OFFICE OF THE PUBLIC ADVOCATE

JUNE 2008

CLIPS

The New York Times

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June 3, 2008, 4:00 pm

In City's Rating Game, Your Postcard May Be in the Mail

By Fernanda Santos

Dear New Yorker: If a postcard from Mayor Michael R. Bloomberg and Public Advocate Betsy Gotbaum lands in your mailbox within the next few weeks, don't toss it in the recycling bin. Stop and read it. The city really does want to hear you out.

Starting next week, the mayor and public advocate will send postcards to 100,000 homes that have been randomly selected to participate in a survey about the quality of city services. The survey will come in the mail in the weeks that follow, in English or in one of three other languages — Russian, Chinese or Spanish — of the recipient's choice.

With 34 questions laid out across five pages, the survey will try to gauge how New Yorkers feel about the city and neighborhood where they live and how good (or bad) they think are the services they receive. The categories include garbage collection; rodent and noise control; sidewalk, playground and parks maintenance; availability of health care and youth employment services; and the condition of public housing and schools. Respondents will be asked to rate the services on a scale from 1 (excellent) to 4 (poor).

A few of the questions are broad, like "How would you rate your city as a place to live?" — or how well do you think city government promotes economic growth or spends tax dollars. But most of them are specific and include issues of safety, crime control and police-community relations, one particularly much-debated topic whose perception seems to vary distinctly across racial and economic lines.

"The survey will give us some hard facts, completely unfiltered and unbiased, about what is working and what isn't, and that will help us hold agencies accountable for improving their delivery of services to the public," Mayor Bloomberg said Tuesday afternoon during a news conference at City Hall.

Roughly one in 30 households will receive the survey, making it the largest municipal services survey in the United States, the mayor said. The homes will be spread across each of the city's 59 community boards, in part to highlight any discrepancies between the class and scope of services provided in, say, the Upper East Side of Manhattan, the Fordham neighborhood in the Bronx and the Brownsville section of Brooklyn.

Respondents will be able to fill out the survey on paper or online, and Mr. Bloomberg hopes they will send it back by mid-August. Results would then be analyzed and made

The New York Times

public in September, "giving New Yorkers the information they need to hold our feet to the fire until the job gets done," he said. Or until the mayor and public advocate leave office 15 months later.

The city will spend $500,000 on the survey — an idea that Ms. Gotbaum's office developed two years ago and which the mayor's office adhered to more recently. National Research Center, based in Boulder, Colo., will tabulate the results; Jeffrey A. Kay, director of the mayor's Office of Operations, which will be in charge of the project, said that the company has carried out 115 similar surveys in 30 other states.

Ms. Gotbaum said that her office is working to raise $200,000 to finance a series of focus groups in the fall to discuss the survey results to "find out not just what people are concerned about, but why."

DAILY NEWS

Mike drops 500G to get N.Y.'s 2 cents

BY ADAM LISBERG
DAILY NEWS STAFF WRITER

Wednesday, June 4th 2008, 4:00 AM

New York is spending $500,000 to ask a cross section of residents how well the city does its job.

The city will mail a random selection of 100,000 households a five-page survey asking about services like police, mass transit, health clinics and playgrounds in their neighborhood and in the city as a whole.

"We're trying to take the concept of customer service one step further by reaching out to a cross section of New Yorkers and asking them directly, as Ed Koch might say, 'How we doin'?'" Mayor Bloomberg said.

Jeffrey Kay, director of the mayor's Office of Operations, said if only 15% of recipients respond to the postage-paid surveys, that will still be enough to get solid numbers about how well the city performs in each of its 59 community districts.

Public Advocate Betsy Gotbaum's office helped formulate the questions and will use the results to dig deeper about city services in a series of focus groups later this year.

That effort will be paid for with $200,000 in private money, Gotbaum said.

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This Week On WNYC

News

New York City: How Are We Doing?

by Bob Hennelly

NEW YORK, NY June 04, 2008 —First there was the 311 citywide help line to try and make New York user friendly.

Now, Mayor Michael Bloomberg and Public Advocate Betsy Gotbaum are rolling out a customer service survey to 100,000 randomly picked city households.

The questionnaire asks New Yorkers how they feel about the NYPD, city agencies, and how well the city's bureaucracy handles complaints.

Gotbaum says it will help the city improve.

GOTBAUM: This fall the mayor's office and my office will conduct a series of focus groups using the results of the customer survey. To the best of our knowledge this will be the first time the City will use this kind of market research approach.

REPORTER: The survey will be available in English, Chinese, Russian and Spanish.

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News

Gotbaum Calls for Pre-K Admissions Overhaul

by Elaine Rivera

NEW YORK, NY June 04, 2008 —Public Advocate Betsy Gotbaum is calling on the Department of Education to overhaul its centralized pre-kindergarten admissions process. She contends that her office has received numerous complaints from parents who say their children were unfairly shut out of schools of their choice.

At a press conference, Gotbaum was joined by a group of parents who say they followed the admissions guidelines but were still rejected. Brooklyn Parent Dennis Vargas says his youngest daughter was refused admittance to their zoned school P.S. 39, where her two other siblings attend.

VARGAS: Although my forms were filled out correctly and and sent before the deadline my child was rejected with no explanation or apology.

REPORTER: Parents say they want the DOE to abandon the centralized process and give control back to local schools. Gotbaum has also asked that the current June 13 deadline be extended and the appeals process improved.

A DOE spokesman says only 3,000 of the 20,000 pre-k applicants did not get the schools of their choice. He also said they're continuing to reevaluate applications where mistakes could have been made.

Brooklyn Daily Eagle

Pre-K Snafu Leads Brooklyn Parents To Protest at Tweed
by Mary Frost (mfrost@brooklyneagle.net), published online 06-04-2008

Why Should Getting a Child Into Preschool Be Such a Nightmare?

By Mary Frost
Brooklyn Daily Eagle

TWEED COURTHOUSE — Public Advocate Betsy Gotbaum, Councilman Bill de Blasio and frustrated parents held a press conference Wednesday on the steps of Tweed Courthouse to demand action from the Department of Education (DOE) about the city's new method of assigning students into scarce pre-kindergarten slots. The new system has rejected thousands of children and inexplicably placed others into schools far from home.

After years of pre-K admissions being handled individually by schools, the DOE centralized the process this year in an effort to simplify the process. But simplification has not been the result.

Last week, parents received letters informing them which pre-K program that their child would be admitted to this September. To their horror, 3,000 parents, including those in large swaths of Brownstone Brooklyn, were informed that none of the schools they had listed on their applications were available.

Hundreds of children were rejected from programs where their older siblings are enrolled, although the DOE's new process is supposed to give them priority. Others were told that their child was accepted at a particular school, but when they went to that school to register, they were turned away.

Marcy Wang, who lives with her family on Tiffany Place, is zoned for P.S. 29 in Cobble Hill. "When we submitted our application, we selected [P.S.] 29 as our first choice and then listed 58 and 261 as back-ups," she told the Brooklyn Eagle in an e-mail Wednesday. The family received a "blanket, boilerplate rejection letter" for all three schools on Saturday, May 24.

Ms. Wang says that the letter included a vague reference to a "second opportunity" on June 23. "Both my husband and I scrambled to try and understand what happens after June 23 … We called 29 and the District 15 office multiple times; posted questions to the BoCoCa and Park Slope Parents sites; and sent e-mails to council members and Betsy Gotbaum, all in a quest to understand what was going on." What really bothers both her and her husband is that the process "at no point felt open and transparent," she said. "We have no indication as to how fair the process was, and neither our school nor our district had information regarding what transpired and how to move forward. We've been in a

Brooklyn Daily Eagle

frustratingly intractable limbo since May 24."

Rally on the Steps of Tweed

"These changes to the pre-K admissions system have had some chaotic consequences for parents," Public Advocate Betsy Gotbaum said at Wednesday's press conference. "We are hearing from many concerned parents that this system just didn't work the way they were told it would. At the very least, these parents need more time to file an appeal and adequate information about the process."

De Blasio called for the mess to be untangled before June 23. "A solution for sibling issues must come faster and cannot wait until the second round of placements this month. As a public school parent, it is understandable that parents who rightly believed that they would receive preference in placing all of their children in the same school are anxious. I will work around the clock until this problem is fully resolved."

According to educational advocates InsideSchools.org, DOE spokesperson Andy Jacob said that some of the mistakes were due to errors on the applications, especially in cases where the address filed for the pre-K application did not precisely match that of a sibling enrolled at the school. A company in Pennsylvania processed applications.

According to Jacob, InsideSchools says that of 20,000 pre-K applications submitted, 17,000 children were offered seats, though not all to their first-choice schools. Three thousand received no placement at all. (Calls to Mr. Jacob were not returned by press time.)

The DOE's web site does not provide a fax or phone number, Public Advocate Gotbaum said, or a physical address where parents can file an appeal. According to the DOE web site, "Families who wish to submit an appeal must do so in writing to ES_Enrollment@schools.nyc.gov no later than June 13, 2008."

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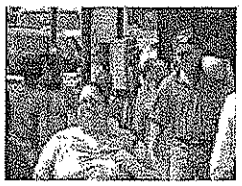

City To Ask 100K Residents About Government Services

DIAL UP BROAD BAND June 5

In an effort to measure quality of life in the city, Mayor Michael Bloomberg and Public Advocate Betsy Gotbaum announced in City Hall Tuesday that they are teaming up to produce the country's largest public survey.

The survey will soon be mailed out at random to 100,000 New Yorkers. They will include questions about neighborhood safety at night, and rating of local garbage pickup and libraries and other municipal services.

"It's nearly all multiple choice questions and of course there are no wrong answers," said Bloomberg. "And if you are selected to take part but don't think you are as informed about the issues covered in the survey as someone else might be, do not worry. We still want you to complete the survey."

The mayor says the city will use the results to adjust and improve its delivery of services.

The New York Sun

For Whom Beller Tolls

By ANDREW WOLF
June 6, 2008
http://www.ny...

THE ISSUE OF MAYORAL CONTROL OF THE SCHOOLS IS DUE TO END AT MIDNIGHT ON JUNE 30, 2009. If the state legislature and governor fail to act, the current Department of Education will disappear and revert into the old Board of Education at 12:01 a.m. the following day.

This is unlikely to happen, but what is likely is that there will be changes in the law that will rein in some of the mayor's powers over the schools. In getting to an improved governing structure for the schools, there is likely to be much debate. Both an honest debate and some real reform would be a good thing.

Take the case of Ron Beller. If you have heard of Mr. Beller, it is likely to be in the context of his career as an investment banker at Goldman Sachs. Mr. Beller left that post with a hefty payout, making him a multi-millionaire in his thirties. This apparently was all the expertise needed to convince the mayor and Chancellor Klein that Mr. Beller was the man to lead the reorganization of the public schools in the period after the mayor was granted control.

Mr. Beller's name only appears in a handful of articles on the New York schools, usually in passing. That is because he never was put on any public payroll, nor was he vetted before any government body. To this day, his role is cloaked in mystery. What is known is that he is regarded as the architect of the now abandoned initial restructuring under which the Department operated until just this school year. Sources familiar with the school system insist that Mr. Beller's power at the Tweed Courthouse was second only to that of Chancellor Klein himself.

But because his operation was privately funded, he was exempt from the usual scrutiny. Mr. Beller left, I'm told, disgusted that the chancellor was "too cozy" with the teacher's union, a complaint that may come as a surprise to Randi Weingarten.

Mr. Beller and his wife Jennifer Moses (also a former Goldman Sachs investment banker) decamped to London. Unfortunately, they have not been as successful at avoiding publicity across the pond as they were here.

Their personal assistant, Joyti De-Laurey, was convicted of embezzling more than $8 million from the accounts of Mr. Beller, Ms. Moses, and a third former Goldman employee, Scott Mead. Mr. and Mrs. Beller never noticed that the millions had been taken.

More ominously, earlier this year the hedge fund Mr. Beller operated, Peloton Partners, was dissolved by his bankers, resulting in the loss of some $17 billion to the investors. This is a lot of money, a larger amount even than the total annual budget of the Department of Education during the time Mr. Beller patrolled the hallways at Tweed. No criminality has been alleged, but the business acumen that made him the choice to lead the effort to fix Gotham's schools seems not to have weathered the test of time.

As a result of this financial disaster, Ms. Moses was forced to resign from her high-profile government post advising Prime Minister Brown. And what was Ms. Moses's assignment? Coming up with a plan to fix Britain's troubled school system.

The NEW YORK Sun

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Which brings us back to New York and the upcoming debate over the future of mayoral control. Two commissions, one appointed by the City Council and the other by the public advocate, Betsy Gotbaum, at the request of key legislative leaders in Albany, are studying the issue and will shortly issue recommendations. The Gotbaum commission is generating more interest, since Speaker Quinn clings to her dream of becoming mayor with the blessing of the incumbent and few expect the Council's panel to propose changes.

The public interest here is creating a system designed to minimize damage to our school system and our children even if the worst possible person somehow sneaks into the mayor's chair. That kind of protection comes from complete transparency and a system of checks and balances that allows for the mayor to do his job while protecting the public from abuse.

When the legislature gave control of the schools to the mayor, it assigned broad and unchecked powers. This was done envisioning Mr. Bloomberg at the helm, a reflection of trust in his ability and integrity. Despite this, abuses have occurred. Secretly empowering an arguably unqualified businessman to take such a key role in this public enterprise would seem to constitute such an abuse.

Some functions of the Department of Education have been assigned to private entities. Few disapprove of hiring outside companies that can do certain assignments more efficiently, but when government creates these entities to skirt the protections to the public built into government — things such as freedom of information, open competitive bidding, and requirements for public hearings — warning bells should ring.

This is certainly as issue for the Council, the Gotbaum Commission, and ultimately the Legislature to consider.

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The New York Sun

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School Closures Urged Amid Heat Wave

By ELIZABETH GREEN, Staff Reporter of the Sun
June 10, 2008

PUBLIC SCHOOLS IN THE CITY ARE SCHEDULED TO OPEN FOR ANOTHER SWEAT-DRENCHED DAY today, despite a call by the teachers union to consider closures or early dismissal.

This week's unexpected heat is particularly unwelcome at public schools, as many lack air conditioning or have it only in some classrooms. Other schools have air conditioning in classrooms but do not have it in rooms where large numbers of students congregate in close quarters, such as the cafeteria and the gym.

The upper floors of school buildings — often accessible only by uncooled stairways — could bear the worst of the weather; the teachers union yesterday estimated that temperatures on those floors could rise above 100 degrees today.

At M.S. 131 in Chinatown, a janitor cleaning the school cafeteria, who had sweat through his undershirt, said he was expecting more air conditioners to be sent soon. "Can't come fast enough," he said.

"It's awful," a seventh-grader at M.S. 126 down the street, Ryan Roman, said. "We open up the windows, but that just makes it worse."

Students said that the heat affected them and their teachers, too.

"When you're hot, you get really cranky. When you're cranky, you don't want to do any work," another M.S. 126 seventh-grader, Aaliyah Bodden, said. "We almost got in trouble today in this one class. The teacher gave out two detentions."

Lack of air conditioning can also create unexpected side effects, such as excessive noise and walkouts.

The director of the Web site InsideSchools.org, Pamela Wheaton, said her staffers have watched streams of high school students simply walk out of their buildings on hot days.

The fans that many schools use to cool their rooms in place of air conditioning can be so loud they drown out teachers' voices, she said.

All New York City public schools built in the last 20 years have central air conditioning. One hundred of the city's 1,100 school buildings were built in the last 20 years.

The other 1,000 schools rely on individual window units, which, depending on the school, can be speckled across some classrooms, installed in almost all of them, or nonfunctioning.

A survey completed during the last school year found that 40% of schools had more than 26 rooms air-conditioned, while 93% had at least one room air-conditioned, school officials said.

A major problem is that many older schools do not have the kind of electrical wiring necessary to power full air conditioning.

The New York Sun

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School officials yesterday said the cost of upgrading city facilities to that level would be "extremely high."

A Department of Education spokeswoman, Debra Wexler, said the city is asking its service and facilities employees to "stand by" to support principals for whom the heat is a challenge.

She said it has traditionally not been the department's practice to close schools for heat or to dismiss students early.

Saying it fielded complaints from at least 13 schools yesterday, the teachers union chided the Education Department for not sending schools a strong enough "course of action" for dealing with the heat.

The city's public advocate, Betsy Gotbaum, said: "It's too bad the DOE is being less than proactive about soaring temperatures that are affecting city schools."

Other area schools yesterday dismissed students early, including several in New Jersey, while districts across Connecticut shut school down altogether.

A longtime city educator who is the president of the Center for Educational Innovation, Seymour Fliegel, said closures and early dismissals do not make sense in New York City, where many children have no place to go but school.

Mr. Fliegel suggested other remedies, such as taking a class trip to the water fountain or letting every student rest his or her head on his or her desk for a few minutes.

He dismissed complaints from the teachers union.

"Maybe the union, in its next contract, since they always run out of things to put in their contract, will say, 'No teacher will have to work on any day that is 98 degrees or higher,'" Mr. Fliegel said.

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6/11/08

Art classes taking a hit, report says

MANHATTAN. New York may be considered the cultural capital of the world, but are its public schools taking the philistine route? Only 7 percent of elementary schools and 27 percent of middle schools surveyed by Public Advocate Betsy Gotbaum offered instruction in all four arts disciplines — music, visual arts, dance and theater — as required by state regulations.

The Department of Education last year eliminated Project ARTS, the dedicated funding stream for arts education, and instead gave principals the option of using funds for arts or other purposes. Gotbaum's report says it's too early to determine the full impact of the elimination of the dedicated funding, but many advocates worry that budget cuts and pressure to improve reading and math test scores, will hurt arts education. METRO/AZ

DAILY NEWS

911 foulup left woman in street for an hour

EXCLUSIVE

BY JONATHAN LEMIRE
DAILY NEWS STAFF WRITER

AN 88-YEAR-OLD WOMAN who collapsed on a busy midtown street had to wait nearly an hour for an FDNY ambulance to arrive because it had been mistakenly dispatched from Staten Island, the Daily News has learned.

The elderly woman was jostled as she tried to cross at E. 55th St. and Lexington Ave. last Thursday and toppled to the hard concrete, injuring her head and back.

A pair of police officers were flagged down and stood with the woman, who was in excruciating pain, as she lay in the intersection while traffic whizzed by her.

The cops called 911 at 3:24 p.m.

The ambulance did not arrive until 4:15 p.m., according to the FDNY.

"I was horrified by the whole thing," said witness Ann Doherty. "All I could think of was, what if this was my mother and child?"

The woman, whose name was not released, was eventually taken to New York-Presbyterian Hospital Weill Cornell and is expected to recover, but that did little to assuage Public Advocate Betsy Gotbaum.

"It is clear that this was a major failure on the part of the city to get this woman the help she needed in a timely fashion," said Gotbaum, who is pushing for some paramedics to get motorcycles to navigate traffic jams. "There is simply no excuse for having a near-90-year-old lying in the middle of the street for an hour."

The Fire Department was running an internal investigation into the incident, but a dispatching glitch appears to be the cause of the foulup, an FDNY source said.

Because the woman was conscious when she fell, she was assigned a basic life support ambulance, a vehicle outfitted with less lifesaving equipment than an advanced life support unit.

But shortly before the incident, a dispatcher, realizing all of Manhattan's basic support ambulances were being used, requested that a Staten Island unit travel into Manhattan in case it was needed.

Moments later, another dispatcher assigned that ambulance to travel to midtown because the FDNY computer indicated it was in Manhattan — even though it actually was still on Staten Island, the source said.

"This should not have happened and it is an exception to the rule," said FDNY spokesman Tony Sclafani.

"We carefully coordinate the dispatching of our resources, and that's why EMS now has the lowest response times to life-threatening emergencies in the history of the city," he said.

The average citywide response time to a medical emergency is 6 minutes, 31 seconds, the FDNY said. It took 51 minutes to reach the injured woman.

"This was just blatant irresponsibility," said Doherty, who stayed with the woman while waiting for help.

"It's disgraceful."

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DAILY NEWS

6/11/08

"I'll have her call you back, Barack. She's meeting with Cheney for ideas about how to be an effective VP."

IN OTHER WORDS

By Adam Sommers

The story: Pols lobby to be Barack Obama's running mate — some subtly, some not. Take Virginia Gov. Tim Kaine, who says, "It would be hard for anybody to say no under a situation like that. But I'm not expecting it, not counting on it."

In other words: *Oooooo! Ooooo! Pick me! I'll be anything you want, do anything you say. I'll sweep and get you coffee and never speak off-message (whatever that means). Puh-leeze, Barack!*

The story: Roger Clemens allegedly takes Viagra to enhance his baseball performance and the feds are perturbed. Anti-doping chief Travis Tygart says every year it's something else. "Sometimes it's a drug that no one in their right mind would think an athlete would abuse."

In other words: *You never know what these guys will do. We focused on Viagra when we noticed Clemens always limped running to first base. But we asked the trainer and he assured us it's a "minor" injury. Roger's usually able to take a few deep breaths and walk it off.*

The story: The feds want to give back 133,000 acres of South Dakota's Badlands to the Oglala Sioux. "It's really exciting for us," spokeswoman Sandra Washington says. "The intention is to be as honorable as possible."

In other words: *We're doing the right thing now because, let's face it, we haven't always been good neighbors. What with the taking of the land, the reservations, alcoholism. Stuff like that. But now we can really mend fences by giving up this barren scrubland. We figured you guys are Indians and will genetically remember how to scrape out a living.*

The story: An ambulance takes nearly an hour to help a lady who fell in midtown, and Public Advocate Betsy Gotbaum is enraged. "This was a major failure on the part of the city," she says.

In other words: *As the city's public advocate, I'm annoyed that this poor woman wasted an hour waiting for help. But what about me wasting years in this pointless dead-end gig, with no hope of higher office? What about my pain? So, come on, Bloomy, let's fix those ambulances and find ol' Betsy a real job.*

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THE QUEENS COURIER

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Thursday, June 12, 2008

City doing largest survey ever

Print Page

By NOAH ROSENBERG
Wednesday, June 11, 2008 7:33 PM EDT

his week, New York City began the largest municipal services survey ever conducted in the U.S. The survey, which will be sent to more than 100,000 randomly selected city households, is the result of the recently established Customer Service Group in the city's Office of Operations.

Residents spread out across all 59 community boards in the five boroughs will first receive a notification in the mail informing them that they have been selected for participation. Recipients of the notification will have the option of requesting the survey in English, Chinese, Russian or Spanish.

"This is a groundbreaking project that will result in both a broad collection and deep analysis of information about the effectiveness of municipal government," Public Advocate Betsy Gotbaum said in a statement. "It will allow city government to better understand how best to serve the people of this city," she said.

The objective of the survey is to identify strengths and weaknesses in city service delivery. Among other things, the survey will ask participants to rate services and "quality of life issues" such as cleanliness, pedestrian safety, graffiti and recycling in their community. Participants will also be asked to rate city agencies they have recently dealt with.

Mayor Michael Bloomberg, who announced the customer service survey along with Gotbaum, is hopeful that the results of the comprehensive review will help him improve city life.

"During my career in business and my time as mayor, I've learned that the more information any enterprise has the more successful it can be at managing its resources, fixing problems, and serving its customers," he said in the statement.

Survey packets include instructions and upon completion can be submitted online or by mail in a pre-paid envelope. All information will be kept confidential, as it will be sent to a third party contractor and withheld from the public and the city.

The Queens Courier
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DAILY NEWS

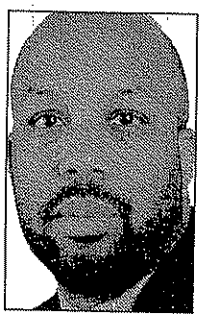
Small biz needs big backing

6/11/08

This might be the year New York finally gets serious about ensuring that minority- and women-owned businesses get a fair share of the billions spent by city and state government on everything imaginable — pencils, furniture, consultants, office buildings.

It's about damn time.

A devastating exposé by investigative reporter Wayne Barrett in The Village Voice this week shows how the Bloomberg administration, despite repeated promises to the contrary, has taken little more than baby steps when it comes to getting black and Latino youngsters into construction apprentice programs or getting city agencies to spend procurement dollars with minority-owned businesses.



Errol Louis

Yesterday, by coincidence, as The Voice article was hitting the streets, members of a coalition of 17 minority business organizations — including the Harlem Business Alliance, the Asian-American Business Development Council and the African-American Chamber of Commerce of Westchester and Rockland counties — were knocking on lawmakers' doors in Albany, complaining about state practices that leave smaller, minority-owned businesses out in the cold.

This should have happened a long time ago. But few of the politicians from inner-city districts that most need contracts and jobs have made a sustained effort to open up the old-boy networks and connections that keep public dollars flowing to the same firms year after year.

With a few exceptions like Council members James Sanders and Leroy Comrie of Queens, you don't find many black and Latino pols pushing hard to steer development dollars and jobs to inner-city contractors.

The lack of sustained pressure is why, according to The Voice, black and Latino firms are landing so few city supply or service contracts: in the current fiscal year, black companies got no prime construction contracts and while Asian firms got $19 million, women-owned companies got $13 million and Hispanics $3.2 million.

The paltry numbers are well known at City Hall. Last year, Public Advocate Betsy Gotbaum issued a report detailing problems in the city's minority-contracting efforts, but got no response from the Small Business Services Department, which runs the program.

And Councilwoman Letitia James, who heads the Council's Contracts Committee, says key city procurement officers wouldn't even bother to show up when she tried to arrange introductory meetings with minority-owned businesses.

Things aren't much better in Albany, where minority business firms are complaining about a newly introduced "living wage" bill that would require projects built with subsidies from the state Industrial Development Agency to be built exclusively with union labor. That requirement, says the coalition, would shut out smaller minority-owned firms because they tend to be nonunion operations.

Prior to his sudden elevation, Gov. Paterson argued long and loudly for more inclusion by state procurement agencies. Now would be an ideal time for him to lean on his commissioners and his colleagues in government — including Mayor Bloomberg — and push hard for meaningful change in how New York does business.

★ ★ ★

It has been two years since the murder of Brooklyn honor student Chanel Petro-Nixon and police still have no suspects and no arrest in the case. On Saturday at 1 p.m., a group led by Chanel's parents will lead a community march starting at Fulton St. and Marcus Garvey Blvd. in Brooklyn and ending at 212 Kingston Ave., where her body was found.

In addition to asking the public for help in solving the murder, the family is asking the NYPD to assign the investigation to its major case squad.

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School Placing Has Pre-K Parents Perplexed

By Timothy Fleming

Brooklyn Borough President Matry Markowitz joined Public Advocate Betsy Gotbaum and Councilman Bill de Blasio last week in urging the Department of Education (DOE) to correct mistakes they say were made in the city's pre-kindergarten admissions process.

The admissions system was centralized this year with an eye towards simplifying the process. However, parents are complaining that DOE has not provided enough clear information and has made many mistakes in placing, including assigning children to schools separate from their older siblings.

"These changes have had some chaotic consequences for parents," said Gotbaum. "We are hearing from many concerned parents that this system just didn't work the way they were told it would."

The public advocate insisted that "at the very least these parents need more time to file an appeal and adequate information about the process."

De Blasio also demanded that a solution for sibling issues not "wait until the second round of placements this month." He says that as a public school parent himself, he understands what the families of the newly placed kids are going through.

Markowitz complained that the system of processing the applications "was not up to the task." He called the present system, in which the enrollment office handles pre-K and middle school notifications, as well as high school appeals, all at once "a perfect storm." He demanded that DOE reexamine all applications to ensure that its own priority system has been followed in every case.

Currently, families can appeal the process up until June 13. The councilman and public advocate suggested pushing the deadline back until the end of June.

"The first year of school should be a time of joy and wonder," Markowitz said. "Let's work together to help our children and families move past this confusion and into the beginning of a satisfying school year."

DAILY NEWS

Most schools fall short of minimum physical exercise requirements

BY JESS WISLOSKI
DAILY NEWS STAFF WRITER

Wednesday, June 18th 2008, 9:52 PM

Squealing children swarmed from the gates of a Richmond Hill school's playground Tuesday morning like intoxicated bumblebees, as Public School 54 welcomed its first "field day."

The only assignment was to run, jump and get as much exercise as possible.

The revelry in Forest Park was as close as many students will come this year to meeting a state mandate of two hours of physical education per week.

Like many city schools, PS 54 has no gymnasium or physical education teacher.

The state suggests gym class three times per week, but a recent survey of 93 schools by Public Advocate Betsy Gotbaum found 88% failed to meet the two-hour-a-week requirement.

The city Education Department, which created an office to promote physical education in 2003, noted it has reduced the number of elementary schools without a gym teacher from 90 in the 2006-07 school year to 68 this year - still about 10%.

But while the phys ed programs have increased, schools still fall short of time mandates, and the city does not necessarily create new gym space for overpopulated schools such as PS 54.

"We definitely feel quality physical education can take place in any type of space," said Lori Rose Benson, director of fitness and health education for the Education Department.

Diane Jones, PS 54's principal, said the school was built for 400 students and now seats almost 600, making it difficult to accommodate a gym class.

"I could use an extension and they could build me a gym, but PS 54 is an overcrowded school," Jones said.

Teachers are "expected to put [exercise time] into their schedules," said Jones. But she admitted: "Other things take precedence sometimes."

In fact, teachers said they were not required to incorporate gym classes into their lesson plans.

"Theoretically, they're getting 15 minutes to half an hour every day in the yard ... after lunch for recess," Jones added. "So they do get physical activity."

However, the state does not count recess as part of the two-hour phys ed guideline.

Parent Vimala Dasrat, 39, agreed the school needs more space.

"These kids need activity for the brain, but they also need activity for their body," she said. "It helps out their mind."

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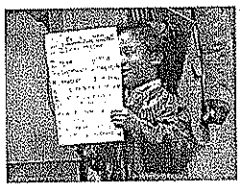

Special Need Students Graduate In Midtown

DIAL UP BROAD BAND June 20

Special needs students had a celebratory graduation today in the Lighthouse International's Child Development Center in Midtown Manhattan.

A class of 31 four- and five-year-olds donned tasseled caps and gowns while serenading their family and friends with songs about their learning experiences.

Public Advocate Betsy Gotbaum gave the ~~commencement address.~~

"It's very important that we acknowledge what's going on here and how wonderful their services are and what they do with the children. And it's important that the city really does care about children with special needs," said Gotbaum.

About half of the young Lighthouse graduates are visually impaired.

PRINT-FRIENDLY VERSION

The New York Sun

On Tests, Charter Schools Outperform Districts

By ELIZABETH GREEN
Staff Reporter of the Sun

New York State's charter schools are in a majority of cases outperforming their districts on state tests, even amid the sky-high gains shown throughout the state this year, an analysis by the New York Charter School Association of the scores released yesterday shows.

When compared to the overall scores for the school districts in which they are located, some charter schools — such as Bronx Preparatory in the South Bronx and the KIPP Infinity school in Harlem — had as much as double the portion of students scoring proficient in math and reading.

Also outperforming district schools are two charter schools opened by the city teachers union. The United Federation of Teachers opened the elementary and secondary schools to disprove people who said charter schools succeed because their teachers are not represented by labor unions. The case was sullied earlier this year when reports of parental concern and teacher turnover emerged from the elementary charter school.

Now, union leaders are saying their score results show the schools are indeed a model; at the elementary school, where students were tested for the first time this year, 98% of third-graders scored proficient on math, compared to 81% at other district public schools, and 82% scored proficient at reading, compared to 51% at district schools.

The high school, opened last year, also saw higher proficiency rates than district schools.

A smaller group of charter schools performed worse than their districts. The Ross Global Academy Charter School, which is housed inside the Department of Education's headquarters at Tweed Courthouse and has suffered high teacher and principal turnover, underperformed its district's average by about five percentage points on the state reading test, though its students performed above the city average on the test.

New York State's education commissioner, Richard Mills, released the test scores yesterday afternoon amid swirling concern that they were too high to reflect true educational improvements.

The scores, which shot up at many schools by double-digit proportions, were first reported in The New York Sun.

Yesterday Mr. Mills defended the test scores' reliability, saying the tests had been rigorously reviewed by the federal Department of Education and by a technical advisory group of scholars and psychometricians who gave their stamps of approval. "They challenge every aspect of what we are doing, and they are a tough market I can assure you," Mr. Mills said of the advisory group. "This process has passed muster with them."

State officials provided a document from the federal education department from this spring saying New York's state standards and tests have been fully approved, with just one recommendation related to assessments given to students with severe disabilities.

Several psychometricians and education experts told the Sun that score inflation — in which rising test scores do not reflect real rises in academic knowledge — is rampant across the country, and present in New York, too.

Mayor Bloomberg dismissed that notion. "You can't get better at doing math problems unless you know more math," he said.

Several possible mayoral candidates expressed doubt about the test scores.

"I don't believe in any of the state tests," Rep. Anthony Weiner, a Democrat who is a likely candidate for mayor in 2009, told the Sun.

The city's public advocate, Betsy Gotbaum, said the scores raise questions. "If New York City is making such a big jump on our performance on state tests, why do our scores on the NAEP test — this nation's gold standard test — remain flat?" she asked. "And why did so many other cities in the state, including traditionally low-performing ones like Buffalo and Rochester, see similar dramatic increases?"

6/24/08

NEW YORK Amsterdam News

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Vendor opportunities with the city are scarce for M/WBEs

June 26, 2008

By GLENN TOWNES

Special to the AmNews

"Minority" and women-owned business enterprises (M/WBEs) across the Big Apple rejoiced three years ago when Mayor Michael Bloomberg signed into law a plan that guaranteed them a bigger piece of the economic pie in city contracts. But the ebullience and elation diminished and turned to anger and frustration for some of those same entrepreneurs earlier this month after an embarrassing exposé appeared in a local newspaper.

Among other things, the article raised serious doubts about the Bloomberg administration's alleged commitment to leveling the playing field for M/WBEs to do business with the city.

In late 2005, Local Law 129 went into effect. Bloomberg signed off on a historic edict that effectively established a goal-based minority- and women-owned business enterprise program. The law required that all city agencies be held responsible for providing detailed statistical information regarding the use of certified M/WBEs for various city services and projects. The process would be administered and monitored by the Department of Small Business Services (SBS), which would report its findings back to the mayor on a regular and consistent basis.

However, an extensive exposé published earlier this month by the Village Voice blasted the Bloomberg administration—most notably the SBS, for not following through on the mandate. The paper reported that African-Americans and other so-called minorities are still being summarily shut out of city contracts. The SBS was portrayed as a lackluster and somewhat inept agency headed by an ill-tempered, demanding and uncompromising leader named Robert

(Continued on Page 31)

NEW YORK Amsterdam News

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Vendors

(Continued from Page 1)

Walsh. Initially, according to the Village Voice, Walsh couldn't even provide substantive statistical information regarding how many M/WBEs were being awarded city contracts—despite the fact that Local Law 129 had been in effect for nearly three years. The stats should have been readily available since the report was supposedly being consistently compiled and forwarded to the mayor on a regular basis. There were also questions about if the SBS was monitoring various city agencies' adherence and compliance to the mandate since its inception in 2005.

After more than two weeks, the agency provided the figures and acknowledged that only a handful of M/WBEs are doing business with the city. However, the SBS was quick to note that the poor record-keeping and overall inertia of the entire city M/WBE program—especially the construction apprentice program—was not entirely their fault.

"I didn't design the program"; "We didn't meet our goals"; "There is a lot we need to do in order to improve it," are all statements attributed to SBS Executive Director Robert Walsh.

Under the construction apprentice program, the mayor unveiled a highly touted initiative that was designed to give minorities and the economically disadvantaged the opportunity to participate in major and not-so-major construction-related projects across the city. However, for a multitude of reasons, the apprentice program languished and never really fully developed. According to sources, at one point the construction trades offered dozens of open slots especially targeted to M/WBEs. Most of the slots remained vacant because the city was unable to locate viable apprentices to fill them.

Larry Scott Blackmon, deputy commissioner and chief of staff for the SBS, said the information highlighted in the Village Voice article was flagrantly exaggerated and grossly mischaracterized. "The SBS has made great strides in providing job training for New Yorkers, placing them in jobs and increasing efforts to help minority- and women-owned businesses secure [city] contracts," Blackmon said in a brief interview with The Amsterdam News. "We are always looking for ways to improve [our efforts]."

And improve they must, as signs that there was trouble brewing regarding the implementation of noticeable contract-letting opportunities to M/WBEs began to surface last July. Public Advocate Betsy Gotbaum released a scathing report about the foibles and ongoing problems of city contracting to M/WBEs by the SBS. At the time Gotbaum said, "This program is supposed to level the playing field for [women and minority] business owners. Our investigation shows that it just isn't getting the job done."

Recent stats support Gotbaum's argument. For example, in fiscal year 2006, when the city procured more than $11 billion in products and services, only $55 million went to certified M/WBEs. Gotbaum slammed the SBS, noting that the agency fails to provide complete and accurate information to M/WBEs regarding procurement opportunities with the city. (This point was highlighted when the agency took more than two weeks to publicly release stats on the number of city M/WBEs contracted vendors). Gotbaum called the New York City M/WBE program "ineffective." Reaction to the allegations of incompetence and mismanagement at the SBS by some African-American entrepreneurs across the city has ranged from matter-of-fact to dismay.

"It's obvious that there continues to be a major problem with M/WBEs not getting city contracts, despite there being a law requiring it," said Mark O'Luck, president of Spectrum Communications in New York. O'Luck, who has owned several businesses over the years, is a consultant to dozens of minority-owned businesses in the metro area.

He referenced a study that was conducted by the City Council a year or two ago that contended that alleged discrimination in the awarding of city contracts to M/WBEs is "limited to contracts under $1 million."

"Many minority-owned firms simply do not have the resources to perform on larger contracts," he said.

Robert Parchment, owner of Robert Parchment Heating and Plumbing in Harlem, said M/WBEs continue to be excluded when it comes to being awarded city contracts—especially in construction. "This is the greatest period of growth in the history of New York City," Parchment said in an interview with The Amsterdam News. "Yet, despite this fact, Black-owned businesses continue to be left out of projects at all levels."

NOT MUCH BETTER IN NEW JERSEY

Across the river in New Jersey, legislators sought to emulate New York's highly touted minority procurement initiative. For example, late last year New Jersey Gov. Jon Corzine authorized the transfer of the newly established Division of Minority and Women Business Development from the Office of Economic Growth to the Department of Treasury. Nina Moseley, the former senior director of business services for the New Jersey Commerce Commission, was tapped to head the division—becoming the second person to sit at the helm of the division in just over a year. Similar to the Bloomberg city plan, Corzine expected to dramatically increase the number of state contracts awarded to M/WBEs, a feat that has yet to occur.

At the time of the initiative, Corzine said, "The state will be using its purchasing power to help facilitate growth among New Jersey's minority- and women-owned businesses.

"This executive order represents another step toward guaranteeing equal opportunity for everyone." According to the most recent figures released by the state, as of 2006, only 2 percent of the estimated $2 billion in state procurement contract dollars are awarded annually to minority and women owned businesses.

Lynda Ireland, president of the New York/New Jersey Minority Purchasing Council, said, "It's already [widely] acknowledged that minority-owned businesses only receive a small piece of the economic pie anyway, and that still has not changed."

Ireland said that despite the strong rhetoric and bold initiatives by Corzine and other state legislators to formulate comprehensive M/WBE programs, little progress has been made.

John Harmon, president of the Metropolitan Trenton African-American Chamber of Commerce, said contract-letting opportunities for M/WBEs continue to be a long, drawn-out process. "It's been two years since a specific plan was implemented to bring more diverse suppliers in to do business with the state, and things still have not changed," he said. "How long does it take before we actually see noticeable growth in the number of M/WBEs getting state contracts?"

William Parrish, president of Noble Strategy a construction management firm in South Orange, N.J., said construction projects in the metro area will likely generate billions of dollars in revenue—therefore M/WBE participation is essential. Parrish said while the large, established firms will likely get the first shot at the major projects, "There [should be] other significant opportunities for smaller firms and subcontractors." Noble Strategy currently has several major projects under contract in the metro area.

At any rate, perhaps the only bright spot in an otherwise dim and murky view of vendor opportunities for M/WBEs in New York and New Jersey comes from Albany. Gov. David Paterson has remained steadfast in his commitment to bring more minority entrepreneurs into the state procurement coiffures. "We are providing more resources [financial and human] to the state Division Of Minority And Women Business Development," Paterson said at a recent speech in Albany. "I am committed to bringing minority-owned businesses back into the state vendor database."

Public Advocate Gotbaum agreed and acknowledged that M/WBEs will likely find better opportunities with the state than with the city. "Minority-owned businesses are more likely to certify with New York State's M/WBE program because of New York City's ineffective M/WBE program," she said.

For a listing of available procurement opportunities with the State of New York, suppliers can go to www.newyorklovesbiz.com.

Paterson

bers, including a recent one in the New York Daily News. The economic nitty-gritty. All politicians talk about reform, pressure has to be applied."

In as much as the governor succeed in business or political affairs," he told Tavis Smi-

Queens Chronicle

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YOUR COMMUNITY NEWSPAPER

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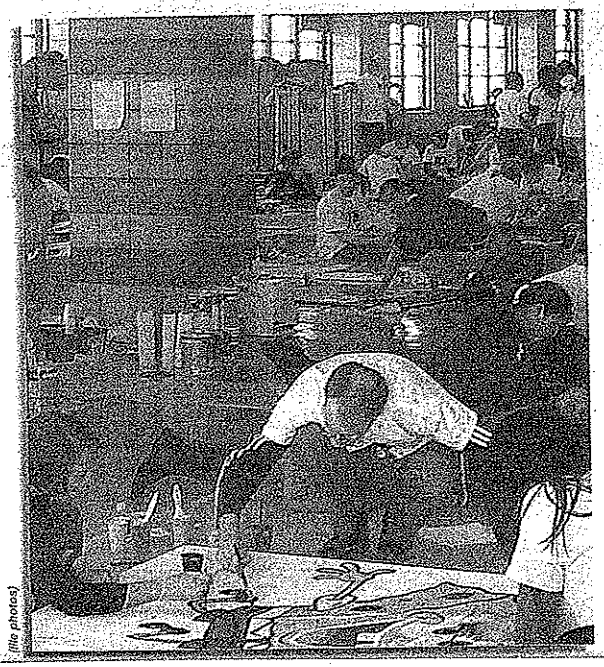
ARTS EDUCATION IN PUBLIC SCHOOLS



(file photos)

GETTING SQUEEZED?

A contentious new report by the city's public advocate points to shortcomings in public school arts education. The Department of Education says things are improving PAGE 5

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THE QUEENS TIMES
YOUR COMMUNITY NEWSPAPER

Room For Improvement In Arts Ed

by Austin Considine
Assistant Editor

A report released last week by the office of Public Advocate Betsy Gotbaum alleges that the majority of the city's public schools are "out of compliance" with the state's minimum requirements for arts education, and that, in the case of elementary school dance and theater programs, "compliance has further deteriorated" over the past school year.

According to the report, as many as 7 percent of elementary schools and 9 percent of middle schools surveyed had no arts education. Additionally, of schools surveyed, 68 percent of elementary schools and 47 percent of middle schools offered students classes in one or two disciplines — among them, dance, music, theater and visual arts.

New York State Education Department regulations require that all first- through sixth-graders receive instruction in visual arts, music, dance and theater. (The report notes that "most sixth graders" in the city "attend middle schools," though they fall under state elementary requirement guidelines.)

Richard Kessler, executive director of the Center for Arts Education, a group that supports arts education in New York City and which contributed to the report, said the findings weren't surprising.

"All of the data that's been coming out over the last three years has certainly been indicating what was indicated in this report," Kessler said. "Virtually nothing in the report came as a surprise to us."

Of particular concern to advocates is the difficult position created for principals who, they say, face "increased pressure to produce gains" on standardized tests.

Money that had previously been restricted to arts education in schools as part of the Project ARTS program, created by former Mayor Rudolph Giuliani, was unrestricted in 2007, when principals were given full authority over their budgets. Meanwhile, the report notes that 85 percent of a school's Progress Report — a major accountability measure for the city's Department of Education, which assigns a letter grade to each school and can spur leadership changes when grades are poor — is based on test scores in math, reading and writing.

The concern is that under such pressure, and with full budgetary control, "principals will be motivated to spend funds previously dedicated to arts programs on other priorities," the report states.

Although it is "still too early to judge the full impact of the elimination of Project ARTS," in the language of the report, Kessler indicated that the potential for decreased emphasis on arts education was clear.

"You're vesting all control in principals, while at the same time it's essentially a gun to the principals' heads where the arts really don't count at all," Kessler said. "Imagine you're a principal, what are you going to do? (This is) the one-two punch that will result in a pretty serious knockout for arts education."

The DOE has characterized the report as disingenuous, however, criticizing in particular what it deems a flawed methodology that "neglect(s) many of the ways students receive arts instruction," including through partnerships with outside arts education groups.

According to the DOE, in the 2006-2007 school year, 343 "arts and cultural organizations" provided services to 82 percent of schools.

The report also used dubious methods of fact-gathering, the DOE has asserted. "The public advocate continues to produce reports on the school system that add little to public policy," the department said in a statement. "Apparently attempting to replicate a parent's experience, the public advocate spoke with whomever happened to get on the phone at random schools."

That methodology, as described in the public advocate's report, had surveyors call published phone numbers for 100 randomly-selected elementary schools and 50 randomly selected middle schools. They asked to speak to an administrator familiar with subjects offered to students. Surveyors typically spoke with parent coordinators, guidance counselors and sometimes to main office staff.

But in a broader sense, the DOE cited large-scale efforts over the last several years to improve accountability in arts education — particularly by way of its ArtsCount program, which went into effect for the 2007-2008 school year. New measures as part of ArtsCount included making arts education compliance a part of annual Quality Review reports, an adding an Arts Compliance Review to principals' annual pe formance evaluations.

> "You're vesting all control in principals, while at the same time, it's essentially putting a gun to principals' heads."
>
> —Richard Kessler, executive director of the Center for Arts Education

Citing these and other measures, a spokesperson for the DO said the public advocate's report created a false impression o arts accountability by placing too much emphasis on scho Progress Reports.

The centerpiece of ArtsCount is the DOE's "Annual Arts i Schools Report," the first of which was released in March.

"(The AASR) provides unprecedented detail about and com prehensive analysis of arts instruction i every public school in New York City," the DOE said in statement. "Thes reports — which will be updated ever year — are available to parents onlin and the information they contain wil allow the DOE to provide targeted sup port where it is most needed."

Indeed, the report (available through the DOE's Web site a http://schools.nyc.gov), though emphasizing the department's efforts to make "arts a priority fo its public schools," is markedly critical of schools' shortcomings in arts education.

In particular, it concurs with Gotbaum's study on many points, stating, for example, that, although "elementary schools are striving toward the NYSED requirement of providing all four arts disciplines to all students ... far too few schools provide instruction in all four arts disciplines each year." Likewise, the DOE's report asserts that student arts participation in middle schools must be improved, a point emphasized repeatedly in Gotbaum's study.

The public advocate's report recognized the AASR as "an important and positive step in providing the public with information about students' access to arts education," but added that there were "a number of concerns that the DOE should address in its next report."

For a full copy of the 20-page public advocate's survey, visit www.pubadvocate. nyc.gov.

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DAILY NEWS

6/30/08

Corruption probe subpoenas are blanketing the Bronx

Monday, June 30th 2008, 3:25 PM

Public Advocate Betsy Gotbaum (second from l.) did the Hunts Point Hustle last month (and celebrated her 70th birthday), joining the 5K race to support Sustainable South Bronx and Hunts Point.

Just how many Bronx elected officials and organizations linked to them have been subpoenaed by the feds or city investigators?

We figure it's easier to guess who HASN'T been slapped with legal papers by U.S. Attorney Michael Garcia and his public corruption unit or the city Department of Investigation.

Though probers are being tight-lipped, we're told a bunch of electeds, nonprofits they've funded and some campaign fund-raisers have had to hand over boxes of material.

And while they believe the party has "clean hands," party sources told us Bronx Democratic Party officials are "bracing" for the day the FBI walks into county HQ "to slap paper."

Already making ink with probes are State Sen. Ruben Diaz Sr. and Assemblyman son Ruben Jr., City Councilwoman Maria del Carmen Arroyo and Councilman Larry

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DAILY NEWS

6/30/08

The GE Foundation gave the city schools system a $17.9 million grant - the biggest single contribution from a corporation it has ever received.

Since the beginning of New York state's government in 1777, only once have all statewide office holders and both legislative leaders been residents of downstate - a fact that may be poised to change.

Here's Public Advocate Betsy Gotbaum all decked-out for the Pride Parade this weekend.

Gotham Gazette
New York City News and Policy

The Autism Gap
by Gail Robinson
11 Jun 2008

Photos courtesy of Rebecca Schools
A student at the Rebecca School in Manhattan, a private school for children with autism spectrum disorders.

Strapped into his helmet, the boy kicks off, propelling his scooter about 30 feet before he trips off and come to abrupt halt. A young woman rushes to help, but the boy remains undaunted, "I want to keep riding," he insists, pushing off again.

Not an uncommon scene. But its very ordinariness makes it noteworthy. The boy is riding not along a city sidewalk but in the corridors of a public school on 100th Street. He attends the New York Association for Autism Charter School, and one thing the school aims to do is help its students play. "If a kid is isolated all the time, you're not preparing them for life," said director Jamie Pagliaro.

The charter school, which opened in fall 2005, represents a wave of new classes, schools and other programs designed to help the increasing number of New York City children diagnosed with autism spectrum disorders. The founders, both mothers of children with autism, started the school because of their own epxeriences looking for a school for their children. Neither could find programs they considered appropriate in New York City.

"You should be able to educate your child in the community where you live," one, Laura Slatkin, has said. "There should be a great school in New York City."

Those involved with the school and the Department of Education also hope the charter school can provide a model for meeting the needs of autistic children, who require a lot of attention. In that event, it will lead to more public programs -- and more programs in the five boroughs.

For government, the rising number of autism cases strains budgets and taxes services. For parents, the disorder poses an even more daunting challenge -- finding an education and therapies that will help their children lead the fullest possible lives. With a shortage of programs and funds, conflicts inevitably arise between school and family over screening and diagnosis, over the type of services a child needs, and over who should pay for it.

Navigating the system -- and finding scarce therapists and classroom slots -- can intimidate even the most sophisticated and aggressive parent. For the less educated parent, or one who doesn't speak English, the difficulties loom even larger.

Gotham Gazette
New York City News and Policy

"The lack of sufficiently intensive programs in the public schools, the lack of sufficient seats in private alternative programs and the failure of the state education department to approve sufficient private school providers render the search for an appropriate placement for many children a morbid game of musical chairs in which only the best resources and most legally adept may win," said a grant proposal from CUNY Law School and Hunter School of Social Work.

A Mounting Problem

Autism spectrum disorders are complex and not always easy to diagnose. Ranging widely in severity, they affect the development of normal social and communication skills.

In the past decade or so, autism has increased dramatically. Some experts believe television may be a cause; some blame vaccines or environmental factors. Others attribute part of the rise to improved diagnoses, particularly of people with milder autism disorders, such as Asperger's syndrome.

For decades, according to the Centers for Disease Control, autism was believed to occur in about four or five children out off every 10,000. But in 2000, a sample taken from 10 states (of which New York was not one) found that about one 8-year-old child out of every 150 had some variant of the disorder.

In New York City, the number of children with autism has increased by more than 70 percent since 2001. According to the Department of Education, as of June 2007, 5,863 students in the New York City school system had been diagnosed with an autism spectrum disorder. Some educators have estimated the number could be far higher. Spending for children with autism is folded into the city's $4 billion special education budget.

Photo from the May Institute

This is a particularly expensive group of children to educate. All recommended methods for helping autistic children call for individual attention and various therapies. Many of the youngsters have behavioral problems that require close supervision.

Tuition for private schools for autistic students, such as the Rebecca School on East 30th Street in Manhattan, can easily run to about $80,000 a year. In 2006, the city reportedly spent about $825 million for tuition at private schools for special education students. The Department of Education does not break out numbers for autistic children.

Under federal law, if an individual school district cannot provide an "appropriate" education for a child with disabilities, including autism, it must pay tuition at a private school. While the federal government requires the school system to pay that cost, it does not give the school district or the state the money to do that. This leads to rancorous and costly battles between school districts, which must keep at least one eye on budgets, and parents, eager to do what they believe to be best for their child.

Two years ago, Scott Greenspan, a New York lawyer, testified before City Council about his

Gotham Gazette
New York City News and Policy

frustration in getting an education for his son, then 9. The boy, he said, is autistic, non-verbal and has a condition called pica in which he puts objects in his mouth. This meant he required a paraprofessional to follow him around all day. But, Greenspan said, "the Department of Education has thrown roadblock after roadblock in our son's education."

While most parents worry abut their child's education, the issue is particularly fraught for parents of children with autism. A story from Florida this month certainly brought that point home. There, according to the boy's mother and press accounts, a kindergarten teacher encouraged her students to tell an autistic classmate what they did not like about him. At the end of the proceedings, the students, apparently with the teacher's approval, if not even encouragement, voted 14 to 2 to vote the autistic boy out of the class.

Finding the Children

Many experts now believe that parents, pediatricians and day care workers should be alert to indications of autism in children as young as 18 months or 2 years. The city provides testing to children under five if the parent asks for it.

Despite that, "some children don't get found," Dorothy Siegel of NYU's Institute for Education and Social policy told a panel at the New School last fall. By the time some kids are diagnosed, they may have already fallen behind. "If this kid had been picked up when he was two or three he would be considered high functioning," she said.

Some parents and day care providers may not know about autism. Others may be reluctant to request a diagnosis that could place a child in the special education system. And others are dissuaded from asking for help. A recent survey by AHRC New York found that parents often suspect something is amiss -- their child is not starting to speak or making eye contact. "A good percentage of parents were told by doctors to wait and see if your child is going to improve," said Chris Treiber, the group's advocacy director.

Once children turn five and start kindergarten, they become the responsibility of the public school system. A team evaluates the child and comes up with a diagnosis. Parents with the wherewithal often bring in their own experts. Those without those resources can receive "a plain vanilla evaluation" involving the special education teacher and a school psychologist who may have no particular expertise in autism, said Bernardo Pace, the parent of a child with autism, who serves on the board of Eden II Programs for Individuals with Autism and wrote the CUNY Law School/Hunter School of Social Work proposal.

The evaluation matters. Based on it, children considered to have a disability receive an "individual educational plan" setting up a placement for the child and the services he or she should receive.

Again, said Pace this places some children at a disadvantage. "Kids who come from lower income neighborhoods....get diagnosed later, get diagnosed with less professionalism," he said. Many then get placed in classrooms that, he said, may "amount to babysitting more than education."

Perhaps few topics so roil education as these educational plans and the accompanying placements. The school system wants to hold down expenses. The parents want help for their child.

"There is increasing tension between parents' aspirations for their child and what the school is willing to provide," Michael McKee executive director of the Virginia Institute for Autism, has said. "School districts pretty much across the country define 'appropriate" as 'merely adequate.'"

Parents can challenge the city's decision first in an impartial hearing and then in court. The issued reached the Supreme Court last year. In a split decision, the justices ruled that parents did not even have to try the public school's proposed program for their child before seeking out a private school.

Gotham Gazette
New York City News and Policy

While parents assail the public schools for failing to meet their needs, the city Department of Education education clearly believes -- although if will not say this so bluntly -- that many parents whose kids could be served in the public school simply want the city to pick up the tab for a pricey private education.

"We basically have looked at our program and tried to meet the needs of kids," Linda Wernikoff, the department's director of special education, said. But she added, "No matter what we do there will be parents who think there will be a private program that is better."

Several years ago, former Schools Chancellor Harold Levy put that far more bluntly. Parents trying to get costly private educations for their children with disabilities consume "resources that are critically needed for the system," he said. "You cannot give one kid the Cadillac and the others the back of the bus."

Attorney Jesse Foley disagrees. "Parents have a moral obligation to give their children everything that they can," he said

To press its case, the city has added some 16 attorneys, many of them good litigators, according to Regina Skyer, a lawyer whose firm represents parents in these cases. "They're putting up a better fight than ever before," she said.

"They are responding to what they feel is a frontal attack by parents who want the world," said John Farago, a CUNY Law School professor who has also served as a special education hearing officer.

But Skyer said the real fault lies with the city's services. "If the programs were good, would there be so many lawsuits? Would you have a cottage industry of private services for autistic children?" she said.

A number of attorneys in the city, such as Skyer, specialize in helping parents handle their cases. Some schools will also help parents; the Rebecca School, for one, has given parents lists of attorneys and pointers on getting reimbursement.

While parents do not have to be represented by lawyers, those who do may be at an advantage. "Families who are able to hire attorneys are able to get better quality services for their kids," said Treiber,

As a result, some question whether the system allocates service equitably. "The kids who get private school placements are not necessarily the most severely disabled kids," said Pagliaro of the New York Center for Autism Charter School.

Staying in the Public Schools

Faced with increasing number of student with autism and the staggering cost of educating them in non-public schools, New York City, like other districts across the country, has sought to expand services within the public schools.

Of the 6,430 New York City students classified as autistic, 82 percent of them attend classes somewhere in the pubic school system, according to Linda Wernikoff, deputy superintendent for special education. Another 16 percent attend a state-approved facility meaning the state pays much of the cost.

As the number of students with autism has doubled, said Wernikoff, "We're coping with it by being aggressive about program development."

One key initiative in the past several years has been the Nest program, aimed at children with Asperger's -- in other words students considered to be "high functioning" on the autism spectrum.

Now serving about 200 students in 11 schools, it places four kids with autism spectrum disorders

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and 8 general education students in a room with two teachers, using what educators call a collaborative team teaching approach. In many respects, said Siegel, who played a key role in establishing the program, "the classrooms are exactly the same as every other classroom." The class follows that standard curriculum for that grade, although the disabled students receive "intense speech and social development therapy," she said.

"The classrooms look like any well-stocked mainstream classroom, but are designed to minimize distractions for children for whom distractibility is a common problem," Carmen Alvarez, who visited a Nest program in East Harlem, wrote in New York Teacher. "Everything I saw in these rooms was visual or tactile and explicit, all to maintain the children's focus and ensure understanding." And, she continued, something called the Incredible Five-Point Scale helps children gauge how loudly they are speaking and how to modulate their voices

The program has expanded to a middle school, MS 447. There, administrators "are revamping the school to make it more friendly to our kids" and teaching the staff how to do real collaborative team teaching, Siegel said -- doing a variety of things "that are beneficial for our kids but are good for their kids as well."

Nest receives widespread praise. Unfortunately, though, seats remain limited and the program only serves students who can speak and do regular academic work. "It's difficult to get your child in there," said Treiber. "It serves a small percentage of kids with autism."

To try to expand the boundaries, the department has started an intensive kindergarten program to prepare some children for Nest.

For students with more severe deficiencies, the schools offers specialized classes within the students' home districts. Most autistic children, though, attend classes administered by District 75, the citywide special education "district." To meet the rising need, the district has added at least 100 classes for autistic youngsters in District 75, Wernikoff said.

The new classrooms have not kept up with demand, according to Public Advocate Betsy Gotbaum. As a result, she said in a written statement, "Many parents are forced to seek alternative placements in private schools. ... The DOE must create enough placements for children with autism in order to provide them with the best possible education. If they do not, the resulting hearings and private school tuition will end up costing the city more money."

Advocates and parents see a wide disparity in the quality and availability of programs. "The Department of Education has some good programs," Treiber said, citing ones at PS 175 in the Bronx and PS 255 in Queens. But, he added, "It's not the rule, it's the exception."

The district 75 classes have six students of somewhat varying ages and abilities -- not necessarily all autistic -- with one teacher and one paraprofessional. In addition, a student with specific behavior issues may be assigned an individual paraprofessional.

While the staffing is generous for a school system where class size for elementary school averages around 25 students, advocates say it may not be sufficient for these children. This is partly because the language, behavioral and social deficiencies associated with autism "make it unlikely a kid with autism is going to be doing a lot of learning when the teacher is working with another student," said Pace.

"The teacher is supposed to be providing instruction and dealing with behaviors of these students. That can't occur," said Foley.

He has represented students in suburban districts where a class might have one teacher and three aides for eight students. These smaller, more affluent communities may provide extensive therapy sessions and programs extending beyond the normal school day.

There are a number of approaches for educating children with autism, but the city does not adhere to any one of them. Instead it takes an eclectic approach.

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Autism spectrum is a very wide spectrum," said Wernikoff. "You need to be flexible.

Some experts, though, question this approach -- however good it might sound. Autistic children "thrive on the consistency of instruction," Gina Green, a California autism consultant told the publication Edutopia. "By definition, a mixed method has a lot of inconsistency."

Creating A Model

Faced with a disabled child and questions about the city's offerings, it is no wonder that some parents turn elsewhere. Ilene Lainer, a co-founder of the New York Center for Autism Charter, was one. Now she has said she hopes the charter school will keep other parents from making the decision that she did.

The charter school provides services to 28 children. As a charter, it must select its students by lottery, perhaps making it more accessible to some parents than private schools. The students range in age from 5 to 12 (the school can accept students up to age 14) and in ability. Some students come in wearing diapers.

"We have a gamut of kids with high -frequency severe behaviors," said director of education Julie Fisher. "We address these behaviors to get them to a point where they can learn new skills."

Some of the students are non-verbal and must communicate with picture or a voice output machine, said Fisher. Others, though, greet a visitor, asking my name and reaching out to shake my hand and trying to look me in the eye.

"We are pushing them to interact with each other, to greet each other," Fisher said.

Each child has his or her own curriculum, spelled out in a bulging binder detailing tasks and levels of accomplishment. This includes personal things, like brushing ones teeth, and helping kids ride bikes or bounce on pogo sticks so they can go to a park in the afternoon.

Teaching is done using applied behavioral analysis techniques. Almost always referred to as ABA, this has emerged over the past decade or so as the preferred method for teaching autistic students. It calls for teachers, parents or therapists to break skills into small tasks that students perform repeatedly. When they do the job correctly, they receive an award, such as a pretzel.

Located in P.S. 50 the charter foster ties with the school system. Some of the charter school students spend time in the larger school. One boy, Fisher said, goes to the larger school for about 15 minutes a day to practice sitting with other children. "He has issues about being in groups. This allows us to desensitize him," she said.

For their part, P.S. 50's seventh and eight graders work with the charter school students and get a little course in autism.

The charter hopes to provide training to public school teachers, part of an effort to take what has been learned at the charter and use it in public schools.

But there may be limits. For one, the school remains very expensive. It receives $62,000 per child in public funds and still needs to fundraise to close a gap of about $20,000 a student. It is unclear how that model would transfer to the regular public school system.

And even with models and training, Pagliaro said, public schools may not be able to provide an appropriate education within the system to every child: "For kids with the most severe problems, the public schools are not equipped to deal with that," he said.

The Private Approach

Some of those students enroll in places such as the Rebecca School. One a recent morning,

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Ben, a boy of about 9, lay on a mat in a classroom using a large cone to play peek-a-boo with a teacher. Ben smiled but did not say much. He has limited verbal skills.

Unlike many such schools Rebecca, on East 30th Street in Manhattan, is operated by for profit company, MetSchools, which also run the Aaron School for youngsters with learning disabilities. When a number of autistic students applied to Aaron -- even though it was not intended for them-- MetSchools chief executive office Michael Koffler saw a need and decided to fill it.

Opened in 2006, Rebecca now serves 87 students from 4 to 16 (it can accommodate up to age 18) with a range of autism-related deficiencies. Each class has eight children with one head teacher and three assistants, but children also have one-on-one sessions with a range of specialists, including art, music and drama therapists.

The school uses the DIR/Floortime approach favored by some who see ABA as too focused on rote learning and not paying sufficient attention to relationships and to the child's needs." Most of our children are coming from a more behavioral approach," said admissions direction Elizabeth O'Shea. "Our approach is more relationship based and more learning based as well. We're following the child's lead."

Whatever its difference with ABA, though, this model also calls for a lot of individual attention.. In a corner of a hall one morning earlier this month a child made anguished noises as a teacher tried to soothe the student and figure out what was wrong. 'Every behavior is a form of communication and it's our job to try to figure out what the child is trying to communicate," said O'Shea.

Whatever the children's limitations, the school wants them "to them to feel as though they're living normal lives and going to a normal school," said PD Cagliastro, director of public affairs for MetSchools.

The Problem of Shortages

Creating a normal environment -- and life -- for these children is enormously complicated, expensive and, for parent, exhausting. No one disputes that more resources, programs and trained professionals are needed to meet this challenge.

"The most substantial impediment "to children receiving services is "the lack of resources overall," said Farago. For example, he noted, many experts believe a child with autism needs 20 to 40 hours of ABA therapy a week. Money aside, "there isn't anything that approaches that number of therapists," he said.

As a result, "you wind up with people competing for scarce resources, and it's always going to be the case that ...the people with resources can fight harder and longer," he said.

Bridging that gap would cost money. In an op-ed piece, Michael O'Hanlon and C.A. Garland, parents of a child with autism, and developmental pediatrician Brenda Harris recommended that Congress provide at least $20,000 a year for every autistic child in the country needing full-time treatment, for a total bill, they estimate, of about $2 billion a year.

Not cheap, they agree, "but compared to what is spent addressing the nation's other health-care problems and, even more, to the human cost of our treatment approach, it would be a bargain."

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News

Want to Work for Mike Bloomberg? What's Your Batting Average?

Softball, campaign promises, and the miserable minority-contracting record of the Bloomberg administration

by Wayne Barrett

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Mayor Michael Bloomberg's most remarkable political achievement was winning half of the black vote and a third of the Hispanic vote in 2005 as a white Republican running against Fernando Ferrer, the first Latino ever nominated by a major party for any citywide office.

Nothing like it had ever happened before in a town where race and party are as linked as Bloomberg and bucks, and the mayor spent millions chasing what the media kept calling "minorities"—though, for the first time in that election, whites were less than half of the city electorate. As Congressman Charlie Rangel put it the day after the election, Bloomberg "breaks all the rules" and "appears to be able to appeal to people regardless of their color."

Rangel never formally endorsed the mayor, but he did appear at two pre-election press conferences with him, boosting a new City Hall program designed to recruit black and Hispanic apprentices into the construction trades. Bloomberg's Commission of Construction Opportunity was one of two ballyhooed initiatives targeting minorities that were announced in the glare of the re-election campaign. The other one was an executive order creating a new Minority and Women Business Enterprise (MWBE) program, which Bloomberg signed with black endorsers like Queens Borough President Helen Marshall and State Senator Malcolm Smith at his side.

These signature programs—touted in the campaign's radio and television ads—have since disappeared from both the public's consciousness and the mayor's agenda. Bloomberg issued a "Campaign Accountability Report" last year, claiming success in 96 of the 100 promises he'd made in 2005. That list of campaign pledges did not include the MWBE or construction-apprenticeship initiatives. Stu Loeser, the mayor's press secretary, tells the *Voice* that both programs, though announced in the closing weeks of the campaign, were "government" initiatives unveiled at City Hall, "not campaign promises." Ironically, the one element of the mayor's 10-point construction plan that has been fully achieved—the creation of the new High School for Construction Trades, Engineering and Architecture—*is* listed as a promise in the accountability report. Loeser says that's because the mayor had separately referred to the school at a campaign event a week after the overall construction plan was announced.

While Bloomberg's sensitive handling of the Sean Bell shooting and other police-abuse cases are commendable milestones in his two-term tenure, the meager results of his minority hiring and contracting initiatives suggest that, with just a year and a half to go, his legacy on racial-justice issues will be tough to square with the record-setting minority vote that re-elected him.

After election day, the implementation of both initiatives was immediately relegated to an obscure city agency called the Department of Small Business Services (SBS)—which had, surprisingly, more blacks at the top under Rudy Giuliani than it does today under Mike Bloomberg. Once run by a series of four consecutive black commissioners and other minority deputies, its table of organization now lists white employees in virtually every top position; the

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sole exception is Larry Scott Blackmon, a former aide to Rangel who worked in the 2005 Bloomberg campaign. Though the SBS website says that Blackmon, a 33-year-old political operative who once ran the MWBE program for the planned New York Jets stadium, "is responsible for overseeing" the construction-opportunity commission and "works closely" with another deputy on MWBE, he doesn't supervise either. In fact, except for noticeable growth in both construction apprenticeships and city contracts for non-minority women, it's not clear that anyone at SBS has been actively making good on these campaign promises.

Ferrer, who dropped out of politics and now works for a private public-relations firm, tells the *Voice* that these programs "are only successful in the eyes of the initiator." The former Bronx borough president insists that "if it were anyone else, there would be much more accountability on these promises," and he also decries the media "quiescence" that has selectively protected the Bloomberg administration. "I have never seen it so still," he says, contrasting the media's lack of penetrating questions about Bloomberg's second-term record with the coverage of his three immediate predecessors: Giuliani, David Dinkins, and Ed Koch.

Councilman James Sanders, who crossed party lines to endorse Bloomberg in 2005 after discussions with the mayor's aides about an MWBE program "with teeth," says he feels betrayed. "We should all cry about the impact of the executive order," he tells the *Voice*. "I'm growing to believe that there wasn't an honest spirit."

Sanders says he raised the issue of minority contracting in the first conversation he ever had with the mayor, in 2002, as well as several times since then. As chair of the City Council's economic-development committee, he became the prime sponsor of the council's MWBE bill, Local Law 129, "because a minority company could do better in Selma, Alabama, than in New York City." But Sanders now believes that "we are further segmenting the city" by failing to use the law he drafted—and which Bloomberg signed, a few weeks after the 2005 election—to integrate the city's business community. (Bloomberg, who also endorsed Sanders, carried his black middle-class district in Queens by thousands of votes.)

Letitia James, the Brooklyn councilwoman who chairs the contracts committee that oversees SBS, offered a similar critique of the apprenticeship initiative: "I don't know what it's about. It's not real. It was a press release."

Robert Walsh, who has run SBS since Bloomberg took office, conceded during a three-hour *Voice* interview that he hasn't had a single meeting with the mayor to discuss the MWBE program since the new law went into effect in late 2005. He also acknowledged that, from the beginning of the administration, his conversations with Bloomberg about aiding small businesses "had not been focused on gender or race." Asked if they'd ever had a conversation in which Bloomberg gave him "a sense of how important an MWBE program was to him," Walsh replied: "I don't want to put words in anybody's mouth. I can't remember a conversation like that."

Bloomberg also never asked about the progress in finding minority construction apprentices. Not that anyone would've had answers—Walsh and his first deputy, Andrew Schwartz, couldn't answer any of the *Voice*'s questions about minority apprentices, jobs, or work sites during the interview. "I didn't design the program . . . the first year, we didn't hit our goals . . . I don't know the breakdown," Walsh stammered, though he'd been told weeks before the interview that it was a focus of our story. "There is a lot we need to do on improving it." Pitched as a program for minorities when it was first unveiled during the campaign, the actual terms of the race-neutral and gender-conscious program require setting aside 10 percent of the apprentice slots for women, 5 percent for the "economically disadvantaged," other slots for veterans and public-housing residents, and none explicitly for minorities.

Two weeks after the *Voice* interview, SBS finally came up with the embarrassing numbers: 72 of the "economically disadvantaged" apprentices who entered the program over the course of nearly three years and are still working today are black. (SBS said it had no data on the number of black apprentices retained for "a comparable time period" before the program was launched.) According to what the administration told a City Council committee, over the three-year period ending this month, up to 1,500 of the 3,900 apprentice slots in the city would have been set

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aside for underrepresented workers of various kinds, and SBS now admits that it was counting on many more economically disadvantaged blacks in that mix.

A knowledgeable SBS source told the *Voice* that the construction trades had, at one point, offered 100 open slots, and the city couldn't identify apprentices to fill them. David Jones, whose Community Service Society analysis of the city's exclusionary construction trades prompted Rangel "to pick up the phone and call the mayor directly about this," sits on the mayor's commission, but concedes that "we have rather modest movement." Contrasting Bloomberg's program with a more successful one in Washington, D.C., Jones said: "There is some question about the exercise of will here. I start frothing at the mouth—there's nothing like this anywhere else in the country. This is appalling."

It should have come as no surprise to Bloomberg that a country-club agency like SBS hasn't proven a nurturing home for these minority-assistance programs. SBS, which has a $145 million budget and 265-member staff, is largely devoted to what it calls "business-driven" workforce and financial-bridging initiatives for small and large firms. Walsh, who co-founded the city's first Business Improvement District years ago, has expanded BID services—which consume another $78 million—since taking over as head of SBS. He's also been preoccupied with jump-starting a host of new corporate-welfare programs touted by the Harvard Business School. Tied to the city's quasi-private Economic Development Corporation, Walsh's SBS has even found rationales for subsidizing companies like Tiffany's (to retrain a handful of employees), and has taken credit for placing 50,000 people in jobs with employers from IHOP to Whole Foods—jobs that those employers would've had no trouble filling on their own.

Walsh's other fixation—highlighted in a glossy, full-color tabloid called *Spotlight*—is the agency's softball team, for which he's the starting pitcher. A dozen current and former staffers, many of whom asked not to be identified, say that hiring and promotions can depend as much on batting average and after-hours schmoozing as on job performance. Walsh is even said to scan the Internet for local college stars to recruit to the agency, and has asked job applicants about their ball-playing skills. He has also reported on the team in his biweekly memos to Bloomberg, describing his decision to join a league that includes Standard & Poor's, the FBI, and other New York City agencies as "taking a page" from the section on "teamwork and getting employees out of the office" in *Bloomberg by Bloomberg*, the mayor's memoir.

With the agency now packed at the top with young Ivy Leaguers in the preliminary stages of their corporate careers, the executives setting the agenda can't see a future for themselves either in placing a city furniture order with a Latino vendor or installing a black apprentice at the Yankee Stadium construction site. But other city agencies have been known to quake in their cleats at the prospect of facing SBS on the diamond.

Bloomberg has been anything but a champion of inclusion at the top levels of his own government. As Councilwoman James observes: "But for Deputy Mayor Dennis Walcott, what other person of black or Hispanic ancestry is there on the executive level?"

In 2006 (the latest full year for which statistics are available), only 8 percent of the 203 administrators and managers in the mayor's office—the two top ranks in the city's Equal Employment Opportunity filings—were black. Even Rudy Giuliani managed 10 percent. (Bloomberg's Hispanic hires, however, are slightly ahead of Giuliani's.)

Ironically, SBS was the only black- majority Giuliani agency (59 percent) when Bloomberg and Walsh took over; by 2006, it had dropped to 39 percent. Black administrators and managers at SBS have dipped from 37 percent at the end of Giuliani's term to 26 percent in 2006. Merged in 2004 with the Department of Employment—a Hispanic-run agency under Giuliani—SBS had only four Hispanics among its 68 top-tier employees in 2006, and half as many as Asians. (Walsh has recently hired an MWBE deputy who is half-Mexican.)

Several current and former black staffers have told the *Voice* about Walsh's insensitivity, as well as his "exclusive comfort level with highly educated white professionals." Donald Jackson, a 20-year city professional with a deep human-resources résumé, was hired by Walsh in 2004 as

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his HR director. He says that the merger with DOE—a very unionized city agency—forced Walsh to look for someone familiar with civil-service and union rules. Jackson left in 2007, after suffering through what he called "a daily torment of comments and innuendo—a demeaning, horrible atmosphere." He says that Walsh "wasn't comfortable with me as the face of the agency," and that another top minority manager told him that Walsh referred to him as his "whipping boy"—a charge that Walsh adamantly denies, though a half-dozen sources at the agency told the *Voice* they'd heard about the alleged comment. SBS acknowledges that Walsh "leaned heavily on his human-resources department" and "pushed his staff hard," but insisted this had "nothing to do with race."

Jackson listed one black employee after another who left the agency, dismayed by "an environment so hostile, they couldn't take it any longer." SBS calls this charge "preposterous," insisting that four black managers who were at the agency when Walsh arrived are still there, though the *Voice* reached out to 11 others who had come and gone (and even some who are still there) and repeatedly found echoes of Jackson's complaint. Jackson recounted the story—as did many others—of the departure of onetime assistant commissioner Michael Smith, who was berated by Walsh for hanging African-American art in the headquarters lobby for Black History Month. "He totally annihilated the man and told him to go home," recalled Jackson. "He was screaming and yelling that he didn't want more nails in the wall. [Smith] didn't get fired that day, but that was the beginning of the end." Reached by the *Voice* and asked about the Black History Month art controversy, Smith said: "You guys have really been talking to people." Then he refused to answer any questions.

Smith stayed at the agency for more than a year after the incident, resigning after Walsh identified apparent shortcomings in his handling of the BID program. Councilwoman James was so outraged in 2006 about the simultaneous departure of Smith and another top black manager that she raised the issue at a budget hearing, calling it "alarming" and demanding that Walsh explain why "your two highest- ranking African-Americans are no longer there." (James has since made peace with Walsh.) "Alarming" was also the word that Alfred Milton, an associate director of the MWBE program at SBS, used in a 2007 EEO complaint to describe "the lack of mobility" for black men "under Commissioner Walsh's leadership." (Milton's complaint is now pending before the State Division of Human Rights.) Another leading black official at SBS, Tim Johnson, went to see Deputy Commissioner Schwartz at one point, according to several sources at the agency, and complained that he'd been bypassed for a promotion—and that the job had gone to a younger white employee with far less experience. SBS ultimately agreed to raise his salary to equal that of the white applicant it had hired, but Johnson, too, would soon be gone. Johnson, who is now with the United Way, declined to comment, but SBS didn't deny this chronology, saying only that Johnson did receive other promotions.

For his part, Donald Jackson, the former HR director, was replaced by Spencer Cronk, a 28-year-old white policy analyst without any human-resources experience, as well as a black outside consultant. The consultant was given a six-figure contract but soon departed herself, leaving the entire job to Cronk, who was given a nearly $30,000 raise. Minorities are rankled by the salaries and promotions given to Walsh insiders like Cronk and Michael Borden, a former campaign aide to Andrew Cuomo who jogs with Walsh, house-sits for him, and plays on the softball team. Borden has received $58,000 in salary hikes since joining the agency three years ago, and now is paid $108,414.

Borden and Blackmon aren't the only politically connected hires. David Margalit, a Harvard Business School grad who worked in the Bloomberg campaign, was referred by the mayor's office, Walsh acknowledges, as was Chris Dorrian, the brother-in-law of Tony Carbonetti, Giuliani's mayoral chief of staff, current business partner, and the manager of his recent presidential campaign. Dorrian, whose family owns bars connected to two of the most explosive murder cases in recent decades (the so-called "preppie murder" of Jennifer Levin in 1986 and the slaying of Imette St. Guillen in 2006), is a Walsh favorite who manages the softball team and hosts it occasionally at a family pub. It's this "frat-boy" crew, as some call it, that irritates outsiders—many of them minorities—at the agency.

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The Mayor's Office of Contracts has submitted two reports to the City Council tracking the first year and a half of contract awards to MWBEs under SBS's new program. Both reports conceded that "the data does not yet reflect the levels of MWBE participation the City is aiming to achieve."

In fact, the percentage of contracts, by dollar value, going to Hispanic firms hit zero in 10 of 13 categories (such as "construction, $5,000 to $100,000") for the first half of fiscal year 2008, and zero in nine categories for black firms. On the other hand, non-minority women got zero dollars in a single category, and Asians in four. For blacks, the percentage declined in five categories compared with FY 2007, rose in one, and remained the same in seven—hardly an indication of progress. In the first six months of the current year, firms owned by non-minority women won $116 million in total contracts, while blacks won $7.8 million and Hispanics $5.1 million. In the first half of 2008, women-owned firms were awarded contracts valued at twice the amount for all of 2007, while black and Latino firms were on pace to earn just about as much as they did the year before.

There are a series of stark anomalies inside these numbers. Blacks received no prime contracts in construction in FY 2008; Asians got $19 million, women $13 million, and Hispanics $3.2 million. In 2007, women and Asians combined for $53 million in construction contracts; Hispanics received $5.3 million, and blacks got $550,020. Women-owned firms sold $11.4 million in goods to city agencies in the current fiscal year; the number for Hispanics is $987,143, and for blacks, $715,360. Even in the category of "micropurchases" (i.e., less than $5,000), women-owned companies received almost as much business as the combined totals for black- and Hispanic-owned firms. Hispanic firms got no subcontracts in construction and professional services, while blacks did a minuscule $2.6 million.

Walsh prefers to talk about how many more MWBE firms have been certified, though that's no measure of a program that's supposed to deliver *contracts*. He's also claimed in memos to the mayor that $152 million in MWBE contracts have been awarded, but women- and Asian-owned firms are reaping the overwhelming majority of those contracts. And very few of the contracts that Walsh is citing were actually awarded as part of the city's MWBE program, which is limited by LL 129 to contracts of $1 million or less. But the mayor's contract office cites these larger contracts—like a recent $83.2 million service contract—in its reports to the council anyway, though the new law has nothing to do with them. Without these giant awards, the MWBE numbers would be too dreadful to disclose.

But even those big MWBE wins went from a paltry 1.2 percent of all contracts above $1 million to a still-paltry 2.4 percent. As quick as the administration has been to note that rise in its reports to the City Council, it cites no figure for the growth of contracts below $1 million, which is the only real measure of whether the city is moving toward the contracting goals established under the law that Bloomberg actually signed. That's why, when asked in a separate phone interview if Bloomberg might be out of office before a goal-based MWBE program is "fully up and running," Walsh said matter-of-factly: "Yes, we will be." A few days after that interview, at a May 12 council hearing, Walsh announced a renewed determination to get the MWBE effort going, declaring that "over the next year and a half, my focus will be on helping MWBE firms be better prepared to bid on and win more contracts," and sounding as if the failings so far were attributable to the minority companies themselves.

The snail's pace of MWBE progress is partly a result of the Bloomberg administration's failure to complete a court-mandated study to determine whether a disparity exists between the number of available minority vendors and the city contracts they receive. The City Council released its own disparity study in 2005, and it was the council's San Francisco–based consultant who limited the provable discriminatory impact to contracts under $1 million. The study found that while many minority-owned firms might not have the capacity to perform on larger contracts, they could perform on smaller ones—and yet they still weren't getting their fair share. Walsh dismissed this study as "flawed" in a *Voice* interview, claiming that it contained sections from an earlier study done for another city, and also that it low-balled the impact on Asian and Latino

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firms. This is why the administration insisted on an updated study—and when Local Law 129 passed in 2005, it called for two more, one in 2007 and another in 2009.

However, SBS took almost a year to award the contract for the studies, leaving too little time for the research firm that it hired to complete the first phase by the April 2007 deadline. Walsh's deputy, Andrew Schwartz, acknowledges that the study "has been delayed on our side." And so SBS has decided to move on to the Phase II report, which is due a few months before Bloomberg's departure—virtually guaranteeing that the establishment of an enforceable program will be a challenge waiting for the next mayor. Candidates to replace Bloomberg may wind up making the same promises he did.

The new law gives SBS numerous enforcement powers to compel other agencies to increase minority contracting, but SBS hasn't taken advantage of them. However, the agency doesn't blame the lack of a disparity study for that reluctance. If it needed to, SBS says, it could defend a crackdown on the basis of the council's disparity findings. But those are the same findings that Walsh, the head of SBS, has publicly criticized— and any company that's denied a city contract in favor of a minority contractor will no doubt zero in on that contradiction in litigation. So whom is SBS trying to kid?

Sanders, who negotiated the bill with several offices of Bloomberg's administration, insists that Walsh "had trouble" with the new law "before he even saw it" and "was pushed into this by the administration." He contends that the failure of SBS "to enforce the rule of law and economic justice as far as MWBEs are concerned is at best a dereliction of duty, and at worst a failure of character." James is kinder to Walsh, saying only that "there was a period where SBS had to ramp up, and I don't know if they are there yet completely, and we've given them some leeway to come into compliance with this law." Both are dismayed by the administration's handling of the new disparity study, with James noting that it was "the administration that decided it was necessary," adding that the failure to produce a "timely" second one "is a concern."

But the Bloomberg administration hasn't only failed at the tough question of enforcement; even its simple promotional efforts have flopped. James has been doing a five-borough tour with SBS to try to get minority contractors and procurement officers from city agencies together for the last six months, but she says that seven or eight of the biggest contracting agencies have never attended, forcing her to complain to City Hall. The program has had two directors since 2005—the first was allowed to run it from Westchester while on partial leave for seven months, and the second has no background in minority contracting.

In fact, Walsh has been so disinterested in the program that when Public Advocate Betsy Gotbaum produced a damaging 26-page report on "Problems with the City's MWBE Program" last July, he didn't even bother to respond. The report concluded that SBS was "not effective in certifying MWBEs or helping them gain more opportunities to compete for city contracts," noting that it was "nowhere close" to the goals set forth in the council's law. Walsh did refer to the report in his August 9, 2007, memo to the mayor, branding it "distorted" and claiming that he'd "drafted a point by point rebuttal." But he didn't send a response for nine months. When the *Voice* began inquiring about it and Gotbaum personally wrote a follow-up letter, Walsh finally answered her, citing several agency actions that, as Susie Han, the author of the Public Advocate's study, put it, "were already done" before the study was released. Reminded that he'd told the mayor that he'd drafted a "point by point rebuttal" of the study months earlier, Walsh sheepishly conceded, "Apparently I did," referring to the memo to the mayor, and "I guess I did not," on the question of whether he ever did send that rebuttal.

Though Walsh has struck out on these minority-contracting initiatives, he loves to pitch SBS's business-service programs—even if they appear to fly in the face of Bloomberg's repeated boasts that he has "essentially ended corporate welfare as we know it." Having branded the tax incentives long offered to city businesses as "bribes," Bloomberg claimed twice in his campaign accountability report for the 2001 mayoral race that, as mayor, he'd instituted policies to put the squeeze on corporate giveaways.

Yet SBS has awarded nearly $5 million in "Business Solutions Training Funds" since

2005—giving, for example, Tiffany's $9,350 to educate 10 retail clerks in English as a second language. Walsh concedes that the agency doesn't consider profit margins or labor conditions when it makes these grants. As a result, highly profitable companies that service the rich—and that can presumably afford to train their own workers—have collected subsidies far grander than Tiffany's.

Georgina Bloomberg, the mayor's 25-year-old daughter—described as "one of the most successful equestrians currently competing on the Grand Prix circuit"—buys her riding boots at Der-Dau Custom-Made Boots & Shoes, a Brooklyn company that received a $105,635 SBS grant. Der-Dau president Joseph Der recalls fitting Georgina at horse shows in which she competed, and tells the *Voice* that she has some of the company's boots in her riding wardrobe. Also a sponsor of major equestrian events, Der says he's met the mayor at some of Georgina's competitions, but both he and the mayor's office agree that Bloomberg did not refer them to SBS. (Bloomberg doesn't remember meeting Der.) Der and SBS both said that a consultant working for the company suggested that it apply for the grant, but neither could identify the consultant. SBS admitted that Der-Dau's per-trainee cost—$10,564 for each of the 10 trainees—was at the "high end" of the applications it had approved, and that only seven of 121 recent applicants got grants. (In addition to its equestrian specialty, Der-Dau sells "Platinum Hip Hop" boots for $5,000, and offers shoes in French calf, ostrich, alligator, sharkskin, and iguana.)

Another company, Renovations by My Home Inc., collected $61,200 from SBS, although it only refurbishes apartments worth more than half a million dollars, specializes in $40,000 bathrooms, and was recently listed among the country's 500 fastest-growing companies. Net-A-Porter, the online fashion company that sells $4,000 Bottega Veneta handbags, $500 Dolce & Gabbana sunglasses, $860 Jade Jagger booty shorts, and once filled a $40,000 dress order, received $78,750 from SBS. (The SBS approval form noted that Net-A-Porter had achieved "100 percent revenue growth over the last year.") Similarly, Ricoh—a $10 billion company providing major automated equipment and electronics—was granted $100,837 to upgrade staff skills before a new multimillion-dollar Oracle software system was installed. (Margalit, who oversees the SBS Business Solutions unit, came to the agency from Oracle.) The Fitch Group, which operates a state-of-the-art reproduction facility for top law firms, collected $21,440. The Pierre Hotel and Les Halles, the French restaurant on Park Avenue, were approved for grants of $11,000 and $55,000, respectively, but decided not to go forward with their projects.

Mana Products, a Queens cosmetics company that manufactures Erno Laszlo mascara and sells a variety of "prestige beauty products" to Saks and Neiman Marcus, got $164,790. Though the *Times* reported in 1999 that 65 percent of the company's largely Latin and female workforce had signed union cards, Teamster 804 business manager Frank Laquidara tells the *Voice* that "the owners and management intimidated the hell out of the people that worked there" and blocked unionization. Mana's application projected profitability gains of up to 15 percent due to the training.

Online grocery store FreshDirect, which was awarded a $253,125 grant, last year earned the ire of Comptroller Bill Thompson and Congresswoman Nydia Velázquez, who accused the company of anti-union tactics that created "an environment of fear." FreshDirect notified employees about a federal audit of immigration documents just as they were about to vote on unionization, causing a hundred employees to flee. SBS said it had approved the grant in part because it would "increase profit margins."

Walsh boasted about this "proactive approach to training" in his recent budget presentation at the City Council, claiming that it helped employers to "grow and remain competitive." In fact, there's no requirement that the companies receiving these grants "grow" or hire new workers; there's not even a requirement that they "project wage gains" for more than "half of all trainees." Employers who do promise new hires and promotions, according to SBS records, are reluctant to commit to them even "within a six-month to one-year time frame."

When the program started in 2005, employers had to split the cost of training with the city—but when employers complained about that 50 percent contribution last summer, the agency

lowered it to as little as 30 percent. SBS insists that it verifies that employers actually pay their share and deliver whatever salary increases have been promised, but the agency refused to disclose the details to the *Voice*. Some recipients, like Der-Dau, do their training in-house rather than retain an outside contractor, making it very difficult to calculate the employer's actual contribution. Incredibly, Bloomberg is using city funds he set aside for anti-poverty projects to cover part of the cost of this program.

Another unusual program puts SBS in the role of an employment agency, pre-screening job applicants for new positions that major employers—including JetBlue, Banana Republic, FreshDirect, Whole Foods, Applebee's, and others—are planning to fill. When SBS placed 80 of IHOP's 111 new hires for a downtown Brooklyn pancake house, Walsh boasted in a memo to Bloomberg that the agency had "saved the company time and money," which apparently has become a governmental purpose in Mike Bloomberg's New York. According to Walsh, SBS was also responsible for 350 placements ("the largest-scale recruitment effort ever," as Walsh described it in a 2007 memo to the mayor) at the Whole Foods on the Lower East Side—but only eight of 36 workers at the store randomly interviewed by *Voice* said they went to SBS centers.

In other words, Walsh is financing career centers all over the city whose primary function is to funnel one person instead of another into a job that an employer is already offering, simply because the first person came to SBS and the second one didn't. Walsh says that his streamlined applicant pool has "made it easier for companies to do business in New York." It has also made it easier for Walsh and Bloomberg to boast that they've placed 50,000 New Yorkers in jobs—a success ratio that SBS loves to compare with the paltry placement numbers the city achieved when it actually tried to train the difficult-to-employ and match them with jobs.

David Fischer of the Center for an Urban Future critiqued this approach at a council hearing this year, calling it a "creaming model" that takes "the people who are most job-ready" and connects them to employers with a "Help Wanted" sign on the door. Julie Shapiro, the senior vice president for a contractor that runs an SBS Workforce Center, testified that "we are serving people who would end up finding jobs on their own." Fischer blames much of this on the federal workforce-funding formula's "crooked game," which demands numbers. And Walsh told the *Voice* that he agrees: "Fischer is right. You have me thinking about this cherry-picking conversation. Fischer is right that for the longest time, we've ended up chasing numbers. We did it."

These numbers, ironically enough, have been regaled in a course celebrating Bloomberg's economic-development policies at the Harvard Business School, where SBS official David Margalit was once a student of the very same professor who later conducted the case study of SBS. Walsh and a deputy mayor both appeared before the class in April. David Zipper, another former Harvard Business School student, was retained as an SBS consultant while still at Harvard and then hired to run the training-grant project.

Donald Jackson, the former HR director, vividly recalls being summoned by Walsh and told to look for ballplayers: "When it came time to select summer interns, he would go on the Internet and look for college players—and he wanted people based on their baseball stats, not their ability to do the work of the agency," he says. "I would have to call coaches and arrange to schedule information sessions for the kids. He was only looking for one or two players to improve the team's record for that summer. We got several interns that way over the years. Rob was never very subtle about why he hired someone: 'This person is a great outfielder.' "

SBS insists that "Jackson was never instructed to call a coach or recruit players," though it doesn't deny that he did, or that Walsh searched the Internet for players. While insisting that interns were recruited on merit and that only three played ball (the *Voice* identified five), SBS concedes that Walsh did call one coach. Walsh's message to intern applicants on the SBS website notes how much the agency values "the energy interns bring to the office, be it on an important project or as a great second baseman."

Virtually every one of the dozen agency sources that the *Voice* spoke to had a softball story similar to Jackson's. One recalled being asked about playing for the team during the entry

the village VOICE

interview. Another acknowledged the influence of softball, but insisted that it was just one of the social determinants of status and salary within the agency. "Happy hours" were another: Walsh took the current director of the MWBE program (who now plays on the team) to a nearby bar for her first interview. SBS acknowledges that Walsh "often discusses volunteer work, sports, and hobbies as a way of evaluating candidates' communications and interpersonal skills."

That's the most dysfunctional thing about fiefdoms: They create their own values. A bored second-term mayor, flirting with national ambitions, has never understood that integrating the business community and building trades are indispensable prerequisites to truly integrating the city. Handing off these re-election hoaxes to the same agency he relies on for imaginary job-development boasts is the way to get exactly what he wants in both cases: pretense.

The mayor who took his oath of office several months after 9/11 and steered the city deftly through its darkest days is on automatic pilot now, cruising into blessed history. Once a neophyte at politics, these days he is just one more pro—smugly turning valleys into mountaintops, counting on the faintness of collective memory, and all too certain of his own not entirely deserved acclaim.