR. SHANAHAN: I'm here
representing New York City Student Union and I
think the first thing I want to do is thank you
Chairman Jackson and Council Member Fidler and the
Committee as a whole for inviting students to come
and testify at this hearing. It is the first
mention of students I have heard in any discussion
of this legislation and students of a group that I
feel and that our union feels it affects primarily
since we're the ones in school.

1
2 I think that one of our main
3 concerns here is that there's never really been a
4 good outlet, I should say, for student voice in
5 education issues. Two years ago when the school
6 report card system was set up, DOE actually
7 invited us to come speak with them about
8 suggestions we have in improving student input
9 into these. We went. We sent a few members and
10 they went and made some suggestions.

11 A few weeks later we got a letter
12 back and a package showing that not only had they
13 ignored our suggestions but they had actually done
14 the opposite of what we suggested in several
15 cases. So it's nice to have a forum here where
16 you invite students to come and speak.

17 The problem with the legislation
18 the way it is now is that the only--what student
19 input boils down to is one non-voting high school
20 senior on each of these three new councils that
21 are created. If there's not going to be any
22 communication between somebody in the Mayor's
23 office or in DOE and the students then they need
24 to at least have the right, we feel, to vote on
25 these councils and there need to be more students.

1
2 Because there are issues here that
3 affect students, students want to input on what's
4 going on in their high school. They don't have a
5 voice with the people who are making those
6 decisions then they need to have a voice in the
7 voting process.

8 So thank you for letting us come
9 speak and hopefully that will continue in other
10 branches of this operation.

11 CHAIRPERSON JACKSON: Thank you Ben
12 and I'll have comments and questions at the end.
13 Rodney Deeds, parent.

14 RODNEY DEEDS: Thank you Chairman
15 Jackson and majority leader Fidler and the rest of
16 your staff. Thank you for this opportunity to
17 have a parent up here who's been long in the
18 parent movement. It's important that my testimony
19 is heard. I'm representing a community where most
20 parents are not able to come out at this time of
21 the day and make a testimony about what parents
22 really feel. So at this time of the day I want to
23 say I'm representing most of the parents, at least
24 in the African American and Latino community.
25 They can't, like I said again, they can't get here

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2

to speak to you and be at these hearings and represent what's going on in the system.

3

4

5

I want to agree with the former student here and the two other gentlemen before me that testified. I want to totally agree with them

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7

CHAIRPERSON JACKSON: Current

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student.

9

MR. DEEDS: Current student, that's

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right. That's very important. I want to

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definitely agree with the two speakers before me

12

on the questions that should have been asked or

13

could be asked maybe at a later date. Two of the

14

gentlemen from the DOE, I think his name was

15

Lasher, Michael Lasher. Like you, Chairman

16

Jackson, I'm a parent who has been active at least

17

for the past ten years, two years before you

18

became Chairman here.

19

I was concerned; parents are

20

concerned. I know this specifically is governance

21

and the new law changes for parents and the

22

possibility of this parent school being set up.

23

Parents in my community in Bed Stuy, who most

24

people don't think that they come out or they

25

care--A lot of Bloomberg administration folks has

1

2

already said that they don't care about us

3

parents, specifically African American or Latino

4

parents. We can see that by their actions.

5

Tell me, in eight years we have not

6

been able to have an Independent Budget Office

7

find out how this budget process is going.

8

They've been doing nothing - nothing, nothing,

9

nothing in eight years. You can't go into these

10

guys pockets.

11

Parents in my community feel that

12

the law is being broken. The law breakers are

13

telling us that the laws re not being broken while

14

they are continuously breaking the law. We see

15

your committee as having extreme difficulty with

16

an administration that's a dictatorship as far as

17

we're concerned. We see that. We're looking at a

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situation where the person who is supposed to

19

watch the money, the Independent Budget Office,

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for eight years they have not been able to have a

21

process of keeping tabs on these millions and

22

billions of dollars that's being distributed

23

through the Department of Education. Parents are

24

left out. They are left out.

25

So we really appreciate the

1

2

Committee here addressing these issues to the DOE.

3

We would like to think that change will happen.

4

What is change? Change is a thought. Change is a

5

thought so like you said earlier when the

6

gentleman was here from the Independent Budget

7

Office, how long is it going to take, man?

8

Really, how long is it going to take?

9

Again, I would want to hear more of

10

these opportunities for parents and public who

11

testify to your committee so you can get some more

12

facts to help us change the system, change the

13

system. Change some of your colleagues' opinion

14

and actions because we need some action. This is,

15

as far as I see, in closing we see law breakers.

16

We see law breakers. We see the

17

laws are being changed. There is no

18

implementation of the law and we see the law as

19

being broken. And unfortunately it seems like

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Council Members hands are really, really tied to a

21

certain degree but you need parents to rise up.

22

But parents are so busy just putting food on the

23

table so my prayer and my concern is that you get

24

more parents coming to the aid of this committee

25

here. Put some real pressure on this

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2 administration to implement the law. Thank you.

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CHAIRPERSON JACKSON: Let me thank all four of you for coming out, and especially Ben who is representing New York City Student Union, obviously an intelligent and articulate young man. Make sure that all of you have given us your contact information so all of the hearings on oversight for the Department of Education. In fact, if you haven't seen our briefing document and other stuff we would be glad to get it to you so if you have any suggestions, please bring those forward.

As I indicated, probably within several months, I don't know whether it's three months or four months but I think that we should have an oversight hearing before we break, Lou, before we break for our winter break. That would be around December 18. It would be appropriate. This is September, October, November so three months from now, where do they stand with implementing it. I think it would be appropriate because--

[Off mic comment]

I think I would love to do that and

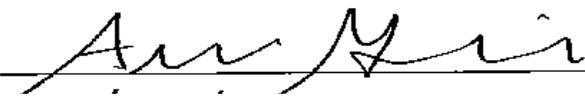
1
2 we will try to do that. Not unfortunately,
3 sometimes it's difficult in dealing with the
4 administration and the leadership in order to have
5 that happen. But quite frankly I think that I
6 would want to know from them where they stand in
7 implementation so that then you will be able to
8 comment on their implementation rather than you
9 guys go first.

10 Let me thank you all for coming in
11 and we appreciate you staying the course and
12 listening to the testimony and this is to be
13 continued. Thank you. Considering that, it is
14 now 4:48 and this hearing on the oversight on the
15 new governance law is hereby adjourned.

16
17
18

C E R T I F I C A T E

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

Signature 

Date September 29, 2009