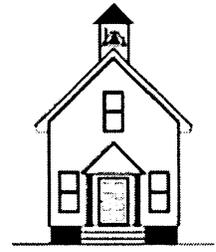


Steven R. Aiello, *Chair*
Lilliam Barrios-Paoli, *Co-Chair*
David R. Jones, *Co-Chair*
Joseph P. Viteritti, *Executive Director*
Clara Hemphill

Joan McKeever-Thomas
Jeany Persaud
Bertrand B. Pogrebin
Kim Sweet
Jacqueline Wayans



Commission on School Governance

Final Report of the Commission on School Governance

Volume II: Written Testimony Submitted to the Commission

September 4, 2008

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

COMMISSION ON SCHOOL GOVERNANCE

FINAL REPORT

Volume II

Written Testimony Submitted to the Commission

Stephen R. Aiello
Chair

Lilliam Barrios-Paoli
Co-Chair

David R. Jones
Co-Chair

Clara Hemphill
Joan McKeever-Thomas
Jeany Persaud
Bertrand B. Pogrebin
Kim Sweet
Jacqueline Wayans

Joseph P. Viteritti
Executive Director

September 4, 2008

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

The Commission on School Governance is funded by the Fund for Public Advocacy.
All funds for the work of the Commission and for the Fund for Public Advocacy are raised privately.

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

Stakeholders who gave testimony and provided copies in writing:

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

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

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

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

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

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

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

Norm Fruchter, Director of Community Involvement Program, Annenberg Institute for School Reform[†]

Carol Gresser, Former President of the Board of Education, May 1, 2008

Leonie Haimson, Class Size Matters, February 21, 2008

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

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

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

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

Helen Marshall, Queens Borough President, February 21, 2008

[†] Do to scheduling conflicts Norm Fruchter was unable to testify, but submitted copies of his prepared testimony.

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

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

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

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

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

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

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

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

Stakeholders who gave testimony but did not submit copies in writing:*

Herman Badillo, Former member of U.S. House of Representatives, Deputy Mayor and Chair of the Board of Trustees for the City University of New York, April 8, 2008

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

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

Lisa Belzberg, Chair of PENCIL, April 10, 2008

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

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

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

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

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

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

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

Joel Klein, Chancellor of Schools, April 17, 2008

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

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

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

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

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

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

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

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

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

Anthony Shorris, Executive Director of the Port Authority of New York & New Jersey, former Deputy Chancellor of Schools, March 6, 2008

Sol Stern, Manhattan Institute Senior Fellow, January 3, 2008

Scott Stringer, Manhattan Borough President, March 6, 2007

Meryl Tisch, Vice Chancellor of the New York State Board of Regents, November 29, 2007

Dennis Walcott, Deputy Mayor for Education and Community Development, April 17, 2008

Anthony Weiner, Member of the United States House of Representatives, January 10, 2008

*All stakeholder meetings were recorded and transcribed.

** Meeting was held via conference call and was neither recorded nor transcribed.

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

**Testimony before the New York City Public Advocate's
Commission on School Governance
on Amending New York State Education Law Article 52-A
Regarding Mayoral Control of the New York City Public Schools**

January 10, 2008

Thank you for this opportunity to address the Commission. I will speak for a short time, then answer any questions you may have.

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

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

Having worked in the belly of the beast at 110 Livingston Street, I continue to be a strong proponent of mayoral control and its statutory formulation in Article 52-A of the State Education Law. My main reason is that as long as the Mayor maintains control over

school funding – and the current Charter gives particularly strong powers in this regard – the Mayor should bear operational authority and accountability.

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

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

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

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

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

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

And that's it. I would not recommend converting the DOE into a municipal agency, subject to micromanagement and further politicization by the City Council, though I would clarify its existing and meritorious oversight function. I would not return to the old Board of Education or even interfere with the Mayor's and Borough Presidents' current powers of appointment and removal. This would only foster paralysis without any guarantee of corresponding gains in decisional quality. Finally, I would not favor legislative strengthening of the now-vestigial community school district structure since no amount of fine tuning will assure community access without overburdening public officials' and educators' need for bureaucratic agility. If they don't care to listen to their constituents, no amount of statutory gimmickry will force them.

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

Contact:

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

Caloras testimony

A general governance principle that has served our nation well is republicanism. The belief that no one person shall rule the community and everyone shall have a part in the Public's business guides and supports all discussions of government rule. We have a representative republic that reflects this concept. We have separation of powers to ensure this principle is carried out. The founding fathers created the U.S. Constitution and imbued it with separated powers of three independent branches of government, each checking and balancing the power and authority of the other branch. This system is time consuming and not the most efficient, but it is a brilliant one. It has enabled the United States to be one of the longest running republics in the history of the world. New York State and all other states adopted this system of separation of powers with checks and balances. New York City has no such system and, in the area of education, has a system that is dramatically opposed to the republican principle of governance. For the Mayor alone rules the Public's education and no member of the community has a part in that rule.

The reasons for the Mayor being given this control are notorious. Suffice it to point out that the immediate predecessor system was deemed corrupt, inefficient and non-responsive. Legislators sought to remedy this by giving the Mayor what the current Mayor and other Mayors asked for, control and accountability over the New York City Public Education system. Unfortunately, but sadly typical, the Legislators handing over of control to the Mayor failed to consider that several School Districts thrived under the previous system – District 26 being one. The Legislators also failed to realize and consider that the Mayor had plenty of power under the previous system as a result of his (we've only had male mayors) control over the City's budget. These realities must be factored into the review of the current system.

Also to be factored in, is the power given to the Mayor of New York City by Judicial case law. The case of the Council of the City of New York vs. Michael R. Bloomberg, 6 NY3L 380 (Court of Appeals, N.Y. 2006) ruled that the Mayor acted within scope of his authority when he refused to abide by an anti-discrimination statute passed over his veto by the New York City Council. This case, in effect, over-ruled 200 years of laws that gave the Judiciary the power to review the validity of actions taken by the branches of government. This case ended the practice of separation of powers and checks and balances used since 1802, as settled in the U.S. Supreme Court case of Marbury vs. Madison. This New York case gives the Mayor the authority to not enforce a law or regulation, passed by the duly elected members of the New York City Council, that he or she believes is unconstitutional or violates a state or federal law. This authority can be used by the Mayor in refusing to adhere to a City Council Law that seeks to end the ban on cell phone possession at New York City Public schools. The Mayor can claim this law violated the State Law on Municipal Home Rule that requires a referendum for legislation that "curtails any power of an elective officer." The City Council would then have to bring a successful lawsuit to get the Mayor to enforce the law. This is a result of the Court of Appeals case discussed above that changed the old system of checks and balances that would have forced the Mayor to abide by the law and bring the lawsuit seeking to have the law invalidated.

Any law regarding New York City School governance must consider this authority of the Mayor. By ignoring the authority inherent in the Mayor's office, the current system failed to provide effective assurances of checks and balances and republican principles of governance. The weak checks in place - the Education Panel, Community District Education Councils and Community District Superintendents - were not designed to balance the Mayor's control, and have proven completely ineffective. Members of the Education Panel risk dismissal if they express any discord with the Mayor's desired policy. Community District Education Councils have not been utilized as sources of information on community needs and their advice on education matters is either not sought or ignored. Community District Superintendents have been given responsibilities that keep them out of their District 85% of their time, often traveling from one borough to another. While avoiding the School Governance laws' limited check on his power, the Mayor has embarked on the most destabilizing policies in the history of New York City's Public Education system.

Two major re-organizations of the school structure have been instituted from a Region system comprised of Districts to a single school system within five years. Just when the first re-organization was being understood and implemented, the Mayor changed course and instituted a new organization system. Given that both system re-organizations have been well documented, a further detailed description is not needed. However, it must be noted that neither re-organization was preceded by meaningful community or non-DOE input. The Chancellor announced the policy change desired and then conducted public hearings. CDEC 26 conducted hearings on the second re-organization and offered recommendations; no response was given by a member of the DOE to these and no meaningful change to the policy was effected as a result of the public hearings. In a similar manner, a new funding formula was devised and announced by the Mayor and Chancellor. CDEC 26 had hearings and made recommendations. Once again, no response from a member of the DOE, but, one recommendation was adopted in the final plan.

Significantly, this recommendation was also pursued by the United Teacher's Federation since it concerned schools being held to charge teachers' salaries against the school's budget. The change on this policy came a few days prior to a planned rally by parents and teachers in opposition that was expected to have several thousand in attendance. Clearly, the pressure for this change to the announced funding formula was tremendous and is not easily replicated. In the most telling example, the Department of Education created the office of the Chief Family Engagement Officer without seeking Community District Education Council's advice. In fact, the Chief was appointed without any CDEC input or the input from any parent organization. How paradoxical, appointing a person to serve as a liaison to parent organizations without consulting those organizations. There were also the policies regarding Progress Reports and increased numbers of standardized tests and the concomitant greater reliance upon them. Again, no effective check or balance on these major policy changes that were enacted despite much opposition and criticism.

In sum, no significant change has occurred to a significant policy of the DOE as a result of the public hearing process. Nor has there been any such change as a result of the mechanisms in place that are designed to check and balance the Mayor's authority. Consequently, the current law lacks an effective method to curtail the ability of the Mayor to effectively do as he or she pleases with the public education system in New York City. The current system is also without a mechanism to hold the Mayor accountable for his/her performance. There are many issues that are addressed by candidates seeking to become Mayor and education is not necessarily a determining one in the minds of the majority of voters. Moreover, once elected, it is too easy to excuse lackluster results due to insufficient time for the "new" policies to work. Also, too few in the electorate understand education issues in a way to question and understand the enormous data put out that is supposed to track student performance and school effectiveness. Data that is often self-contradictory or divergent from non-DOE data. Thus, the vote for a Mayor's first and second term cannot be construed as a referendum on education issues. Then, in the second term, as a term-limited official, the Mayor need heed no voice but his/her inner one. Such lack of accountability is frightening in light of the level of control given and cannot continue.

I firmly believe that improving the New York City Education system requires paying attention to the proposals and ideas from those closest to the system – the students, parents, teachers and administrators. The current system does not institute this and allows the Mayor to ignore these vital members of the education community. The system also lacks any check or balance or accountability system on the Mayor's control. Coupled with the case law in New York State, the current school governance is by dictate. Policies are implemented at the Mayor's will and whim. The current system lacks any ability to offer and impose upon the Mayor the need to vet policies for their efficacy prior to implementation and thereafter.

For example, during the past five years, several elected officials, school principals, district superintendents, parent leaders and media people have stated that they have been ignored by members of the DOE and the Mayor on education issues. If not these members of the education community, to whom does the Mayor seek advice on education matters? Perhaps only

the like-minded; the system must be changed to impose republican principles that ensure a more broad scope of inquiry. The education of our children is too important to be decided by one person. The budget of this system is too large to be decided by one person. Checks and balances must be instituted on the Mayor's control.

To effectuate needed changes, I offer the following:

1. Change the Department of Education into a New York City Agency and give the City Council oversight. This must be equal to its oversight of other city agencies.

2. Create 5 separate Education Agencies, one in each borough. Each with a Borough Commissioner who shall be appointed by the Mayor upon the advice and consent of the City Council and the Borough President of the effected borough. The Borough Commissioner shall report to a New York City Commissioner, who shall report to the Deputy Mayor of Education.

3. Increase authority of the Community District Superintendent to enable this person to coordinate and evaluate instruction and operations in District schools. The Education Commissioner of the Borough will appoint this person, upon the advice and consent of the District's Education Council. The Community District Superintendent shall be responsible for the education of the schools in the respective District and shall have no responsibilities toward schools not within that District.

4. Give each Borough President control over a budgetary aspect of education for their respective Borough, e.g. transportation.

5. Do not re-create School Boards. An effective check on Mayor's control cannot depend upon volunteers. There is insufficient time for volunteers to become sufficiently competent on education issues to become effective advocates in opposition to Mayoral dictates. Non-paid volunteers cannot effectively counter the ability of a Mayor or Chancellor supported by full-time paid officials. An effective balance must come from full-time, paid professionals, e.g., City Council members and Borough Presidents.

Regardless if any of the above are accepted, the current system must change. The system has wrought many changes and yet, it is unclear as to the actual results achieved. City, State and Federal test results differ in scores that indicate either no improvement, minimum improvement, or significant improvement. There are also different results concerning High School graduation rates that obscure its clear evaluation. There are even different results concerning class size reduction. However, the DOE does implicitly acknowledge not achieving significant academic improvement by sixth, seventh and eighth grade students since we have a "Middle School Crisis" task force. These students are the product of one Chancellor, under one Mayor, implementing their own policies. Thus, it is my position that the results of Mayor Control cannot justify the current School Governance system.

In conclusion, based upon my experience, changes to the current system that reflect the above concerns.

Respectfully submitted,
Robert Caloras,
CDEC26, President

Cook testimony

Commission on School Governance

Office of the Public Advocate

Betsy Gotbaum

Stephen R. Aiello *Chair*

Lilliam Barrios-Paoli *Co-Chair*

David R. Jones *Co-Chair*

Testimony by:

New York Performance Standards Consortium

CES NY Center

317 East 67th Street

New York, NY 10065

t 212.570.5284 f 212.570.5366

April 3, 2008

NY Performance Standards Consortium Proposal for Governance of the NYC Public Schools

I am Ann Cook, co-chair of the New York Performance Standards Consortium – a consortium of some forty New York City high schools. With me are two members of our staff - Don Freeman – a retired New York City principal - and Phyllis Tashlik, a veteran teacher and director of the Center for Inquiry – a professional development center that serves schools across the city. Our work takes us into schools on a daily basis – and exposes us to the impact of mayoral control in a way that few others experience. We see the consequences of whatever governance system is in place in real time – in the classroom – in the challenges that teachers and school leaders have to take on if the schools are to work well for their students.

We appreciate this opportunity to speak to you.

Restoring education to the center of the education agenda

With every recommendation you receive, panel members must ask themselves this question: does the recommendation restore education to the center of the educational agenda? No governance system is worth adopting if it does not consider how teaching and learning, curriculum and instruction, will be served by whatever changes are made.

For seven years, we have had an agenda that does not support teaching and learning, but rather than repeat the litany of complaints more than adequately provided by other speakers, we hope to suggest some fundamental ideas – some principles - that we believe must inform the recommendations that the panel makes.

We will focus on the following: Checks and Balances,

Transparency and Access, Organization, and Teaching and Instruction

In a redesigned governance proposal, we need a system of checks and balances.

This would require:

- Redesigning the Panel for Educational Policy (PEP) so that it is truly an independent decision-making body composed of borough representatives, representatives of the Mayor, and representatives of school-based parent bodies. Representatives serve at the pleasure of those who appointed or elected them.

- The PEP should be selected as follows:
 - 5 by the Borough Presidents
 - 5 by Community Education Councils (CECs)
 - 2 by the Mayor

We need a transparent selection process for chancellor. This means:

- Having the PEP and the Mayor select the Chancellor *who must be an educator*. We propose that the PEP send three names for Chancellor to the Mayor and the Mayor selects the Chancellor from one of the recommended candidates.

- Having the Chancellor's first allegiance be to the public, not the mayor; concurrently, the chancellor must also have the confidence and ear of the mayor.

- Having parents participate in decision-making at the local level through the CECs, which then participate in the election of representatives to the PEP.

- PTAs continue to elect members of the CEC.

We need a system of transparency and access.

We've had seven years of public relations instead of transparency and access. To remedy this, we propose:

- Returning responsibility for selecting principals to the school level where parents and teachers interview and select for recommendation three candidates. The superintendent selects from those recommendations.
- Creating an independent body that has access to all data and can interview school officials and others confidentially.
- Having a system of reporting to the public that does not cherry-pick or bury or spin information that is negative.
- Providing parents with access to decision-makers and clear documentation of who is responsible for what (e.g. with special education—put responsibility back in the districts that can provide access, not the ISCs, Integrated Services Centers)
- Having the budget developed by the chancellor with oversight provided by the PEP. Large no-bid contracts must be reviewed by the PEP as well.
- Providing access to the budget by the city's comptroller. Currently, there has been no public accountability for an annual budget that increased by 7 ½ billion dollars since this mayor took control. And that figure doesn't take into account all the private funding that the mayor has raised and disbursed as he saw fit. Nor does it look at expenditures such as the \$80 million for the IBM ARIS computer system that is part of the city's capital budget.

- Investigating the system of distributing funds to the schools only to require payment by the schools to the DOE for required and essential services.
- Investigating Fast Track, a centralized purchasing system that has led to higher costs for materials for the schools. For example, a recent order for equipment filled through the DOE's Fast Track ordering system cost nearly twice as much as the same items purchased on the open market. Instead of \$9000, the items cost \$18,000.
- Investigating the rationale and contract for a British consulting firm to carry out school reviews every year for three years at a cost of \$19 million, including fees for visas and accommodations. This firm, in fact, has been censured by the London's Islington Borough Council for the poor results the firm achieved in the district. And what organization does a quality review (in this case, of 1,400 schools) *every* year?
- Providing a public accounting for The Leadership Academy, which has seen an enormous amount of funding pumped into an organization that fails to produce competent and committed leaders for the schools.
- Finally, as an immediate measure, terminating just two contracts for ARIS and Acuity, which we'll explain later, would total \$160 million and more than cover the budget shortfall announced by the DOE. Furthermore, there's evidence that ARIS was unnecessary since DOE employees have been entering data with systems they have devised themselves! Moreover, the State Education Department has embarked on a statewide data system that suggests that NYC is investing in an unnecessary system.

- While the DOE spends millions on a redundant system like ARIS, students must go without functioning computers and printers in the schools, which, for many, is their only access to the Internet and computer technology. We need to decentralize our approach to technology and support services.

We need a choice of school organizations:

Geographical or Affinity

- Schools may choose to be a member of a geographical organization (the districts, with a limit on district size) or an affinity organization (the SSOs): Partner Support Organizations (PSO), Learning Support Organizations (LSO), The Empowerment Support Organization (ESO)
- Each of the above organizations (each small district or SSO) will have its own superintendent. Parents must be informed of and given direct access to the superintendent's office.

We need a system that values teachers and instruction

From our point of view, this is our most critical concern. The current administration has sacrificed good teaching and in-depth curriculum for the sake of data-driven algorithms and spreadsheets. Think of the irony—highly salaried folks who majored in business, law, or communications, sitting in the Tweed building telling the teachers of East New York and the South Bronx how they should be running their classrooms and their schools! Just to provide a few specifics from the frontline, the classroom:

- Centrally selected “curricular models” were purchased, foisted upon teachers, and then never heard of again. For example, Ramp-Up to Literacy was purchased mostly

without consultation, and books for classroom libraries selected without teacher input. Months later, the books could be found at the bottom of closets or stuffed away in cartons because the titles didn't appeal to students or they were inappropriate. And because the program required the use of a scripted curriculum, perfectly competent teachers received U-ratings because they did not follow the prescribed script.

- There were the tyrannies of the bulletin board, the rocking chair, and the carpets, which occupied front-page headlines for a time, then faded away.
- While doubts about the limitations of standardized testing were spreading throughout the country as Congress debated NCLB, our DOE called for *more* testing through interim assessments. Originally described as a pilot, the policy of testing every 6-8 weeks was foisted on the schools after they had closed for the summer, thus avoiding meaningful input from teachers, principals and parents. Schools could choose from two vendors, Princeton Review or NWEA. Only after pressure from teachers, did the DOE allow some groups to design their own assessments (DYOs). These proved to be successful and relatively cheap since teachers created assessments that were integral to their curricula.

The large no-bid contracts given to Princeton and NWEA failed so miserably, that many schools just stopped participating. The following year, bypassing a pilot, the city entered a no-bid \$80 million contract with McGraw Hill, the publisher of the New York State's 3-8 grade ELA and math tests. Known as Acuity, the program has still not been instituted in the high schools and McGraw Hill has reduced the number of assessments in the elementary schools. In contrast, the school-initiated DYOs continue to be successful and offer a full year's structure for true interim assessment,

which all good teachers do anyway as part of their instruction.

- Reducing assessment to testing limits teacher creativity and initiative, stifles intellectual exploration of subject matter, and demeans the work of the profession. There are alternatives, such as reviews of portfolios of student work, assessment of oral and discussion skills, multiple opportunities for expression in writing, the arts --even student participation in physical education—all of which help a teacher know his or her students' motivations, strengths, and weaknesses. The DOE's role should be to encourage school-based and teacher-based involvement in developing interim assessments related to curriculum and solid educational goals -- not the score on the next standardized test.

From a governance perspective, we need to put the classroom at the center of any delineation of powers.

- The UFT has documented the severe increase in the numbers of teachers leaving the system. The DOE's desperate attempt to keep pumping new blood into the system through the Teaching Fellows program has been of no help with teacher retention. Half the fellows leave the system within four years. New principals are counseled to anticipate teachers leaving within three to five years. The current system has no commitment to creating professional communities within the schools. A revolving door of young, inexperienced teachers works well for a system where 85% of a school's worth, according to the DOE's "progress" reports, as well as bonuses, is based on test scores.

Rethinking Governance for the NYC school system

As I said at the beginning of my presentation, any reconsideration

of governance for the NYC schools must place teaching and learning at the core of the redesign. We have lived through a very difficult period in NYC school history, one that has had a deleterious impact on untold numbers of families and teachers—schools that were closed with no input from the community, students stranded on wintry streets while buses were rerouted, teachers harassed by administrators when they didn't teach according to a script, and millions upon millions of dollars spent in ways that will have had little or negative effects on the quality of teaching and learning in the classrooms of this city.

Accountability, empowerment, improved graduation rates, lowered dropout rates—all of these rhetorical flourishes have been accepted without any real, substantive debate in our communities. We ask you to probe deeper than the sound bites offered as excuses for a poorly conceived system. Where does the truth lie? What are the consequences of policies on the lives of children? Why has the union become the only voice defending the professionalism of teaching?

We're asking you to make sure that the panel's recommendations take into account questions such as these, and both the intended and unintended consequences of your decisions.

Donlan testimony

**Lisa B. Donlan
President
Community Education Council
Community School District One**

**Testimony before the Public Advocate Betsy Gotbaum
Commission on School Governance**

March 13, 2008

Introduction

My name is Lisa Donlan and I am currently President of the CEC in District One, where I have served as an officer over the last 3 years.

I want to thank the Public Advocate for organizing these hearings and for the opportunity to testify before the commission.

I am particularly grateful to the commission for the approach it has adopted in analyzing the issue of school governance, a complex task that requires a hefty amount of untangling of a vast number of intertwined factors.

By soliciting testimony and submissions from academics, policy makers, educators, advocates and parents who have on-the ground experience with the current experiment in mayoral control, the conclusions and recommendations of this commission can make a unique contribution to the debate on governance over New York City public schools. I appreciate the difficulties the commission faces distinguishing between the many layers of cause and contribution to the current conversation on governance.

First one must look at the consequences, intended and unintended, that stem from the letter of the law, as opposed to those deriving from the spirit of the law, that created mayoral control. Too there is a layer that derives from the interpretation (or misinterpretation) of the law by the present administration. Finally, there are issues regarding the hurried and large scale implementation of the reforms called Children First, as well as the managerial style of the Klein administration. All of these factors are often further masked by the values and lens of free market competition and output-focus underlying the national reforms movement that Children First is premised on, making any analysis thorny.

By unwrapping the various layers that contribute to the successes and accomplishments, flaws and failings, of this brand of governance, the commission stands to shape how the legislature responds to the sunset next year of the education laws that created mayoral control in New York City. Whatever focus or form this commission's recommendations take, I respectfully request that you consider as a next step their vetting in public forums. Submitting the commission recommendations to public comment can only further refine and strengthen your proposals.

My aim here is to leave you with several thoughts:

1. Governance alone can not provide a solution to the structural inequities and failings endemic to NYC public schools. It is the underlying values that direct education reform that need to be examined.
2. Democratic participation, discussion and debate are necessary to determine the core set of values that direct education reform.
3. I hope to leave you with an example of how local control worked in my district as an object lesson in democracy and political process at work.

Governance structure versus underlying values: are we asking ourselves the right questions?

It is the underlying values that shape and harness the political will and determine the application of resources that result in education reforms that we should be addressing as a city. After all, the change in governance structure was a response to a system that had failed to attend to the intractable challenges faced by a great many of the more than one million public school students and their families who suffer from such inequities and neglect that more than half of our kids drop out.

Given the societal forces of poverty, racism and deprivation that shape the lives of so many of our children both in and out of school, I question how much improvement has been made, or even can be expected, from reforms to the school governance structure alone.

The question I think we need to pose is how much progress we have made better serving these kids after 7 years of mayoral control and its promise of increased accountability?

Have we narrowed the achievement gap?

Do we graduate more than half of our kids?

Are parents more involved in their children's education?

The Chancellor has said so but I could also point you to numerous sources that would refute those claims.¹

¹ . New York City's achievement gap between white students and their black and Hispanic counterparts stayed the same and even widened in reading on the federal tests, after narrowing two years ago. Part of the improvement in 2005 came because the scores for white students dipped slightly, while those of black and Hispanic students increased. But as white students' scores went up again this year, the decrease in the gap evaporated. Little Progress for City Schools on National Test By Jennifer Medina November 16, 2007 <http://www.oms.nysed.gov/press/Gradrates2006releaseFINAL.html>

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

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

- standardized tests were used to determine promotion in 3-8th grades?
- high priced consultants rerouted the buses mid-year, leaving kids stranded in the freezing cold?
- report cards that reduced the complex aims and results of learning communities to a single confusing, often counterintuitive letter grade?
- bureaucrats pulled 1.75% from each schools budget mid year, middle of the night with no consultation from even their own designated “empowered” principals?

The current administration has created a system that deprofessionalizes teachers and discourages parents, especially low income parents of color, from participating in the debates on education policies and budgetary decisions. The families, students, communities, staff and school leaders who are best positioned to determine the materials, structures and personnel that can best meet their school community needs are locked out by an autocratic, bureaucratic, arrogant, unaccountable, centralized and undemocratic system. Lawyers, consultants and other educrats unilaterally determine which education policies can create quality, equity and the conditions to foster educational improvement when rightfully these decisions should involve families, communities, and students, in consultation with administrators and government leaders.

The low rate of meaningful participation, especially among low income parents, and parents of color, in the debates on education policies and budget, is particularly troublesome given the research that shows a high correlation between parent involvement and academic success.

Local control as an extension of community values and the democratic process

More than 15 years ago, a coalition of parents and political activists in District One took back the local school board by reinvigorating the political process, driving parents to the polls for school board elections. By engaging the community around issues of equity in education, the district school board successfully instituted a host of policies that brought about real improvements in the local schools. Those policies, ranging from full day pre-k in all of our schools, to removing the catchment areas that were reinforcing the patterns of housing segregation in our schools, implemented a set of community values that are still in effect today.

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

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

Conclusion

We replaced local control, instead of fixing the structural problems that allowed for some types of abuse and corruption by some boards or individuals. Why not then, by the same logic, let mayoral control sunset, rather than tweak an autocratic system that best serves its own need for power and control, that stands up to no public scrutiny or debate, and relies on spin, P.R. and bullying to sustain its momentum?

If indeed the problem is a matter of bad faith or abuse by this administration and not the governance system itself, as many have claimed, then why can no one modify or redress the abuse as it occurs? If this DoE, this Chancellor and this Mayor can perpetrate this type of bad faith application of the law, what will stop the next administration from committing the same or worse abuse?

Recommendations

Any form of governance must provide mechanisms for data and research that is timely, consistent, non-partisan and presented to the public in a manner that is comprehensible, verifiable, audited, aggregated and disaggregated. The kind of information required includes:

nonpartisan research

audit of tests design

validity of test score,

enrollment figures,

graduation rates

performance standards and measures achieved

building capacity

actual class size

tools used to evaluate the success of programs and make adjustments as necessary

District communities need some level of input and control over their district schools including:

zoning, admissions and school structure

budget,

school closing, sitings, and selection

district offices that can provide support and information to parents

selection and evaluation of principals and superintendents, who need supervisory authority over the schools.

Evaluation of Mayoral Control's experiment of one

It is interesting to examine Mayor Bloomberg's own promises in 2002 from the Official Site of Mike Bloomberg, Mike Bloomberg.com, listing the trade-offs he would deliver for control of the schools:

"Creating Accountability,

Increasing Efficiency,

Strengthening Classroom Education

and Encouraging Community Involvement.

Increase efficiency by downsizing bureaucracy

Ending Teacher Shortage

Increasing Classroom Instruction Time

Improving School Safety.

Encouraging Parent and Community Involvement:

Parental and Community Engagement:

To build community and parental involvement, the Department of Education has embarked on a comprehensive outreach effort to listen to the ideas of parents, teachers, principals, superintendents, students, community-based organizations, corporations, foundations, institutions of higher education, faith-based organizations, and public officials.

Clear and Concise Report Card for Students and Parents”

Joel Klein has the support, autonomy and the accountability to fix our schools. However, the state legislature has only given us the opportunity to fix our schools; now it is up to us to prove that their trust was well founded.

This administration has failed after seven years to improve on a system that segregates our kids in largely separate and still unequal schools, in buildings that still lack basic facilities such as gyms, science and tech labs, that can not provide enough qualified teachers and guidance classes to reduce class to that of the rest of the state or and provide the social emotional and academic support our kids need to succeed.

Even by its own standards, this administration has failed to “fix our schools”, and prove that our trust in this administration was well founded.

Englert testimony

Citywide Council on Special Education

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

Tel: 718-752-7393 Fax: 718-752-7481 Email: ccse@schools.nyc.gov

The NYC Commission on School Governance
Stephen R. Aiello, Chair

Special Meeting

2007-2008 Term

School Governance in New York City

President

John T. Englert

January 31, 2008

1st Vice President

Tom F. Ryan, Jr.

Testimony of Citywide Council on Special Education (CCSE)

President, John T. Englert

Member, Dr. Robin Murray

Member (PA Appointee), Ellen McHugh

2nd Vice President

Diana Marenfeld

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

Treasurer

Charlene Carroll Hall

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

Secretary

Charles Henderson

Patricia Connelly

This evening we will provide you with:

Robin Murray

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

Maria Garcia

Ellen McHugh

CCSE - Introduction

Inception

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

Structure

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

Citywide Council on Special Education

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

Tel: 718-752-7393 Fax: 718-752-7481 Email: ccse@schools.nyc.gov

Powers

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

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

(1) advise and comment on any educational or instructional policy involving the provision of services pursuant to article eighty-nine of this chapter¹

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

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

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

and

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

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

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

¹ Article 89 of NYC Education Law

² Ibid

Citywide Council on Special Education

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

Tel: 718-752-7393 Fax: 718-752-7481 Email: ccse@schools.nyc.gov

Future

The law is due to "sunset" or end on June 30, 2009.³ If the law "sunset" we do not know what voice children receiving citywide special education services will have.

CCSE Assessment of Current School Governance Structure & Leadership

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

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

OFEA

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

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

Citywide Council on Special Education

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

Tel: 718-752-7393 Fax: 718-752-7481 Email: ccse@schools.nyc.gov

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

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

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

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

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

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

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

Citywide Council on Special Education

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

Tel: 718-752-7393 Fax: 718-752-7481 Email: ccse@schools.nyc.gov

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

- Issuance of a parent and teacher survey in May 2007 requesting feedback about the quality of city schools except schools that serve children with special needs.
- Issuance of a NYC Family Guide 2007-2008 "Putting Children First" in September of 2007 excluding District 75 as a Community School District. Though revised, the Family Guide was never reissued as unanimously approved by the CCSE and other CEC Resolutions. Furthermore, the CCSE Resolution was never acknowledged or responded to.
- Lack of concern and awareness of the increasing space requirements for District 75 despite repeated requests by the community and PTA's. Though most boroughs are experiencing space issues, the borough of Staten Island has made their concerns more public. Unfortunately, the DOE has not responded to their concerns or the CCSE's attempt to schedule a meeting with all parties to review the borough's issues.
- Utilizing a 311 Call Center when parents have issues regarding Special Education. Instead of addressing every parent's child's individual need, the DOE still believes one size fits all and continues to use a cookie cutter approach.

Suggested Improvements

- Expand the role of the Citywide Council on Special Education to represent not just District 75 students and parents, but all children who receive a continuum of services mandated by an IEP. Provide adequate parent representation by borough so that all children's voices in the communities are heard.
- Establish guidelines so that a new balance of mayoral accountability could evolve with democratic representation. The Mayor should be responsible to a degree of accountability for the successes and failures of our education system. The role that the Mayor plays depends on the teachers, parents and administrators who are experienced in the teaching and learning process. Some of the special education issues that currently require improvement are space, mandated IEP services, vision services, appropriate class size, after school programs, inclusion, transition and parent involvement. Please note that less than 30% of the children who age out of special education in the Public School System are employed. A major focus should be on Post High School outcomes to increase the number of students graduating with local and Regents Diplomas, as well as, with vocational skills and certificates of training.

Citywide Council on Special Education

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

Tel: 718-752-7393 Fax: 718-752-7481 Email: ccse@schools.nyc.gov

- o Reduce the staff size of the Central Board of the DOE as the bureaucracy appears to be expanding rapidly with no return on our children's special education and less supports for our children at school.

Recommendations on Education Councils/School Boards

1. Independent Citywide School Board consisting of the following:

- One (1) elected member from each of the five boroughs
- Three (3) Mayoral Appointees
- Two (2) Appointees from the Public Advocate
- The Chancellor of the City of NY

Please note that the Independent Citywide School Board shall with the advice and consent of the Mayor, appoint a Chancellor. Election of the members shall take place in September for a term not to exceed three (3) years. A cumulative term limit of three terms or nine (9) years for each member.

2. Reconstitution of the Community Education Councils (CEC)/Community School Boards (CSB) to provide community input. One (1) CEC/CSB to represent students with disabilities. One (1) CEC/CSB to represent high school aged students across the NY City Area. Each CEC/CSB shall consist of the following:

- Nine (9) members, five (5) of which must be parents of children currently enrolled in public school in the geographic area.
- Two (2) individuals who are familiar with education policy and programs.
- Two (2) members from the local community

Elections to the local CEC/CSB shall also be held in September and term limits similar to those of the Citywide School Board shall be applied to the CEC/CSB members.

- 3. An independent office devoted to the development and growth of the members of the CEC/CSB.
- 4. Each CEC/CSB with the advice and consent of the Citywide School Board, shall appoint a Superintendent.
- 5. Other powers and duties of the Citywide School Board and local CEC/CSB may include the following:
 - Implementation of educational or instructional policy.
 - Advise and comment on any educational or instructional policy.
 - Issue an annual report on the effectiveness of the city district in providing appropriate education for all students within the NYC public schools

Citywide Council on Special Education

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

Tel: 718-752-7393 *Fax:* 718-752-7481 *Email:* ccse@schools.nyc.gov

- Hold open meetings for public comment on the effectiveness of local educational policy and programs, at least once a month

Thank you for your time and allowing us to share our views of school governance and the reauthorization of the law. We trust that we can make a difference in the lives of all children who receive citywide special education services in the New York Public School System.

Fliegel testimony

Public School Governance in New York City

2002 to present

When Mayor Michael Bloomberg was granted mayoral control of the New York City public school system in 2002, the system was in a state of continual failure perpetuated by a fragmented infrastructure and lack of clear accountability. Over the past five years, the mayor and Chancellor Joel Klein have implemented a series of reforms to reverse the dysfunctional nature of the school system by building on proven strategies for increasing autonomy and accountability among public schools. The key reforms are described below with brief descriptions of how those reforms have reshaped the New York City schools into a model that other public school systems are looking to emulate.

- Department of Education – Upon gaining control of the system, Bloomberg renamed the Board of Education to the Department of Education in an effort to demonstrate that the public school system would no longer stand separate from other city agencies in terms of accountability and organization.

By Filipe's Comments:

- Creation of regions and streamlining of the hierarchy – After naming Joel I. Klein as Chancellor of the school system, one of the first steps the mayor and his education team took was to eliminate the 32 community school boards, create 10 regions that grouped the old 32 districts, and appoint superintendents of the 10 regions and local instructional superintendents within the regions. This was the critical first step in taking responsibility for the system since superintendents had previously been appointed by local community school boards and were often swayed by local politics rather than educational efficacy when making decisions such as the appointment of principals.

Comments

- Appointing principals on merit rather than tenure – When Bloomberg and Klein ended tenure for principals, they created a meritocracy system for school leaders that rewarded increasing student outcomes and terminated poor performing school leaders.

- Institutional support for charter schools – Early on, Bloomberg and Klein recognized that charter schools could serve as models for transforming the entire public school system through their increased autonomy in exchange for greater accountability. They established the Center for Charter School Excellence to support charter schools and the NYC Department of Education gained the right to authorize charter schools in partnership with New York State. The number of charters in New York City has dramatically increased over the past four years, including the creation of several first-of-their-kind schools such as the NYC Center for Autism Charter School.

Comments:

- Creation of the Empowerment Schools Initiative – Bloomberg and Klein took the success of charter schools and translated it into the regular public school system by giving over 300 schools autonomy from administrative hierarchies, control over their budgets and curriculum, as well as other critical aspects of education leadership. They placed these schools into the “Empowerment Schools” initiative and in exchange, the schools piloted a new accountability system that emphasized rigorous formative and summative evaluations of student outcomes to measure the value added by the school to students’ educational experiences.

Comments:

- Fostering genuine school choice – Following the pilot of the Empowerment Schools initiative, Bloomberg and Klein rolled out the autonomy in exchange for accountability model to the entire school system by allowing schools to select their preferred support program. Schools

Public School Governance in New York City 2002 to present

When Mayor Michael Bloomberg was granted mayoral control of the New York City public school system in 2002, the system was in a state of continual failure perpetuated by a fragmented infrastructure and lack of clear accountability. Over the past five years, the mayor and Chancellor Joel Klein have implemented a series of reforms to reverse the dysfunctional nature of the school system by building on proven strategies for increasing autonomy and accountability among public schools. The key reforms are described below with brief descriptions of how those reforms have reshaped the New York City schools into a model that other public school systems are looking to emulate.

- Department of Education – Upon gaining control of the system, Bloomberg renamed the Board of Education to the Department of Education in an effort to demonstrate that the public school system would no longer stand separate from other city agencies in terms of accountability and organization.

By Firefly's Comments:

- Creation of regions and streamlining of the hierarchy – After naming Joel I. Klein as Chancellor of the school system, one of the first steps the mayor and his education team took was to eliminate the 32 community school boards, create 10 regions that grouped the old 32 districts, and appoint superintendents of the 10 regions and local instructional superintendents within the regions. This was the critical first step in taking responsibility for the system since superintendents had previously been appointed by local community school boards and were often swayed by local politics rather than educational efficacy when making decisions such as the appointment of principals.
- Appointing principals on merit rather than tenure – When Bloomberg and Klein ended tenure for principals, they created a meritocracy system for school leaders that rewarded increasing student outcomes and terminated poor performing school leaders.

- Institutional support for charter schools – Early on, Bloomberg and Klein recognized that charter schools could serve as models for transforming the entire public school system through their increased autonomy in exchange for greater accountability. They established the Center for Charter School Excellence to support charter schools and the NYC Department of Education gained the right to authorize charter schools in partnership with New York State. The number of charters in New York City has dramatically increased over the past four years, including the creation of several first-of-their-kind schools such as the NYC Center for Autism Charter School.

Comments:

- Creation of the Empowerment Schools Initiative – Bloomberg and Klein took the success of charter schools and translated it into the regular public school system by giving over 300 schools autonomy from administrative hierarchies, control over their budgets and curriculum, as well as other critical aspects of education leadership. They placed these schools into the “Empowerment Schools” initiative and in exchange, the schools piloted a new accountability system that emphasized rigorous formative and summative evaluations of student outcomes to measure the value added by the school to students’ educational experiences.

Comments:

- Fostering genuine school choice – Following the pilot of the Empowerment Schools initiative, Bloomberg and Klein rolled out the autonomy in exchange for accountability model to the entire school system by allowing schools to select their preferred support program. Schools

were allowed to select among School Support Organizations, Partnership Support Organizations or the Empowerment Schools program. Former regional superintendents and approved educational support organizations proposed programs for supporting principals and schools, and the principals then selected their preferred program. This is perhaps the most radical transformation ever implemented in a major public school system because it defies old command and control models of centralized leadership while avoiding the challenges of community control models that too often disempowered educators.

Comments

- Creating a new accountability system – Bloomberg and Chancellor Klein have been implementing a new, comprehensive accountability system over the past three years. The new system focuses on student growth and the value added by schools to their students' educational experience. For the first time, schools receive letter grades for their performance in increasing student outcomes. There is a need to clarify the school grading system in order to ensure that all forms of school success are integrated into the system. However, it is a strong step forward in fostering transparent forms of accountability among schools and the communities they serve.

Comments

- Establishing transparency in the educational system – Bloomberg and Klein have been accused of being highly secretive in their educational programming. While this accusation may be in part accurate, as they have been highly deliberate in their planning and implementation of programs, it is clear that through these reforms, they have established unprecedented transparency within the system. For example, parents can track attendance and incident reports for their school online, while the school report cards are intended to provide clear information to parents about school performance. As the new data warehouse system, ARIS, is implemented, this transparency should become more comprehensive because data on student outcomes can be managed and tracked. ARIS should allow teachers, principals, students and parents to make "real time" decisions about their educational programs rather than just receive reports on the outcomes for the prior year.

Comments

Since Mayor Bloomberg took control of the New York City public school system, he and Chancellor Klein have completely transformed it so that after he leaves office, the schools and school leaders can continue to improve student outcomes. They have empowered the schools to serve their students, and educators from all ends of the political continuum would agree that this strategy is sound for ensuring growth and improvement. Change has to take place at the school and classroom levels for it to be meaningful and long lasting. Regardless of who takes over after Mayor Bloomberg, it is essential that the transformation he has led continue so that we can see the long-term results for students.

Comments

Sy Fliegel

From: Bell-Ellwanger Jennifer [Jbell@schools.nyc.gov]

Sent: Tuesday, December 04, 2007 3:21 PM

To: Flig Joan; sfliegel@cei-pea.org

Sy, Joan forwarded your email to me. A few basic points about the state tests below, though we have stayed away from this discussion in public forums as this is really a state matter. More so, we have focused on our achievement on these assessments compared to the gains across the state and rest of state (state minus NYC) and the big 4 (Rochester, Buffalo, Yonkers, and Syracuse). Regardless of the discussion of whether tests were easier or harder, etc, if all students across the state are taking the same ELA or math test, then we can look at relative gains. If NYC is outperforming or outpacing the rest of NYS on the same tests and/or closing the gap between NYC and the rest of the state, then this is an important progress indicator as we are all using the same tool to measure progress. The attached line graphs for grades 4 and 8 show the progress since 2002 for ELA and math. For ELA, we have presented the gains for English Proficient students, in order to provide clear apples to apples comparisons. As you may know, the state's test policy for ELLs changed in 06-07 and all ELLs in an English language school system for just one year were required to take ELA exams.

I am also attaching the link to the summary report on the state's graduation data, which show the same trends regarding NYC showing larger increases than the Big 4 and rest of state:
http://schools.nyc.gov/daa/reports/Highlights_SED%20Release_2002_Cohort.pdf

As for the state test discussion, below are some points about the basic process of test design and equating though as mentioned we have not publicly commented on whether we think the state tests are harder or easier:

1. The SED administers a new exam each year and uses an equating method in order to ensure that the tests are of equal difficulty each year.
It is essential that standardized tests be of comparable difficulty from one year to the next to ensure that differences in performance are the results of differences in students' attainment of the learning standards and are not due to differences in test difficulty from one year to the next.
2. Through their equating processes, the overall difficulty of test forms is statistically adjusted so that we can be sure that the tests are comparable from one year to the next and improvement can be attributed to students' increased knowledge and skills and are not the result of differences in how the tests are constructed.
3. Though some questions might be slightly easier and some might be slightly harder from year to year, questions are designed to fall within a targeted range of difficulty, as outlined in the test blueprint. The equating process adjusts for those slight variations – both harder and easier – in individual questions so that students are measured on the same scale from year to year.

I am happy to discuss further and let me know if you have any questions.

Jennifer K. Bell-Ellwanger
Executive Director
Content and Assessment Support &
Summative Assessments
NYC Department of Education
52 Chambers St., Rm. 309
New York, NY 10007
(212) 374-3990
jbell@schools.nyc.gov

From: Flig Joan
Sent: Monday, December 03, 2007 4:25 PM
To: 'sfliegel@cei-pea.org'

12/4/2007

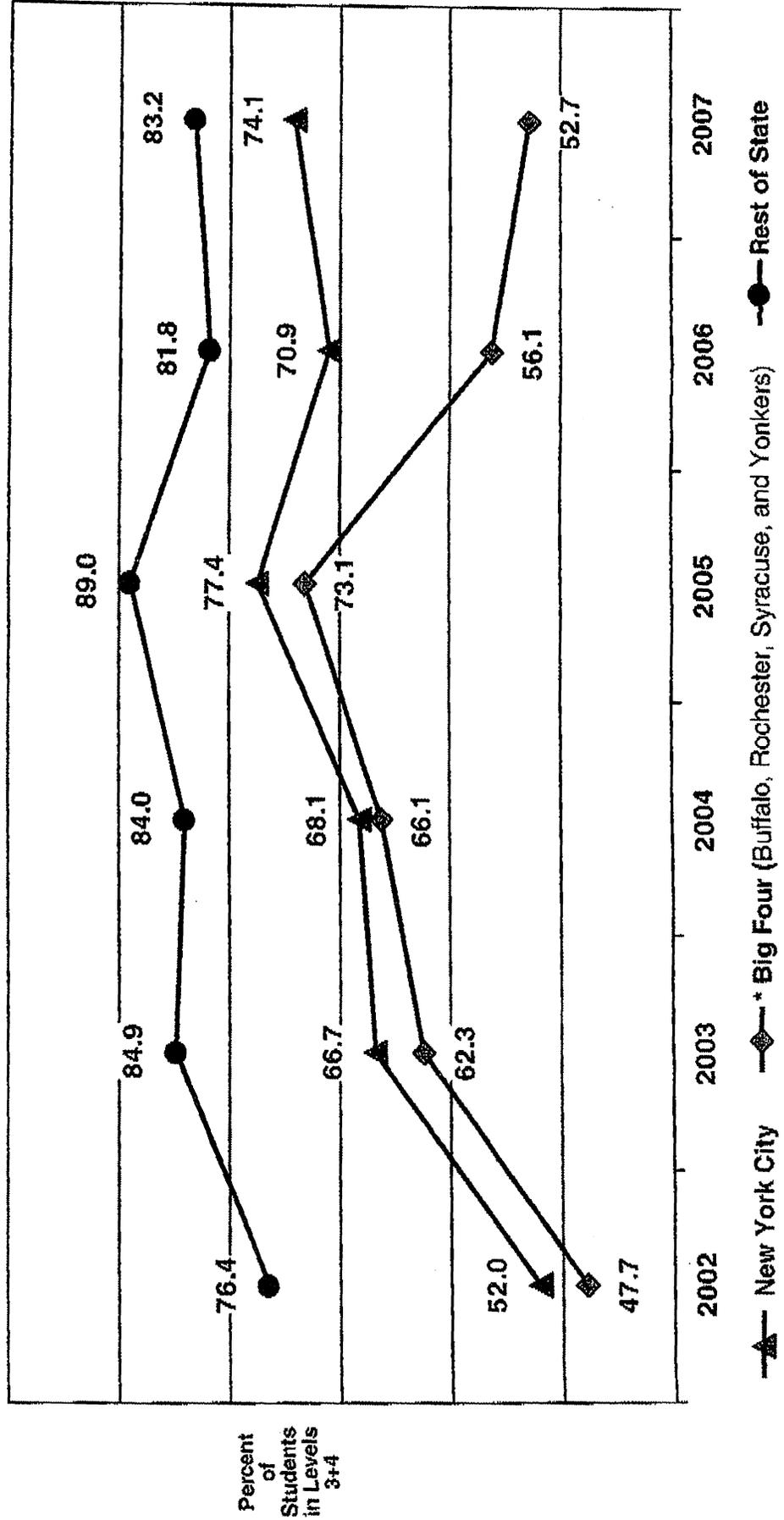
MATHEMATICS

2002-2007

Percent of Students in Performance Levels 3 + 4 New York City, Big Four*, and Rest of State GRADE 4

ALL STUDENTS

2002-2007 Change:	New York City	+22.1
	Big Four	+5.0
	Rest of State	+6.8



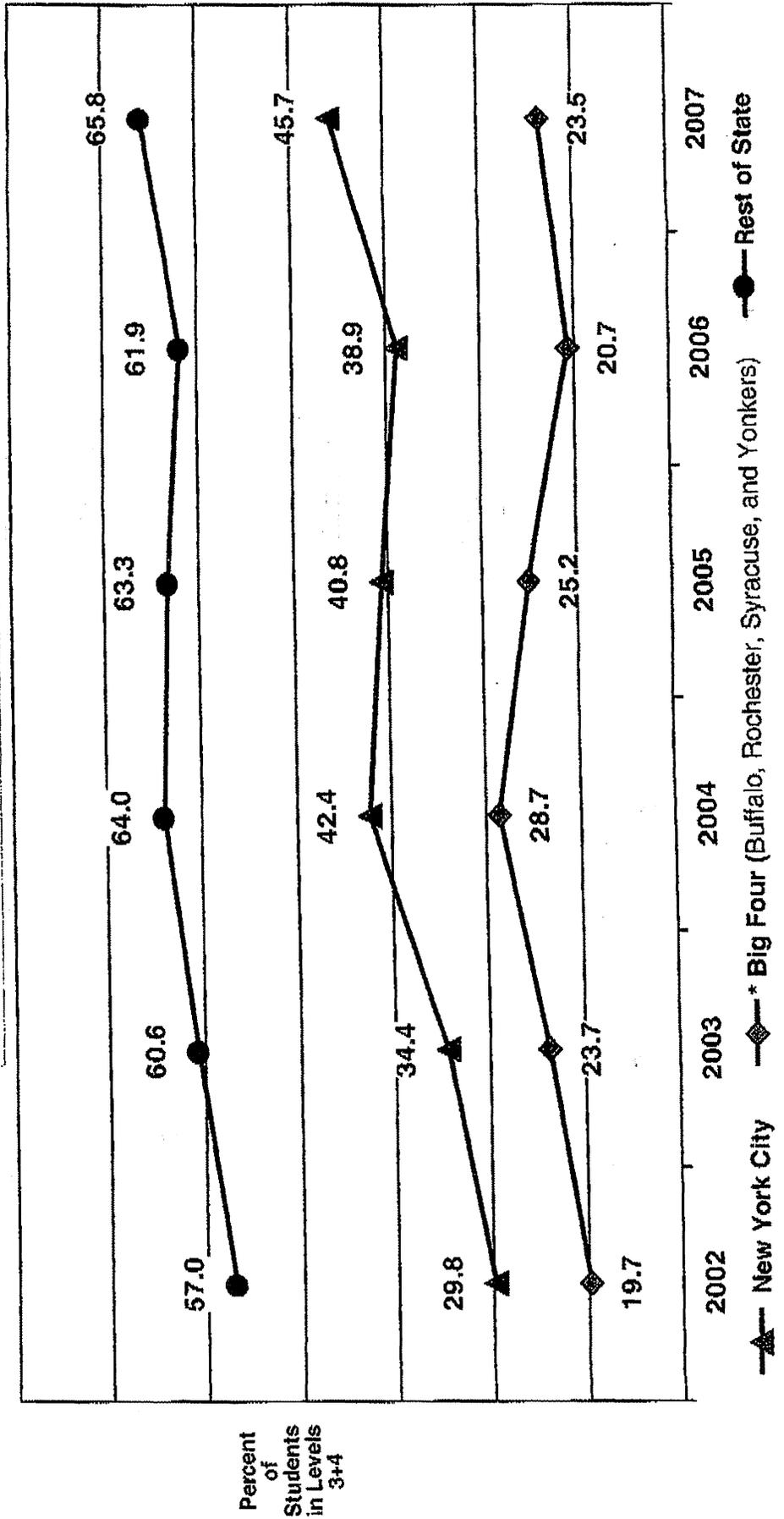
MATHEMATICS

2002-2007

Percent of Students in Performance Levels 3 + 4 New York City, Big Four*, and Rest of State GRADE 8

ALL STUDENTS

2002-2007 Change:	New York City	+15.9
	Big Four	+3.8
	Rest of State	+8.8



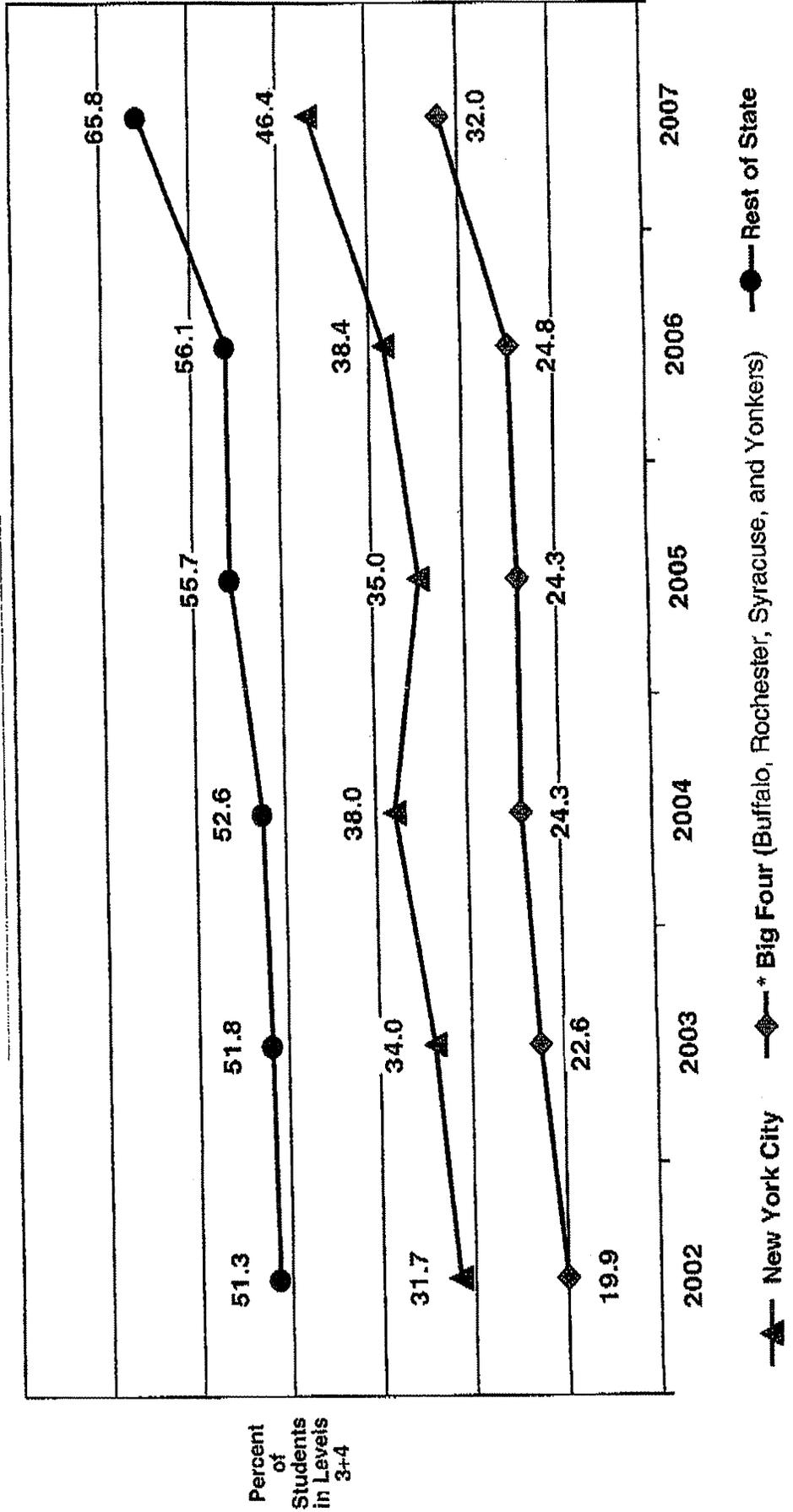
ENGLISH LANGUAGE ARTS

2002-2007

Percent of Students in Performance Levels 3 + 4 New York City, Big Four*, and Rest of State GRADE 8

ENGLISH PROFICIENT STUDENTS

2002-2007 Change:	New York City	+14.7
	Big Four	+12.1
	Rest of State	+14.6



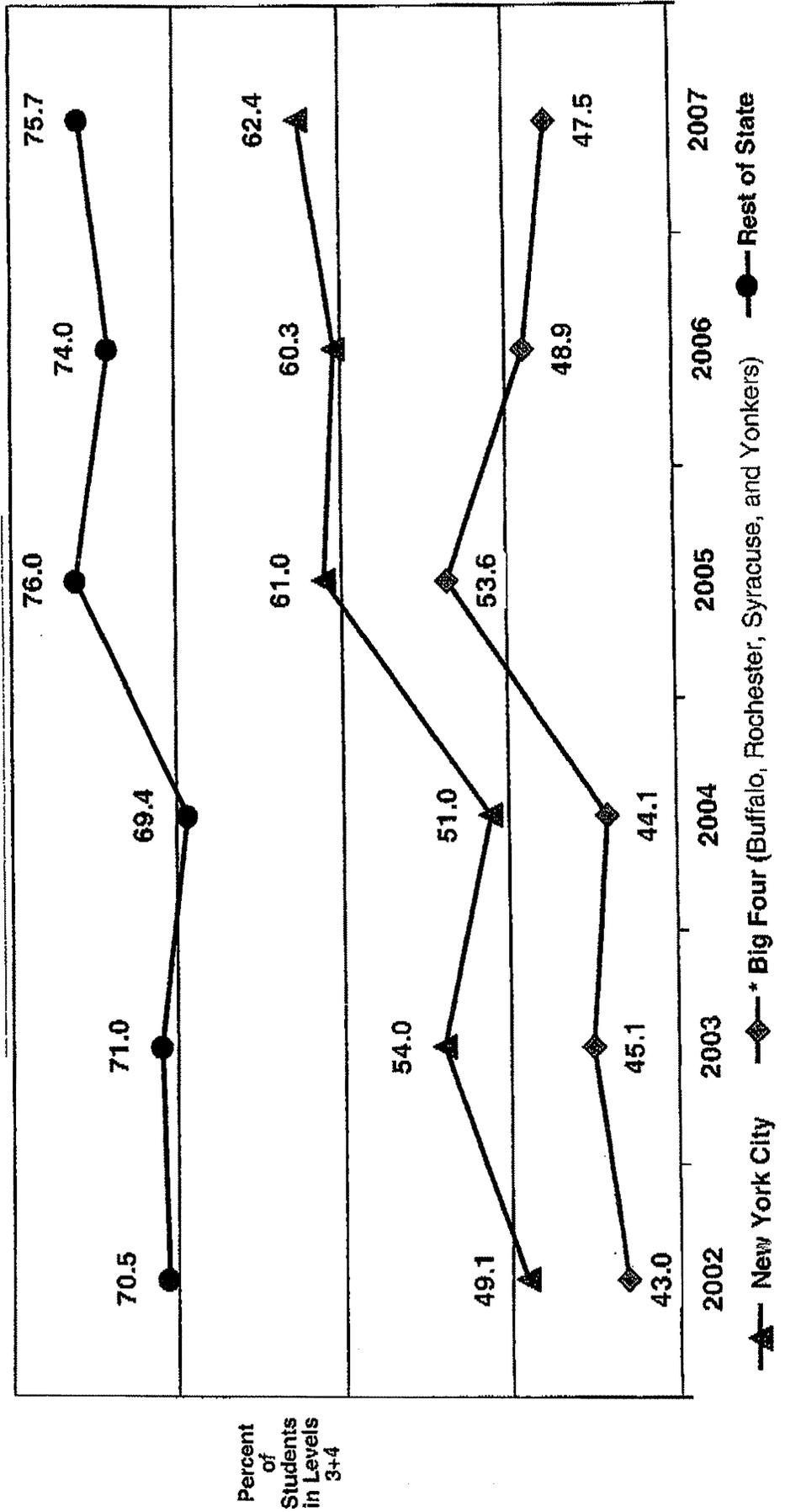
ENGLISH LANGUAGE ARTS

2002-2007

Percent of Students in Performance Levels 3 + 4 New York City, Big Four*, and Rest of State GRADE 4

ENGLISH PROFICIENT STUDENTS

2002-2007 Change:	New York City	+13.3
	Big Four	+4.5
	Rest of State	+5.2



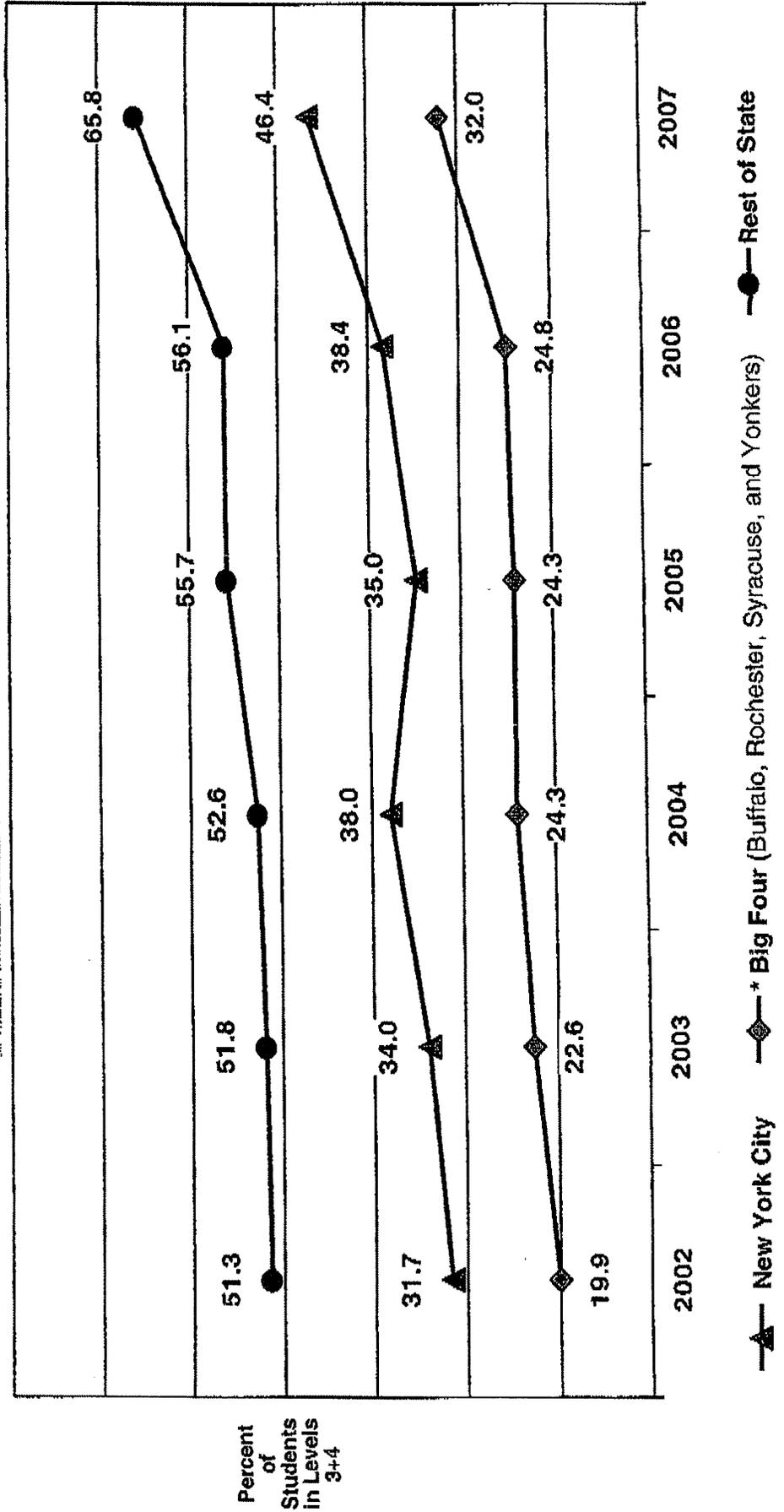
ENGLISH LANGUAGE ARTS

2002-2007

Percent of Students in Performance Levels 3 + 4 New York City, Big Four*, and Rest of State GRADE 8

ENGLISH PROFICIENT STUDENTS

2002-2007 Change:	New York City	+14.7
	Big Four	+12.1
	Rest of State	+14.6



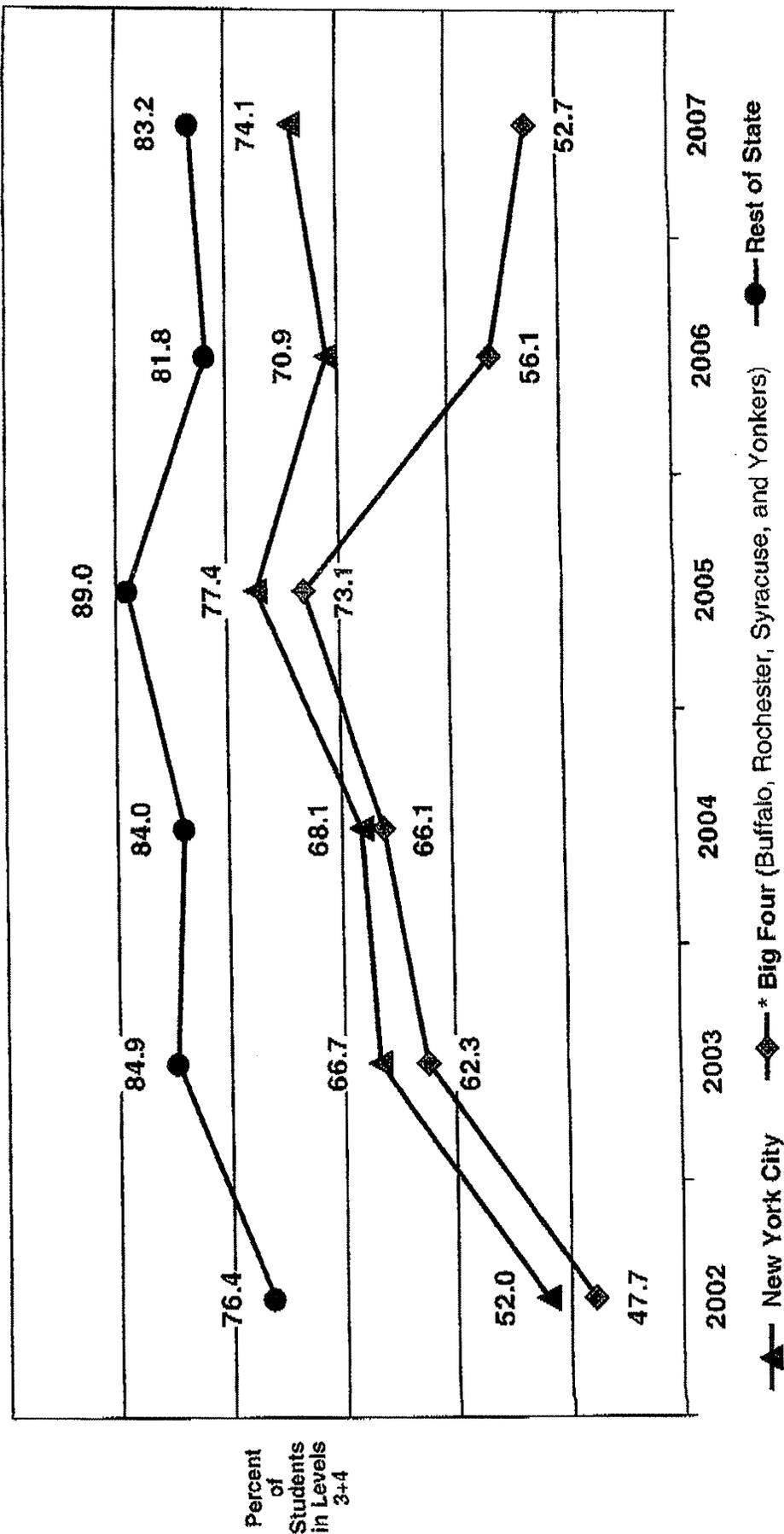
MATHEMATICS

2002-2007

Percent of Students in Performance Levels 3 + 4 New York City, Big Four*, and Rest of State GRADE 4

ALL STUDENTS

2002-2007 Change:	New York City	+22.1
	Big Four	+5.0
	Rest of State	+6.8



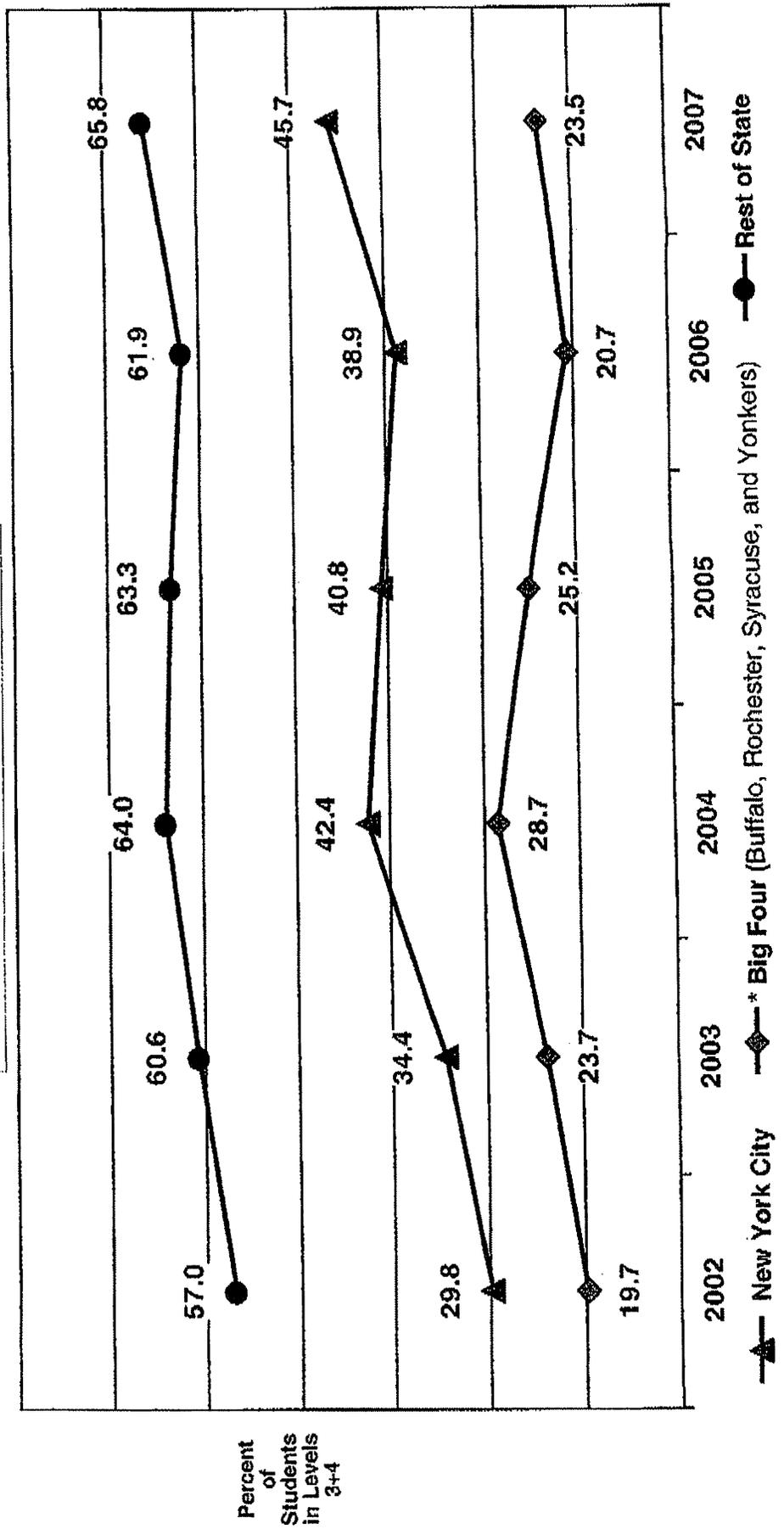
MATHEMATICS

2002-2007

Percent of Students in Performance Levels 3 + 4 New York City, Big Four*, and Rest of State GRADE 8

ALL STUDENTS

2002-2007 Change:	New York City	+15.9
	Big Four	+3.8
	Rest of State	+8.8



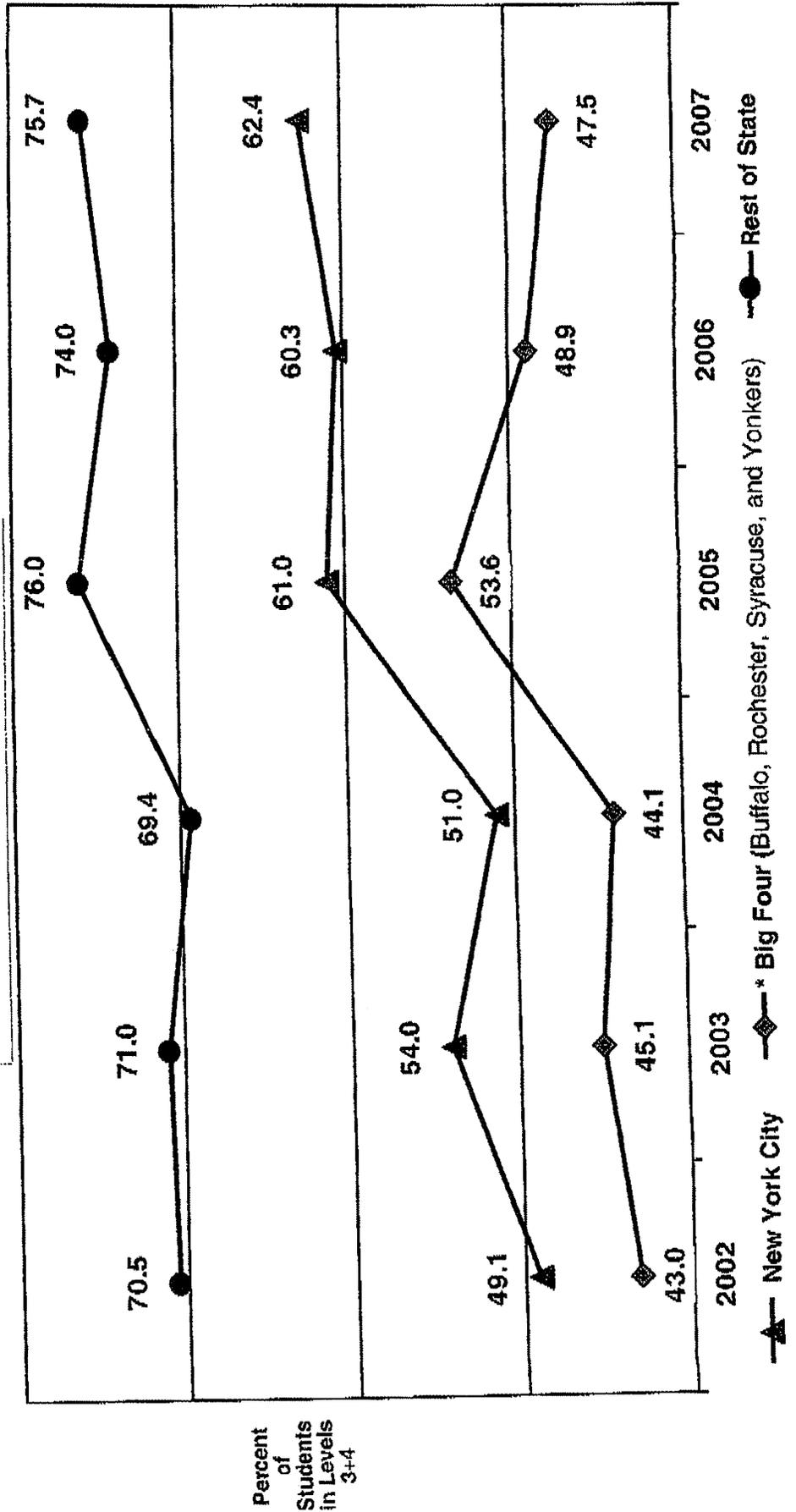
ENGLISH LANGUAGE ARTS

2002-2007

Percent of Students in Performance Levels 3 + 4
New York City, Big Four*, and Rest of State
GRADE 4

ENGLISH PROFICIENT STUDENTS

2002-2007 Change:	New York City	+13.3
	Big Four	+4.5
	Rest of State	+5.2



freeman testimony

Commission on School Governance
Testimony from CEC3
Date: February 28, 2008
Jennifer Freeman

When my son entered kindergarten 8 years, what little arts funding there was usually given out as an afterthought in August, and often partially retracted in November. This made any sort of rational planning impossible, except for programs funded by the PTA. One of the things I looked forward to when mayoral control was granted to this administration was stability, which would, I hoped, allow the system to use its funding more efficiently and allow for better advance planning.

Unfortunately the system under mayoral control has been a landscape of continual turmoil and upheaval. Last month when the mayor announced midyear funding cuts, and principals woke to discover that these had been deleted from their online budgets in the middle of the night, I had a profound sense of deja-vu.

At my child's elementary school, the parents raised enough money to implement our vision of educational excellence for our children and avoid some of this turmoil. We partnered with great New York organizations like Juilliard and the Guggenheim art museum. Our kids received chess and keyboard instruction, some of which took kids out of the classroom in half classes, so that the teacher could work with the others in smaller groups, effectively lowering the teacher-student ratio. We hired a part-time science consultant to help teachers run in-class experiments and plan field trips to look at weather, land forms, ecosystems, and New York history. All this took some work, but the result was engaged kids who enjoyed learning.

I thought that when mayor Bloomberg and Chancellor Klein took control, more kids in the city would be able to have the kind of education I worked to get for my kid. Instead, I have been disappointed that creativity, arts, and the experiential learning that keeps kids interested and engaged has been if anything thwarted by this administration, the resources drained away for outsized assessment and accountability measures. In my son's middle school, 21 days this year are being utilized for actual testing, let alone test prep--that's more than four weeks of school given over to standardized testing.

I wrote to Chancellor Klein suggesting that he allocate more resources to positive incentives, like grants for special programming and curriculum improvements, and he replied "where would I find the money?"

In my son's school, mayoral control has meant many boring days of test prep even among students who had gotten 4s, the top test score, for years. It has meant radically changed admissions policies each year, with the result that some programs are poorly filled and others are crammed to the rafters, and principals have no means of rationalizing their registers. For instance, this year a new school opened after the admissions deadline was past; the DOE allowed 20 kids to transfer out, but banned the principal from letting any

kids IN off the waiting lists. The principal compensated by accepting class size reduction funds; in January the DOE wrote that it had identified the building as under capacity as was considering adding a new program to the building. This is the kind of crazy behavior that happens in a power monopoly. What mayoral control has NOT meant is any new or better programming for my child, and richer or more interesting experiences, any of the stability or increased funding I had so dearly hoped for when control was given.

Last year I ran for my district's Community Education Council to work on issues at a district-wide level. I became aware on a deeper level how the DOE attempts to control its data while claiming to be data-driven. For instance, in a large chunk of our district all the schools are overcrowded, operating at over 100 percent of the DOE's own inflated official capacity rates. 6,500 new apartments have been erected in my neighborhood in a huge spate of high-rise construction over the past 5 years, implying that the school population is likely to continue to grow. But the DOE insists that our school population will go down instead and that the district does not need a new school. Our Community Education Council, city council members, state assembly members, and community board, as well as the City Comptroller, have all identified the overcrowding problem, helped to correct flawed DOE data that disguised it in part, and worked with developers to identify space for a new school. But the DOE holds all the cards--and they still say, not that they cannot afford to build a new school in the district, but that there is no need for it. The reality that everyone else sees is not the DOE's reality.

Thankfully, my city council representatives do see reality. They truly seem to listen to parents. They often use their tax funding to pay for things parents want: playground renovations and new computers, program funding, books. I also think there is room in the system for a much greater decision-making role for educators. I think that these educators, in combination with elected officials, as well as the elected parent bodies called CECs, would be the right group to exercise the checks and balances that the system needs after mayoral control expires.

In sum, I think checks and balances on mayoral control are extremely important. Without them, a monopoly like the DOE will veer off to extremes, such as testing and accountability mania, while losing touch with children's need to be interested in and inspired by what they are learning.

I am sorry that the current system of governance does not prevent the DOE from flubbing the basics, even with a mayor who is an excellent manager, and a chancellor who had extremely strong private sector support in a healthy economic environment. I still believe that a somewhat centralized chain of command has potential to be more efficient and stable, so I believe that the best school governance could be achieved with renewed mayoral control strongly balanced by an oversight group made up of educators, city council and CECs.

Thank you for giving me this opportunity to testify.

Frchter testimony

Submitted by:

**Norm Fruchter, Director
Community Involvement Program
Annenberg Institute for School Reform**

norm_fruchter@brown.edu

**Presentation to Commission on
School Governance:
Office of the Public Advocates**

May 1, 2008

Governance for what – community control

The community control activists of the late 1960s demanded local control of public schooling, to provide African-American and Latino children in traditionally segregated and poorly performing schools with a **high-quality education**, after they had waged a decade-long but ultimately unsuccessful struggle for an **integrated education** (which they assumed would improve their children's schooling).

Governance for what – decentralization

The New York State legislature passed the 1970 Decentralization Act as a compromise to end the community control struggle that threatened to paralyze city schooling.

The compromise satisfied neither proponents of community control nor advocates for continued centralization.

Ultimately, it failed to provide or ensure effective education across the city's neighborhoods.

Governance for what – mayoral control

The Bloomberg-Klein arguments:

Efficiency

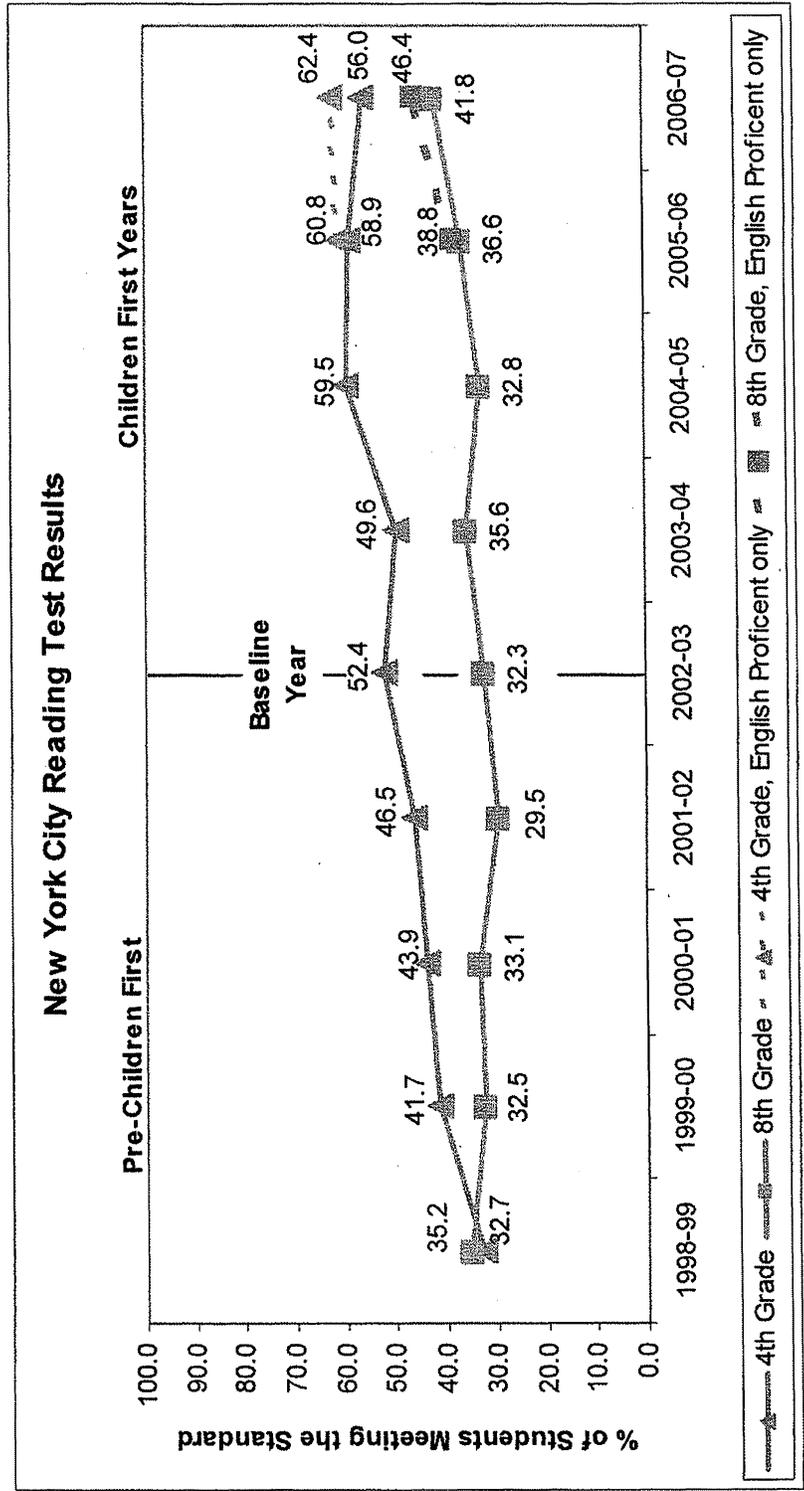
Effectiveness

Equity

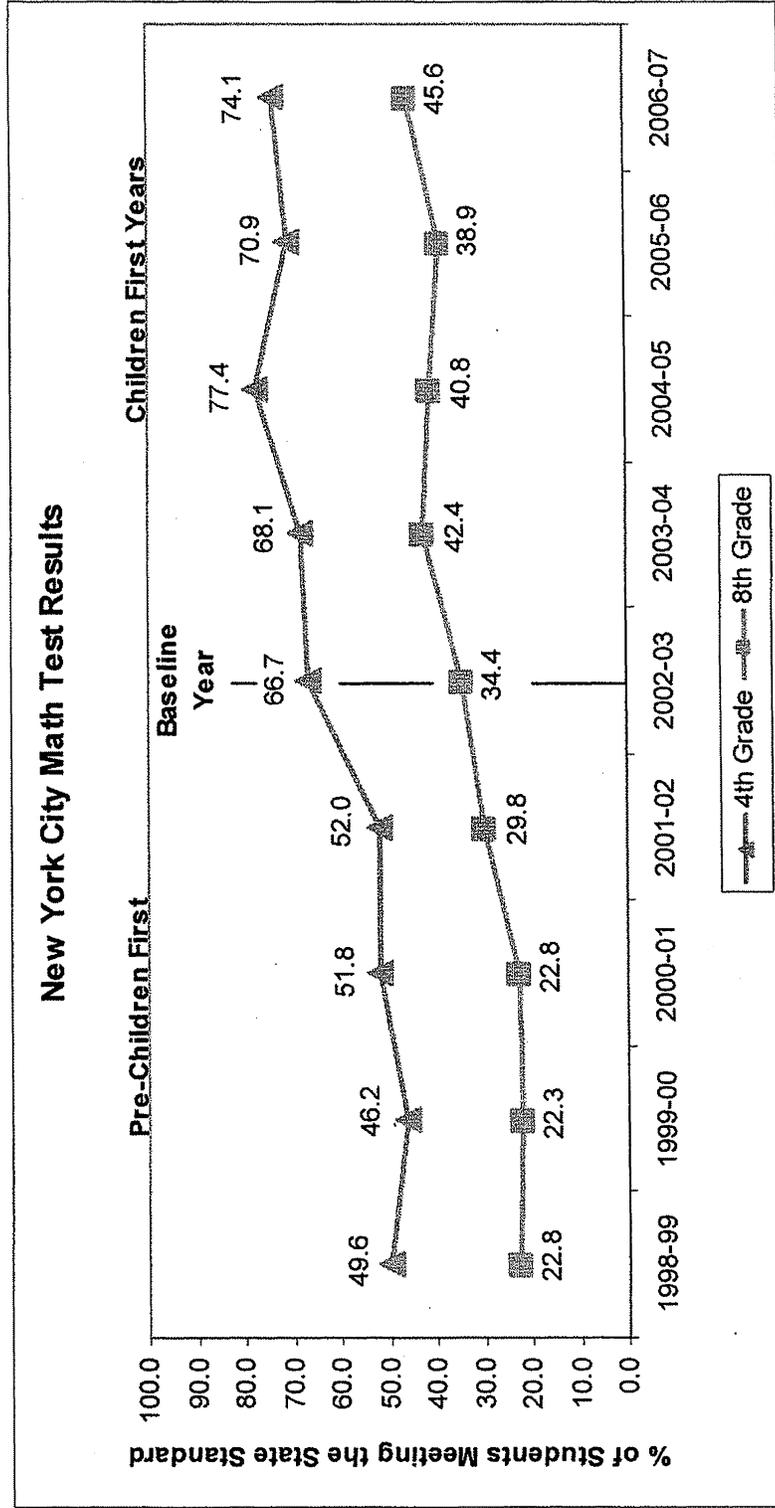
The terms of citywide discussion

- Have the mayor and the chancellor's claims for mayoral control been realized?
- Are their criteria the right criteria?

Effectiveness



Effectiveness

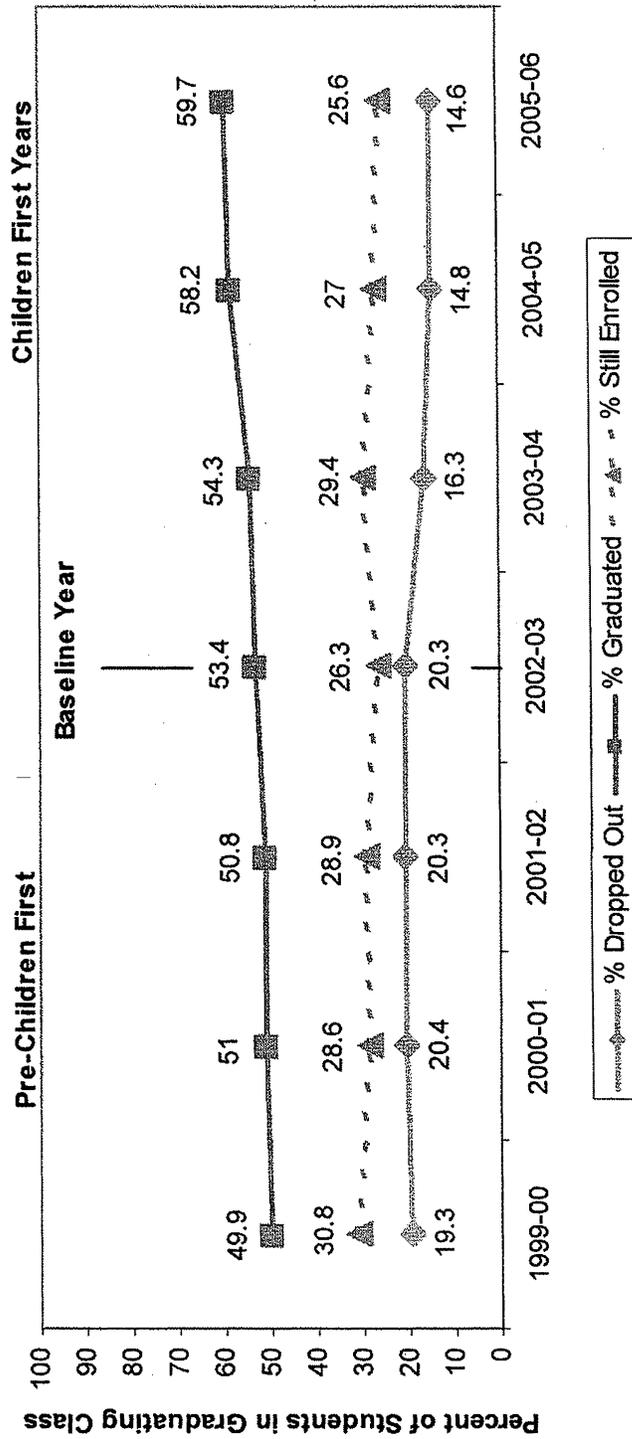


Effectiveness

	Pre-Children First 1998-2003	Children First 2003-2007
	All Students (% change)	All Students (% change)
		English Proficient Only (% change)
Reading		
4th Grade	19.7	3.6
8th Grade	-2.9	9.5
Math		
4th Grade	17.1	7.4
8th Grade	11.6	11.2
		10
		14.1
		-
		-

Effectiveness

New York City 4-Year High School Graduation and Dropout Rates

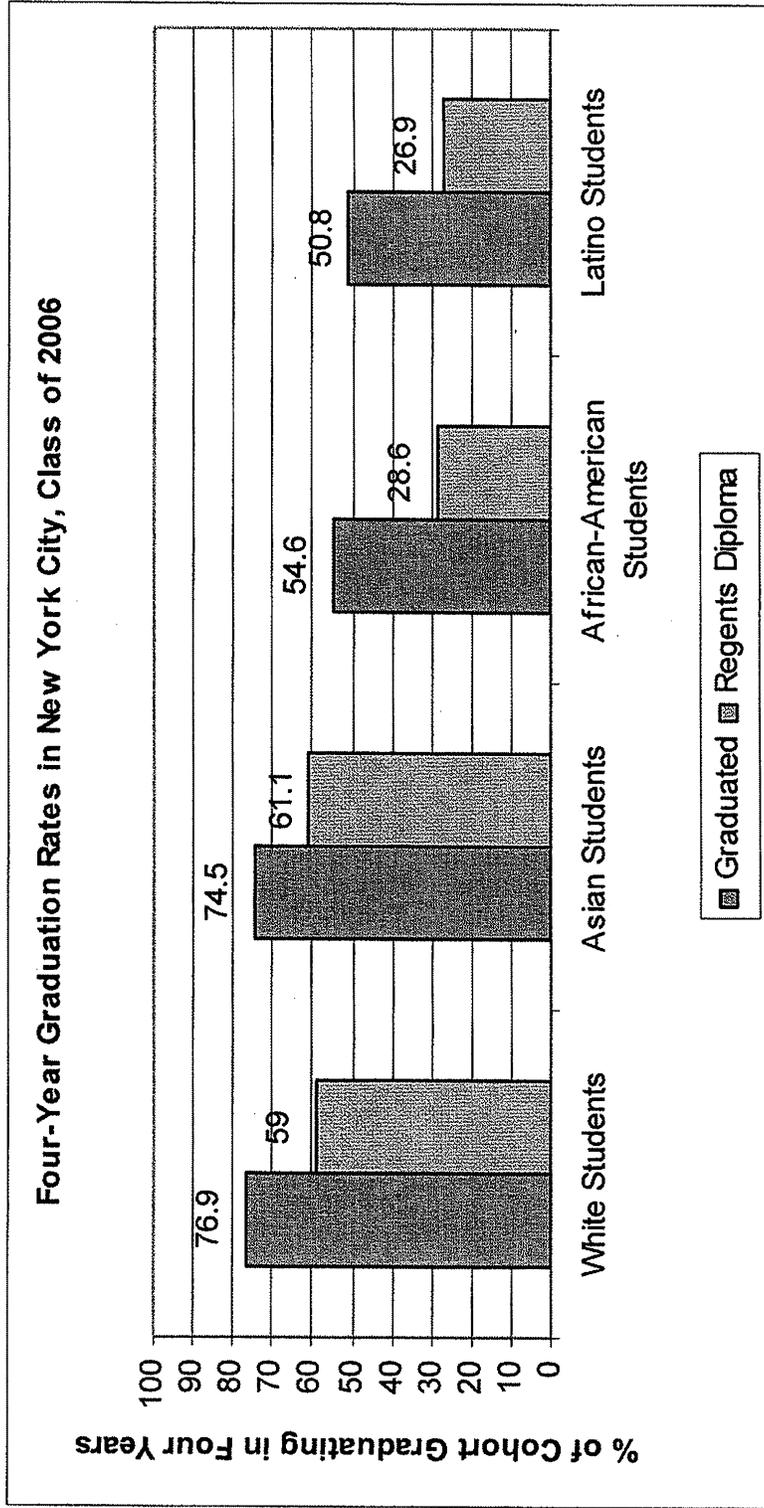


Effectiveness

Across the three graduating classes since Children First was implemented, the graduation rate rose more than 5%, the dropout rate fell by almost 6%, and the stay-in-school rate fell by less than 1%.

Across the three graduating classes before Children First, graduation rates rose almost 4%, dropout rates rose 1%, and stay-in-school rates declined by almost 5%.

Equity



The terms of citywide discussion

- Have the mayor and the chancellor's claims for mayoral control been realized?
- Are their criteria the right criteria?
- What kinds of discussions might begin to answer these questions?

Citywide discussion will contribute to a necessary dialogue.

Given that the mayoral control legislation sunsets in 2009, the legislature must decide:

- to renew mayoral control unchanged,
- to terminate mayoral control,
- to revise mayoral control in some ways.

**Assuming some intent to revise,
some issues to consider:**

1. Should there be some entity or entities at the system level, to check and balance mayoral control or to provide some complementary central governance, and
2. Should there be some form of parent and citizen participation at the local or sub-system level?

Governance issues

- Should existing political units play a role in such arrangements?
- Or should a new form of citywide governing board be created?
- In either arrangement, what powers should be shared with the mayor:
 - Appointment of the chancellor?
 - Approval of the school system budget?
 - Review and approval of major policy decisions?
 - Accountability for school system outcomes?

Participation issues

Many people argue that the public nature of public education requires public participation. Their argument is:

- because public education is responsible for preparing the next generation of citizens;
- because public education is responsible for shaping each future citizen's potential for productive work, career fulfillment, and a fruitful life;
- effectively fulfilling these responsibilities requires the participation of the publics (parents, students, and community and city residents) affected by the decisions that shape the nature and provision of public education.

Participation Issues

Should there be some form of parent and citizen participation at the local level?

If yes, what form should such participation take, and at what levels should it operate?

Should such participation be limited to voice, or should it also involve decision-making?

Conclusion

If the goal of any school governance system is to provide the conditions for maximizing the educational achievements of all the system's students,

then underlying all the issues raised above is the question: what resolution will best achieve equitable and excellent educational outcomes for all our city's public school students?

Gresser testimony

Testimony/NYC Commission on School Governance

May 1, 2008

Good afternoon, Chairman Aiello and members of the Commission. My name is Carol Gresser and I am a former member and former president of the New York City Board of Education.

I would like to thank NYC Public Advocate Betsy Gotbaum and the Commission on School Governance for giving me the opportunity to speak on the issue of school governance and mayoral control of education in the city of New York.

Having served on the BOE during the turbulent 90's, I must admit that I firmly believe that something radical had to be done to improve school governance in this city. It seemed to me that in NYC, the three R's stood for Rules, Regulations and Red Tape. My greatest delight as president of the board was to bend the rules, modify the regulations and cut through the red tape at every opportunity, in order to meet our mandate to provide the best education possible for our students.

As you know, prior to the new governance law of 2002, a seven member Board of Education ran the NYC schools. The mayor of the City appointed two members and each of the five borough presidents appointed one member. The board members were appointed for a four year term and could be removed for cause only. This board hired the chancellor who oversaw the day to day operations of the school system. The chancellor made policy and procedure recommendations for the school system that were only implemented when the board approved them by a formal vote. Before the vote took place at a public calendar meeting, the proposed resolutions were published. The public had the opportunity to study the proposals and speak out about them at the meeting prior to the vote

The decentralization of the city school system that took place in 1970 created 32 elected community school boards with substantial operating powers over all elementary schools and middle schools in their districts. The central board had been retained and given control over the high schools, special schools and special education. The resulting system was awkward to say the least. It was a centralized/decentralized school system – neither fish nor fowl – and when problems arose, finger-pointing ensued. Accountability was in short supply. Was reform needed? Absolutely!

When Michael Bloomberg was given control of the New York City school system in 2002, he appointed Joel Klein, a former federal prosecutor to be chancellor. The central board was renamed and replaced with a thirteen member panel on educational policy that was designed to be powerless. The mayor appoints eight

members (including the chancellor who serves as chair) and the borough presidents each appoint one member. The members of the panel serve at the pleasure of the people who appointed them and meet once a month to vote for the resolutions that the chancellor puts before them. The chancellor works for the mayor and everyone else in the system works for the chancellor.

Is the new governance system better? In one important way it is and in other ways it's not. Before I continue, let me say that I'm mindful that I may be accused of favoring a return to the old system and that is certainly not what I advocate. However, to the extent that the old system provided for public discourse on education policy as well as providing a significant role for parents and educational professionals, we can learn from it.

The one important way that the new system is better is the fact that the mayor is responsible, and therefore accountable, for the state of education in the city. No more finger-pointing. If things go well for our students, kudos go to the chancellor and to the mayor who hired him. If things go badly, blame them both. With this in mind, I support the hiring of the chancellor by the mayor.

That being said, I do have several concerns about the system of governance that has emerged since the new law was passed in 2002.

Among these concerns are:

- There is little or no review by or consultation with stakeholders and citizens before new policies and regulations are adopted. There is no public discussion because there is no requirement for it. There should be.

Recommendation Any new governance law should require the panel on educational policy/board of education to hold widely-publicized monthly public hearings at which the panel/board would review and vote on the education budget and all regulations, policies and contracts over a certain sum proposed by the chancellor. The calendar would be published and widely distributed prior to the meeting and the public would have the opportunity to speak on the issues prior to the vote. The legislature might consider mandating set terms for the panel/board members with removal only for cause. The mayor could continue to appoint a substantial majority of the members (I would suggest nine); each of the borough presidents and the speaker of the city council would appoint one member.

- There is confusion over actual test scores and high school graduation rates as well as the success rate of various programs adopted by the DOE.

Recommendation The new law should create an independent office (like the Independent Budget Office) to analyze test scores and graduation rates and to find out which programs work, and to communicate that information to the public on a regular basis.

The community school districts and district superintendents have become irrelevant. Parents and members of the school community, who had formerly relied on their district superintendents for direction and guidance, don't know where to turn when a problem arises in their schools. Often, inexperienced principals are fearful of doing the wrong thing.

Recommendation The 2002 governance law included the requirement that the city maintain the community school districts and superintendents. The district superintendents always provided the dissemination of accurate information so parents, teachers and principals didn't have to guess what the pronouncements of the central administration really meant. Because of the sheer size of the City school district, breaking it down into manageable community district components and using superintendents to be resources to the school community and parents and links between the schools and the central administration is crucial. The new governance law should ensure that this occurs.

The community education councils that replaced community school boards feel powerless, ignored and, like district superintendents, irrelevant.

Recommendation It is important that there be a strong parent and community connection to the school system. To ensure that connection, the new governance law should provide for and spell out a significant role for the councils in their school districts.

My final recommendation is that the legislature should include a five year sunset provision in the new law so that the New York City school system can again be evaluated at that time, and fine-tuned if necessary.

To sum up, I'm a certified teacher, a person who has been active in PTAs, a school volunteer and a school board member for more years than I care to mention. My observations are based on my knowledge of our school system and my love for the students we're supposed to serve. To go back to the old days would be a mistake. To continue with the governance law as it is would be a bigger mistake. My hope is that the legislature will make the modifications to the governance law that will yield the successful system that it envisioned when it passed the original law in 2002.

Hamison testimony



class size matters

124 Waverly Place, NY, NY 10011

phone: 212-674-7320

www.classsizematters.org

email: leonie@att.net

Testimony of Leonie Haimson, Class Size Matters

Before the Gotbaum Commission on School Governance

February 21, 2008

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As of this fall, according to the Daily News, eighteen officials at Tweed earn more than the Commissioners of any city agency, more than \$190,000 a year, up from just two such officials last year. There are now 36 more who have salaries above \$180,000, compared to only two in 2004, and nearly 200 make more than \$150,000.¹⁶ In addition, the DOE public relations staff has 33

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

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

¹⁵ Educational Priorities Panel, "Adding up the Numbers: The Education Budget under Mayoral Control", Bulletin #2: January 20, 2006; http://www.edpriorities.org/Info/CityBudget/Bulletin_2Jan06.pdf

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

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

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

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

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

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

¹⁷ NY One, "State Lawmakers Consider Limiting Mayor's Control Of Schools Budget," May 12, 2004, www.ny1.com/ny/NewsBeats/SubTopic/index.html?topicintid=2&subtopicintid=4&contentintid=39767

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

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

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

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

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

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

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

²² See NYSSCPA newsletter, "Legislature Passes School Reform Bills," July 2005. For more on the requirements of this law, see http://www.emsc.nysed.gov/mgtserv/fiscal_accountability_legislation/ For the fact that DOE has still not certified that it is in compliance, email from Deborah Cunningham of NYSED to Leonie Haimson, Feb 1, 2008.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Jackson testimony

POINTS FOR STATE'S COMMITTEE ON SCHOOL GOVERNANCE

November 29, 2007

The education advocacy community and the City Council are, of course, wrestling with this issue, just as this committee is.

As a Councilmember, as a past NYC parent, as a past President of a Community School Board and as a past staffer for a union representing state employees, I have multiple perspectives on the issue of school governance.

Mostly I am frustrated by the fact that we are continuing to fail our children, regardless of the governance structure.

Centralization promotes consistency, uniformity, supposed efficiency (although the out of classroom examples like school bus routes and no bid contracts that I have held hearings on make me really, seriously question that).

Decentralization leads to inconsistency, unequal resources and unequal opportunities at the same time it supposedly provides the opportunity to respond to local needs and permit greater input from the community and parents.

There are notable problems with the current structure:

First and foremost, it has promoted a circular accountability. When the Mayor asked for "control" of the schools – the sound bite was that the Mayor would be accountable. But who does the Mayor answer to? It's *state* education law.

Talk to people in Albany – on lobby days the answer I get is "It's a city issue."

So the Mayor and the Chancellor get a pass. With term limits in effect, a second term Mayor answers to no one.

As a City Councilmember, I am frustrated by how little direct control we have over the budget process or operational oversight. DOE is not the most forthcoming of agencies. We do not work together in a spirit of cooperation. We do not get accurate facts or data from DOE to make informed decisions. DOE flaunts law. At this week's hearing on DOE's new health curriculum, I was informed by DOE's spokesperson that there are only 200 certified health teachers in the entire system, despite a state law requiring that instruction in the subject be provided by a certified teacher. How many schools do not have certified teachers? DOE couldn't say because it has never tracked which schools offer health. However, it is putting an entire system in place to find that out. Did we get a look at the curriculum before the hearing? No, DOE has modified the off-the-shelf version and was not prepared to share the curriculum with us just yet. So we held a hearing on a curriculum that neither Councilmembers nor health

education advocates had a chance to review. Take a look at the Mayor's legacy piece – Plan NYC. The only mention of schools is opening playgrounds. This from someone who campaigned as the Education Mayor

We cannot fully separate the DOE and School Construction Authority capital budget from the overall city budget so it goes forward without the scrutiny it deserves. Well, it certainly doesn't get much more scrutiny from its own Board of Trustees. The SCA Board meets at Tweed Courthouse at 8:30 in the mornings; at 8:45 the SCA Civil Service Commission meets. This means that the public meeting of an agency that is responsible for wisely spending billions and billions of our tax dollars meets for a grand total of 15 minutes. How many members of the public regularly attend these meetings?

My final and ultimately most important point is that this Mayor and this Chancellor have actively discouraged parent involvement in policy and governance and totally shut out community or other public involvement. This is not necessarily a problem of governance or structure, it is the mindset of this administration and this agency. The governance structure simply permits this to happen. CEC's (Community Education Council's) could work. SLT's (School Leadership Teams) could work. But there is no reward for making them work and there is no sanction for subverting their intent. Ask any Parents' Association President or other SLT member whose critical comments have been omitted from

a school's Comprehensive Education Plan - the Principal "forgot" them and then got someone else to sign off on the plan – whether this violation was ever addressed.

So when we talk about governance and structure, I believe we need to approach it in "reverse" - we need to think about how things can go wrong and design a structure that will have sufficient checks and balances and grievance protocols and meaningful timelines for public input. We have to assume that the function of a bureaucracy will be to protect itself and we have to devise adequate measures to ensure that parental and community participation in our schools is the constant. This is such a fundamental underpinning of American society and our democratic tradition.

It's the only way we can take a system like no other – with over two million direct stakeholders when you count students, parents, staff, suppliers etc – from HERE (gestures) and move it over HERE. Where it belongs. Where our kids will get their sound, basic education and where we will have an educated populace to maintain the best of American democracy.

Levey testimony

Community Education Council District 2
333 Seventh Avenue
New York, New York 10001
Tel (212) 356-3915 Fax (212) 356-7506
www.cecd2.net

Matthew Levey, President
John Scott, 1st Vice President
Michael D. Markowitz, 2nd Vice President
Anne Daniel, Treasurer
Loren Chodosh Harkin, Recording Secretary
Nadia Schreiber, Student Member

Rebecca Daniels
Paul Gong
Yanhong Liu
Jody Seki
Mary D. Silver
Shirley H. Smith, Ph.D.

Background

This report is a response to a request for input from Community Education Councils on the issue of school governance as requested by the Commission on School Governance, the Office of the Public Advocate for New York City. The commission was established at the request of Cathy Nolan, the New York State Assembly Chair of the Education Committee. The purpose of the commission is to “independently study and make recommendations pertaining to the matter at hand,”¹ i.e., school governance and mayoral control of the schools.

On June 30, 2009, the State law that established mayoral control of City schools is due to expire. In advance of that date, the State Legislature must make a determination among the following options:

- (1) Renew mayoral control in its present form;
- (2) Retain mayoral control but amend it in some way; or
- (3) Allow the law to expire and revert to the pre-2002 governance structure of a central Board of Education with local Community School Boards.

¹ **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 Education Committee for the State Assembly, the Public Advocate for New York City 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 manner in order to help inform the State Legislature in its deliberations on this important question before the people of New York City and State.

The goal of Community Education Council District 2 (CECD2) is to propose recommendations on this issue with the objective of improving the governance structure of the New York City public schools system.

Recommendations

Having closely observed and experienced firsthand the impact of State Education Law 2590 that established mayoral control of City schools, CECD2 recommends that the State Legislature retain mayoral control, amending the current structure to provide for necessary checks and balances by legislatively-empowered public bodies. The CECD2 has concluded that there are certain advantages to mayoral control of the schools, but that the current centralized governance structure is lacking in terms of transparency, accountability and local parental involvement.

The advantages of mayoral control of the schools include:

- Unified decision-making;
- Centralized establishment of standards and accountability
- Emphasis on education as a critical issue among the voting public;
- Greater ability to coordinate local policies with state and federal mandates;

The disadvantages of mayoral control include:

- Ultimate accountability to voters exercised only once every four years;
- Education comprises only one of many issues on which voters judge a mayor;
- Centralized decision-making can discourage open deliberation;
- Reduced attention and response to parental concerns.

To make mayoral control and school governance sufficiently effective and responsive, CECD2 recommends the following:

- (1) The mayor should retain a significant role in setting the broad educational standards that all New York City students must attain. The mayor must be given the fiscal means to achieve these standards, and the authority to allocate funding accordingly. The Chancellor should remain a mayoral appointee.
- (2) Mayoral control and authority must be balanced by an empowered policy-setting Board that includes parents of current students and mayoral appointees. The Board must have a formal, defined role in advising on and approving policy decisions, including the selection of the Chancellor. We envision that mayoral appointees would form the plurality, but not the majority, of this body. This Board would have an independent budget and support staff to ensure its ability to function effectively;

- (3) Each district would have a dedicated District Superintendent, appointed by the Chancellor. A district educational council comprised of parents and community representatives would consent to this appointment. The parent-members of the Council would be elected by parent leaders at schools within the district, while community representatives could be selected as is currently the case where they are appointed by the Borough Presidents. The Council would work with the District Superintendent to ensure that student achievement goals are set and maintained, and that the methods to achieve them are appropriately evaluated. The Council would be responsible for evaluating the District Superintendent on an annual basis, and submitting this evaluation to the Chancellor and the DOE. The Council would also liaise regularly with the policy-setting Board (see 2) to insure that the district's interests are considered during both the development and implementation of city-wide policies. The Council may establish policies for its district with the approval of the policy-setting Board.

- (4) The principals of individual schools would bear the primary responsibility for student achievement of the centrally-determined academic standards, along with those students' parents or legal guardians. Principals would be overseen by the District Superintendent, who would be responsible for appointing them, evaluating their performance annually, and supporting them, on a regular basis, to ensure that curricula, professional development, and measurement plans are aligned with the goals of each particular school and the system-wide academic standards. The District Superintendent must be given sufficient staff and budget to exercise this role properly. The role of the District Superintendent cannot be "bundled" with out-of-district responsibilities that dilute his or her ability to perform.

Conclusion

CECD2 recommends the State Legislature retain mayoral control of the schools, but that it create an independent policy-setting Board that counter-balances the authority and power inherent in mayoral control.

School principals should bear the primary responsibility for achievement of the goals and objectives set by the mayor and the Board, aided by oversight, supervision and guidance from district superintendents and legislatively-empowered local parent Councils

Levy testimony



President

Jill S. Levy

Executive Vice President

Diann Woodard

Secretary

Roch Girard

Treasurer

Jimmy Gittings

Vice Presidents

Crystal Boling-Barton

Clarice Berry

Wendi Caporicci

Carver Farrow

Ernest Logan

Janie Pertillar

James Smallwood

Cynthia Warren

Vice President

Organizing

Dominic Sacchetti

Regional

Vice Presidents

James Dierke

Leonard Pugliese

Charles Whelan

Florida Woods

General Counsel

Bruce Bryant

Administration

Paul Wolotsky

Operations

Joseph G. Stankavage

Government Affairs

Nicholas J. Spina

Internal Communications

Tyjen L. Tsai

Affiliate Liaison

Doris A. Reed

Historian

Jack Zuckerman

TESTIMONY ON SCHOOL GOVERNANCE

MAYORAL CONTROL SUNSET PROVISION

FEBRUARY 7, 2008

JILL S. LEVY

PRESIDENT

AMERICAN FEDERATION OF SCHOOL ADMINISTRATORS

TESTIMONY ON NEW YORK CITY SCHOOL GOVERNANCE

COMMISSION ON MAYORAL CONTROL

FEBRUARY 7, 2008

I want to thank the panel and NYC Public Advocate, Betsy Gotbaum, for inviting me to speak about school governance and the effects of mayoral control on student outcomes as the legislation giving the Mayor of NYC control over the school system sunsets.

From my prospective as the International President of the American Federation of School Administrators whose members represent urban school districts throughout the United States, Puerto Rico and the U.S. Virgin Islands, I can tell you that I can now comfortably repeat what I testified before Senator Padavan's Task Force several years ago.

"We have not wavered in sounding cautionary notes about mayoral control and its implications. We continue to monitor those urban centers throughout the nation that are subject to mayoral control and stand firm in the knowledge that mayoral control, in and of itself, is not an indicator of consistent improvement in the academic performance of students."

Specifically, we represent Chicago school administrators where mayoral control went through several iterations. Yes, there was and still is a vast improvement of the school system as a

whole. However, student outcomes are clearly not what our members envision for their schools.

We are monitoring the progress in New Orleans where there are three types of governance systems: state controlled charter schools, the New Orleans public schools, and the Recovery District Schools to see if governance plays a significant role or not.

What is exceedingly clear when we look at all the district we represent, **governance is not the only answer to the problems in educating our children.**

NYC has come a very long way in its "experiment" with mayoral control of our schools. Not a year has gone by that we haven't witnessed significant changes to the structure of the system and its schools. We have seen an infusion of private dollars to "jump start" several projects, and we have witnessed the total diminution of the intended role of the Education Panel, school district Superintendents and Community Education Panels. Nevertheless, it seems to me that our state legislators have several choices:

- Do nothing and go back to the original structure
- Declare the end of decentralization
- Continue with the current legislation
- Modify the current law

If nothing is done, we turn back the clock and become trapped in a time warp. We have no evidence that the former structure was significantly better or that the student outcomes would improve over time.

Continuing the current legislation as it plays out in reality, reinforces the notion that our public schools are no longer public, that parents and community members have no voice, that districts no longer exist in any reasonable fashion except on paper and that the decentralization law needs to be discarded.

The third possibility is that the current legislation be modified to strengthen the intention of the original legislation- not to completely centralize nor eliminate the very necessary checks and balances within the system.

Given what our members throughout the United States have experienced around the issue of governance, we strongly urge the panel to recommend the third possibility – modify the current legislation keeping “public” and “checks and balances” in the forefront of your thinking.

My new global experience has only strengthened my original recommendation that we retain a central Board of Education, responsible to the community at large, granted specific powers and duties among which would be:

- The approval of policies generated by the Mayor and Chancellor,
- Public disclosure, discussion and ultimate approval of contracts over one million dollars
- Public disclosure , discussion and ultimate approval of no-bid contracts over \$500,000
- To advise and consent to the Mayor’s recommendation for Chancellor

A review of the powers of the former Board of Education should be reviewed towards establishing strong oversight powers for the new Board.

We recommend that the Board:

- Be comprised of appointments by each Borough President and the President of the City Council with seven appointees from the Mayor who will retain a potential voting majority.

- Appointees have a three- year, non-renewable, term of office which can be interrupted only by a resignation or removal for cause with a hearing by the Board.
- Vote for its officers and the President of the Board can only cast a vote to break a tie.
- The Board schedule monthly meetings with a public agenda available one week prior to the scheduled meeting and alternate boroughs with citywide meetings.

To retain effective community involvement, we recommend that **Community Education Councils:**

- Have a role in the matter of district budgets, personnel charges and the appointment of a district Superintendent.
- Be given the responsibility of approving any closing or opening of schools in the district
- Inform the Mayor's office to have an appropriate party conduct an impact study on the potential opening of any charter school in the district
 - Hold public hearings and distribute the results of any impact study
 - Vote on the issue publicly
 - Be required to offer data –based reasons for the vote

Our national experience informs us as to the best qualities of Superintendents (as they are called in most school districts) and in NYC, Chancellor. With no exceptions, the defining characteristic is their extraordinary knowledge about teaching and learning (children and adults) and how to align appropriate resources to support needs. While data is informative, it does not serve us well when we do not know what to do with it or do not have the

resources to address it. Therefore, we strongly urge the panel to consider:

- Legislating that waivers not be granted, but that the Chancellor of the NYC schools and any Superintendent hold all necessary accreditation requirements
- The Chancellor and Superintendents do not serve as "at will" employees, but there must be documentation of just cause for their termination.

The recommendations I have made are based upon my experience here in NYC with the change in governance and its subsequent consequences. In addition, I have been listening, learning and visiting districts across the nation for over 15 years and have also incorporated the experiences of AFSA members and General Executive Board. If my suggestions are similar to those of others, I plead guilty to consultation, collaboration and coincidence.

Logan testimony



CSA RECOMMENDATIONS ON SCHOOL GOVERNANCE

City Wide Board of Education

President
Ernest A. Logan

Executive Vice President
Peter J. McNally

First Vice President
Randi Herman, Ed.D.

Secretary
Michael DeStefano

Treasurer
Laverne Burrowes

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

Executive Director Operations
Anita Gomez-Palacio

Executive Director Field Services
Audrey Fuentes

16 Court Street
Brooklyn, NY 11241-1003

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

www.csa-nyc.org

- There should be a city-wide Board of Education. The composition of the board would total 13 members: 7 appointed by the Mayor, 1 by each Borough President, and 1 by the Speaker of the City Council. This would give the Mayor control, but would ensure citywide representation, and a voice at the table.
- Members would have a fixed 2-year term by the person who appoints them, and can only be removed for cause. Board members could be re-appointed at the end of the two-year term. This would give the Board the ability to make decisions without the fear that they could be fired at any moment.
- The city-wide Board of Education must approve with public comment any contract of \$1 million or more and any *no-bid contract* of \$500,000 or more, unless the contract is a renewal of the original contract with terms and conditions substantially the same. There is a definite need for greater transparency to better monitor recent no-bid contracts. The numbers can be debated, but there must be a level of oversight and accountability for contracts.
- The Board of Education must approve with public comment any school closing.
- Policy is still generated from the Mayor and Chancellor, but must be approved by the Board. As the Mayor has control of 7 of the 13 Board appointments, this should not inhibit his ability to set educational policy. However, it will ensure city wide discussion and involvement in the process, and will act as a safe guard against poorly thought out, or egregious policies.

Recommendations continued:

The Chancellor

- The chancellor and superintendents must possess all accreditation requirements for a school superintendent with **no waiver** of conditions by the state commissioner.
- The Chancellor must be appointed to a fixed term, and can only be fired with cause.

Community Involvement

- Community Education Councils should be elected through direct voting by the community.
- The Community Education Councils should advise and consent on the appointment of the Community Superintendent, on the district budgets, and should vote on charges.
- Community Education Councils (CEC's) should advise and give approval on any new charter school in their community school district or on any school closings. Their vote (pro or con) can be reversed by a two-thirds vote of the city-wide Board of Education.

Re-Evaluation

- This sunset provision should be continued to so that we may monitor the effectiveness of the law over time, and make appropriate changes.

Marshall testimony



Testimony of Queens Borough President Helen Marshall
Commission on School Governance, February 21st, 2008

FIRST I WOULD LIKE TO TAKE THIS OPPORTUNITY TO THANK ASSEMBLY MEMBER CATHY NOLAN, CHAIR OF THE STATE ASSEMBLY EDUCATION COMMITTEE AND PUBLIC ADVOCATE BETSY GOTBAUM FOR CREATING THIS COMMISSION ON SCHOOL GOVERNANCE. I WELCOME THE OPPORTUNITY TO SHARE WITH YOU MY OBSERVATIONS AND THOSE OF MY CONSTITUENTS ON THE IMPACT THE SCHOOL GOVERNANCE LAW HAS HAD ON THE EDUCATION OF OUR CHILDREN IN NEW YORK CITY. IN THIS WAY, IT IS MY EXPECTATION THAT MY CONSTITUENTS, MANY OF THEM PARENTS OF CHILDREN IN OUR SCHOOLS WILL HAVE A VOICE IN THE RENEWED STATUTE, AND VALID INPUT ON THEIR CHILD'S FUTURE EDUCATION:

TONIGHT I WOULD LIKE TO HIGHLIGHT THREE AREAS THAT MUST BE TARGETED FOR CLARIFICATION AND/OR STRENGTHENING IN THE RENEWED LAW: CLEARLY DEFINING THE RESPONSIBILITIES OF VARIOUS CONSTRUCTS THAT EXIST IN THE ORGANIZATION (DISTRICTS, SUPERINTENDENTS, ETC), CLARIFYING CHECKS AND BALANCES WITHIN SYSTEM, (FOR INSTANCE PRIOR COMMUNITY NOTIFICATION OF PLANNED CHANGES IN ORGANIZATIONS) AND STRENGTHENING PARENTAL INVOLVEMENT.

IT IS WITH ADMIRATION THAT I COMMEND THE MAYOR AND CHANCELLOR FOR MANY INNOVATIVE AND CREATIVE INITIATIVES IN THE DEPARTMENT OF EDUCATION. I APPLAUD THE FOCUS ON CTEA SCHOOLS, I APPLAUD THE WAYS CHANCELLOR KLEIN HAS DISCUSSED THE INEQUITIES IN

OUR SYSTEM THAT OFTEN SHORT CHANGED THE STUDENTS THAT COULD LEAST AFFORD IT. I APPLAUD THEIR EFFORTS TO BUILD NEW SCHOOLS AND TO PROVIDE A "SEAT FOR EVERY CHILD". JUST AS IT TAKES A LONG TIME TO CONSTRUCT A NEW SCHOOL, FROM FINDING A SITE, ENVIRONMENTAL IMPACT STUDIES, COMMUNITY REVIEW AND DESIGN BEFORE YOU CAN EVEN PUT A SHOVEL IN THE GROUND, REFORM OR AN ENTIRE EDUCATIONAL SYSTEM WILL TAKE TIME AND PATIENCE

NEED FOR LONG TERM AND STABLE PLANNING.

MOST "CHANGE" TAKES A LONG TIME, AND MUST BE FINE TUNED FROM TIME TO TIME. MY STRONGEST CONCERN THROUGH MY TENURE HAS BEEN THE CONSTANT NEWS OF HERALDED INNOVATIONS OF THE ORGANIZATIONAL STRUCTURES AND OFFICES AND THEN THEIR SUDDEN DEMISE. THIS HAS LEAD TO A CONFUSION OF ROLES AND RESPONSIBILITIES AS WELL AS ACRONYMS AND PERSONNEL. PARENTS OFTEN RETURNED TO FAMILIAR LOCATIONS AND SAW NO RECOGNIZABLE FACES OR OFFICES. OFTEN IMPORTANT FUNCTIONS WERE TRANSFERRED TO NEW OFFICES WITH NEW NAMES AT DISTANT LOCALS. I OFTEN HEAR COMPLAINTS THAT THE DEPARTMENT IS NOT "USER FRIENDLY",

OUR PARENTS MUST BE INVOLVED AND ENGAGED IN THE PROCESS OF EDUCATING THEIR CHILDREN AND KNOW THE AVENUES TO MAKE THEIR VOICE AND NEEDS HEARD. THESE STRUCTURES MUST BE CONSTANT AND HAVE CLEARLY DEFINED ROLES. WHETHER A PTA, CEC. OR MEMBER OF THE LEADERSHIP TEAMS, IF PARENTS FIND THAT THEIR VOICE IS UNHEARD, THEN THEY LOSE INTEREST AND THE CHILD'S PROGRESS SUFFERS.

EDUCATIONAL "EXPERTS" AGREE THAT PARENTAL INPUT IS VITAL TO THE SUCCESS OF EVERY CHILD. WHETHER IT BE AT HOME, MONITORING

HOMework, AND LIMITING THE INFLUENCE OF NEGATIVE STIMULI IN THE ENVIRONMENT (NOT AN EASY JOB BY ANY MEANS) OR BY MONITORING THE PROGRESS OF THEIR CHILD, SOCIALLY AS WELL AS ACADEMICALLY, BECOMING FAMILIAR WITH THE RESOURCES AVAILABLE TO THEM. IT IS A DIFFICULT MISSION TO INSURE THE CHILD'S POTENTIAL IS MET., THIS ROLE INSIDE THE HOME, MUST BE AUGMENTED WITH ABILITY TO IMPACT THE FABRIC OF THE SYSTEM. UNFORTUNATELY DURING THE LAST FEW YEARS THE ROLES OF THE PTA'S, CECS, AND SCHOOL LEADERSHIP TEAMS.HAVE BEEN DIMINISHED.

IN ADDITION, THE FUZZY ROLE OF THE DISTRICTS, AND THE MARGINALIZED RESPONSIBILITIES OF THE SUPERINTENDENTS, HAVE LED TO A LACK OF ATTENDANCE AT CEC MEETINGS AND RESULTING INABILITY TO RECRUIT OR MAINTAIN MEMBERS ON THE BOARDS. MANY OPENINGS EXIST AND I HAVE BEEN UNABLE TO FIND PEOPLE TO SERVE ON THESE BODIES THAT OFTEN TAKE UP MUCH TIME WITH NO RESPONSIBILITIES, AND NO ACCOUNTABILITY.

THUS LACK OF CLEARLY DEFINED ROLES, OFTEN LEADS TO FRUSTRATION, ALIENATION, AND APATHY. IN FACT I HAVE FOUND IT VERY DIFFICULT TO RECRUIT A MEMBER OF THE CHANCELLOR'S PANEL ON EDUCATIONAL POLICY BECAUSE OF THE JOB'S HUGE TIME REQUISITES, RESPONSIBILITIES, AND LACK OF INPUT. FORMER MEMBERS HAVE EXPRESSED FRUSTRATION WITH THE LACK OF CONSULTATION: ALL DECISIONS BEING MADE AND MODELS BEING ANNOUNCED THE SAME DAY TO THE CECS AS TO THE RADIO STATIONS.

IN ADDITION TO CLEARLY DEFINED ROLES, REGULATIONS AND STRUCTURES, A SYSTEM OF CHECKS AND BALANCES MUST BE ENACTED. MAYORALTY CONTROL MUST NOT BE MISINTERPRETED AS THE ABILITY TO ACT WITHOUT INPUT FROM OTHER INDIVIDUALS AND AGENCIES. OUR

DEMOCRACY IS BUILT ON THE PREMISE THAT POWER IS NEVER ABSOLUTE. IT IS IMPERATIVE THAT MAJOR CHANGES IN THE POLICY BE VETTED BY AN APPROPRIATE AGENCY.

FOR INSTANCE, ON A POSITIVE NOTE, BECAUSE OF THE HARD FOUGHT CFE DECISION THE DEPARTMENT HAS BEEN ALLOCATED A RECORD AMOUNT OF MONEY. THIS YEAR THE DEPARTMENT OF EDUCATION WAS GIVEN MORE THAN \$700 MILLION DOLLARS TO RELIEVE CONDITIONS IN THE CITY'S MOST OVERCROWDED SCHOOLS, AND TO IMPROVE LOW PERFORMING SCHOOLS. HOWEVER WHEN THE CONTRACT FOR EXCELLENCE WAS REQUIRED (AS DIRECTED IN THE LEGISLATION) THE DEPARTMENT OF EDUCATION WAS RELUCTANT TO PROVIDE A PLAN THAT MET THE CRITERIA REQUIRED BY THE STATE DEPARTMENT OF EDUCATION. MAYORALTY CONTROL CAN NOT BE MISINTERPRETED AS BEING NOT ACCOUNTABLE.

I LOOK FORWARD TO WORKING WITH YOU IN THE YEAR TO COME; I CALL ON THE LEGISLATURE TO HOLD HEARINGS IN EACH BOROUGH FOR PARENTS TO VOICE THEIR IDEAS, AND CONCERNS AND TO HEAR THEIR EXPERIENCES FIRST HAND. BY TAKING THE TIME TO RECOGNIZE THE IMPORTANCE OF THE CONSUMER, WE CAN BETTER MEET THE NEEDS OF THE CHILD AND HIS OR HER FAMILY.

WE CAN WORK TOGETHER TO ENSURE THAT EACH CHILD IN NEW YORK CITY WILL GET THE BENEFIT OF THE EDUCATION TO WHICH THEY ARE ENTITLED.

Merriman testimony

**TESTIMONY PRESENTED BY JAMES MERRIMAN, CHIEF
EXECUTIVE OFFICER, NEW YORK CITY CENTER FOR
CHARTER SCHOOL EXCELLENCE**

TO

**THE NYC COMMISSION ON SCHOOL GOVERNANCE
THURSDAY, DECEMBER 20, 2007**

Chairman Aiello and Members of the Commission,

My name is James Merriman, and I am Chief Executive Officer of the New York City Center for Charter School Excellence, an independent, nonprofit organization launched in September 2004 as a public-private partnership between New York City and the philanthropic community. The mission of the New York City Center for Charter School Excellence is to stimulate the supply of high-quality public charter schools and support ongoing student excellence in all public charter schools. We try thereby to increase the effectiveness of public education.

In the spirit of full disclosure, Chancellor Klein and one of his deputies serve on the Center's Board of Directors. They do not constitute a majority of its members (there are nine) and neither is the Department a funder. Moreover, the Department has not vetted my remarks.

Prior to taking my current position at the Center this past September, I was with the Charter Schools Institute of the State University of New York (SUNY), the nation's second-largest university-affiliated authorizer of public charter schools. For four years I was the Institute's executive director. Between my time at the Institute and the Center, I served briefly as Senior Program Officer for the Walton

Family Foundation, assisting the foundation in its investments in charter schools. I also had the pleasure many years ago serving as chief of staff for Frank Macchiarola when he ran for City Comptroller.

My experience, therefore, gives me a depth of knowledge about charter schools and the chartering process; and to a degree the broader education reform efforts over the last decade. It does not, however, give me much general expertise in the question before you, the virtues and vices of mayoral control over the Department of Education.

To the extent that I can offer some insight, it is in watching the implementation of a specific reform effort, namely the fostering of charter schools as an essential element of restructuring the Department of Education and instilling accountability into a system that was too often unfamiliar with it, if not openly hostile.

On June 12, 2002, when the state legislature gave final passage on mayoral control, there were 17 charter schools in New York City serving more than 7,000 students. This very low number was partly the result of the charter school law having only been passed in late 1998; but it was also partly the result of policies and practices of past chancellors. These policies were often conflicting, contradictory and downright murky. They would change on a whim; and the reasons for these changes were difficult to discern. In sum, there was no coherent policy for charter schools. It is also fair to say that too many of the charter schools were not living up to their promise.

This changed when mayoral control became a reality. Over the last five years, the Chancellor has been able to enact and implement consistently a clear policy towards and support of charter schools. The Chancellor supported charter schools because he saw them as exemplars of the structures he and the Mayor believed were necessary to be built

throughout the system. Like charter schools, his and the Chancellor's vision was to allow each school autonomy to succeed while at the same time ensuring that they were accountable for achieving the purpose for which our public schools exist: educating children.

As such, the Chancellor made clear that charter schools would be welcome in New York City, regardless of whether they were authorized by the Department of Education or by the two state-wide authorizers, the State University of New York's Board of Trustees and the Board of Regents. To that end, the Chancellor provided space in public school buildings in recognition of the fact that charter schools do not receive facility aid and that charter schools could serve as models to the districts' schools. In the same vein, the Chancellor changed the way in which the Department interacted with charters, making sure, for instance, that the Department's special education staff worked with charters to better ensure that special education services were provided without interruption when children transferred to a charter school or vice versa. The Department and the City also provided numerous other supports and assistance.

The result of the Chancellor's consistent policy is that by September 2008, we can expect that there will be close to 80 charter schools serving approximately 18,000 students. We can also expect that charter schools will continue to point the way on student achievement, as they have in the past four years.

For example, the city's public charter schools have outpaced the citywide school averages on state math and reading exams – grades 3 through 8 – for the past four years. When you compare charter school test performance against that of their host district school counterparts, it's not uncommon to find that charters best those scores by double digits.

Consider the results from the latest state math and English Language Arts (ELA) exams: On the math exam, NYC public charter school students in grades 3-8 attained 74 percent proficiency compared to 62 percent of their district counterparts, and 65 percent citywide. On the ELA exam, charter school students achieved 57 percent proficiency – compared to 48 percent proficiency for non-charter school students in the same district and 51 percent proficiency citywide.

And as reported in today's press, the two public schools ranked Numbers 1 and 2 in the city in terms of overall report card scores by the Department of Education are charter schools – KIPP Infinity in Manhattan (Harlem) and Williamsburg Collegiate in Brooklyn. Overall, 79 percent of the public charter schools that were graded received A's or B's, compared with 62 percent of district schools.

One could, of course, argue that what has happened with charter schools in New York City under mayoral control is not a function of that control structure but a change in policy. That is, that past chancellors, fairly or unfairly, viewed charter schools unfavorably—or simply were uninterested in them—and that Chancellor Klein and Mayor Bloomberg took an opposite view.

That is undoubtedly true and might be persuasive if the pattern of being able to enact a clear, consistent and coherent reform effort were not so closely repeated in the system at large. There the Chancellor and the Mayor have been equally able to restructure the entire school system—a restructuring that fundamentally changes the incentive structures and the accountability structures. Moreover, that restructuring effort is global in its reach and yet internally consistent, with the various parts functioning as a coherent whole.

Whether one agrees with every detail of this restructuring, or even with its fundamental underpinnings, it is hard to argue that this could have happened under the previous decentralized system and the generally dysfunctional board governance structure that mayoral control replaced. We would do well to remember how broken the system was, that services were delivered badly and inequitably, and that corruption flourished. Systemic change clearly was not happening under that system and it clearly was not going to happen.

The ability of the Mayor and Chancellor to enact fundamental changes in the very structure of the largest school system in the United States is the obvious virtue of centralized power that mayoral control embodies. The potential vice of such power is just as obvious: policy unconnected to the needs and wants of the constituents it is created to serve.

In determining, as you will, whether the correct balance has been achieved within the present legislation, I would urge you to consider the following points:

First, while we often see mayoral control described as “unfettered” and the like, the reality is quite different. Between a state legislature which holds almost absolute power over issues big and small that affect every aspect of municipal governance, and a teachers union that is not insubstantial in the power it exercises both directly through its negotiated agreements and indirectly through its political influence, the constraints that any mayor operates under are quite real and quite powerful. Moreover, the soft power of public opinion is also underestimated. As we have seen, more often than not, the Department’s initial obduracy gives way to negotiation on issues as to which the Mayor and Chancellor cannot find political traction. Progress reports and the grades associated with them are likely to be a prime example of this as the measures are reformed and revised.

Thus, before adding on checks and balances, it would be wise to take account of the substantial number that currently exist. Mayoral control is really, at best, a very partial control.

Second, one must separate out the perceived shortcomings of the present mayoral control structure from the persons presently vested with that power. To be sure, the structure itself affects behavior—but different mayors and chancellors will use the present power of mayoral control in different ways, sometimes more effectively and sometime less and sometimes with greater levels of outreach and openness.

Third, it is often overlooked in efforts to reform or fix a political structure that any fix of one problem will often result in the creation of another. Putting in place dilutive measures in the face of a strong mayor may seem attractive but only if one does not consider the costs of diffusing power to the point that no one, individually or collectively, can exercise it effectively. We have seen what divided government can do in the world of education. It would seem clear that no one would wish that system be resuscitated.

Finally, and perhaps most importantly, the question must be raised of just how disenfranchised parents actually are in the public schools as a result of mayoral control. This is, it would seem, the most common complaint about the present structure.

In making such an assessment, it is important that we do not confuse the fact that certain parent groups with certain views may feel left out because the present administration does not share their views and that such disenfranchisement because of mayoral control is systemic. The views of Time out for Testing or Class Size Matters do not equal the views of parents generally—and very likely do not equal the greatest concerns of parents of children in our most troubled schools. After all, to take one example, it is all well and

good to decry testing as narrowing the curriculum when one's own children pass with ease what amount to basic competency tests. Parents whose children do not have those basic skills because their school is unable to provide those skills to them, may take a different view.

This is not to say that there isn't dissatisfaction, disenfranchisement and alienation. There is. And based on my experience in talking with parents, it is wide-spread and astonishingly deep.

But make no mistake: it has little if anything to do with governance structures, mayoral control or education reform battles. What it certainly has to do with is schools that are uncaring and anonymous and that produce execrable results for their children. And it surely has everything to do with schools that never bother to contact their parents until something goes wrong and their children are in trouble. And equally it stems from the fact that too often parents are made to feel that they are part of the problem, instead of becoming part of the solution.

Good schools, whether charter or district run, are changing that dynamic. They celebrate students' achievement—and they provide solid and caring instruction and focused and disciplined environments so that there is much to celebrate.

These good schools will flourish and expand in number where there are clear expectations for student achievement, consequences for adults where those expectations are not met and, equally important, freedoms from mandates that interfere with and distract from a school's core mission. Mayoral control has provided that structure, not perfectly and not absolutely—and certainly not without missteps. There should be, therefore a high bar before moving away from mayoral control or diluting it in significant respects.

Ultimately, as you continue your evaluation, I would respectfully urge you to keep in mind that, anything that stops more schools from becoming great schools in the name of franchisement or openness must not be considered a reform but a regression. If we do not hew strictly to that principle than surely this debate about mayoral control will truly be sound and fury signifying nothing.

Palast testimony



Campaign for Fiscal Equity, Inc.

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

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

www.cfequity.org

Testimony to the Commission on School Governance by Geri D. Palast, Executive Director of the Campaign for Fiscal Equity,

February 21, 2008

Good afternoon. My name is Geri Palast, and I am the Executive Director of the Campaign for Fiscal Equity (CFE). I want to thank the Commission on School Governance for this opportunity to speak about the school governance in New York City (NYC).

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

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

CFE is concerned that major decisions concerning public education in NYC are made without adequate information for meaningful public input. The new Education Budget and Reform Act of 2007 (Act) provides a lens through which to observe and comment on these key issues that apply in other contexts. The Act can provide a model since it is designed to incorporate public participation, accountability and transparency in the decision-making, in this case for the development of the Contract for Excellence (named for CFE, known as C4E), the state approved agreement with NYC that determines how the new classroom operating dollars will be spent

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

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

Impact of Public Participation on the Contract for Excellence Process

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

SED originally set the Contract submission deadline for July 1st but later extended it to July 15th. Despite repeated requests by CFE for consultation and announcement of a formal process, the DOE waited until close of business on July 5th to post its proposed Contract covering only \$228 million of the \$258 million Contract dollars. The

proposal was posted in a very complicated format on the web, and the public was notified for the first time that public hearings were to be held the following week from July 9-12 in the five boroughs. The initial DOE Contract only broadly defined the distribution of the new funding to the five required strategies and provided no school level detail. After the four days of public hearings, DOE did reallocate some funds, provided information on the \$30 million missing from their original proposal and added some school level data. DOE still failed to provide the 32 Community School District plans, as well as program data, benchmarks and measurements to hold schools accountable and make it possible to measure results - *as required by the law*.

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

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

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

On the state level, CFE and other advocates are working closely with the SED to shape final regulations to be issued in April 2008. The revised regulations should provide greater clarity and specificity on the rules for public participation, transparency and accountability for Contract development—including coordination with the budget process, specific timelines for each aspect of the process, and accessible formats for reporting information. There is conceptual agreement with SED staff that meaningful public participation requires: input at the front end in framing decisions, adequate and timely notice to the public, understandable information made available on the web and in a variety of locations in the most common primary languages as well as

English, a reasonable comment period, and a right of appeal on both policies and implementation.

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

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

Case Study: School Capital Plan—School Construction Aid

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

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

construction costs but no specific analysis of the impact of the changed criteria is provided.

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

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

Conclusion

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

Thank you.

Rodriguez-Lopez testimony

Testimony by Lillian Rodriguez Lopez
President, Hispanic Federation
Commission on School Governance

First I want to thank Betsy Gotbaum for appointing a commission on School Governance and for her courage in tackling this issue. It is a pleasure to address the members of the commission on such a critically important issue – an issue that impacts the future of the public school system in New York City and the quality of education and academic success achieved by our students.

In my tenure at the Hispanic Federation during the past 12 years and most recently as the President for the past three years, we have engaged in many debates about the state of the public schools in the City and the failure to adequately improve outcomes and close a widening achievement gap. The dial towards improvement has moved very, very slowly during the years of mayoral control and in certain communities we have seen the dial

moving in the opposite direction towards a worsening of the schools.

I want to raise specifically four issues that have particularly plagued the public school system while under mayoral control.

First, the school system is currently being run like a private corporation but without any of the major successes or favorable metrics that you would hope to find in a well-run business. Many people at Tweed and outside of Tweed are experienced and knowledgeable about positive learning environments, and understand sound education policy and community engagement but their voices go unheard. The voices that prevail are those of consultant firms earning millions of dollars to advise on programs and policy for the schools. There is no accountability for the funding that is spent on these services and very little transparency on how they are selected and what outcomes they actually achieve for our students.

Second, as a result of Mayoral control, there are not enough checks and balances in the system. There is little room for meaningful dialogue with education advocates, community groups, parents and thought leaders in education. If you examine the genesis of the commissions, task forces or groups working to address critical problems like middle school failure or drop-out rates they are external groups that develop as a result of their frustration at what is happening inside the school system and at Tweed. The plans for our children and schools are always conceived behind hermetically sealed doors – not just closed doors and these plans are sometimes announced just mere days or weeks before they are to be implemented in our communities. The school closing announcements and the turmoil that followed the news is evidence of this – particularly in East Harlem. No doubt that some of these schools were failing schools that demanded serious changes. However, let me share with you some examples of the secrecy and poor planning around the closing of these schools.

The parents were notified of the school closings by backpack letters – instead of a mailing to the home. I can learn about a school trip by backpack letter – but not that my child’s school is closing. This action defied common sense. The new schools or replacement schools were asked to make presentations to parents and community groups about their schools only one day before the scheduled presentation. Many of them only learned about their assigned schools and communities when they were asked to present in the communities. We can not seriously consider this improved community education planning. Also, there was no concrete plan for how the students that stay behind in the “phase-out” schools will receive enhanced learning services. After we have informed their parents that their children are in failing schools, we can not concretely share plans for how your son or daughter will be supported in the phase-out school. And if a child in that school is left behind in the 6th grade as an example, they could not guarantee that the student earns a seat in the new school for the incoming 6th grade. I raised this question along with others

several weeks ago and hope that the answer today is yes. The main point is that perhaps with better independent oversight by the City Council or some other important body in the City or State, these questions and others could get answered and not after the fact.

This leads us to the third critical point, parents and teachers lack any critical or credible voice in how children are being educated. The true stakeholders in the system – which are two parts of the iron triangle comprised of student, teacher, and parent – are treated like outsiders. We have seen an increasing dissatisfaction in views on parental engagement in the schools even with all of the so-called changes and improvements in parental involvement. Noisy town hall meetings do not actively engage parents. Schools have remained basically unwelcoming, closed environments to parents. And for those who support teachers and pro-teachers agendas – we are classified negatively as proponents of the status quo. Under Mayoral control, we have lost the ability to have independent voices and ideas reflected in strategies to improve education in this City.

Under mayoral control, we have seen certain negative trends continue – increased class sizes, the creation of smaller high schools that result in even larger schools in parts of the city, an overemphasis on teaching to the test, and a lack of arts and physical education classes throughout the system.

On a final note, Mayoral control was meant to streamline processes, strengthen programs and hopefully create a clear path for decision making, monitoring and accountability – the buck would stop at City Hall. The path has not been clear – it has been filled with so many conflicting reorganizations – should we region, should we not region – which too many of us are unsure of what the system really looks like now and we fear we it might look like over the next eighteen months.

As President of the Hispanic Federation, I am not advocating that we return to the past. I am advocating for a developing a system of checks and balances, of reporting and accountability to the City Council or another independent but existing body that addresses the lack of transparency, integration and community

collaboration that currently exists in the New York City

Department of Education.

Spinelli testimony

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

I have been a member of the Community Education Council in District 22 in Brooklyn, since its inception over four years ago. My initial impetus for wanting to become involved in this new organization was that I believed in the concept of giving parents a say in their children's education. The composition of the councils was to be made up of nine elected members who had to have a child in the Public School System and two members appointed by the Borough President. District 22 was already a high functioning district when I arrived and it wasn't until after I had spent some time meeting with parents and educators that I realized, things were going along quite well in the District. There was none of the much heralded corruption that plagued some of the school boards and the District had a unique identity which it had worked hard over decades to achieve. One program that was piloted in the District was the Gifted and Talented Program (Eagle Program) which they had rolled out to each and every school in the district.

As a member of the Council since 2003 I have become increasingly frustrated by the system that was created for the CECs to exist in. The councils were given little if any real authority and the DOE never seemed to know how to deal with them. In fact the way they chose to deal with the CDECs was to largely ignore them. After more than four years, there are still many people in this city who have no idea what the CDECs are about. Many of those people are teachers and principals and of course a good helping of parents as well. Attendance at most meetings, even in some of the most active districts is minimal. The DOE has done a very complete job in tying the hands of CDECs while keeping them busy running back and forth to meetings at Tweed. Usually, meetings are hurriedly announced at Tweed the night before to showcase some new program that the

Mayor was going to announce in a Press Conference later that day. Major changes to curriculum or admissions were not made with any consultation of CECs or parents for that matter. This year the DOE pushed through a major “expansion” of the Gifted and Talented program, as it reads in their own press release. Public hearings were held in each of the five boroughs, and parents and CEC members raised valid concerns about the new program. The initiative was voted on the day after public hearings ended by the Panel for Educational Policy and it was approved without any changes and without taking into account the very valid concerns of parents. The salt in the wound was that they voted on the policy the day after public hearing ended which clearly shows that there is no way they could have taken any of that input into account, especially since the policy that was enacted is exactly what was initially proposed. In my district, there will likely no longer be a Gifted and Talented site at each school once this new policy is enacted. So how does this constitute an “expansion” of Gifted and Talented programs? The reason why I chose to recount this event is because it clearly illustrates the difference between the “Before” Mayoral Control era and the “After” Mayoral Control era. Before Mayoral control, Districts, lead by a functioning Superintendent and School Board were able to tailor program to fit the unique needs of its communities. After Mayoral control, everything is mapped to a common centralized curriculum and standard, specifically ignoring the unique needs of individual communities. Districts have been made insignificant by being fractured into different Support Organizations which do not communicate with each other and the splintering of the District Superintendent into a variety of job responsibilities that keeps them out of their own district.

I have witnessed an unabashed arrogance at Tweed in doing whatever they want and consistently ignoring the input of parents. Parents are now viewed as hindrances to the overall mission of the DOE. Just like in the previous example where the DOE went as far as to hold public hearings, just to blatantly ignore

them. Why waste the valuable time of parents, which could be better spent with their children than to bring them together to voice their concerns on a controversial policy only to be ignored. As a CEC member, I would say that we are treated no better than regular parents; I would say we are treated with contempt. Given the fact that the Mayor and Chancellor can ignore the CECs which they have chosen to do since day one, the post Mayoral Control framework must allow for a real voice for parents with real responsibility and authority. Whether we want to call them CECs or school boards or something new, these bodies do need a parent component and they need to be given authority by the State Education Law over certain aspects of the NYC DOE. I would recommend that these new councils would need to have a direct say in the selection of the Community District Superintendent and of principals in the district. Having said that, the new structure needs to reinstate the full authority of the Community District Superintendent along with staffing and a budget. Under the latest reorganization the District Superintendent has been largely marginalized and their authority has been watered down by Network Leaders and these new Support Organizations. The District Supt. no longer has a staff or a district budget. All aspects of what made districts distinct have been centralized by Tweed under the misguided thought that if everything is centralized it will be fair. Tweed has tried to impose a one size fits all template on all districts which is fair to no one.

The other concern about what needs to follow Mayoral Control is how these new councils will be selected. Currently the nine elected members are elected by the executive boards of the PTAs in their district. In my district which has some of the most active PTAs in the city, we had 39 candidates for the 9 elected slots. Some of the members that are currently sitting on the council received two votes. That does not seem to me to be representative of parents, so something needs to be done with the selection process to ensure that the parents serving on these councils are truly representing the parents in the district. The

composition of the council should also include some representation from CSA and UFT. If we had representatives from the Principals and Teachers, it would give the council more validity with educators. Currently CECs are largely seen as outsiders and have been denied access to some school buildings. It is imperative that the new councils continue to retain some parent members to ensure that parents have a voice in their children's education. The way it stands now, there is no real place for parents to have a voice, and the Office of Family Engagement (OFEA) seems to equally exclude parents.

The problem with Mayoral Control is that there is no system of checks and balances. It is basically a "my way or the highway" approach to education. The Mayor and Chancellor seem to determine what their agenda is and they then roll out the appropriate program with much fanfare and many press releases. They are also equally ready to claim success on every one of their programs. Unfortunately this is no way to run an education system and it is by no way fair to any of the stakeholders. During a discussion on the most recent Budget cuts to our schools, when asked about the cuts the Chancellor stated, "That's what the Mayor wants..." And the Chancellor made it seem that he was powerless to impact that decision. This is what is wrong with the current system, when the Mayor can make a unilateral decision without consultation of any of the stakeholders; you have a totalitarian type of administration. And the City Council is equally powerless in determining priorities for our schools. When the City Council passed a law that allowed children to bring cell phones with them to and from school, the Mayor arrogantly proclaimed that they have no right to legislate what goes on in the classroom so the students can carry the phones to and from school but they cannot carry them into the school. How emasculating must that have been for the City Council, yet another elected body that can get steam rolled by the administration. The City Council would need to ratify policies before being implemented. There should also be a requirement that the City Council meet with

local CECs before enacting any changes to policies in their districts. Since Education Councils meet monthly, it would also provide City Council members an opportunity to know how proposed changes would impact on their districts.

To recap: I am suggesting the following:

- Education Councils continue to be made up primarily of parents although the election process needs to be refined to allow for greater participation
- Added to the current composition of members should be Principals and Teachers
- Education Councils need to have statutory authority, clearly defined in the State Education Law, to select the Community District Superintendent and Principals
- The position of Community District Superintendent should be restored to a position of authority and be given staffing and a budget to address local issues and pilot local programs/enrichment
- The City Council must approve all changes to existing Education policies proposed by the Chancellor and is required to meet with CECs regularly.
- City Council members could attend local CEC meetings to gauge impact of programs before ratifying/denying new programs
- There needs to be a series of checks and balances with the Mayor sharing control of the schools with the City Council and an Executive Panel consisting of CEC members from each borough which would replace the Panel for Education Policy. This panel would not be appointed by the Mayor but would be elected and would serve for fixed terms.

Thompson testimony

TESTIMONY BY
NYC COMPTROLLER WILLIAM C. THOMPSON, JR.
AT A MEETING OF THE
COMMISSION ON SCHOOL GOVERNANCE

THURSDAY, DECEMBER 13, 2007

Good afternoon, and thank you, Chairman Aiello, co-chairs Barrios-Paoli and Jones and other members of the Commission on School Governance. I appear before you today to share my thoughts on the management of the New York City Department of Education.

As we begin to consider the renewal of legislation enabling mayoral control of our public schools, which I strongly support, now is the time to raise concerns about the current implementation of the law and ask if there are improvements we can make to the current system.

During my tenure as President of the Board of Education, I pushed for a more centralized management of our public school system, clearing a path towards mayoral control. But in doing so we prioritized one area currently missing from the current administration's approach: transparency.

As the City's Chief Financial officer, I am responsible for enforcing the laws and regulations designed to encourage fair and open competition through my office's role in registering City Contracts.

Under the tenure of this Department of Education, the use of non-competitive bids has soared out of proportion, tripling in value between 2001 and 2003 from 15 to 45 million dollars....As a direct result of pressure brought by my office, that figure was cut nearly in half in 2004, and remained at close to 25 million dollars for the following year as well.

And yet over the course of 2006, the number of no-bid contracts crept up once again to 77, at a value of over 100 million dollars....For contracts starting in 2007, only one no-bid contract has been submitted to our office so far, but the DOE is notorious for sending over contracts months after they have begun so there is no way to predict what the final number will be.

These facts all relate to the larger concern I have....That is, the New York City Department of Education currently follows no formal rules when procuring goods and services – in great contrast to the stringent requirements of other New York State and New York City agencies.

Moreover, in spite of continued criticism, the DOE refuses to adopt a set of formal procurement rules similar to those followed by every other City agency – a process that is transparent and subject to public comment and accountability.

Contracts at all other City agencies are subject to the rules of the Procurement Policy Board, which takes a deliberative approach to developing policies under which the City procures contracts. There is discussion, debate, and an open forum through which the public can comment.

The DOE likewise claims that it need not follow “responsible contractor” rules required of all other city agencies to vet firms bidding for contracts. That process is designed to weed out firms that have spotty records of business integrity.

Since the Board of Education became the Department of Education, it has exploited a grey area in the law...one that allows it to treat itself as a State agency whenever it is convenient to do so...and then as a City agency when it is likewise convenient.

That is neither good government nor good public policy, and has led to a number of questionable contracts in recent years. Almost everyone has heard of the Snapple debacle, in which a failed bid evaluation process was defended by the bizarre claim that the DOE’s own guidelines needn’t be followed.

More recently, the DOE entered into a no-bid contract with the firm of Alvarez and Marsal. Here is a firm hired to cut costs in the DOE budget that then charges Tweed a whopping 16 million dollars for seventeen months of work, including almost five hundred dollars an hour for one employee.

You will all remember A&M’s role in last winter’s bus routing fiasco. Initiated halfway through the school year, the bus route changes recommended by A&M led to widespread confusion, inconveniencing, and potentially imperiling, thousands of school children and their parents. And only yesterday, A&M was in the news for recommending cuts of \$13 million in spending on special ed busing.

These cases reveal the risk we take in following the advice of outside experts who don’t understand our school system, but it also underscored the fundamental problem of the original decision to hire A&M without a competitive bidding process.

The DOE’s claim that they don’t need to conduct formal performance evaluations on firms they contract with has led to other problems. The City hired the company Platform Learning to tutor New York City school kids under two consecutive contracts totaling 7.6 million dollars spanning the years 2003 to 2008.

Incredibly, for Platform’s services through September of 2006, the company ended up earning in excess of 62 million dollars – almost nine times the amount in their contract.

The DOE provided very weak oversight for the work performed by the company...a fact that is especially disturbing in light of findings by the City’s

special commissioner of investigation that the firm used enticements like gift certificates to persuade local schools to use their services.

In the wake of attention we brought to the Platform Learning contract, payments have subsequently declined. To further address the Department of Education's sloppy contracting process, I met with the Department to propose changes to their procurement procedures.

To be fair to the DOE, a few of our recommendations were followed....For example, the Department now discloses on its web site, and in the City Record, the contracts that are being proposed outside of the competitive bidding process.

However, the department must have clear rules it is required to follow....To date, it has refused to promulgate such rules. In May 2004, I recommended State legislation to make the Department subject to the same procurement rules as every other City agency.

Rather than pass a new law, elected officials in Albany encouraged the DOE to work in good faith with my office to resolve the problem voluntarily. Despite our best efforts, the DOE processed approximately 100 million dollars in no-bid contracts in 2006. Clearly it is time to reconsider State legislation.

New Yorkers have a right to expect that the billions they pay in taxes are being spent through an identifiable and fair process. City agency budgets are divided into Units of Appropriation, or U of A's....The more U of A's, the more transparency and the more accountable an agency must be in its spending.

The DOE is particularly opaque. It has one U of A that is an astounding 5.61 billion dollars – larger than the entire budgets of most City agencies. The department has wide discretion on spending within that U of A, affording no opportunity for meaningful oversight.

Let me be clear. Mayoral control of the schools, when exercised wisely, is an important means of bringing efficiency, transparency and accountability to decision-making. But it was never intended to be a green light for unchecked executive power.

With greater authority and control also comes greater responsibility – responsibility to parents, responsibility to the taxpayers who help to fund our schools, and most importantly, responsibility to our children, whose educational achievement and advancement are directly tied to the future economic growth and prosperity of our city.

I hope my comments this morning have been constructive....Once again, I want to thank you for giving me this opportunity to present testimony and now I would be happy to answer any questions.

Weingarten testimony

Testimony
of
Randi Weingarten
President
United Federation of Teachers
to the
NYC Commission on School Governance

November 29, 2007

You've asked me to testify on the UFT's thinking about school governance. Now that's something I hesitate to do, because we are still thinking through our position. After six years of watching the Bloomberg administration go through three reorganizations, we've seen a lot and learned a lot. We are engaging in a union-wide discussion, and are including other school stakeholders, most particularly parents and community leaders in our deliberations. .

Inside the union, we've established a nonpartisan taskforce on school governance. It's a broad-based committee representative of all the union's political parties, and the school system's different levels, types of schools and geographic areas. We want it to be inclusive, because school governance is too important an issue to be treated as the provenance of one caucus. Everybody has to be heard, and a position crafted based on what system will most help support the mission of the school system, which is how to educate our city's children. .

The taskforce also has parent representatives on it, and seeks to be a conduit for a long-needed citywide conversation. We are planning to hold hearings in each of the union's five borough offices in January, where we will hear testimony from the public, including parents, educators, concerned community activists and our own members. It'll be a series of sounding boards; we're not interested in a gripe fest or in finger pointing. We want to pinpoint what works, what can work better and what we need to do to get school governance right to produce the best education for our kids.

And we need to do all that well in advance of 2009, when mayoral control automatically sunsets. We need a serious, citywide discussion about what type of school governance fosters effective teaching, learning and parent involvement.

So if you are looking for specific recommendations, I won't pre-empt our own UFT process and make those recommendations here. Not just yet.

But I can offer a framework for posing some questions about what's at stake in school governance and how—if I'm not ready to say how we can get it right—I sure know how to avoid getting it wrong.

The first question is: what is the governance and accountability system that will best support teaching and learning? What we have learned is that school reform is tough. Getting results requires a number of key components. Most important, it takes qualified teachers. But it also takes working conditions that foster real progress, an accountability system that's fair and accurate, engaged parents and collaboration among teachers and principals.

The next question flows from that: should the legislation passed in 2002 be kept in total, be amended (and if so, how?) or should it be ended, as the automatic sunset in 2009 allows.

I don't want this commission to conclude from my remarks that "mayoral control" in itself is a nonstarter. It's not. Nor should you conclude that I advocate a return to the system of an appointed central board and the community school boards model.

Ironically, the issue has never been primarily one of mayoral control. Mayors have run the schools for much of the last century, and it's a political fiction to think they did not. Mayor Giuliani and his predecessors pretended they were not in control in order to dodge blame, but the buck stopped at City Hall then, as now. In fact, as Diane Ravitch reminds us, for most of the history of the city's school system, the mayor appointed each and every member of the central school board, and when he didn't, he virtually appointed the Schools Chancellor.

For example, John Lindsay, in the days of the greatest strife of the system, controlled the school board, and since the Fiscal Crisis of the mid-1970s, mayors have had absolute control over collective bargaining and every other school fiscal decision.

What did change, and what we applauded, was Mayor's Bloomberg's agreement in 2001 to unambiguously say he would be accountable. We predicted – and we were right – that the mayor's taking responsibility would move education to a higher priority in our city. We also thought, again rightly, that under mayoral control the schools would attract more city funding. So mayoral control has achieved some important gains for our school system.

At the same time, the last few years have shown limitations, too; namely, the lack of checks and balances, transparency and public deliberation, despite the 2002 legislation's being chock full of them.

As Ravitch and I wrote in our *New York Times* op ed (3/18/04), headlined Public Schools, Minus the Public, "We certainly commend Mayor Bloomberg for his willingness to take responsibility for improving the public schools. In recent days, however, many of us have realized that the legislation went too far by consolidating all power in the hands of one elected official."

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

transparency, public engagement and accountability to the school system.” We stand by that statement.

For any governance system to work, it needs checks and balances and a continuing voice by parents and teachers. Neither the military nor the corporate model is appropriate for schools. A mayor has to do more than say he is accountable; he or she has to preside over a system that operates rationally, transparently and consultatively. This system does not do that reliably and consistently. And if a mayor falls down on the job, there has to be better redress than waiting until the next election to boot the mayor out of office—particularly since mayors are elected based on multiple issues and not simply on education policy. Accountability can’t happen just once every four years; worse, with mayoral term limits, that means, if a Mayor runs for re-election, accountability happens just one day – Election Day – in eight years.

In short, a lack of checks and balances means that decisions—major and minor—are done without consultation, much less any real public discussion and debate. That means no real accountability.

It also means that there is no one on a daily basis who serves as the champion of children, of all children who attend our public schools.

It means that those who have been the traditional advocates for children—parents, community figures and, indeed, the union—are frozen out of any meaningful, institutionalized involvement.

Incidentally, it’s because parents and teachers and many civic officials care so passionately about education that the city sees so many protests over not only the lack of voice but over policy issues, too. Thankfully the U.S. Constitution still enables us to use the town square.

Take the three top-down reorganizations that the chancellor has undertaken in the last seven years. Where was the analysis of what worked and didn’t work in the regions? Where was the analysis of what worked and didn’t work with the empowerment zone? Where is the analysis of whether a fully decentralized structure of 1,500 schools, essentially standing alone, and reporting to a computer system will work to help all kids achieve. To date we’ve had no systematic public accounting, other than, “We ended it because it was so successful.”

What is success anyway? (Is it student preparedness for college, for life, etc?) There is no universally agreed-to definition of progress or success in schools, and so the administration has fallen back on default measures like scores on standardized tests. But polls show that parents and indeed most informed people yearn for a broader vision for our youngsters, one that

includes literacy and numeracy, but also the ability to think critically, to appreciate the arts, to cultivate sound values and to be good citizens. .

What's been lacking in each reorganization is a citywide discussion on just what constitutes success. The mayor famously said "Judge me on the results." Which results?

We're even handicapped by not having an independent source of data, and a nonpartisan public body analyzing that data, to use as mile markers. The last City Charter revision mandated an Independent Budget Office to oversee the city's exchequer and require that the budgeting process be transparent. There's no comparable Independent School Oversight Office to act as a check and balance against Education Department claims or gauge its successes or even guarantee that we're all talking the same language.

The City Council last year went some way in establishing checks on the Education Department when it passed, over the mayor's veto, the city Whistleblower Law. That law protects workers reporting abuses by individual managers, but it can't begin to ameliorate systemic problems—abuses not the fault of individual supervisors but of a system that does not critically evaluate itself all the time.

Most disconcerting is that when criticisms are raised to the mayor and the chancellor, they're treated as acts of defiance. Look at the public advocate's experience, for one. Councilman Lew Fidler commented at a recent Education Committee hearing that, sadly, the DOE is expert at managing dissent, but not listening to it or learning from it.

So, as presently constituted, the current system allows almost no opportunities for democratic participation by stakeholders. That's not just an affront to democratic procedure, it impoverishes our ability to educate the city's children.

Similarly, no government official had arms-length oversight or the motivation to implement the 2002 law as intended. That is part of the dilemma over whether or not to keep it, mend it, or end it.

For me, personally, the question is: how do we maintain a mayoral responsibility while also institutionalizing the checks and balances so that other stakeholders have voice and responsibility. It's all about how we foster collaboration and a sense of common cause, all in the quest of increasing opportunity for students

Education is the community's investment in its own future, and school governance needs to derive from the community's commonly set policies and goals. The politicians and administrators who run the schools are elected or appointed to implement that agenda, and they must see themselves as the

PARTNERS of those who have a stake in the schools, not as their better-informed saviors.

Why collaboration? In my judgment, it is as important as voice, and as important as using evidence of what works. Research shows that schools with a collaborative environment work better for kids. In too many schools, teachers are colleagues in name only – some schools, however, do foster substantial collegial relationships among teachers and administrators. And when schools are organized to support that collaboration, the benefits are substantial. According to a summary from the Federal government’s education research clearinghouse, teachers who work together have significant improvements in student achievement, behavior and attitudes. Schools, after all, are communities, and we build on the work of each other.

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

Finally, we need to return our attention to what the evidence tells us matters most: smaller classes, an orderly and safe environment, highly qualified teachers with the professional latitude to tailor their instruction to the needs of their students; expanded pre-K and career and technical opportunities. Attention to structure without an idea of how it aids or harms instruction is a fool’s errand.

That point was also made by the American Enterprise Institute’s Frederick Hess, who concluded in his study of mayoral control earlier this year that “mayoral control can do no more than offer a heightened opportunity for effective leadership.” Part of that leadership, I want to add, is knowing how to listen.

When the state revised the education laws, it maintained the American tradition of allowing for public input through a school board of public representatives, in this case the Panel on Education Policy, but the way the law was implemented—including the mayor’s summary firing of members who disagreed with him, including the commission’s Joan McKeever Thomas— quickly lay to rest any hope for a true public voice. The PEP can and must be the voice of the community that it was meant to be.

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

###

Weprin testimony

**5 Point Blueprint
For
New York City
School Governance**



Assemblyman Mark Weprin

The School Governance Law expires on June 30, 2009; as a member of the Legislature that will act on the law, I offer my 5 Point Plan for New York City school governance.

1) KEEP MAYORAL CONTROL:

I applaud Mayor Michael Bloomberg for making the argument for mayoral control. When the Legislature granted control of the school system to the Mayor, it ended the finger pointing between the Mayor and the Board of Education that had long precluded meaningful education reform. Mayor Bloomberg accomplished something that many Mayors have tried and failed to do: he introduced accountability to the school system.

However, if the Legislature had known that the Chancellor would create a top-down, seemingly haphazard bureaucracy, marked by dramatic upheavals, the Mayor never would have convinced the Legislature to grant him authority over the schools. Although mayoral control is necessary, the actions of the Department of Education (DOE) over the past six years have gone beyond the scope of what the Legislature intended to allow. The wholesale reorganizations of the school system have been bizarre and unnecessary. DOE created a corporate, Etch A Sketch-style bureaucracy, which was drawn up, shaken, and started again from scratch three different times. The changes have confused and alienated principals, teachers, and parents in neighborhoods across New York City, without being connected to demonstrable results.

While I take issue with many of the decisions that have come out of the DOE, I believe that we must maintain mayoral control, albeit with significant guidelines and protocols in place. The next School Governance Law should delineate the authority of the Mayor, Chancellor, and Community School District Superintendents.

2) RESTORE THE ROLE OF LOCAL SCHOOL DISTRICTS:

New York City schools have over 1.1 million students, who attend 1,400 schools across five boroughs, in scores of distinct neighborhoods. The system is much too large to operate as a centralized bureaucracy. The Legislature passed the School Governance Law with the requirement that New York City maintain the Community School Districts and Superintendents. However, the Chancellor has circumvented the law, stripped the Superintendents of their authority, and created a highly centralized bureaucracy, producing a vast disconnect between local schools and the administration at Tweed. DOE has cut budgets mid-year, rolled out new policies and initiatives without adequate consideration of the burden placed on the principals, changed timelines for completion of assigned tasks, and shackled principals to their desks and computers instead of allowing them to devote their time to education as academic leaders.

The local School Districts should be the nerve centers of our school system. We need to re-empower Superintendents and re-establish the Community School Districts to function as the Legislature intended. The District Superintendents are and should be selected by the Chancellor and held accountable to the Chancellor. The Superintendent should be the chief administrative officer of a school district with sufficient staff, including a budget

coordinator to assist the principals. A local school district allows schools to function as part of the local social network, creating a communal spirit among people who live and work in the same area and strive together in pursuit of common goals.

3) BROAD-BASED ACCOUNTABILITY FOR TEACHERS AND PRINCIPALS:

Our principals and teachers need to be held to high standards. They need to be evaluated with a broad-based accountability system. Teachers and principals should not be judged solely by students' scores on standardized tests because reliance on standardized tests to judge teachers and principals has turned our schools into test-prep factories. Standardized tests need to be predominantly about assessing students, not their teachers and schools.

There are better ways to evaluate teachers and principals. The local Superintendents should provide the protocol for accountability. There is a need for a comprehensive method to evaluate schools. School assessments should be based on a combination of visits and independent evaluations by education experts, surveys from parents, teachers, and principals, frequent engagement by the Superintendent and district staff, and yes, test scores.

I want to do away with test-prep lessons in which strategy trumps content and students learn how best to bubble in the correct answer choices. It is fine to test students to see what they know; it is wrong to use test scores as the primary means of assessing teachers and principals.

4) FOCUS ON TECHNOLOGY:

We must utilize twenty-first century technology to allow schools to fully integrate the daily classroom with the school community. The internet is a powerful tool, and we should be using every tool at our disposal to facilitate learning.

Every classroom should have computers with internet access. Schools need Smart Boards, which allow teachers to post content material online and make it available to those with authorized access. For example, a child who forgot to write down a homework assignment or was absent from school would be able to log onto a website with a special access code and find out what his or her assignments were.

Automated telephone calls and email help schools send out information about upcoming school events and students' lateness or absence. Each and every school needs an interactive website that includes updates on daily school occurrences. Existing technology allows for emergency notification when there is a dangerous or potentially dangerous situation in a school building. School lock-downs are becoming all too common; when they happen, the school community needs to know.

5) FOSTER PARENT INVOLVEMENT:

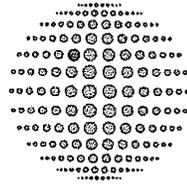
Teachers and principals are tremendously important, but the most important people in children's education are parents. The more parents become involved in schools, the more children will learn.

One of the more successful and popular of DOE's initiatives has been Parent Coordinators. They have served as an invaluable link between parents and principals in most school buildings. The Parent Coordinator has humanized the corporate machine, breaking down the barrier that too often exists between families and the school system. Additional local school Superintendent support staff assigned to foster parent involvement can further enhance the parental relationship with the school.

Another success that reflects the value of parental involvement is the establishment of small high schools, which allow schools to do better outreach to parents. Smaller schools also provide a friendlier atmosphere, allow for more interaction between teachers and students, and are more conducive to learning.

These are my suggestions for New York City school governance. It is not my role as a legislator to micromanage New York City schools, and future Mayors need to make their own decisions. But the overall structure and functions of the school system need to be mandated in the law.

Wylde testimony



Partnership for New York City

Testimony to the New York City Public Advocate
Commission on School Governance
Presented by Kathryn Wylde, President & CEO
Partnership for New York City

A strong public education system that prepares young New Yorkers for jobs and productive lives in the 21st Century knowledge economy is the top priority of the Partnership for New York City, an organization comprised of the city's leading business executives and largest employers. All current surveys of business leaders confirm that the depth, quality and diversity of the talent pool is the most important consideration for business and job location decisions. What business cares about most is not taxes, not regulation or infrastructure, but the quality of the work force -- which is, of course, largely the product of the education system.

During the forty years before the enactment of Mayoral Control in 2002, public education in New York City deteriorated to a point where many high school graduates lacked the skills for employment in even entry-level jobs in the city's key industries. Chancellors turned over every few years. Education debate focused on politics and issues that were regarded as largely extraneous to improving student performance. The business community could not recruit employees to come to New York and current employees were saving up to relocate to the suburbs because of the terrible condition of the public schools.

Throughout the 1980's and 90's, the Partnership called for change in state law to confer authority and accountability for the performance of the school system on the Mayor. We participated in the task forces that framed the current governance system and strongly support its extension before it expires in June 2009.

Certainly there are some areas where administration of the system could be improved. More responsibility for district superintendents in two-way communication with parents, community and elected officials is the suggestion we hear most often from those who are frustrated with unresponsiveness from Tweed. But this does not require a change in law. There are some "tweaks" that would probably improve the current law -- such as staggered terms for members of the Policy Panel in order to provide for continuity during changes in administration. And there is the desirability of increasing local, rather than State, oversight of the Department of Education, which would certainly result more efficient and locally accountable governance. But raising these tough issues and opening the current governance structure to change raises the risk of statewide, partisan debates that could end up with Albany doing nothing -- which

would mean reversion to the governance system that failed us so badly. It does not seem worth the risk.

Why does the Partnership believe that we should stay the course and renew the current law? First, because the progress made in the schools under Mayoral Control is demonstrable and compelling. In 2005, the Partnership commissioned a study by researchers at New York University who concluded that, in just three years, there were already important indicators that the new system of governance was having positive results in terms of student performance, including those students at the bottom of the economic and educational ladder. This progress has continued during the past two years. Polls of the public confirm that confidence in the New York City schools is on the rise, not just among business but in every sector of society. Reverting to the old governance system would undoubtedly destroy this fragile confidence and threaten not just progress in education, but our entire city economy.

Evidence of the improvement in New York schools comes in many forms. Remember just a few years back when New York was suffering middle class flight and the number one reason was the poor quality of the education system? It is pretty amazing that we do not hear that claim today, but rather people are forced to leave because they cannot find affordable housing. Increasingly, our public schools are becoming amenities that real estate agents include in their marketing package.

Further evidence comes from the phenomenal growth in private, philanthropic funding for the schools. In the years preceding 2002, philanthropic contributions to programs advanced by the public education system totaled around \$2 million a year. Frankly, it was considered a black hole. Today, annual private funding for administration-sponsored initiatives exceeds \$100 million, and more is being invested in individual schools and supportive programs.

Under mayoral control, we have seen other improvements that could not have happened under the old governance system.

- The School Construction Authority, a scandal-plagued and horribly inefficient entity when its control was split between the Governor, the Board of Education and the Mayor, is functioning far better under the authority of the Mayor and Chancellor, as the construction arm of the DOE.
- The NYC Leadership Academy is a new institution that was piloted with private funds in response to the Mayor's request for help in recruiting and training a new breed of young talent to become principals and change agents in the lowest performing schools. The Academy, on whose board I sit, is showing amazing results in supporting great school leaders in more than 700 of the city's schools today.
- Most recently, the Mayor and the UFT announced a school performance bonus program that engages teachers and principals in a peer review compensation system that represents a breakthrough in the national education debate over merit pay. Such innovation could not be achieved under the old

governance system. (It was attempted and failed under a program called Breakthrough for Learning, funded by the Partnership.)

In 2001, I visited Chicago's Mayor Richard Daley to learn how mayoral control was working there. In the course of our conversation, I asked the Mayor what he saw as the biggest challenge to New York City in achieving a turnaround in our schools. His response was "term limits." Daley's point, of course, was that continuity matters and positive change in a large troubled education system would take many years to achieve. For New York to give up now, particularly during a period when the elected leadership of the city will be in transition, would be a terrible setback.

The Partnership recognizes that there are a number of issues that have arisen with the implementation of a new form of school governance that are troubling and need to be addressed. These range from concerns about resource allocation and procurement to parent and teacher engagement in decision-making. We urge this working group to explore with the Bloomberg Administration and the various stakeholders how these issues may be resolved within the framework of the existing governance system. We pledge the Partnership's support for such an effort.

Furthermore, we suggest that this working group consider the need for reform of other areas of State education law and regulation that inhibit the city's ability to effectively manage its school system and control deployment of education resources. Efforts to improve the city schools still run up against dictates of the State legislature and the state and federal Departments of Education that create barriers to progress. Some of the problems that are attributed to Mayoral Control may, in fact, be a consequence of other laws and regulations that limit the flexibility of the city and conflict with local priorities.

Finally, the Partnership has been very involved with efforts to create an independent, nonprofit research consortium to improve our understanding of how the education system is performing, which investments are paying off, and how we can further improve student achievement. The consortium, which we hope will be in place next year, will receive all the data collected by the Department of Education (with proper privacy protections) and make it available for applied research. We are certain that the consortium will be an important factor in helping to balance the perception that Mayoral Control has given one elected official exclusive access to data and control over information that should be broadly available to the research community and, through them, to the general public.

Mike Bloomberg ran for office in 2001 promising to be the Education Mayor. His re-election in 2005 constituted a public referendum on mayoral control of the school system. The voters expressed overwhelming support for the Mayor and for a governance system that holds him fully and singularly accountable for managing to success. Going forward, we want every future Mayor of New York City to be an Education Mayor. Maintaining mayoral control is the only way we have to insure that, whoever holds that seat, they will have to make education their number one priority and, if our schools don't continue to improve, they will be held accountable.

**COMMISSION ON SCHOOL GOVERNANCE
Borough President Parent Advisory Board Meetings and
Public Hearings
April and May 2008**

Bronx Borough President Parent Advisory Committee, April 30, 2008

Brooklyn Borough President Parent Advisory Committee, April 22, 2008

Manhattan Borough President Parent Advisory Committee, May 12, 2008

Queens Borough President Parent Advisory Committee, May 6, 2008

Public Hearing in Brooklyn, May 10, 2008

Public Hearing in Manhattan, May 22, 2008

Public Hearing in Queens, May 27, 2008

Parent Meeting in Staten Island, May 20, 2008

Testimony Against NY CLS Education Law § 2590 - (2003)

Presented to The New York State Commission on School Governance Committee

Tuesday, May 27, 2008 at Queens Borough Hall

Good evening Chair Aiello and Members of The New York State Commission on School Governance Committee. Thank you giving me this opportunity to address you today, regarding the State of Our Schools and Mayoral Control.

Let me begin by stating that I am totally against Mayoral Control.

This is viewed as a conflict of interest, barring the Chancellor from doing what is in the students' best interest. The State Law refers to Districts. Yet, the City was reorganized into Regions and then again reorganized back to Districts without any input whatsoever, leaving things even more unorganized. The Community Education Councils and The Panel for Educational Policy were created to provide parent and community representation and consultation. Instead councils have been used as mere figureheads, with Tweed staff making decisions, constantly ignoring Councils requests and suggestions and continue to circumnavigate their directives and usurp their authority.

The Mayor and Chancellor are in direct violation of the following:

NY CLS Edu § 2590-c (pages 10-19)

The election of Community Board is not done in compliance with the State Law. Registered "parents," of children attending school under jurisdiction of their respective Community Districts are not afforded the opportunity to vote. Voting is limited to only PT/PA Executive Board Members, in their respective School Districts.

NY CLS Edu § 2590-f (page 24)

Hold meetings at least every month with the superintendent to discuss the current state of the schools in the district and progress made toward the implementation of the district's comprehensive education plan required by the chancellor. Review of the district's educational programs and assess their affect on student achievement.

Note: Despite this not being incorporated into the State Law, District Superintendents have been renamed "Senior Achievement Facilitators" and have been assigned and deployed to other districts, thereby being unfamiliar with and unable to supervise and oversee the implementation of their respective district's comprehensive education plan as required by the chancellor. The Community Education Councils are expected to submit an annual evaluation of the superintendent to the chancellor.

Note: The council is unable to get feedback from principals and parents regarding the district superintendent's performance, since he/she are deployed throughout the city. The council is unable to evaluate a person that is not responsible in overseeing the implementation of each school, within their districts' CEP, Comprehensive Educational Plan, or the DCEP, District Comprehensive education Plan.

NY CLS Edu § 2590-f (pages 25 and 26)

These pages make reference to the district superintendents' responsibilities in his/her community district jurisdiction. i.e. personnel, appoint, reject screening committees, evaluate principals for every school in the district, maintaining school discipline, transfer or remove principals, modify and approve school-based budgets, retain fiscal officers to report on school based budgets and expenditures, administer direct minor repair and purchasing funds under the districts, approve or disapprove school choices with respect to textbook selections and other instructional materials, ensure the integrity of the district, give written notice to the family court regarding juveniles performing services for the public good,

Note: All superintendents are deployed throughout the city and therefore are unable to oversee these issues within their respective districts and fulfill their responsibilities.

NY CLS Edu § 2590-h (pages 33-31)

States "Such chancellor shall serve at the pleasure of and be employed by the mayor of the city of New York."

Note: The chancellor should serve his constituents, not the Mayor. This is a direct conflict of interest. How can the chancellor best advocate for all students and parents, when he reports directly to the mayor?

ALSO States -Control and operate All special education programs and services.

Note: Quite often, Special Education evaluations and mandated services are not rendered in a timely manner, in accordance with the Federal Law, are not rendered at all, or less services provided than indicated in students IEP's. Federal and State laws require each school district to provide a continuum of educational services for students who have been recommended for special education services. The services on the continuum range from those that are "less restrictive." The disproportionate number of New York City students placed in special education is directly related to the lack of educational and support services in the general education environment.

NY CLS Edu § 2590-h (page 31)

Establish control and operate new schools or programsprovided, however that the chancellor shall consult with the affected community district education council before expanding or reducing an existing program within a community district; instituting any new program.

Note: There is no consultation and Charter Schools are forced into many communities after Tweed coerces the councils to have Charter School Hearings/Presentations, which is one of the criteria required by the State Law, in establishing a Charter School.

NY CLS Edu § 2590-h (page 32)

Require each community superintendent to make an annual report covering all matters to schools under the district's jurisdiction including but not limited to, the evaluation of the educational effectiveness of such schools and programs connected therewith.

Note: Superintendent's are deployed to other districts, where by law they have no jurisdiction.

NY CLS Edu § 2590-h (page 33)

Mentions consultation with various constituent groups and access to information.

Note: There is no consultation with any constituent group. Decisions are made unilateral. We are all merely informed about decisions, after the fact. This is direct violation with the state and federal law regulations concerning school based management and shared decision making, including section 100.11 of the commissioner's regulations.

NY CLS Edu § 2590-h (page 34)

Create standards, policies, and objectives and promulgate regulations as he or she may determine necessary or convenient to accomplish the purposes of this act, not inconsistent with the provisions of the article and the policies of the city board.

Note: We have seen much cronyism and unilateral decision making, during the Mayor and Chancellor's tenure, as evidenced by DOE's wasteful spending on administrative costs. In addition, unlawful contracts and services have been retained without going out for bid, or consultation with constituents. There should be more checks and balances and more authority given to Community Educational Councilmembers and Panel for Educational Policy Members.

NY CLS Edu § 2590-h (page 35)

Develop an educational facilities master plan, and revisions thereto.

Note: "Children are entitled to minimally adequate physical facilities and classrooms which provide enough light, space, heat and air to permit children to learn." (86 NY2d at 317.) The Department of Education continues to cut funds to the Department of School Facilities, while buildings continue to deteriorate with age. In addition, numerous TCU's, Transportable Classroom Units, have exceeded their longevity and house many special education students. Numerous TCU's, Transportable Classroom Units, are infested with mice. In addition, TCU's are scattered and placed in schoolyards, of existing public schools throughout the city, while numerous schools remain severely underutilized and could house these displaced students. In addition, a substantial number of DOE's approximately 1100 facilities, plus leased sites, require major infrastructure repair to items such as roofs and facades. Many schools have poor wiring, pockmarked plaster and peeling paint, inadequate (or nonexistent) climate control. Inadequate wiring can impede a school's ability to offer computer education and other initiatives. Computers and other instructional aids require air conditioning to work properly during the warmer months. Deterioration is occurring at a rate faster than we can save systems. Many buildings are in dire need of modernization's. The DOE requires additional money for emergency repairs and abatements. Science labs are often obsolete or absent altogether in City public schools. Science classes have suffered from a shortage of lab supplies such as beakers, Bunsen burners, beam balances, and microscopes. In the same period schools have suffered from a lack of basic supplies such as physical education equipment, chalk, paper, art supplies, etc. In addition, many of the books in New York City public school classrooms and libraries are outdated and inadequate in number and quality.

NY CLS Edu § 2590-h (pages 37- 38)

Develop in consultation with the city board, a procurement policy for the city school district of the city of New York, and the districts and public schools therein. Such policy shall ensure the wise and prudent use of public money in the best interest of the taxpayers of the state; guard against favoritism, improvidence, extravagance, fraud and corruption; and ensure that contract are awarded consistent with the law and on the basis of best value, including and not limited to the following criteria: quality, cost and efficiency. Such policy shall also include: (a) standards for quality, function and utility of all material goods, supplies and services purchased by the chancellor, superintendents or schools; (b) regulations the purchase of material goods, supplies and services by the chancellor, the superintendents and schools, including clearly articulated procedures which require a clear statement of product specifications, requirements or work to be performed, a documentable process of soliciting bids, proposals or other offers, and a balanced and fair method, established in advance of receipt of offers, for evaluating offers and awarding contracts;

Note: As previously stated, unilateral decisions have been made and unlawful contracts done, without going out for bids and without consultation. British Consultants, Snapple, etc. Our schools continue to get budget cuts and our schools continue deteriorating as they age, while positions continue to be created along with extravagant salaries. Many of these people have past affiliations with Aramark, KPMG and Harvard Law School.

NY CLS Edu § 2590-p (pages 55-56)

Educational Facilities Capital Plan - New construction; Building additions; Major modernization and rehabilitation; Athletic fields, playgrounds and pools; System replacements; Security; Educational enhancements; Emergency unspecified and miscellaneous;

Note: Money is constantly cut from The Department of School Facilities, despite school buildings aging and requiring more repairs. Insufficient money is allocated towards unexpected emergency repairs and abatements.

NY CLS Edu § 2590-p (page 62)

The chancellor and the president of the New York City school construction authority shall notify the mayor the amount of appropriate funds projected to be spent for (1) development of detailed scopes, (II) development of preliminary plans, (III) site acquisition and (IV) emergencies and the mayor shall thereupon authorize the issuance of bonds therefor in accordance with the local finance law and shall notify the comptroller of his authorization to expend such amounts for such purposes. Such notice shall be given or amended at least ten days prior to any expenditure included therein; provided that the chancellor, the president of the authority and the mayor shall develop procedures that expedite authorization of emergency expenditures. Neither the city board nor the authority shall extend funds for such purposes in excess of the amounts specified in such notice until the chancellor shall have amended such notice to reflect such excess. Upon approval of the detailed scope of the project, the mayor shall authorize issuance of bonds therefor in accordance with the finance law and shall notify the city comptroller of his authorization to expend appropriated fund for the entire estimated cost of such project..

Note: Despite the major budget cuts, the chancellor, the president of the authority and the mayor did not attempt procedures that expedite authorization of emergency expenditures that the mayor request and authorize the issuance of bonds, in compliance with the city comptroller's office directive and the local finance law.

PERSONAL COMMENTS, OBSERVATIONS, AND FACTS

1- There is only 1 Community Education Council assigned to both High School and Special Education, for the entire city, representing all of the High Schools and Special Education students and parents. This is very unfair and extremely draining to councilmembers and a great injustice to their constituents, while the other councils are assigned local schools, within their respective Districts.

2- Term limit for Borough President Appointees is 2 terms. This may have been an oversight, since the law was tailored using the law established for City Council members, who are salaried elected officials. A competent Borough President will appoint a competent person as their representative.

3- The 2 Reorganizations were done without input and inadequate planning, leaving many things even more unorganized.

4- British Consultants were hired without going out for bid, as was the Snapple contract. There was absolutely no consultation, with any of the constituents. Positions were created commanding extravagant salaries, without any consultation, while other budgets, across the board, are drastically slashed and/or frozen.

5- The High School Drop out rate is much higher than actually reported.

Quite often, a parent will place their child into New Visions, Charter or Alternative Schools, as a last resort. Many of these students drop out and there is no paper trail. In addition, the following students are not on register and not factored into the drop out rate:

Parents who sign their child out, at the age of 16.

Students who sign themselves out, at the age of 18.

Students who outgrow the system, at the age of 21.

Students who do not show up by October 31st are considered LTA's, Long Term Absences, and removed from the schools' register, without any follow up, not listed as drop outs and not factored into the drop out rate. There is no tracking of these students and there are very little intervention measures in place that encourage students to remain in school and reduce the drop out rate.

Where do these students go? Transfer into private school? Move out of State, or out of the country, are they run aways? Where do they end up?

Does anyone care? What is being done? I had a parent approach me, stating that her child had not attended high school for 2 months. She was totally unaware of this and the school threatened to call ACS. I suggested she call The State Department of Education and charge the school with Educational Neglect, for not informing her of her child's absences. In addition, the cohort survival rate is atrocious and must be closely monitored/tracked.

GED Programs have more than quadrupled with Regents requirement Diplomas. Not all students aspire to attend college, opting for trade schools, which interest them. Many children with ADD, ADHD and other learning disabilities, often struggle in school and may not be able to comprehend, or do abstract thinking and mathematics, which is quite common. Many of these students have no other options, due to only a Regents Diploma being required for graduation and ultimately drop out of school.

There are many undiagnosed children with learning disabilities. Many of these and the other students will drop out of school and are factored in, when they estimate the projected future number of inmates and jails required, to house these potential future criminals, as confirmed to me personally, by Queens District Attorney Richard Brown.

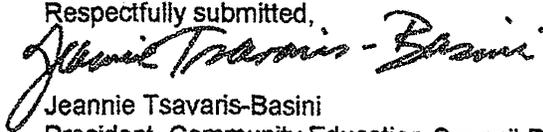
6- New Programs and expansion of existing programs have been targeted to Pre-Kindergarten, Early Childhood, Gifted and Talented and Middle School, while special education children have been ignored.

7- Evaluations for Special Education are not being done in a timely manner and services delayed, or not provided, for months.

8- A "Chief Mom" was hired via unilateral decision by the chancellor, to represent the parents, without any knowledge nor consultation with Community Education Councils, CPAC-Chancellor's Parent Advisory Committee or PTA/PA's. The salary is fixed at \$150,000.00 p.a., in addition to being furnished with a Personal Assistant and a chauffeur.

9- On most pages of the State Law there is a stipulation requiring the approval of the chancellor, or after consultation with the chancellor, etc. Thus, forcing the Community Education Councils to ultimately be run by the chancellor and mayor.

Respectfully submitted,



Jeannie Tsavaris-Basini

President, Community Education Council District 30

How the N.Y.C. School System Should Be Governed

David J. Krupp

The Board of Education should consist of five members. Four of these members shall be appointed by the Mayor with the advice and consent of the City Council. One member shall be appointed by the Public Advocate with the advice and consent of the City Council. None of these members may be direct or indirect appointees or employees of the Mayor or Public Advocate.

They shall serve for a fixed term of five years and may be reappointed. They may be impeached and removed from office by the City Council.

The five member Board of Education shall appoint a Chancellor to administer the school system. The Chancellor must be a professional educator---no waivers shall be granted to non-educators.

The N.Y.C. Comptroller shall establish an independent department to distribute objective information about student performance and progress--class size, test scores, graduation rates, violent and or disruptive incidents and etc.

The Board of Education must make educational policy in public and must hold monthly public hearings so the parents and the public can comment on educational policy.

All students must attend school for six hours and fifty minutes daily. Tutorial programs should take place before or after regular school hours.

All New York City school students shall be required to take all New York State standardized tests. However, they should not be required to

take additional standardized tests!

The Board of Education must focus their attention on increasing student performance by reducing the administrative burden on Principals so they can train teachers and reduce class size at all grade levels so teachers will have the time to teach individual students.

Principals shall be called Principal Teacher and be familiar with research based curriculum.

All people in teaching positions must teach students directly!-Not serve as deans, administrative assistants, staff developers, test coordinators, coaches and etc. These positions should be filled by Assistant Principals.

Some of the hundreds of millions of dollars spent on computers in the classrooms should be spent on science texts and equipment.

The reading curriculum in the lower grades must include direct systematic phonics instruction along with a balance of fiction and nonfiction reading.

The math curriculum must be based on the new guidelines developed by the "National Council of Teachers of Mathematics". All students must memorize the basic addition and multiplication facts.

Children are natural learners with different interests, abilities, learning styles and rates of emotional, cognitive and social development. Thus, when youngsters are compelled by law to be in school, the law must require every aspect of schooling be sensitive and responsive to children's natural instincts and individual differences.

Mayoral control and the policies of this most centralized authority, cannot, has not and is not sensitive or responsive to the individual needs of children and their parents. Yet, I must admit, the former District decentralization was itself too often insensitive and unresponsive as well.

Therefore, I am submitting this broad outline of democratic community governance as the best chance of creating a sensitive and responsive organization.

The present system would decentralize into districts answering directly to the State, thus eliminating the City's central department. Each new state district would be governed through a District Congress serving as the Board of Trustees for its District's schools. These Congresses would be composed of students, parents, teachers and administrators representing all the K-12 schools in the District and of the general public representing the political geography of the District. Each Congress would be weighted so students and parents make up the plurality of membership.

Funding for District Congress and individual school functioning would be provided separately through City and State treasuries, be audited by City and State Comptrollers and would continue to follow the child.

School building decisions, already decentralized to the school buildings themselves, would democratize through a direct democracy model whereby the students, the faculty and the administration would combine to form a single one person-one vote body which would decide all administrative and policy governance issues.

Such democratic decentralization cannot be thrown together. Therefore, I call on this commission to strongly recommend the state legislature direct the establishment of a task group, weighted so children and parents form the plurality of membership, for the purpose of establishing a demonstration project to fully explore this democratic community governance model.

Thank you.
Leo J. Fahey,
Director
Rockaway College Project
May 6, 2008

COMMUNITY DISTRICT EDUCATION COUNCIL 26'S RESOLUTION

IN SUPPORT OF RECOMMENDATIONS TO IMPROVE SCHOOL GOVERNANCE UNDER MAYORAL CONTROL AND ENSURE ADEQUATE REPUBLICAN PRINCIPLES OF GOVERNANCE ARE INCLUDED IN ANY REAUTHORIZING OF MAYORAL CONTROL CONTEMPLATED BY THE LEGISLATURE.

WHEREAS, a general governance principle that has served our nation well since its inception is republicanism. This embodies the steadfast belief that no one person shall rule the community and that all shall have a part in the public's business guides and this precept properly permeates all aspects our public discourse and informs our judgments as to what constitutes good government and what does not. This reflects a palatable appreciation that ours is a representative republic and that this character in our national governances has afforded us the opportunity for self-correction, public accountability and in relative terms good government even when results have otherwise been decidedly imperfect throughout our history.

WHEREAS, the framers of the U.S. Constitution imbued our seminal national charter and governing instrument with separated powers for three independent branches of government, each checking and balancing the power and authority of the other branches.

WHEREAS, this system may not be the most efficient, it is nonetheless a brilliant one enabling the United States to be one of the longest running democratic republics in the history of the world.

WHEREAS, New York State and all other states thankfully adopted this system of separation of powers with checks and balances.

WHEREAS, New York City is a municipal corporation and a creature of the State governed by both state law and the New York City Charter and the New York City Administrative Code (i.e. local law) as well as the Rules of the City of New York and the City there from has an exceedingly strong executive branch and a relatively weak legislative branch.

WHEREAS, City agencies are authorized under the City Charter with enumerated powers and are answerable to the Mayor it remains that the City Council controls the purse strings and can exercise considerable oversight through hearings and other measures including the budget process.

WHEREAS, in the area of education, under the present Department of Education model there are insufficient safeguards reflecting a clear commitment to republican principles of governance.

WHEREAS, the reasons for the Mayor being given this control are manifold and notorious including concerns about corruption, inefficiency and non-responsiveness.

WHEREAS, in handing over control to the Mayor, insufficient focus was given to the fact that several School Districts thrived under the previous system – District 26 being a shining example of just such a district.

WHEREAS, the Mayor of New York City by judicial case law has amassed extraordinary powers to disregard or not enforce a law or regulation, passed by the duly elected members of the New York City

Council, that he or she believes is unconstitutional or violates a state or federal law thereby dramatically undermining the old system of checks and balances that would have forced the Mayor to abide by law.

WHEREAS, the weak checks in place - the Education Panel, Community District Education Councils and Community District Superintendents - were not designed to balance the Mayor's control, and have therefore proven largely ineffective.

WHEREAS, members of the Education Panel risk dismissal if they express any discord with the Mayor's desired policy and Community District Education Councils have not been utilized as sources of information on community needs and their advice on education matters is neither sought nor given attention.

WHEREAS, while avoiding the school governance laws' limited check on his power, the Mayor's Chancellor has, whether by design or by haphazard trial and error embarked on the most destabilizing policies in the history of New York City's public education system.

WHEREAS, the recurrent reorganizations of the public education system was not preceded by meaningful community input. Rather the Chancellor announced the policy change desired and then conducted public hearings.

WHEREAS, the current law lacks an effective method to curtail the ability of the Mayor to effectively do as he/she pleases with the public education system in New York City and the current system is also without a mechanism to hold the Mayor accountable for his/her performance.

WHEREAS, once elected, it has proved too easy to excuse lackluster results due to insufficient time for the "new" policies to work. Additionally, the enormous data put out that is supposed to track student performance and school effectiveness is not necessarily readily discernable to the un-initiated voter or concerned parent. Likewise, such data is often self-contradictory or divergent from non-DOE data breeding a lack of clarity and of accountability at the ballot box.

WHEREAS, CDEC 26 firmly believes that improving the New York City Education system requires paying attention to the proposals and ideas from those closest to the system – the students, parents, teachers and administrators.

WHEREAS, the current system allows the Mayor to ignore vital members of the education community and also lacks any meaningful check or balance or accountability system on the Mayor's control.

WHEREAS, with the current state of the case law in New York State, the public school governance is by Mayoral dictate with policies implemented at the Mayor's will and whim.

WHEREAS, the current system lacks any ability to offer and impose upon the Mayor the need to vet policies for their efficacy prior to implementation or even after same.

WHEREAS, for effective school governance the system must be changed to impose republican principles that ensure a broader scope of inquiry because the education of our children is too important to be decided by one person. The budget of this system is too large to be decided by one person. A system of checks and balances must be instituted under Mayoral control of our schools to ensure accountability and responsiveness.

THEREFORE BE IT RESOLVED THAT, to effectuate needed changes, the CDEC 26 urges the following changes to the existing school governance to be implemented as necessary under State law superseding the New York City Charter and local a law and regulation:

1. Change the Department of Education into a New York City Agency and give the City Council oversight. This must be equal to oversight of other city agencies. To reinforce this change and the need for greater accountability change the name from Chancellor to Commissioner telegraphing to all-the-world that this individual is subordinated to the Mayor and responsible to the public just like all other City Commissioners.
2. Create five separate Borough Commissioners who shall be appointed by the Mayor upon the advice and consent of the City Council and the Borough President of the affected borough. The Borough Commissioner shall report to a New York City Commissioner, who shall report to the Deputy Mayor of Education.
3. Increase authority of the Community District Superintendent to enable this public officer to coordinate and evaluate instruction and operations in district schools. The geographically appropriate Borough Commissioner will appoint this person, upon the advice and consent of the appropriate district's Education Council. The Community District Superintendent shall be responsible for the education in the schools of their respective district and shall have no responsibilities toward schools not within that district.
4. Give each Borough President control over a budgetary aspect of education for their respective Borough, e.g., transportation.

BE IT FURTHER RESOLVED THAT, it is either advisable or desirable to recreate School Boards because an effective check on Mayoral control cannot depend upon solely volunteers notwithstanding the value we place as a society on volunteerism, community participation and most of all parent involvement.

BE IT FURTHER RESOLVED THAT, it is self-evident that there is insufficient time for volunteers to become sufficiently versed in education issues to become effective advocates in opposition to Mayoral dictates. It is further recognized that volunteers, who give of their own time, most in limited intervals, cannot effectively counter the ability of a Mayor or Chancellor, supported by full-time paid officials.

NOW THEREFORE BE IT RESOLVED THAT, an effective balance must come from full-time, paid professionals including but not limited to City Council members and Borough Presidents supplemented by CDEC members and their localized insights and from adoption of the proposals made herein.

Council Member - Robert Caloras, President of the Council
Council Member - Jeannette Segal, First Vice President
Council Member - Dr. Lana Zinger, Second Vice President
Council Member - Patrick McShane, Recording Secretary
Council Member - Irene Cheung, Treasurer
Council Member - Erik DePaula, Esq.
Council Member - Irene Fennell
Council Member - Michael Kaleda
Council Member - Marie Pollicino
Council Member - Vincent Tabone, Esq.

Adopted by the CDEC of DISTRICT 26 this 17th day of April 2008.

Topic:
Forum For Public School Parents
on the
State Of Our Schools
And Mayoral Control

Testimony submitted to:
Public Advocate Betsy Gotbaum and
The Commission on School Governance

By Lorraine G. Bridges
President
President's Council of District 29
(New Additions)

May 27, 2008

1. Purpose

The purpose of this testimony is to make the Commission on School Governance aware of some of recent situations that continue to lead to the decline of parents serving on School Leadership Teams. In addition, I have included the schedule given to us at our District Leadership Meeting held today, Tuesday, May 27, 2008. Finally, I included an article from the Daily News which highlights our concerns.

Mayoral Control needs to be changed in order to make sure that parent involvement is real not just on paper.

School Leadership Team & District Leadership Teams

At our District Leadership Team meeting held on May 27, 2008, we were presented with a Revised Professional Development Calendar for School Leadership Team Members (May 2008). Please be advised that the meetings that were scheduled to begin on May 13, 2008, were cancelled. The next meeting highlighted for parents is on Thursday, May 29, 2008. Both meetings scheduled are at times parents working during the day cannot attend. In addition, We made the team aware that the SLT and PTA's are in the election process right now and they may not have the same people for next school year.

We have brought this to the attention of the Office of Family Engagement and Advocacy on several occasions, and our voices continue to go unheard.

We also learned today that beginning next school that the signature of the President's Council President and the Representative of the Citywide Council on High Schools is not mandated anymore.

This is why many parents within our District and Citywide believe that if changes are not made to Mayoral Control the voices of parents and the community will be phased out of the process altogether.

Please see attachments.

Thank you.



Lorraine Gittens- Bridges

Office for Family Engagement and Advocacy (OFEA)
Revised Professional Development Calendar for School Leadership Team Members (May 2008)

DATE	LOCATION	BOROUGH	TIME	TOPIC
Tuesday, May 13, 2008	DO 18 1106 E, 95 th Street Brooklyn, NY	Brooklyn	10:00am -12:00pm	Comprehensive Educational Planning/School Budget Alignment
Tuesday, May 13, 2008	22K255 1866E, 17 th Street Brooklyn, NY	Brooklyn	4:00pm – 6:00 pm 6:00 pm - 8:00pm	Comprehensive Educational Planning/School Budget Alignment
Tuesday May 13, 2008	333 Seventh Ave. Manhattan, NY	Manhattan	6:00 pm - 8:00pm	Comprehensive Educational Planning/School Budget Alignment
Tuesday, May 13, 2008	26Q173 174-10 67 th Ave. Fresh Meadows, NY	Queens	4:00 pm - 6:00pm	Comprehensive Educational Planning/School Budget Alignment
Wednesday, May 15, 2008	John Jay 237 7 th Ave Brooklyn, NY	Brooklyn	9:00am -11:00 am	Comprehensive Educational Planning/School Budget Alignment
Wednesday, May 15, 2008	John Jay 237 7 th Ave. Brooklyn, NY	Brooklyn	6:00 pm -8:00 pm	Comprehensive Educational Planning/School Budget Alignment
Wednesday, May 15, 2008	27Q207 159-15 88 th Street Howard Beach, NY	Queens	9:00 am - 11:00 am	Comprehensive Educational Planning/School Budget Alignment
Wednesday, May 15, 2008	27Q207 159-15 88 th Street Howard Beach, NY	Queens	1:00 pm - 3:00 pm	Comprehensive Educational Planning/School Budget Alignment
Wednesday, May 15, 2008	27Q207 159-15 88 th Street Howard Beach, NY	Queens	6:00 pm -8:00 pm	Comprehensive Educational Planning/School Budget Alignment
Wednesday, May 20, 2008	Petrides – Building A, Room 118 715 Ocean Terrace Staten Island, NY	Staten Island	4:00 pm - 6:00 pm	Comprehensive Educational Planning/School Budget Alignment
Wednesday, May 21, 2008	Petrides – Conference Center Building C 715 Ocean Terrace Petrides – Building A Room 118 715 Ocean Terrace	Staten Island	9:00 am - 11:00 am 4:00 pm - 6:00 pm	Comprehensive Educational Planning/School Budget Alignment School Based Budgeting
Thursday, May 22, 2008	Petrides – Building A, Room 118 715 Ocean Terrace Staten Island, NY	Staten Island	4:00 pm - 6:00 pm	Comprehensive Educational Planning/School Budget Alignment
Tuesday, May 27, 2008	DO 18 1106 E, 95 th Street Brooklyn, NY	Brooklyn	4:00 pm – 6:00 pm 6:00 pm - 8:00 pm	Comprehensive Educational Planning/School Budget Alignment
Tuesday, May 27, 2008	333 Seventh Ave. Manhattan, NY	Manhattan	6:00 pm - 8:00 pm	Comprehensive Educational Planning/School Budget Alignment
Wednesday, May 28, 2008	1230 Zerega Ave, Room 76 Bronx, NY	Bronx	10:00 am - 12:00 pm	Comprehensive Educational Planning/School Budget Alignment
Wednesday, May 28, 2008	1230 Zerega Ave, Room 76 Bronx, NY	Bronx	6:00 pm - 8:00 pm	Comprehensive Educational Planning/School Budget Alignment
Thursday, May 29, 2008	John Jay 237 7 th Ave. Brooklyn, NY	Brooklyn	10:00 am - 12:00 pm	Comprehensive Educational Planning/School Budget Alignment
Thursday, May 29, 2008	333 Seventh Ave. Manhattan, NY	Manhattan	6:30 pm - 8:30pm	Comprehensive Educational Planning/School Budget Alignment
Thursday, May 29, 2008	30Q085 23-70 31 st Street Astoria, NY	Queens	10:00 am - 12:00 pm	Comprehensive Educational Planning/School Budget Alignment
Thursday, May 29, 2008	30Q085 23-70 31 st Street Astoria, NY	Queens	1:00 pm - 3:00 pm	Comprehensive Educational Planning/School Budget Alignment
Saturday, May 31, 2008	John Jay 237 7 th Ave. Brooklyn, NY	Brooklyn	10:00 am -12:00 pm	Comprehensive Educational Planning/School Budget Alignment
Saturday, May 31, 2008	John Jay 237 7 th Ave Brooklyn, NY	Brooklyn	1:00 pm - 3:00 pm	Comprehensive Educational Planning/School Budget Alignment

SECTION I: DISTRICT LEADERSHIP TEAM SIGNATURE PAGE
2008-2009

DISTRICT: _____

PRINT NAME

SIGNATURES (IN BLUE INK)

DATE

COMMUNITY SUPERINTENDENT

HIGH SCHOOL SUPERINTENDENT

* CSA DISTRICT REPRESENTATIVE

* UFT DISTRICT REPRESENTATIVE

* UFT HIGH SCHOOL REPRESENTATIVE

* DC 37 REPRESENTATIVE

✓ * PRESIDENT OF THE DISTRICT'S
PRESIDENTS' COUNCIL (OR DESIGNEE)

* PRESIDENT OF THE BOROUGH HIGH
SCHOOL PRESIDENTS' COUNCIL (OR DESIG.)

* CHAIRPERSON OF THE TITLE I DISTRICT
PARENT ADVISORY COUNCIL (OR DESIGNEE)

* PRESIDENT OF THE DISTRICT COMMUNITY
EDUCATION COUNCIL (OR DESIGNEE)

✓ * REPRESENTATIVE OF THE CITYWIDE
COUNCIL ON HIGH SCHOOLS

CHANCELLOR'S OFFICE REPRESENTATIVE
- SENIOR SCHOOL/DISTRICT IMPROVEMENT
LIAISON

** Note: The signatures of constituency representatives on this page indicate that consultation has occurred in the development of the District Comprehensive Educational Plan.*

✓ not mandated -
CEC should also be consulted.



Department of
Education



NEW YORK STATE EDUCATION DEPARTMENT
NEW YORK CITY DEPARTMENT OF EDUCATION

DISTRICT COMPREHENSIVE EDUCATIONAL PLAN (DCEP)

2008-09

DISTRICT: _____

DISTRICT ADDRESS: _____

DISTRICT TELEPHONE: _____

FAX: _____

CONTACT PERSON: _____

TITLE: _____

CONTACT TELEPHONE: _____

EMAIL: _____

Parents groups playing hooky

BY JESS WISLOSKI

Tuesday, May 6th 2008, 4:00 AM

Education advocates have long warned that the diminishing role for parents in schools will eventually kill off parent involvement altogether.

Now, the city's own findings on the efficacy of two avenues available for parents to weigh in on their childrens' schools back up Mayor Bloomberg's critics.

Out of 100 schools, 78% of parent coordinators - the on-staff liaisons between parents and the school - could not be reached on their city-provided cell phones, according to a survey by Public Advocate Betsy Gotbaum.

And the Department of Education's own parent engagement office found that only 51% of the schools it has looked at so far has a functioning School Leadership Team (SLT).

The news may be no surprise to parents, who have bemoaned many of the administration's reforms - including disbanding local school boards.

But for educators, whose jobs are to engage parents, recent tallies are worrisome.

"It's really embarrassing to say our district's Presidents Council is not even in effect right now," Michelle Lloyd-Bey, the community superintendent of Queens District 27, said at a community meeting in March. A Presidents Council represents all the PTAs in a district.

She added that SLTs - a body of teachers and parents that help in school decision-making - "are not sending documentation as they're supposed to, not keeping records, and in some cases they're not even functioning."

Martine Guerrier, the city's chief of parent engagement, said her office is working to fix the problems. "SLTs have always been an issue," she said. Her office began looking into SLTs recently and found that many only existed on paper. But in district surveys, 83% of schools claimed they had SLTs.

Guerrier's office was created last year to address some of these complaints. "We just started, so there's no way to tell right now, but I'm encouraged by what I've seen," she said of the city's progress.

But William McDonald, a parent in Queens District 29 who also heads the citywide Chancellor's Parent Advisory Committee, said the effect of Bloomberg's initiatives on parent involvement has been "a mess."

"It's to the point now where SLTs don't function at all," he said, noting the problem began in 2003 when the city eliminated SLT budgets. The city instead hired "SLT coordinators" - a job that was dissolved last year.

And with the PTAs also disappearing or growing less active, McDonald sees a dim future.

"As I see it, in three years, parent involvement probably won't even exist," he said.

jwisloski@nydailynews.com

Discuss this Article

0 comments so far. [Add your comment below!](#) [Discussion Guidelines]

To post comments, [REGISTER](#) or [LOG IN](#)

[Click Here to see all comments or to Report Abuse](#)

ADS BY YAHOO!

parents in home
Find support and advice through a community that cares.
(www.MyCareCommunity.org)

Discuss

Digg

Del.icio.us

Reddit

Related Articles

- London mayor not like Mike Squeeze Play
- The making of tiny dancers
- Pols' berserk perks
- N.Y.ers at Memorial Day parade give thanks to those who made sacrifice for
- Bronx teen shot dead; bullets from separate incidents

ONLINE PROGRAMS

ASSOCIATE'S DEGREES
Associate of Arts in Business
Associate of Arts in Health Care Administration
Associate of Arts in Information Technology
BACHELOR'S DEGREES
Bachelor of Science in Business / Management
Bachelor of Science in Criminal Justice
Bachelor of Science in Management
MASTER'S DEGREES
Master of Arts in Education / Curriculum
Master of Business Administration
Master of Information Systems

University of Phoenix

Most Read

1. How much for that mouse in
2. Larry the liar
3. Vered arrest is talk of Hampden
4. Kalikow, MTA cronies get paid YOU pay
5. Dog killed by stray voltage from
6. Pols' berserk perks
7. City veggie gardens flourish
8. Surfer who saved Brooklyn river
9. Cops fish out naked drifter
10. Brooklyn man killed in plung

Used Car New Car Find a

*

May 27, 2009

Address to Committee for Education

1. What ^{evaluation} were the findings of the Mayoral Control
2. Has anyone seen or study the syllabi for the time of the Mayoral Control
3. What about the accountants who controlled the monies of the school
4. What about the local Governance of the schools
5. The Roles (roles) of the Community and the Agencies
6. Why weren't the Usefulness of the Retired Teachers and Educators used
7. Roles of outside Agencies
8. Budget - Why wasn't the Public at Large ^{not} informed about the Spending of their Hard Earned Taxed money
9. After School Programs
10. Not one → ~~parents~~ ^{parents} especially assistants of parents with children that are challenged
11. Usage of all areas within the Educational system not being Addressed
- 12 A Complete Shut Out of the Educational Residents should never - Ever occur Again.

No More Mayoral Control - Combine the Successful Educational Methods - Have a Tribunal - Control