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Commission on School Governance

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# **Final Report of the Commission on School Governance**

**Volume I: Findings and Recommendations**

**September 2008**

**Prepared for  
Betsy Gotbaum  
Public Advocate for the City of New York**

**COMMISSION ON SCHOOL GOVERNANCE**

**FINAL REPORT**

**Volume I  
Findings and Recommendations**

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**September 4, 2008**

**Prepared for  
Betsy Gotbaum  
Public Advocate for the City of New York Betsy**

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8. Clara Hemphill



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*Executive Director*  
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September 4, 2008  
Hon. Betsy Gotbaum  
Public Advocate for the City of New York  
1 Center Street  
New York, NY 10007

Dear Betsy:

On behalf of the Commissioners, I am pleased to present you with the Final Report of the Commission on School Governance.

As you know, this report is the culmination of ten months of fact finding and deliberation that began in November 2007. In accordance with our charge we have solicited input from a wide and diverse group of citizens, organizations, educators, public officials, and experts locally and nationally.

We are hopeful that the report will inform the important discussion that is about to take place both within the legislature and among the public at large concerning the future governance of the New York City school system.

Sincerely,

Stephen R. Aiello  
Chair

## EXECUTIVE SUMMARY

The Commission on School Governance was appointed by Public Advocate Betsy Gotbaum in September 2007. Ms. Gotbaum appointed the panel at the request of Catherine Nolan, Chair of the Education Committee of the New York State Assembly, anticipating the expiration of the school governance law for New York City in June 2009. In response to its charge the Commission solicited input from a wide and diverse group of citizens, organizations, educators, experts and public officials.

The panel met with more than 50 individual stakeholders, conducted parent forums in each of the five boroughs, held three public hearings, solicited research papers from leading experts from around the country, and set up an open Web site that allows the public at large to acquire information on the Commission's proceedings and submit comments.

The Commission is chaired by Stephen R. Aiello, a former President of the New York City Board of Education and executive at Hill and Knowlton. It is co-chaired by Lilliam Barrios-Paoli (CEO Safe Space NYC) and David R. Jones (CEO Community Service Society). The other members are Clara Hemphill, Jeany Persaud, Bertrand B. Pogrebin, Joan McKeever-Thomas, Kim Sweet, and Jacqueline Wayans. The Executive Director is Joseph P. Viteritti, Professor of Public Policy and Chair of the Department of Urban Affairs & Planning at Hunter College.

## FINDINGS

- I. MAYORAL CONTROL OF THE SCHOOLS SHOULD BE MAINTAINED SO THAT THE MAYOR CAN REMAIN THE PRINCIPAL PUBLIC OFFICIAL WHO CHARTS THE DIRECTION OF THE SCHOOL SYSTEM AND THROUGH THE CHANCELLOR IS ULTIMATELY RESPONSIBLE FOR OPERATING THE SCHOOLS ON A DAY-TO-DAY BASIS.
  1. There is a general consensus that putting one elected official in charge of education is preferable to the former governance arrangement that dispersed authority and responsibility.
  2. Putting the Mayor in charge of schools has made education a higher priority in the city as is evident from a significant increase in education spending since 2002 (\$11.9 billion to \$16.9 billion). (Local spending increased from \$4.8 billion to \$7.1 billion.)
  3. Mayoral control improves the process of collective bargaining by better balancing incentives for fostering school improvement while controlling costs.
  4. Since 2002, the school system has undergone more change than in any similar period in its history. While it is not the function of this Commission

to assess the desirability of these changes, the amount of change that has occurred in a once immovable school system may be the most significant measurable impact of mayoral control. While change is not synonymous with progress, it is a prerequisite for progress.

II. IN ORDER FOR MAYORAL CONTROL TO DELIVER ON ITS PROMISE OF GREATER PUBLIC ACCOUNTABILITY, THE LAW NEEDS TO BE AMENDED TO PROVIDE FOR ADDITIONAL CHECKS ON THE POWER OF THE MAYOR.

1. The call for better checks and balances heard in public testimony is corroborated by a recent Quinnipiac University Poll in which 54% of the respondents said that mayoral takeover has been a success, but 55% said that the mayor should share power.

2. Having members of the Panel on Education Policy serve at the pleasure of the officials who appoint them undermines the independence of the Panel.

3. Having the Chancellor serve as Chair of the Panel on Education Policy undermines the Chancellor's reporting relationship to the Panel.

4. The present law lacks clarity in designating whether the City or State Comptroller has primary responsibility for monitoring the finances of the city school system.

5. There is a need for an independent source of data concerning the performance of the school system.

III. THE LAW NEEDS TO BE REVISED TO ENSURE MORE OPPORTUNITY FOR MEANINGFUL INPUT BY PARENTS AND COMMUNITIES IN EDUCATION DECISION MAKING.

1. Parents and communities are frustrated with the lack of effective channels for expressing policy preferences, registering concerns, and acquiring information.

2. The Panel on Education Policy is an inadequate forum for the expression of public concerns in policy matters.

3. The elimination of community school district offices left Community District Education Councils unmoored and has created confusion and frustration among parents who have relied on them for assistance and information.

4. School Leadership Teams that once provided a vehicle for parents and staff to have input at the school level have not functioned adequately.

## RECOMMENDATIONS

- I. THE MAYOR SHOULD CONTINUE TO APPOINT THE CHANCELLOR AND A MAJORITY OF THE PANEL ON EDUCATION POLICY.
- II. MEMBERS OF THE PANEL ON EDUCATION POLICY SHOULD SERVE FOR FIXED TERMS OF FOUR YEARS AND BE REMOVABLE ONLY FOR CAUSE IN ORDER TO ENSURE THEIR INDEPENDENCE.
- III. THE PANEL ON EDUCATION POLICY SHOULD APPROVE ALL POLICIES THAT RELATE TO EDUCATION STANDARDS, THE EXECUTIVE AND CAPITAL BUDGET, COLLECTIVE BARGAINING AGREEMENTS, AND CONTRACTS THAT EXCEED A CERTAIN AMOUNT (AS DESIGNATED BY THE LEGISLATURE).
- IV. THE PANEL ON EDUCATION POLICY SHOULD SELECT A CHAIR FROM ITS OWN MEMBERSHIP. THE CHANCELLOR SHOULD SERVE AS AN EX OFFICIO MEMBER OF THE PANEL.
- V. THE DEPARTMENT OF EDUCATION SHOULD BE REQUIRED TO ABIDE BY THE RULES OF THE PROCUREMENT POLICY BOARD IN CONTRACTING FOR SERVICES AS DEFINED BY THE CITY CHARTER. THE LEGISLATURE SHOULD AFFIRM THAT THE CITY COMPTROLLER HAS THE SAME AUDIT POWERS OVER THE DEPARTMENT OF EDUCATION AS PERTAIN TO OTHER CITY AGENCIES, BUT THIS POWER SHOULD NOT NEGATE THE PEROGATIVES ASSIGNED TO THE STATE COMPTROLLER IN STATE LAW.
- VI. THE INDEPENDENT BUDGET OFFICE FOR THE CITY OF NEW YORK SHOULD BE GIVEN EXPLICIT RESPONSIBILITY TO REPORT ON THE PERFORMANCE OF THE DEPARTMENT OF EDUCATION.
- VII. THE STATE LEGISLATURE SHOULD SET STANDARDS, BASED ON THE PRINCIPLES ESTABLISHED IN THE BUDGET AND REFORM ACT OF 2007, FOR MEANINGFUL PUBLIC INPUT IN THE ADOPTION OF EDUCATION POLICIES AND PRACTICES AT THE CITYWIDE, COMMUNITY AND SCHOOL LEVELS.
- VIII. THE PANEL ON EDUCATION POLICY SHOULD BE REQUIRED TO HOLD WELL-PUBLICIZED MONTHLY PUBLIC MEETINGS ON

MATTERS UNDER ITS CONSIDERATION WITH ADEQUATE PUBLIC NOTICE AND AMPLE OPPORTUNITY FOR PUBLIC INPUT.

- IX. SCHOOL DISTRICT OFFICES HEADED BY COMMUNITY SUPERINTENDENTS SHOULD BE RE-ESTABLISHED AND ADEQUATELY STAFFED TO OVERSEE THE SCHOOLS WITHIN THE BOUNDARIES OF RESPECTIVE DISTRICTS AND PROVIDE INFORMATION TO PARENTS.
  
- X. COMMUNITY DISTRICT EDUCATION COUNCILS (CDEC'S) SHOULD BE MAINTAINED. PARENTS, INCLUDING OFFICERS IN THE PTA'S, AND OTHER INTERESTED COMMUNITY MEMBERS, SHOULD BE PERMITTED TO SERVE. THE COUNCILS SHOULD BE CONSULTED ON THE APPOINTMENT OF A COMMUNITY SUPERINTENDENT BY THE CHANCELLOR AND THE COUNCIL SHOULD RETAIN A FORMAL ROLE IN EVALUATING THE SUPERINTENDENT ON AN ANNUAL BASIS. THE COUNCILS SHOULD ALSO BE CONSULTED ON ALL MATTERS CONCERNING THE BUDGET, EDUCATION PRACTICES, AND THE OPENING AND CLOSING OF SCHOOLS IN A PROCESS THAT CONFORMS WITH THE STANDARDS ESTABLISHED ABOVE (RECOMMENDATION VII).
  
- XI. SCHOOL LEADERSHIP TEAMS (SLT'S) MUST BE RE-INVIGORATED AT THE SCHOOL LEVEL TO SERVE AS A VOICE FOR PARENTS AND A RESOURCE FOR PRINCIPALS, TEACHERS AND ADMINISTRATORS IN THE DEVELOPMENT OF A COMPREHENSIVE EDUCATION PLAN TIED TO THE SCHOOL BUDGET.

## BACKGROUND

The school governance law that was enacted by the New York State Legislature in 2002 made several major changes to the basic statute that had been in existence since 1969, having a major effect on the structure of schooling in New York City. The seven-person Board of Education that previously was appointed by the Borough Presidents (five members) and the Mayor (two members) was replaced by a 13-member Board, now referred to as the Panel on Education Policy, with five members chosen by the Borough Presidents and seven chosen by the Mayor.<sup>1</sup> The Chancellor of Schools would serve as the 13<sup>th</sup> member and Chair of the Panel. While members of the previous Board of Education served for fixed terms of four years each, members of the new Panel on Education Policy serve at the pleasure of their respective appointing authorities. Whereas the previous Board of Education had authority to select the Chancellor, under the current arrangement the Chancellor is chosen by the Mayor and serves at his pleasure.

The current law leaves 32 community school districts intact, but replaced popularly elected school boards with Community District Education Councils. Two members of these 11-person bodies are chosen by the respective Borough Presidents, the remainder are chosen by the officers of local Parent Associations. There are additional institutional mechanisms in place that are meant to provide parents and other interested parties with avenues for participation at the district and school levels. Some are remnants of the 1969 Decentralization Law, some are the result of changes that were made in that law in 1996 or after, and others were recently instituted under the current law.<sup>2</sup> Community school district administrators appointed by the Chancellor (now called Senior Assessment Officers instead of Community Superintendents) still exist in some form, but they do not necessarily oversee schools within the geographical boundaries of

their respective districts. School Leadership Teams, composed of principals, parents, teachers and other school employees, were left in place, but are more functional in some schools than others.

As written, the current school governance law for New York City is scheduled to sunset in June 2009. Without new legislation, the school system would be returned to the previous structure. Anticipating the need for legislative and popular deliberation on the matter, Catherine Nolan, Chair of the Education Committee for the New York State Assembly, in consultation with Assembly Speaker Sheldon Silver, asked Public Advocate Betsy Gotbaum, one of three government officials elected citywide (including the Mayor and Comptroller), to appoint a panel to study the issue and make recommendations for legislative action. Assemblywoman Nolan requested that the panel “be comprised of leaders in business, academia, and the community and include advocates and parents.” She further urged the panel to “engage with and collect perspectives and analyses of a wide range of stakeholders in the system and solicit papers from experts in academia as well as issuing an open call for papers from parents, community and business groups, principals, teachers, and students.” (See Appendix I.) Funding for the project was provided by an anonymous private donor to the Fund for Public Advocacy.

### MISSION

In response to this charge, Ms. Gotbaum appointed a nine-person Commission on School Governance and raised funds from private sources under the auspices of the Fund for Public Advocacy to support its activities. The panel, in consultation with the Public Advocate, adopted the following Mission Statement:

Anticipating the expiration of the existing school governance law for New York City in 2009 and in response to a request from the Chair of the Education Committee for the

State Assembly, the Public Advocate for the City of New York has appointed a Commission on School Governance to independently study and make recommendations pertaining to the matter at hand. The Commission will carry out its charge by gathering pertinent information and soliciting advice from a wide and diverse group of citizens, organizations, educators, and experts. A report will be presented to the Public Advocate in a timely fashion to help inform the State Legislature and its deliberations on this important question before the people of New York City and State.

## DEFINING GOVERNANCE

Governance is a set of institutional arrangements that assigns authority to public officials and the public at large. It defines the way elected and appointed officials are chosen and the lines of accountability that exist between them and the people they serve. The American system of government is based on the notion of shared power and a system of checks and balances between the executive, legislative and judicial branches. Local government, because of its direct service functions, carries distinct responsibilities and expectations. Because it delivers a wide range of services directly to the public on a daily basis, it is more reliant on a strong managerial role in the executive. Therefore, big cities like New York have historically established strong mayors through their charters.<sup>3</sup>

Schools were customarily handled differently. While big cities like New York and Chicago historically have given their mayors a major role in appointing schools boards,<sup>4</sup> the norm in this country historically has been for education and municipal government to remain separate. It was believed in the nineteenth century, when most of the governance arrangements in schools came about, that this separation would shield education from politics. Not very many people who have observed American education believe that this isolation from municipal government has resulted in insulation from politics. By the last decade of the twentieth century, as governmental officials and the public at large grew increasingly frustrated with the

performance of urban schools, they began to search for new models of governance. They turned to big city mayors for new leadership in the schools, giving local executives a more direct role in the running them.

The new models of governance gave rise to new hopes and expectations.<sup>5</sup> “Mayoral control” of the schools, supposedly, would furnish direct public accountability, with one person chosen in a highly visible election responsible for education. Giving mayors a direct stake in the schools, it was hoped, would provide them with a greater incentive to invest resources in education. Having a strong executive in charge would enhance the capacity for better management of the schools. It would allow for better integration between schools and those municipal agencies that provide services to children. Not all of the institutional arrangements that we include under the broad umbrella of “mayoral control” are the same. In no place is the mayor in complete control of education, so the term “mayoral control,” though popular, is a bit of a misnomer. In Boston, the mayor appoints a seven-person board from a list of nominees prepared by a Nominating Committee, then the board picks a superintendent of schools.<sup>6</sup> In Chicago, the mayor appoints both the school board and the five top executives of the school system.<sup>7</sup> As previously mentioned, in New York, the mayor picks eight of 13 members of the school panel including the chancellor, all of whom serve at the pleasure of their appointing authorities.

There could never be unanimity among experts or the public concerning what form of governance is best. Many question whether a school district should be treated as another city agency. Schools, after all, are different. Each school is itself a distinct community that includes students, teachers, administrators, parents and various groups that have a stake in the way it works. In order for a governance plan to succeed, it must have support among all these groups.

It must have legitimacy. Stakeholders must believe that it operates in their best interests, or at least the best interests of students. It was this basic lack of legitimacy that led to the demise of mayoral control in Detroit, which became embroiled in disputes that had devastating racial, regional and partisan dimensions.<sup>8</sup> That being said, there is also a broad consensus that many big city school systems that are governed under the traditional arrangement do not function well.

Most experts would agree on one thing. Mayoral control, or any governance arrangement for that matter, is not a panacea for the problems that hamper urban schools.<sup>9</sup> It is not a guarantee. A sound governance model is a balancing act between competing ideals – the need for strong and decisive leadership and the need for democratic deliberation.<sup>10</sup> Different governance models are appropriate for different places, depending on their distinct histories and cultures. Different governance models may also be appropriate for the same place at different times, at one time requiring a powerful change agent, unencumbered by institutional constraints, at another calling for stability and consensus building -- all within the structure of a democratic process that assures public accountability.

### ASSESSING GOVERNANCE

Trying to determine the best model of governance for a particular place at a particular time is no easy task. It is neither a science nor an art. Like good governance itself, the selection process requires careful deliberation by all the relevant stakeholders. There are no quick answers or clear indicators that allow us to measure the performance of a particular model.

As with all forms of educational assessment, there is always the temptation to examine student test scores, the proverbial bottom line in education. There is some encouraging evidence

nationally, comparing rates of student progress in reading and math on state tests, to suggest that cities where mayors control the schools do better.<sup>11</sup> However, an examination of data from the National Assessment of Educational Progress (NAEP), commonly referred to as “the nation’s report card,” suggests that there is no clear correlation between the structure of governance and the performance of students.<sup>12</sup>

As the Commission deliberated, it was cheered by the news that reading and math scores on state tests are up in New York City.<sup>13</sup> Here again, however, we need to be cautious in using such data as a measure to evaluate governance. There were similar improvements recorded in cities and school districts throughout the state that do not have mayoral control. Some analysts have interpreted the general upswing as an indication that the test themselves may have become easier. Scores for New York City from the nationally administered NAEP test remain flat.

This Commission is composed of members who have been watching education in New York City long enough to remember similar debates among analysts who tried to explain precipitous drops in reading and math scores, or an irreversible pattern of failure. In this sense, we assume that most New Yorkers would rather be in a position in which the debate focuses on an upward trend in scores or the real possibility of improvement. But to apply such test scores to judge the existing governance structure would be irresponsible. In truth, test scores, while they are arguably among the most important considerations for educational assessment, perhaps the most important, are not the only measure. Even if one were to conclude that the state test scores are a valid measure of educational progress, there are factors other than governance that we would have to consider in order to explain the progress. Admirers of the incumbent administration, for example, might explain the progress in terms of the strong leadership

exhibited by the Mayor and Chancellor; skeptics might turn to a significant increase in spending – from \$11.9 billion to \$ 16.9 billion (42%) - that occurred during their administration.<sup>14</sup>

Does governance matter? Of course it does. Governance can provide the mayor and chancellor with an incentive to invest more energy and resources in schools. Governance creates an organizational structure that allows a mayor or chancellor to exercise leadership when the public demands it.<sup>15</sup> The amount of change that occurs over a given period of time is a relevant factor to consider when evaluating a governance structure, especially when one purpose of the governance plan under consideration was to foster change. In the past six years, the New York City school system has undergone more change than it has in any similar period in its history.<sup>16</sup> This change must at least in part be attributed to mayoral control.

It is not the function of this panel to judge these changes or the leadership that has brought them about. It is not even so much the function of this Commission to determine how the existing governance arrangement has operated during its relatively brief lifespan. Our ultimate goal is to help determine what form of governance arrangement might be appropriate for the future, a future that starts as early as July of 2009. Our objective is to help create a system that allows for strong leadership, while at the same time promotes the democratic ideals of participation, responsiveness, and transparency. In addition to providing opportunities for executive leadership, a democratic system of governance must create mechanisms for popular participation that allow people to hold leaders accountable and have a say in the running of their schools.

The legislative deadline we are about to reach in the coming year requires decision makers in New York City and State to make sound judgments with regard to the present governance plan. Our objective is to present a report that will be informative to all people who

are considering this issue, whether they agree with our findings and recommendations or not. We are not the only panel pondering the question at hand; which is as it should be when such an important question is up for discussion by the people and their elected representatives.

## PROCESS

The approach of this Commission, in accord with its stated mission and charge, has been to solicit input from a broad and diverse range of individuals, both locally and nationally. We have made a conscious effort to remind all those with whom we have interacted that it is not our function to evaluate the policies or the practices of the Bloomberg/Klein administration. We understand that it is difficult for people to separate their opinions about the current administration and its actions from their assessment of the existing governance structure, whether their overall view is positive or negative. We have also reminded them that while our current assessment must rely on the experience with the governance arrangement in place since 2002, our objective is to make observations and recommendations that will be useful to all those concerned, especially the New York State Legislature and the Governor, with crafting a system that will serve the future needs of the city and its school children regardless of who the Mayor and Chancellor are.

The Commission has moved along several complementary paths in conducting its inquiry:

1. Stakeholder Meetings. Almost immediately after the Commission was established, it sent letters of invitation to a wide and diverse group of stakeholders in New York City who represented students, parents, teachers, school administrators, government, the incumbent mayoral and school

administrations, business, advocacy groups, academic institutions, and numerous others who have a stake in the public school system. A list of more than 50 individuals who accepted our invitation and met with the Commission between November 2007 and May 2008 is found in Appendix III of this Report. All of this testimony has been recorded and has been turned over to the Public Advocate. A complete packet of the written testimony is also available in Volume II of this report.

2. Open Website. The Commission has set up a website through the Office of the Public Advocate. This website provides information to the public on the mission of the panel, its members, its process and its ongoing research. It also includes an open invitation and public vehicle for individuals who want to offer commentary on the subject at hand, including their assessment of the existing governance arrangement and their recommendation on whether or how it might be improved.
3. Borough Forums. The Commission offered each of the Borough Presidents an opportunity to co-host an open forum on school governance with parents who have children in public schools. The Borough Presidents of Brooklyn, the Bronx, Manhattan, and Queens accepted these invitations and forums were held in borough halls at a time when it was deemed most convenient by each of the borough executives. A separate forum was sponsored by the Commission in Staten Island. More than 40 parents participated in these events.

4. Public Hearings. The panel held three Public Hearings, open to anybody in the general public who wanted to testify on the issue of school governance. In order to accommodate the schedule of working people, one hearing was held on a Saturday (May 10) during the morning and afternoon hours, one was held on a weekday (May 22) during the afternoon, and another was held on an evening during the week (May 27th). Approximately 30 people testified.
  
5. Expert Reports. The panel has commissioned papers from leading experts across the country who have studied school governance with particular reference to big city school districts that have functioned under some form of mayoral control. These papers are available in Volume III of the Report. We solicited three types of papers. Jeffrey Henig (Columbia University), Michael Kirst (Stanford University) and Kenneth Wong (Brown University) were asked to write on the overall experience with mayoral control in American cities. Each brings a distinct perspective to the subject. Citing student performance data from across the country, Wong is the most enthusiastic supporter of mayoral control; Henig is more cautious in his assessment of what can be expected from governance plans; and Kirst reminds us that choices among institutional arrangements always involve tradeoffs between competing values and objectives. John Portz (Northeastern University) & Robert Schwartz (Harvard University), Dorothy Shipps (Baruch College) and Wilbur Rich (Wellesley College) have written papers on the experience with mayoral control in particular cities -- Boston, Chicago

and Detroit, respectively. The two final papers are focused on New York. Diane Ravitch (New York University) traces the history of school governance in New York. Education writer Clara Hemphill analyzes how the recent changes in the law have affected governance at the local and community levels. These papers represent the thinking of the authors and not necessarily those of the Commission. They are meant to inform the discussion in New York and policy deliberations that will take place among various stakeholders and decision-makers as the State Legislature takes up the issue. The collection of papers will be edited and published in book form by the Brookings Institution Press in early 2009.<sup>17</sup>

## FINDINGS

I. MAYORAL CONTROL OF THE SCHOOLS SHOULD BE MAINTAINED SO THAT THE MAYOR CAN REMAIN THE PRINCIPAL PUBLIC OFFICIAL WHO CHARTS THE DIRECTION OF THE SCHOOL SYSTEM AND, THROUGH THE CHANCELLOR, IS ULTIMATELY RESPONSIBLE FOR OPERATING THE SCHOOLS ON A DAY TO DAY BASIS.

1. While there has been criticism of the current school governance law and its implementation, the great majority of people who testified before the Commission want to preserve mayoral control of the schools. There is a general consensus that putting one elected official in charge is preferable to the former system of governance

in which authority and responsibility were dispersed among many officials, which made it difficult to hold any one person directly accountable.

2. It appears that putting the mayor in charge of the schools has helped to make education a higher priority in the city. This is most evident in terms of public school spending. Since mayoral control was implemented in 2002, the operating budget of the Department of Education has increased from \$11.9 billion to \$16.9, or 42%. While much of the increase has resulted from state spending required by the settlement of the Campaign for Fiscal Equity lawsuit, local spending during this period grew from \$4.8 billion to nearly \$7.1 billion, or 48%.<sup>18</sup> Deputy Mayor Dennis Walcott and Chancellor Joel Klein have testified before the Commission that mayoral control has provided the administration with an incentive to spend more on schools.<sup>19</sup> Kathryn Wylde, President and CEO of the Partnership for New York City, attributes a growth in private giving to public schools (since 2002 from \$2 million to \$100 million) to increased confidence in the schools that can be traced to the new governance structure.<sup>20</sup>
3. Mayoral control provides a distinct improvement in the process of negotiating collective bargaining agreements.<sup>21</sup> Under the prior system, the Chancellor and the Board of Education were responsible for negotiating the agreement, but the Mayor had to

approve the funding. In practice, this sometimes made for divergent priorities: the Chancellor and Board were more concerned with operating the system and delivering education to its students, and the Mayor more concerned with costs. Under the present law the Mayor and Chancellor's position in collective bargaining reflects a more balanced focus for operating a successful education program and simultaneously being responsible for the economic impact of the settlements. Between 2002 and 2008, the average salary for schoolteachers has increased from \$48,200 to \$68,055.<sup>22</sup> At the same time the Mayor and Chancellor have negotiated contracts with teachers and principals that have linked salary to performance.

4. From 2002 to the present, the New York City school system has undergone more change than it has in any similar period in its history.<sup>23</sup> While it is not the function of this Commission to comment on the desirability or effects of these changes, it is reasonable to conclude that this degree of change would not have been possible under the former system of governance, which was institutionally resistant to change and innovation. Although change is not synonymous with progress, it is a prerequisite for progress. The current governance arrangement has allowed for more of it. The capacity to implement change could be the single most important and measurable advantage of mayoral control when the current governance arrangement is compared to the one that

preceded it. Notwithstanding the advantages derived from centralization of power in the hands of a single official, it is necessary to recognize and safeguard against the risks incurred from centralization in a democratic system of government.

II. IN ORDER FOR MAYORAL CONTROL TO DELIVER ON ITS PROMISE OF GREATER PUBLIC ACCOUNTABILITY, THE CURRENT LAW NEEDS TO BE REVISED TO PROVIDE ADDITIONAL CHECKS ON THE POWER OF THE MAYOR WITHOUT ENCUMBERING THE MAYOR'S CAPACITY TO EXERCISE STRONG EXECUTIVE LEADERSHIP IN EDUCATION.

1. Witness after witness who testified before the Commission, including those who support mayoral control, indicated that there need to be more checks on the authority the mayor exercises over the schools.<sup>24</sup> This testimony is corroborated by a recent Quinnipiac University poll indicating that while 54% of those asked said that Mayor Bloomberg's takeover of the schools has been a success, 55% said that the mayor should share control of the schools.<sup>25</sup>
2. Although the current law furnishes the Panel on Educational Policy with significant authority to serve as a check on the power of the mayor, having the members of the Panel serve at the pleasure of the

officials who appoint them undermines the independent exercise of that authority.<sup>26</sup>

3. Having the Chancellor serve as chair of the Panel on Education Policy undermines the reporting relationship the Chancellor is supposed to have to the Panel.
4. The school governance law lacks clarity in designating whether the State or City Comptroller has primary responsibility for auditing the finances and performance of the Department of Education. The problem is especially conspicuous with regard to the procurement and auditing of contracts. According to testimony offered to the Commission by the City Comptroller, the use of non-competitive bids tripled in value between 2001 and 2003, from \$15 million to \$45 million; the value was reduced by half in 2004, and remained at \$25 million in 2005. In 2006, according to the City Comptroller, the value of no-bid contracts exceeded \$100 million.<sup>27</sup> The concerns articulated by the City Comptroller have been re-stated by numerous witnesses who appeared before the Commission.<sup>28</sup>
5. There is a need for an independent source of data concerning the performance of the school system. This finding is not a challenge to the veracity of data that is produced by the Department of Education. The finding is an observation about a governance arrangement that makes the general public and other public bodies reliant on the Department of Education for the information needed

to assess its performance and ultimately hold it accountable. The finding is a pragmatic recognition of the fact that a public official who runs for office on the basis of his or her past performance has built-in institutional incentive to present things in the best possible light. Putting an elected official in charge of education increases the risks involved in such an institutional arrangement, especially when education is considered a high public priority.<sup>29</sup>

III. THE EXISTING LAW NEEDS TO BE REVISED IN ORDER TO GUARANTEE THAT THERE IS MORE OPPORTUNITY FOR MEANINGFUL INPUT BY PARENTS AND COMMUNITIES IN THE DECISION MAKING PROCESS AND THE EDUCATION OF THEIR CHILDREN.

1. Parents and community representatives are frustrated with the absence of effective institutional channels through which they can have a meaningful voice in policy, express their concerns about existing practices, or acquire information about the their schools.<sup>30</sup>
2. The Panel on Education Policy does not provide an adequate forum for hearing or considering public concerns before acting on proposals that come before it.
3. The elimination of community school district offices has created confusion and frustration among parents who have relied on them

over the years as a place get assistance and information about matters that concern the education of their children.<sup>31</sup>

4. School Leadership Teams that once provided parents and staff with a vehicle to have input into planning at the school level have not functioned adequately since the implementation of mayoral control.<sup>32</sup>

## RECOMMENDATIONS

- I. THE MAYOR SHOULD CONTINUE TO APPOINT THE CHANCELLOR AND A MAJORITY OF MEMBERS TO THE PANEL ON EDUCATION POLICY. THE PRESENT BALANCE IN WHICH THE MAYOR APPOINTS EIGHT MEMBERS AND THE BOROUGH PRESIDENTS EACH APPOINT ONE MEMBER SHOULD BE MAINTAINED.

Rationale: The objective here is to assure that the mayor continues to have significant authority to set the overall direction and oversee the operation of the school system.

- II. MEMBERS OF THE PANEL ON EDUCATION POLICY SHOULD SERVE FOR FIXED TERMS THAT COINCIDE WITH THE TERM OF THE ELECTED OFFICIAL WHO APPOINTS THEM AND BE REMOVABLE ONLY FOR CAUSE. IF A VACANCY OCCURS, THE ELECTED OFFICIAL SHOULD APPOINT A REPLACEMENT TO COMPLETE THE TERM.

Rationale: Fixed terms in office provide the members of the Panel on Education Policy with a certain degree of independence from the elected officials who

appoint them, allowing them to serve as a check on the policies and practices of the mayor and chancellor without significantly undermining the mayor's and chancellor's authority to run the school system efficiently and effectively. Limiting the term of Panel members to coincide with the term of the officials who appointed them, however, avoids a situation in which the influence of an appointing authority exceeds his or her term in office. More importantly, it avoids a situation in which the prerogatives of incumbent officeholders might be undermined by their predecessors in the same office.

III. THE PANEL ON EDUCATION POLICY SHOULD BE EXPLICITLY REQUIRED TO APPROVE BY MAJORITY VOTE ALL POLICIES THAT RELATE TO THE ESTABLISHMENT OF EDUCATION STANDARDS, THE EXECUTIVE AND CAPITAL BUDGET, COLLECTIVE BARGAINING AGREEMENTS, AND ALL CONTRACTS THAT EXCEED A CERTAIN AMOUNT (AS DESIGNATED BY THE STATE LEGISLATURE). THE PANEL SHOULD ALSO REVIEW AND APPROVE BY MAJORITY VOTE AN ANNUAL EDUCATIONAL PLAN FOR THE SCHOOL SYSTEM THAT OUTLINES ANNUAL PRIORITIES AND PROGRAMS THAT ARE ALIGNED WITH THE BUDGET.

Rationale: This authority already appears in the existing law. Our objective here is to make it more explicit and to clarify any misunderstanding of those powers that may have developed because of the way the Panel has interpreted and exercised those powers since 2002. We believe that this authority will be

exercised more effectively if the Panel is more independent as recommended in Number II above.

IV. THE PANEL ON EDUCATION POLICY SHOULD SELECT A CHAIR FROM ITS OWN MEMBERSHIP BY MAJORITY VOTE. THE CHANCELLOR SHOULD SERVE AS AN EX OFFICIO (NON-VOTING) MEMBER OF THE PANEL AND SHOULD ATTEND ALL MEETINGS EXCEPT WHEN THE PANEL MEETS IN EXECUTIVE SESSION. THE CHAIR OF THE PANEL SHOULD BE GIVEN RESOURCES FOR A SMALL STAFF SO THAT THE PANEL IS NOT RELIANT ON PERSONNEL IN THE DEPARTMENT OF EDUCATION TO PREPARE FOR MEETINGS.

Rationale: In order for the Panel on Education Policy to serve as a check on the powers of the mayor and the chancellor, the chancellor must have a reporting relationship to the Panel. Therefore, it is inappropriate for the chancellor to serve as a voting member of the Panel or to function as its chair. The point here is that the chancellor would have a dual reporting relationship, one to the mayor and one to the Panel; but the duality of this arrangement or its implications should not be overstated. Checks and balances are an essential feature in a democratic governance process; and it is hardly onerous for a chancellor to be expected to persuade such a panel of the wisdom of policies and practices carried forward, especially when a majority of the Panel is appointed by the same mayor who appointed the chancellor. Having the mayor and chancellor make a case for their policies and programs to a policy panel does not significantly curtail the

authority of the mayor and chancellor and may in fact add additional legitimacy to their initiatives.

- V. THE DEPARTMENT OF EDUCATION SHOULD BE REQUIRED TO ABIDE BY THE RULES OF THE PROCUREMENT POLICY BOARD AS DEFINED IN THE CURRENT CITY CHARTER AND FOLLOWED BY OTHER MUNICIPAL AGENCIES WHEN CONTRACTING FOR SERVICES. ALL CONTRACTS SHOULD BE REGISTERED WITH AND AUDITED BY THE CITY COMPTROLLER. THE STATE LEGISLATURE SHOULD AFFIRM THAT THE CITY COMPTROLLER HAS THE SAME AUDIT POWERS OVER THE DEPARTMENT OF EDUCATION THAT PERTAIN TO OTHER MUNICIPAL AGENCIES AS DEFINED IN THE CITY CHARTER, BUT THESE POWERS SHOULD NOT NEGATE THE PEROGATIVES ASSIGNED TO THE STATE COMPTROLLER UNDER STATE LAW TO AUDIT SCHOOL DISTRICTS OR SCHOOLS.

Rationale: If the Department of Education is going to be treated more like a mayoral agency, then it should be expected to follow the same procedures as other mayoral agencies. Because there is an extraordinary and growing amount of state money involved in education, the State Comptroller should not be precluded from exercising power to audit funds and programs as the State Comptroller sees fit. The Department of Education has a combined operating and expense budget in excess of \$30 billion. There is a need for strong financial

accountability. There is hardly a danger that the Department of Education will be over-audited under the plan recommended.

VI. THE INDEPENDENT BUDGET OFFICE (IBO) OF NEW YORK CITY SHOULD BE GIVEN EXPLICIT STATUTORY RESPONSIBILITY TO REPORT ON THE PERFORMANCE OF THE DEPARTMENT OF EDUCATION IN THE SAME WAY THAT IT HAS SUCH RESPONSIBILITY WITH REGARD TO OTHER OPERATING AGENCIES IN THE CITY GOVERNMENT. IMPLICIT IN THIS AUTHORITY IS THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION PROVIDE DATA REQUESTED BY THE IBO. IN ORDER TO BE ABLE TO CARRY OUT THIS FUNCTION CAPABLY, THE BUDGET OF THE IBO SHOULD NOT BE SUBJECT TO THE DISCRETION OF THE MAYOR. TO FACILITATE THE OVERSIGHT FUNCTION OF THE IBO (AND THE COMPTROLLER AND THE CITY COUNCIL AS WELL), THE DEPARTMENT OF EDUCATION'S FINANCIAL MANAGEMENT SYSTEM MUST BE INTEGRATED WITH THE FINANCIAL MANAGEMENT SYSTEM OF THE CITY GOVERNMENT.<sup>33</sup>

Rationale: There is a need for an independent source of data on the performance of the school system beyond what is produced by the Department of Education (DOE) and the Mayor's Office. While the Commission seriously considered recommending the establishment of a new agency to perform that function, it became clear in testimony from a wide range of individuals both within government and on the outside that the Independent Budget Office enjoys a

reputation for objective professional analysis that can only be gained with time. It is a valuable resource to the city that should be applied to education more thoroughly. In order to protect the independence of the IBO, the size of its budget is statutorily tied to the size of the budget of the Office of Management that reports to the mayor. Since the DOE budget constitutes one-third of the citywide budget, an adjustment must be made to the present formula to accommodate the added responsibilities.

- VII. THE STATE LEGISLATURE SHOULD ESTABLISH STANDARDS FOR REQUIRING MEANINGFUL PUBLIC INPUT IN THE ADOPTION OF EDUCATION POLICIES AND PRACTICES AT THE CITYWIDE, COMMUNITY AND SCHOOL LEVELS. THE BUDGET AND REFORM ACT OF 2007 PASSED BY THE STATE LEGISLATURE REGARDING THE IMPLEMENTATION OF THE CONTRACT FOR EXCELLENCE PROVIDES A USEFUL MODEL BASED ON FUNDAMENTAL DEMOCRATIC PRINCIPLES OF PARTICIPATION, TRANSPARENCY, AND ACCOUNTABILITY.

Rationale: In order to have meaningful input into policies and practices that affect the future of schools and the children who attend them, the public needs adequate information and notice of issues that are under consideration at various levels of decision making. There must be an established public forum at each level of decision making (citywide, community district, and school) for interested parties to discuss alternatives, and an adequate period of time must

pass to allow decision makers to fully and seriously consider the recommendations that have come before them.<sup>34</sup>

VIII. THE PANEL ON EDUCATION POLICY SHOULD BE REQUIRED TO HOLD WELL-PUBLICIZED MONTHLY PUBLIC HEARINGS ON ALL MATTERS CONCERNING EDUCATION STANDARDS AND POLICY, THE BUDGET, AND CONTRACTS OVER A CERTAIN AMOUNT (AS DESIGNATED BY THE STATE LEGISLATURE). THE CALENDAR AND AGENDA MUST BE PUBLISHED WELL IN ADVANCE SO THAT THE PUBLIC IS INFORMED. ALL VOTES BY THE PANEL MUST BE TAKEN PUBLICLY. THERE MUST BE AMPLE OPPORTUNITY FOR PUBLIC IMPUT.

Rationale: These were well-established practices followed by the former Board of Education between 1969 and 2002 that seem to have been discarded by the existing Panel on Education Policy. While these meeting were often long, tedious and raucous, such is the stuff of democracy. They gave people an opportunity to express their views, forced decision makers to consider what people had to say, and required those with authority to explain how they exercised it.<sup>35</sup>

IX. SCHOOL DISTRICT OFFICES MUST BE RE-ESTABLISHED. THESE OFFICES SHOULD BE HEADED BY A COMMUNITY SUPERINTENDENT APPOINTED BY THE CHANCELLOR IN CONSULTATION WITH THE COMMUNITY DISTRICT EDUCATION COUNCILS. THE DISTRICT SUPERINTENDENTS SHOULD HAVE ADEQUATE STAFF

COMMENSURATE WITH THEIR RESPONSIBILITIES TO HIRE, SUPERVISE AND EVALUATE PRINCIPALS WHO OPERATE SCHOOLS WITHIN THE GEOGRAPHIC BOUNDARIES OF THEIR RESPECTIVE DISTRICTS.

Rationale: A school system that contains 1,400 schools and serves 1.1 million students needs some form of administrative decentralization in order to operate efficiently and effectively. The existing boundaries of the 32 school districts in New York City are far from perfect. For many, they are reminders of a past when schools were too political. Their populations vary in size. Their boundaries are not coterminous with other institutions of community government, such as Community Boards and City Council Districts. But because of their existence over time -- almost 40 years -- they have become the boundaries used by parents to define communities when it comes to education. They have a real identity. And the offices in these districts are the places where parents used to go when they had a question or complaint that could not be resolved at the school level. The offices must be equipped to carry out these important community functions in the future, as they had in the past.

- X. COMMUNITY DISTRICT EDUCATION COUNCILS (CDEC's) SHOULD BE MAINTAINED AT THE DISTRICT LEVEL. PARENTS, INCLUDING OFFICERS OF THE PTA'S AND OTHER INTERESTED MEMBERS OF THE COMMUNITY, SHOULD BE PERMITTED TO SERVE. TWO OF 11 MEMBERS SHOULD BE SELECTED BY THE BOROUGH PRESIDENTS, AS IS PRESENTLY THE CASE, WHILE NINE WOULD BE SELECTED BY

THE PARENT ASSOCIATIONS. THE CHANCELLOR MUST BE REQUIRED TO CONSULT WITH THE CDEC'S WHEN SELECTING THE DISTRICT SUPERINTENDENT AND THE CDEC SHOULD RETAIN A FORMAL ROLE IN EVALUATING THE SUPERINTENDENT ON AN ANNUAL BASIS. A PROCESS SHOULD BE DEVELOPED TO ASSURE THAT CDEC'S HAVE MEANINGFUL INPUT INTO DECISIONS THAT CONCERN THE BUDGET, GENERAL EDUCATION PRACTICES, AND THE OPENING AND CLOSING OF SCHOOLS WITHIN THEIR DISTRICTS. THIS PROCESS SHOULD CONFORM WITH THE STANDARDS DEVELOPED BY THE LEGISLATURE AS OUTLINED IN RECOMMENDATION VII ABOVE.

Rationale: Under the current law, members of the CDEC must be public school parents, but officers of the Parent Association are excluded from serving. A number of witnesses testified to the Commission that the law unnecessarily excludes committed parents and interested community members who may have the time and energy to serve. After some discussion, the Commission made a deliberate decision not to return to elected school boards. While some people who testified were supportive of the idea of school board elections, they were in a distinct minority.

- XI. THE LEGISLATURE MUST REAFFIRM THE ROLE OF SCHOOL LEADERSHIP TEAMS (SLT'S) TO SERVE AS A VOICE FOR PARENTS AND A RESOURCE FOR PRINCIPALS, TEACHERS AND STAFF IN DEVELOPING A COMPREHENSIVE EDUCATION PLAN ALIGNED WITH

THE SCHOOL BUDGET. TO ENABLE PARENTS AND OTHER SLT MEMBERS TO PERFORM THEIR DUTIES ABLY, RELEVANT TRAINING MUST BE PROVIDED REGULARLY.

Rationale. SLT's were created in 1999 to provide a mechanism for parents, teachers and other school personnel to collaborate with principals on school-based planning and decision-making. In 2007, when principals were given more direct control over personnel and budget matters, the role of the SLT's declined in many schools. This proposal is not designed to weaken the leadership role of the principal, but to engender a process of meaningful consultation with parents and staff in planning for the future of the school.

## REFERENCES

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<sup>1</sup> The 2002 legislation never formally changed the name of the central school board from the Board of Education to the Panel on Education. Nor did it change the name of the agency from the Board of Education to the Department of Education as it is now commonly referred.

<sup>2</sup> Clara Hemphill, "Parent Power and Mayoral Control: Avenues for Parent and Community Involvement in New York City Schools," Final Report, Commission on School Governance, Volume III.

<sup>3</sup> Joseph P. Viteritti, The Tradition of Municipal Reform: Charter Revision in Historical Context, in, Frank J. Mauro and Gerald S. Benjamin, eds. *Restructuring the New York City Government: The Reemergence of Municipal Reform* (New York: Academy of Political Science, 1989).

<sup>4</sup> See Diane Ravitch, "A History of Public School Governance in New York City," Final Report, Commission on School Governance, Volume III; Dorothy Shipp, "Updating Tradition: The Institutional Underpinnings of Modern Mayoral Control in Chicago's Public Schools," Final Report, Commission on School Governance, Volume III.

<sup>5</sup> See Jeffrey R. Henig, "Mayoral Control: What We Can and Cannot Learn for Other Cities," Final Report, Commission on School Governance, Volume III; Michael W. Kirst, "Mayoral Control of Schools: Concepts, Tradeoffs and Outcomes," Final Report, Commission on School Governance, Volume III.

<sup>6</sup> See John Portz & Robert Schwartz, "Governance and the Boston Schools: Lessons in Mayoral Control," Final Report, Commission on School Governance, Volume III.

<sup>7</sup> Shipp, Volume III.

<sup>8</sup> Wilbur Rich, "Who is Afraid of a Mayoral Takeover of Detroit Public Schools?" Final Report, Commission on School Governance, Volume III.

<sup>9</sup> Henig, Volume III.

<sup>10</sup> See Kirst, Volume III.

<sup>11</sup> See Kenneth Wong, "Does Mayoral Control Improve Performance in Urban Districts?" Final Report, Commission on School Governance, Volume III.

<sup>12</sup> See also Henig, Volume III.

<sup>13</sup> Jennifer Medina, "Scores in Reading and Math Rise Sharply," *New York Times*, June 24, 2008.

<sup>14</sup> Between 2002 and 2008, the total expense budget for New York City schools increased from \$11,883,216,000 to \$16,875,522,000. Source: Independent Budget Office, City of New York.

<sup>15</sup> See Portz & Schwartz, Volume III, regarding the Boston experience.

<sup>16</sup> See "Children First and Mayoral Control: Creating a System of Successful NYC Public Schools," New York City Department of Education, n.d.

<sup>17</sup> Joseph P. Viteritti, ed., *When Mayors Take Charge: School Governance in the City* (Washington, DC: Brookings Institution Press, 2009), forthcoming.

<sup>18</sup> See Note 14 on total spending. Local spending increased from \$4,801,497,000 to \$7,099,585,000 between 2002 and 2008. Source: Independent Budget Office.

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- <sup>19</sup> Dennis Walcott and Joel Klein, Testimony before the Commission on School Governance, April 17, 2008.
- <sup>20</sup> Kathryn Wylde, Testimony before the Commission on School Governance, December 20, 2007.
- <sup>21</sup> Anthony Shorris, Testimony before the Commission on School Governance, March 6, 2008.
- <sup>22</sup> Source: Independent Budget Office, City of New York.
- <sup>23</sup> See Note 16.
- <sup>24</sup> See, for example, Randi Weingarten, Testimony before the Commission on School Governance, November 29, 2007; Merrill Tisch, Testimony, November 29, 2007; Ernest Logan, Testimony, January 24, 2008; Helen Marshall, Testimony, February 21, 2008; Scott Stringer, Testimony, March 6, 2008; Herman Badillo, Testimony, April 8, 2008.
- <sup>25</sup> See Quinnipiac Poll at <http://www.quinnipiac.edu/x1302.xml?ReleaseID=1193>.
- <sup>26</sup> Steven Sanders, Testimony before the Commission on School Governance, January 24, 2008. See also Note 24.
- <sup>27</sup> William C. Thompson, Testimony before the Commission on School Governance, December 13, 2007.
- <sup>28</sup> See, for example, Robert Jackson, Testimony before the Commission on School Governance, November 29, 2007.
- <sup>29</sup> See, for example, in addition to those cited in Note 24, Sol Stern, Testimony before the Commission on School Governance, January 3, 2008; David Bloomfield, Testimony, January 10, 2008; Ellen Raider, Testimony, January 31, 2008.
- <sup>30</sup> See, for example, John Englert, Testimony before the Commission on School Governance, January 31, 2008; Richard Barr, Testimony, February 7, 2008; Leonie Haimson, Testimony, February 21, 2008; Christopher Spinelli, Testimony, February 28, 2008; Jennifer Freeman, Testimony, February 28, 2008; Lisa Dolan, Testimony, March 13, 2008; Matthew Levey, Testimony, March 27, 2008; Ann Cook, Testimony, April 3, 2008; William McDonald, Testimony, May 1, 2008.
- <sup>31</sup> See Note 30.
- <sup>32</sup> Jacob Morris and James Catalajis, Testimony before the Commission on School Governance, April 3, 2008. This claim was corroborated in public hearings and borough forums held by the Commission throughout the city.
- <sup>33</sup> Ronnie Lowenstein, Testimony before the Commission on School Governance, March 27, 2008.
- <sup>34</sup> See Geri D. Palast, Testimony before the Commission on School Governance, February 21, 2008; April Humphrey, Testimony, December 6, 2007.
- <sup>35</sup> See Carol Gresser, Testimony before the Commission on School Governance, May 1, 2008.

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**APPENDIX I**  
**LETTER FROM CATHERINE NOLAN**



CATHERINE NOLAN  
37<sup>th</sup> Assembly District  
Queens County

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIRWOMAN  
EDUCATION COMMITTEE

COMMITTEES  
Rules  
Veterans  
Ways & Means  
Corporations, Authorities & Commissions

August 8, 2007

Public Advocate Betsy Gotbaum  
Municipal Building 15<sup>th</sup> floor north  
New York, New York 10007

Dear Public Advocate Gotbaum,

Since 2002, the structure of the New York City Department of Education has undergone numerous changes. I agree it is important to assess the effectiveness of those changes. A commission that independently assesses school governance in New York City will provide invaluable assistance in the debate over re authorization and amendment of the New York City school governance law. I have spoken to you at length about this important issue and I believe you and the Fund for Public Advocacy can convene a commission that will contribute important information to this debate.

It is my hope that this commission, should you decide to create it, will be comprised of leaders in business, academia, and the community, and will include advocates and parents. I hope that such a commission will engage with and collect the perspectives and analyses of a wide range of stakeholders in the system and will solicit papers from experts in academia as well as issuing an open call for papers from parents, community and business groups, principals, teachers, and students.

I will be happy to review any recommendations of your inquiry. It would help to strengthen school governance in New York City. It could provide valuable testimony to inform any hearings we authorize on this issue. I am sure it will serve as a model for other cities throughout the country.

Sincerely,

Catherine Nolan

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□ District Office — 45-25 47<sup>th</sup> Street, Woodside, New York 11377 • (718) 784-3194  
□ Room 836, Legislative Office Building, Albany, New York 12248 • (518) 455-4651, FAX (518) 455-3847  
E-mail: nolanc@assembly.state.ny.us

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**APPENDIX II**  
**COMMISSION MEMBER BIOGRAPHIES**

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## COMMISSION ON SCHOOL GOVERNANCE

### **Stephen R. Aiello** *Chair*

Before joining Hill & Knowlton in 2003, Mr. Aiello was Chairman of Cohn & Wolfe. He formerly served as President and CEO. He brings more than 30 years of extensive national, state and local political and government affairs work as well as corporate public relations experience to Hill & Knowlton. Previously, he was executive vice president and director of public affairs for Burson-Marsteller, Worldwide.

Mr. Aiello served in the White House as special assistant to President Carter on ethnic/urban affairs. He also held the office of president of the New York City Board of Education for three years where his expertise included government education and labor issues. Formerly, he was president of the New York Educational Construction Fund and has taught at the university level and in secondary schools.

Mr. Aiello has been chairman of the New York City Youth Board, the New York City Urban Coalition and the NYU Creative Arts Team, a member of the National Center for Urban Ethnic Affairs and the National Dropout Prevention Fund. He is also a director of the National Italian American Foundation, Kappa Delta Pi, a former trustee of the New York State Democratic Committee and former chairman of the board of the Community Service Society of New York. He served as an advisor and counselor to the National Quincentenary Commission in Washington, D.C., as well as a member of the advisory committee of the arts (JFK Center for the Performing Arts). He has received numerous honors from educational, community, government and business organizations and has been honored by the governments of Italy and Ireland for his work in promoting greater understanding and cooperation between their countries and the United States.

Mr. Aiello holds a doctorate in urban studies from Union Graduate School/Columbia University, an M.A. in history from Columbia University, a B.A. in history from New York University and a Professional Certificate in educational administration from New York University.

### **Lilliam Barrios-Paoli** *Co-Chair*

Before joining Safe Space as President and CEO in 2004, Ms. Barrios-Paoli was the Senior Vice President and Chief Executive for Agency Services of the United Way of New York City (UWNYC) where she was instrumental in the establishment of the September 11th Fund.

Prior to her tenure at United Way, Ms. Barrios-Paoli served as Commissioner of several New York City public agencies in both the Giuliani and Koch administrations, including the Department of Employment, the City Personnel Department, the Department of Housing Preservation and Development, and the Human Resources Administration. She also served as the Executive Director of Lincoln Medical and Mental Health Center, a teaching and tertiary medical center serving the South Bronx.

Ms. Barrios-Paoli was recently appointed to the Mayor's Commission for Economic Opportunity. As a member of the anti-poverty task force, she hopes to be influential in restructuring New York City's welfare system in order to reduce the number of working poor.

Ms. Barrios-Paoli holds a doctorate in cultural anthropology from the New School.

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**David R. Jones** *Co-Chair*

David R. Jones has been President and Chief Executive Officer of the Community Service Society of New York since 1986. Prior to joining CSS, Mr. Jones served as Executive Director of the New York City Youth Bureau and, from 1979 to 1983, as Special Advisor to Mayor Koch. Mr. Jones was a member of the transition committee of New York's mayor-elect Michael Bloomberg. He served for five years as Chairman of the Board of Carver Federal Savings Bank, the largest African-American-managed bank in the nation. He is currently Chair of the National Committee for Responsive Philanthropy. While receiving his Bachelor of Arts degree from Wesleyan University, Mr. Jones interned for the late Senator Robert F. Kennedy in Washington, D.C. He received a Juris Doctor degree from the Yale Law School, afterwards clerking for Judge Constance Baker Motley of the U.S. District Court for the Southern District of New York. Prior to his nonprofit and public service careers, he specialized in corporate antitrust cases and contract litigation at the law firm of Cravath, Swaine & Moore.

**Clara Hemphill** *Commissioner*

Clara Hemphill is an acclaimed author, editor and social entrepreneur. *The New York Times* called her three books “the most definitive guides” to New York City public schools. *New York* magazine named her one of the 200 most influential New Yorkers for her work “empowering parents” as founding editor of the Insideschools.org website, a project of Advocates for Children. As a reporter and editorial writer for *New York Newsday*, she shared the 1991 Pulitzer Prize for local reporting. *New York* magazine called her writing on the homeless “worthy of Dickens.” A foreign correspondent for *The Associated Press* and a producer for *CBS News* based in Rome in the 1980s, she covered the war in Lebanon, the attempted assassination of the pope and numerous Mafia murders. She lives in Manhattan with her husband, Robert Snyder, and two children, who attend public school.

**Joan McKeever-Thomas** *Commissioner*

Joan McKeever-Thomas has been involved in PTA/parent leadership since 1991 and has been the PTA President in two different schools. She has served as Chair of the High School President Council in District 31. She has also served as President of the Staten Island Federation of PTAs President from 2001-2003. McKeever-Thomas was a member of the District Leadership Team from D31. McKeever-Thomas served as the Staten Island representative on the Panel for Education Policy from 2002-2004. She has also served on various commissions including two City Council commissions—one on how to spend the Campaign for Fiscal Equity funds and another on middle school improvement. Ms. McKeever-Thomas is currently the United Federation of Teachers Parent Liaison for Staten Island.

**Jeany Persaud** *Commissioner*

Jeany Persaud first got involved with volunteering and parent advocacy at Head Start in 1991 and still sits on the Board of Directors of that organization. Persaud was a recent Chair of Chancellor Parent Advisory Council where she served for two terms. Persaud's tireless advocacy has her currently serving as District Leadership Team for District 29 in Queens, the Board of Trustees for Peninsula Preparatory Academy, the D29 President Council Executive Board and is the Co- President of PS 132 and Aviation High School's School Leadership Teams. Persaud is also the current Co-Chair of the PS /IS 270 School Leadership Team. In addition to the many school related positions she holds, Persaud is involved in many charitable and community oriented organizations such as the Queens

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Library Advisory Board (Laurelton), New Americans Democratic Organization of New York, the New York TSUNAMI Relief Fund, and the Ronald Edmonds Education Advisory Committee, which is sponsored by State Senator Malcolm A. Smith.

**Bertrand B. Pogrebin** *Commissioner*

Bertrand B. Pogrebin, Esq. advises public and private sector employers throughout the country on labor relations issues such as compliance with the National Labor Relations Act, union negotiations, labor arbitration, and long-term workforce strategies including plant moves, consolidations, mergers and acquisitions.

In addition to representing many Fortune 500 private sector employers, Mr. Pogrebin served as chief labor negotiator for the New York City Board of Education for 15 years. He has counted the Village Voice, Inner City Broadcasting, Fashion Institute of Technology, and IBM among his clients.

Mr. Pogrebin sits on the Board of Editors for the New York Law Journal. He has been Adjunct Professor of Law at Hofstra University Law School where he has taught courses on employment discrimination law and on individual rights in the workplace. He has been Adjunct Professor of Labor Law at New York University Law School. He was a visiting lecturer at Yale University Law School and is co-author with Professor Jack Getman, formerly of Yale and now at the University of Texas Law School, of "Labor Relations: The Basic Processes, Law and Practice," a labor law treatise for lawyers and law students that is now in its second edition. Mr. Pogrebin has been recognized by Best Lawyers in America for more than 10 years.

Mr. Pogrebin received A.B. from Rutgers University and J.D. from Harvard Law School.

**Kim Sweet** *Commissioner*

Kim Sweet is the Executive Director of Advocates for Children of New York, Inc., a nonprofit organization long regarded as the leading education advocacy organization focusing on at-risk students in the New York City public schools. Ms. Sweet came to AFC from New York Lawyers for the Public Interest (NYLPI), where she most recently served as Associate General Counsel. During her ten successful years at NYLPI, Ms. Sweet spearheaded the office's special education advocacy work, oversaw and ran the special education pro bono project, served as one of NYLPI's senior managers, conducted litigation on disability rights issues, and led a number of policy initiatives. Ms. Sweet also has served as an adjunct professor at the Urban Law Clinic of New York Law School. After graduating law school, Ms. Sweet clerked for the Honorable Robert P. Patterson, Jr., District Court Judge of the Southern District of New York, and spent three years as a litigation associate at the firm of Patterson, Belknap, Webb & Tyler, LLP.

Ms. Sweet holds a B.A. from Brown University and a J.D. from Columbia Law School.

**Jacqueline Wayans** *Commissioner*

Jacqueline Wayans is a co-author of the books *New York City's Best Public High Schools* and *New York City's Best Public Middle Schools*. Ms. Wayans has ten years of experience leading workshops for parents and has visited approximately 150 schools, predominantly in the Bronx and in Upper Manhattan, as a school reviewer for Insideschools.org. Wayans is a keen observer of the New York City public school system and was cited by Michael Winerip of *The New York Times* as an "Ace Reporter." She

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currently works as an independent consultant, assisting parents in navigating the educational system. Ms. Wayans is a passionate advocate for parents and cut her teeth as PTA President and SLT Chair in her children's public school. It was during this time that she spearheaded the campaign for the Talented & Gifted School for Young Scholars to move from a program to school status, proving that parents can have a powerful voice for change.

**Joseph P. Viteritti** *Executive Director*

Joseph P. Viteritti is the Blanche D. Blank Professor of Public Policy and Chair of the Department of Urban Affairs & Planning at Hunter College, CUNY. He specializes in education policy, state and local governance, and public law. His most recent of ten books, *When Mayors Take Charge: School Governance in the City* (Brookings Institution Press, forthcoming), is an edited volume composed mainly of papers solicited by the Commission. Professor Viteritti has previously served as special assistant to the Chancellor of Schools in New York, as senior advisor to the school superintendents in Boston and San Francisco, and as either executive director or member of a variety of blue ribbon panels in government. He has previously taught at Princeton, NYU, Harvard, and SUNY at Albany.

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**APPENDIX III**  
**INDIVIDUALS WHO GAVE TESTIMONY**

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**COMMISSION ON SCHOOL GOVERNANCE**  
**Individual Stakeholders Who Gave Testimony**  
**November 2007 to May 2008**

Randi Weingarten, President of the United Federation of Teachers, November 29, 2007

Robert Jackson, Chair of Education Committee for the City Council, November 29, 2007

Meryl Tisch, New York State Regent, November 29, 2007

Sy Fliegel, Center for Education Innovation/Public Education Association, December 6, 2007

April Humphrey, New York City Coordinator of the Alliance for Quality Education, December 6, 2007

Diane Gracik, Future Voters of America, December 13, 2007

William C. Thompson, New York City Comptroller, December 13, 2007

Kathryn Wylde, President and CEO of the Partnership for New York City, December 20, 2007

James Merriman, CEO for the New York City Center for Charter School Excellence, December 20, 2007

Sol Stern, Manhattan Institute, January 3, 2008

David Bloomfield, Professor of Education at Brooklyn College and Parent Member, Citywide Council on High Schools, January 10, 2008

Congressman Anthony Weiner, United States House of Representatives, January 10, 2008

Ernest Logan, President of the Council of Supervisors and Administrators, January 24, 2008

Steven Sanders, former Chair of the Education Committee, New York State Assembly, January 24, 2008

Ellen Raider, Cecelia Blewer and others, Independent Commission on Public Education (ICOPE), January 31, 2008

John Englert, Dr. Robin Murray and Ellen McHugh, Citywide Council on Special Education, January 31, 2008

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Richard Barr, Bronx High School Federation, February 7, 2008

Jill S. Levy, President of the American Federation of School Administrators, February 7, 2008

Geri D. Palast, Executive Director of the Campaign for Fiscal Equity, February 21, 2008

Helen Marshall, Queens Borough President, February 21, 2008

Leonie Haimson, Class Size Matters, February 21, 2008

Christopher Spinelli, President of Community Education Council, District 22, February 28, 2008

Jennifer Freeman, Member of Community Education Council, District 3, February 28, 2008

Judy Rizzo, former Deputy Chancellor of Schools, February 28, 2008

Anthony Shorris, Executive Director, Port Authority of NY & NJ, former Deputy Chancellor of Schools, March 6, 2008

Scott Stringer, Manhattan Borough President, March 6, 2008

Lilliam Rodriguez-Lopez, President of the Hispanic Federation, March 13, 2008

Lisa Donlan, President of Community Education Council, District 1, March 13, 2008

Robert Caloras, President of Community Education Council, District 26, March 20, 2008

Stanley Litow, President of IBM International Foundation, former Deputy Chancellor of Schools, March 20, 2008

Andrew Bauman, President of Community Education Council, District 27, March 20, 2008

Jim Devor, President of Community Education Council, District 15, March 20, 2008

Frank Macchiarola, President of St. Francis College, former Chancellor of Schools, March 27, 2008

Ronnie Lowenstein, Executive Director of the Independent Budget Office, March 27, 2008

Luis Reyes, Assistant Professor at Lehman College, former Board of Education Member, March 27, 2008

Matthew Levey, President of Community Education Council, District 2, March 27, 2008

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Ann Cook, New York Performance Standards Consortium, April 3, 2008

Jacob Morris and James Calantjis, School Leadership Team Empowerment Alliance, April 3, 2008

Herman Badillo, former U.S. Congressman, Deputy Mayor, and Chair of the Board of Trustees, City University of New York

Lisa Belzberg, Chair of PENCIL, April 10, 2008

Dennis Walcott, Deputy Mayor, April 17, 2008

Joel Klein, Chancellor of Schools, April 17, 2008

Ramon Cortines, Senior Deputy Superintendent of Schools in Los Angeles, former Chancellor of Schools, April 23, 2008 (conference call)

Richard Kessler and Doug Israel, The Center for Arts Education, April 24, 2008

Andrea Lella, President of Community Education Council, District 31, April 24, 2008

Chung-Wha Hong, Executive Director, New York Immigration Coalition, April 24, 2008

Mark Weprin, New York State Assembly, April 24, 2008

William McDonald, President, Chancellor's Parent Advisory Council, May 1, 2008

Carol Gresser, former President, Board of Education, May 1, 2008