



THE NEW YORK CITY COUNCIL

# Working Group on Mayoral Control and School Governance

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JUNE 2009

Co-Chairs:

Honorable Robert Jackson  
Honorable James Vacca  
Honorable David Yassky

Working Group Members or Co-Signers of the Report

Honorable Gail A. Brewer  
Honorable Inez E. Dickens  
Honorable Lewis A. Fidler  
Honorable Daniel R. Garodnick  
Honorable Vincent J. Gentile

Honorable Letitia James  
Honorable G. Oliver Koppell  
Honorable Jessica S. Lappin  
Honorable Miguel Martinez  
Honorable Joel Rivera  
Honorable Larry B. Seabrook

Honorable Kendall Stewart  
Honorable Kenneth C. Mitchell  
Honorable James S. Oddo  
Honorable David I. Weprin  
Honorable Thomas White, Jr.



THE COUNCIL  
OF  
THE CITY OF NEW YORK  
CITY HALL  
NEW YORK, NY 10007

June 12, 2009

Dear New Yorker,

The state law allowing for mayoral control of New York City's public school system sunsets on June 30, 2009, which has provided an opportunity for New Yorkers from all walks of life and political affiliations to weigh in on and debate the fate of this legislation. The City Council has a compelling interest in the outcome of debate on mayoral control, given our responsibility to further the well-being and academic achievement of the approximately 1 million children served by our public school system.

Implemented in 2002, mayoral control has changed the face of public education in New York City. Many have expressed concerns about a lack of transparency, accountability, checks and balances, and parent and community involvement under mayoral control. However, we must acknowledge that under mayoral control we have seen substantive gains in Math and English Language Arts test scores for students across all ethnic groups as well as English Language Learners and students with special needs.

To discuss the concerns by City Council Members and their constituents, we convened a Working Group on Mayoral Control and School Governance in July 2007 Co-Chaired by Council Members Robert Jackson, James Vacca and David Yassky. Over the last two years, the Working Group met with numerous stakeholders, held two city-wide public hearings and solicited input from all of your offices. Through this process the Working Group was presented with diverse views and recommendations. Our recommendations do not reflect the view of every Council Member, but outline some common-sense options to the issues raised. In some areas we were able to come to firm recommendations, in other areas where we couldn't reach consensus we are listing various options.

The focus of our report is on the creation of Municipal Control, which renews Mayoral Control of the schools, but gives the Council greater legislative and oversight power and the Comptroller greater auditing power, as is the case for other City agencies. Additionally, our recommendations seek to increase parental and community involvement through clarifying and strengthening existing structures.

We recognize that the State Legislature has a most important task before them in the coming days. It is our hope that this report, like others that have been issued on this subject by other stakeholders, will help inform their work on this issue.

Sincerely,

Handwritten signature of Robert Jackson in black ink.

Council Member Robert Jackson  
Chair, Education Committee

Handwritten signature of James Vacca in black ink.

Council Member James Vacca  
13<sup>th</sup> District, Bronx

Handwritten signature of David Yassky in black ink.

Council Member David Yassky  
33<sup>rd</sup> District, Brooklyn

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## **ACKNOWLEDGEMENTS**

The Working Group on Mayoral Control and School Governance would like to thank the educators, parents, advocates, academics and elected officials that are committed to providing a high quality education for all students and met with the Co-Chairs and Council staff. We would also like to thank City Council staff, namely the staff of the Committee on Education, the Finance Division and the Policy Division for their work in gathering data and testimonies, organizing Task Force meetings, and hearings as well as assembling the final report.

## TABLE OF CONTENTS

Executive Summary	4
Introduction	10
Process of the Working Group	13
Background	14
Recommendations	17
Create a System of Municipal Control	17
Create an Independent Data Analysis Body	19
Greater Independence for the Panel for Educational Policy	21
Re-empower Community Superintendents	22
Strengthen Community Level Parent Engagement Structures	23
School Leadership Teams	24
Community District Education Councils	25
District Leadership Teams	26
Citywide Parent Engagement Structures	27
Maintain a Sunset Provision	27
Appendix A	29
Appendix B	31
Appendix C	32
Appendix D	33
Research References	34

## EXECUTIVE SUMMARY

Some of the nation's largest cities, including New York, Chicago, Boston, and Washington D.C. among others, have shifted to a mayoral control model of school governance during the past decade. Whether it has been states or local legislatures that have granted control of their school systems to their mayor - or voters who have chosen to do so through referendum - the hopes and expectations have been the same, that a centralized model of school governance will create greater accountability, boost student achievement, and increase integration and coordination of children and family services within the school system.<sup>1</sup> These hopes and expectations guided New York State when it adopted a mayoral control form of school governance for New York City in 2002.

In New York City, the educational system or the Department of Education (DOE) has been under mayoral control since 2002, when the State legislature amended the education law. This law was the catalyst for the many changes seen in the system over time. The two most significant changes were the independent, seven member central Board of Education, now called the Panel for Educational Policy (PEP) being replaced with a 13 member body, a majority of whom are appointed by the mayor and the law granting the mayor the power to directly appoint the Chancellor, who now serves at the pleasure of the mayor.

Under mayoral control in NYC, between 2002 and 2008, the public school system has been restructured three times in an effort to gain control of what was viewed as a dysfunctional system. With the DOE structure constantly evolving, parents have been at a loss as to how to navigate the system and public opinion about mayoral control and the major policy and structural reforms it created has varied. Supporters of mayoral control argue that the reforms have benefited children greatly while critics contend that the system has marginalized families and communities.

The New York City Council (City Council), because of its responsibility to oversee vital City services, has a vested interest in the outcome of the mayoral control debate.<sup>2</sup> Education is one of the most important local government functions, with approximately 1 million students, over 1500 traditional and public charter schools, and a budget of \$21 billion dollars which makes it the largest entity in the City budget.

Over the past two years, the City Council has grappled with whether or not mayoral control should remain, and if so, what amendments should be made. Since the Committee on Education's first hearings after the governance changes in 2002, the City Council has fostered discussion and debate among City officials, constituents, parents and advocates about the merits of mayoral control. In the coming days, the State Legislature will decide what form school governance will take in New York City. Through this report, the City Council seeks to share with the legislature the opinions and concerns and potential changes raised during the years long debate on New York City school governance.

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<sup>1</sup> Wong, K, Shen, F.X, Anagnostopoulos, D, and Rutledge, S. Improving America's Schools: The Education Mayor. Georgetown University Press. Washington, D.C. 2007.

<sup>2</sup> The New York City Charter gives the City Council the power to adopt local laws for the government of the City. Pursuant to the City Charter, the City Council has oversight authority over the operation and performance of City agencies and including to a degree the Department of Education and has sole responsibility for approving the City's budget.

## SUMMARY OF RECOMMENDATIONS

### 1) Create a System of Municipal Control: Extend Mayoral Control while Strengthening City Council's Legislative, Oversight and Budgeting Powers and the Comptroller's Auditing Powers

While the State Legislature gave the Mayor broad power over the public school system in 2002, it left the City Council with limited power over DOE. The State Legislature retains legislative authority over the New York City public school system, and pursuant to the State Constitution, the City Council is preempted from taking action in most areas as it pertains to the DOE. In most matters, the State, not the City Council, retains the authority to compel the DOE to adhere to State education regulations.

#### A. Strengthen the City Council's Legislative and Oversight Powers

Amend the State law to expand the New York City Council's legislative authority and ability to legislate over issues relating to pupil transportation, procurement, school safety, capital planning and school siting (based on consultation with the local community bodies).

#### B. Bring the DOE Contracting Rules Inline with City Rules and Strengthen the City Comptroller's Auditing Powers

Amend the State Law to clarify that the Department of Education is subject to all provisions of the City's contracting law and the rules of the Procurement Policy Board.

#### C. Selection of the Chancellor

The Working Group proposes that the Mayor continue to be allowed to select the Chancellor but recommends that the City Council be required to hold a public hearing and vote on any request to waive any requirements outlined by City or State Law for the position of Chancellor.

#### D. Outline a Formal, Transparent and Collaborative Process for Leasing of Space, the Closing of Failing Schools and the Siting of Traditional and Public Charter Schools within Existing Schools

The Working Group supports the inclusion of language in the State law which would empower the Council to outline a formal, transparent and collaborative process with set timelines and requirements for public meetings to address leasing of space, the closing of failing schools and the siting of both traditional public schools and public charter schools within existing schools that are identified as underutilized or failing. However, whatever formal process is created should be flexible and reflect the conditions (timeline) of how emergency school siting situations will be addressed.

#### E. Greater Accountability for the School Construction Authority

Amend the State law to require more detailed and regular reporting on the capital plan to the City Council. Legislation should explicitly give the City Council authority to disapprove of the capital plan or plan amendment and state what the consequences or process is if the plan is disapproved.

The legislation should also set up a formal process for the City Council and the community to submit recommendations and get responses from the Department of Education and grant the City Council an appointee to the SCA board.

## **2) Create an Independent Data Analysis Body**

The Working Group recommends that the role of the Independent Budget Office (IBO) be expanded to take on the vital task of providing timely independent analysis of DOE data and issue annual performance reports in addition to budget reports. The Working Group envisions the IBO providing data analysis in the following areas:

- Analyzing the capital plan (match building plan to utilization and demography),
- Analyzing, tabulating and reporting data including test scores, class size, teacher retention, graduation rates, grievances and other relevant data,
- Detailed analysis of the Department's and schools budgets and expenditures,
- Monitoring compliance with the Campaign for Fiscal Equity decision and spending of Contract for Excellence Funds, and
- Conduct the annual surveys – parent, teacher, principal and student.

## **3) Greater Independence for the Panel for Educational Policy**

While supporting mayoral control, the Working Group believes that the central board structure should not function as a rubber stamp for the mayor. Instead, the board, currently called the Panel for Educational Policy (PEP), should be more independent – members should have fixed terms of at least 2 years and they should not be at will City employees. Additionally, the Chancellor should not be a member, but should report to the board. The Working Group concluded that there is a diversity of opinion within the Council on how best to achieve the goal of creating more independence, and identified the following 3 options:

**Option A.** The Mayor would retain a majority on the PEP, which would maintain its current role and powers. However, there would be a reduction of 2 mayoral appointees (one being the Chancellor). The PEP appointees would be granted 2-year fixed terms in order to allow for greater independence from political pressures, and 3 of the Mayor's now 6 appointees would have to be parents of public school students, in addition to the 5 Borough President appointees.

**Option B.** The PEP would no longer have a mayoral majority, but would continue to consist of 13 members: 6 appointed by the Mayor, 5 appointed by the Borough Presidents (each of which must be a public school parent, as is now the case) and 2 appointed by the City Council. Members would have fixed terms of at least 2 years. A second version of this option would require that 3 of the Mayor's appointees and 1 of the Council appointees be a public school parent, in addition to the 5 Borough President appointees.

**Option C.** Replace the PEP with an independent advisory body consisting of all of the relevant stakeholders to discuss and give input on education policy and issues before decisions are made. By including, at minimum, representatives of parents, students, teachers and principals, stakeholders will have a voice in major educational policy and budgeting decisions. The Chancellor would be responsible for presenting all matters of decision making to the advisory board at which point the

board would be given an opportunity to formally respond to the proposals. The advisory body would be required to hold monthly public meetings and have subcommittees to address specific policy and budget issues. The membership of the advisory body could be expanded to include non-core members such as representatives from advocacy organizations, community groups, universities, business community, and so on.

#### **4) Re-empower Community Superintendents**

The Working Group believes there is a need to restore the seminal role of the Community Superintendents as the educational leaders of schools in their community school district and thus recommend the following:

- Community Superintendents maintain their current powers and duties as outlined in the State Education Law;
- Prohibit the DOE from assigning work to Community Superintendents outside of their district;
- DOE should draft a clear and consistent grievance policy that outlines the appeals process for parents. Specifically, the grievance policy should detail the kinds of issues that qualify, as well as the step by step process by which concerns will be heard, decisions made, and an appeals process if parents choose to take their issue to the next level. Superintendents, free of non-district responsibilities, should be the first point of contact for parents in this process.
- Require Community Superintendents to report monthly to CECs about the progress of schools within their jurisdiction. Currently, the Education Law requires Community Superintendents to provide relevant data to CECs “to encourage informed and adequate public discussion on student achievement and the state of each school within the district.”
- Allow Superintendents to supervise the work of and work alongside SSOs in schools.

#### **5) Strengthen Community Level Parent Engagement Structures**

The Working Group strongly recommends that parent engagement structures be given real responsibilities and further clarify language in State regulations about their importance in the school reform and engagement process. Also, rather than having several disconnected entities to serve as vehicles for parent input at the district level, the Working Group recommends that some of the parent engagement structures be merged to allow for greater transparency and foster greater involvement in the decision-making process. Finally, the Working Group purports that all efforts be made to ensure that where appropriate and indicated by State law that students be allowed to truly participate in decision-making bodies.

##### **A. SCHOOL LEVEL: Strengthen School Leadership Teams**

The Working Group believes that SLTs should be reinvigorated and empowered to develop their school’s Comprehensive Educational Plan (CEP), and for aligning the school’s budget to the CEP as confirmed by the State Commissioner Richard P. Mills. SLTs should also be required to hold a public meeting at the school to allow parents to review and comment on the CEP and alignment of budget to the CEP. Additionally the Working Group recommends that there be a return to a process similar to the previous C-30 process, which allowed parents and others at the school level to

interview and make recommendations for candidates for principal and other supervisors. Furthermore, SLTs should also have a formal role in the Superintendent's rating of principals.

## **B. DISTRICT LEVEL: Strengthen Community District Education Councils (CECs)**

Rather than having several disconnected entities to serve as vehicles for parent input at the district level, the Working Group recommends that some of the parent engagement structures (CECs, Presidents' Councils and the District Level Title I Advisory Councils) and functions be incorporated into a single entity and retain the CEC name.

### *Composition and Selection*

- CECs would be comprised of one parent representative from every school within the district. As such, the size of CECs would vary by district, but every school in the district would have a voice.
- Each school's PA/PTA would elect their representative (who could be the PA/PTA president or other parent of a child attending the school). Since PA/PTA's hold annual elections, parent representatives to CECs would be elected annually for a one-year term (though members should be eligible to serve more than one term).

### *Powers and Duties*

Maintain all current CEC powers and duties and add the following:

- Reinstate the ability of CECs to nominate qualified candidates for Community Superintendent for Chancellor to select from. With a re-empowered Superintendent, it is imperative that school districts through the CECs have the ability to recommend candidates that they are confident will represent and respond to the needs of their community.
- The Title I Parent Advisory Council would become a sub-committee of the CEC comprised of the CEC representatives of Title I schools in the district, and would perform the functions required under Title I.

## **C. DISTRICT LEVEL: Strengthen District Leadership Teams**

Each community school district is currently required to have a District Leadership Team (DLT), comprised of administrators, teachers and parents. The DLT is responsible for developing the District Comprehensive Educational Plan (DCEP) and for conducting a biennial review of the district's plan for shared decision-making. The composition of DLTs, in addition to adding more CEC representation, should be increased, as follows:

- Allow the Borough Presidents and the City Council to grant an appointee to the District Leadership Teams.
- It is also recommended that a non-voting student member be appointed by the Superintendent.

Additionally, the Working Group recommends that DLTs be the community-based structure to have discussions with the DOE and make recommendations as to the siting and closing of schools within the district.

#### **D. CITYWIDE LEVEL: Strengthen Citywide Parent Engagement Structures**

The Working Group recommends that citywide parent engagement structures also be merged to ensure more substantive and robust input and engagement of parents in the educational process. Specifically, the Working Group believes that the Citywide Parent Action Committee (CPAC) be expanded with the Title I Citywide Parent Advisory Council, the Citywide Council on High Schools and the Citywide Council on Special Education becoming subcommittees of CPAC. Each CEC would be responsible for nominating a member that would be seated on the citywide CPAC.

Additionally, the CPAC would form two additional subcommittees, a Citywide Council on Elementary Education and a Citywide Council on Middle Schools to ensure that each level of education is given the proper attention.

Finally, the Working Group recommends that a Citywide Leadership Team (CLT) be formed modeled after the SLT at the school level that would have representation by all stakeholders. The CLT would have an advisory role and discuss education policy and education specific issues. This entity would also hold public monthly meetings & have sub-committees.

#### **6) Maintain a Sunset Provision**

The Working Group recommends that the State Legislature extend Mayoral Control with the amendments listed above and have the legislation sunset in six years.

## II. Introduction

Some of the nation's largest cities, including New York, Chicago, Boston, and Washington D.C. among others, have shifted to a mayoral control model of school governance during the past decade. Whether it has been states or local legislatures that have granted control of their school systems to their mayor - or voters who have chosen to do so through referendum - the hopes and expectations have been the same, that a centralized model of school governance will create greater accountability, boost student achievement, and increase integration and coordination of children and family services within the school system.<sup>3</sup> These hopes and expectations guided New York State when it adopted a mayoral control form of school governance for New York City in 2002.

The 2002 change to the State Education Law that brought mayoral control to the New York City school district did so by abolishing the independent seven-member central Board of Education, and all of the 32 independently elected local district school boards.<sup>4</sup> In their place, the governance legislation created a 13 member advisory body, now called the Panel for Educational Policy (PEP),<sup>5</sup> a majority of whom are appointed by the mayor, and local Community Education Councils. In addition, the law granted the mayor the power to directly appoint the Chancellor, who serves at his pleasure.<sup>6</sup>

Unless the State takes action, the school governance legislation that gave New York City's Mayor Michael Bloomberg control of the City's schools will sunset on June 30, 2009 and revert to the prior, decentralized, elected community school board model. This report lays out the recommendations of the New York City Council's Working Group on Mayoral Control and School Governance for how the current form of school governance should be amended.

Following the governance change, the Mayor and Schools Chancellor Joel I. Klein set about restructuring the City's vast school system that was viewed as dysfunctional and failing. The DOE implemented several significant policy and structural changes in the school system between 2002 and 2008. The changes included:

- collapsing the 32 school districts into ten regions;
- granting principals greater authority over pedagogy, programs and budgets for their schools;
- dismantling the 10 regions and creating school networks;
- creating 11 School Support Organizations (SSOs) that New York City public schools can choose from to contract with for provision of technical assistance, training and support;
- introducing Progress Reports, Quality Reviews and other reports to grade school performance; and
- introducing a new, school and student needs-based budget formula called Fair Student Funding.

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<sup>3</sup> Wong, K, Shen, F.X, Anagnostopoulos, D, and Rutledge, S. *Improving America's Schools: The Education Mayor*. Georgetown University Press. Washington, D.C. 2007.

<sup>4</sup> The Board of Education was composed of 7 members, 1 appointed by each Borough President and 2 appointed by the Mayor. Members of the Board served 4 year terms.

<sup>5</sup> The new body contains 13 members, 1 appointed by each Borough President and 8 appointed by the Mayor, including the Chancellor and members of the new body serve at the pleasure of the appointing authority.

<sup>6</sup> Previously, the Board of Education hired the Chancellor.

Supporters of mayoral control argue that the reforms have increased student achievement by increasing accountability, while critics contend that the system has reduced parents' involvement in their children's education. Supporters point to the increase in interest of the private sector in public education as a sign of confidence in the system. Financial contributions from the business and foundation community have increased tremendously from around \$2 million annually in the years preceding 2002 to over \$100 million invested annually today for administration-sponsored initiatives and individual schools and school programs.<sup>7</sup>

Many supporters of mayoral control also point to the improvement of State standardized test scores as evidence of why mayoral control should remain. According to the DOE, elementary and middle school students have made significant gains since mayoral control. For example, in 2009, 68.8 percent of students in grades 3-8 are meeting the State's English Language Arts (ELA) standards up from 50.7 percent in 2006 when the State first began testing these grades.<sup>8</sup> Additionally, special education and English Language Learner (ELL) students meeting or exceeding ELA standards has also increased significantly on the ELA exam. According to the DOE, since the testing of ELL students began in 2006, the percentage of ELL students meeting or exceeding reading standards has more than tripled. In 2006, only 10.7 percent of ELL students in grades 3 through 8 met or exceeded reading standards as opposed to 34.8 percent in 2009. Similar gains were experienced by special education students, whereby 35.3 percent met or exceeded standards this year as opposed to 15.4 percent in 2006.<sup>9</sup>

Comparable gains were made in math. In 2009, 81.8 percent of third – eighth graders are meeting or exceeding math standards as compared to 57 percent in 2006.<sup>10</sup> Moreover, ELL and special needs students also performed well on the math exam with 68 percent of ELL students and 55 percent of special needs students in third - eighth grade who met or exceeded math standards in 2009 as opposed to 35.8 percent of ELL and 24.9 percent of special needs students in 2006.<sup>11</sup>

Critics however, point to the National Assessment of Educational Progress (NAEP) test as the true indicator of academic improvement.<sup>12</sup> Between 2003 and 2007, the NAEP scores showed no significant gains for New York City students in fourth grade reading, eighth grade reading, or eighth grade mathematics for students of any race or ethnicity.<sup>13</sup> Critics also contend that although ELA test scores have increased over time, attention must be paid to which groups of students are included in the testing pool. In September 2008, the New York State Board of Regents rendered a

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<sup>7</sup> Testimony to the New York City Council Working Group on Mayoral Control and School Governance. Presented by Kathryn Wylde, President & CEO. Partnership for New York City.

<sup>8</sup> 2006-2009 New York City Results on the New York State English Language Arts (ELA) Test Grades (3-8). New York City Department of Education.

<sup>9</sup> *Ibid*

<sup>10</sup> NYC Mathematics Test Results Grades 3-8. New York City Department of Education. Research and Policy Support Group. June 1, 2009.

<sup>11</sup> *Ibid*

<sup>12</sup> The National Assessment of Educational Progress (NAEP), also known as “the Nation’s Report Card,” is the only nationally representative and continuing assessment of children in grades 4, 8 and 12 understanding of content in mathematics, reading, writing, science and other areas.

<sup>13</sup> Testimony to the New York City Council Working Group on Mayoral Control and School Governance. Presented by Dr. Diane Ravitch, New York University. February 2008.

decision which excluded a group of Limited English Proficient (LEP) students from taking the State's tests for two years.

The City Council because of its responsibility to oversee vital City services has a compelling interest in the outcome of the mayoral control debate.<sup>14</sup> Education is one of the most important local government functions, with approximately 1 million students, over 1500 traditional and public charter schools, and a budget of \$21 billion dollars which makes it the largest entity in the City budget.

Over the past six months, New Yorkers from all walks of life and political affiliations have weighed in on whether or not mayoral control should remain, and if so, in what form. The City Council has grappled with these questions since the Committee on Education's first hearings after the governance changes in 2002. The City Council has fostered discussion and debate among City officials, constituents, parents, advocates and educators about the merits of mayoral control. In the coming days, the State Legislature will decide what form school governance will take in New York City. Through this report, the City Council seeks to share with the legislature the opinions and concerns and potential changes raised during the years long debate on New York City school governance.

This report by the City Council's Working Group on Mayoral Control and School Governance is one of many that highlight the benefits and problems with the implementation of mayoral control under the Mayor Bloomberg and Chancellor Klein Administration. Although there are legitimate concerns about how mayoral control has been implemented over the past seven years, we believe it continues to offer the best governance structure for student success and should be improved not abolished. Therefore, the City Council recommends that the State Legislature renew the school governance legislation with amendments that would give the City Council greater legislative, oversight and budgeting power and specifically with the Comptroller greater auditing power over the Department of Education and the School Construction Authority (SCA). New York City public schools should run under a system of municipal control - with the DOE functioning like any other City agency. This would provide greater checks and balances and transparency in data reporting. Additionally, our recommendations seek to provide increased parental and community involvement through clarifying and strengthening existing community and parent engagement structures.

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<sup>14</sup> The New York City Charter gives the City Council the power to adopt local laws for the government of the City. Pursuant to the City Charter, the City Council has oversight authority over the operation and performance of City agencies and including to a degree the Department of Education and has sole responsibility for approving the City's budget.

### III. Process of the Working Group

The City Council formed a Working Group on Mayoral Control and School Governance in July 2007 to develop recommendations for the State Legislature and the Governor to consider as the current mayoral control legislation sunsets on June 30, 2009. Council Members James Vacca, Robert Jackson and David Yassky chaired the Working Group and participation was open to all interested Council Members and their staff.

To focus the deliberations of the Working Group, the members created a list of “guiding questions” (Please see Appendix A) that informed the discussions as well as developed a process for the working group to share initial insights. The recommendations were developed based on the following process:

1. Monthly informational meetings were held from October 2007 through February 2008 with various stakeholders regarding their perspectives on the impact of mayoral control and recommendations for change. (Please see Appendix B for list of stakeholders)
2. The City Council’s Committee on Education held public hearings on March 3, 2008 and June 4, 2009 to gain insight on mayoral control from the larger community including parents, educators and advocates.
3. Individual Council Members were provided an opportunity to submit recommendations to the Working Group.
4. Staff of the Working Group held additional meetings with stakeholders from February 2008 through January 2009 on mayoral control (also listed in Appendix B).
5. Over the past year (April 2008 to May 2009), the Chairs and staff of the Working Group met to deliberate on the concerns and recommendations that had been presented to synthesize the information as well as draft the recommendations.

## IV. Background

The Working Group heard from many experts and stakeholder groups, including both supporters and opponents of mayoral control. While a majority of education stakeholders believe mayoral control of New York City's public schools should be extended, there also seems to be agreement that the current governance structure can be improved. Many have raised issues and concerns about the implementation of mayoral control in New York City. Concerns raised by stakeholders and critics generally fell into one of several categories:

- ❖ Parent and community involvement,
- ❖ Transparency,
- ❖ Accountability, and
- ❖ Checks and balances.

An overview of those concerns is outlined below.

### A. Parent and Community Involvement

One of the chief, and most frequently cited, criticisms of mayoral control as implemented by the current Administration is that parents have been marginalized and excluded from decision-making at all levels of the school system.<sup>15</sup> This criticism is not specific to New York City. Research indicates that in cities with mayoral control, accusations of limited parent and community engagement are common.<sup>16</sup> Many cities in their quest to provide the promised benefits of mayoral control – including greater accountability and higher test scores – have failed to sufficiently balance the need for families and constituents to understand, let alone be engaged and included in the decision-making process.

In New York City, the erosion of parental and community involvement in central and school level decisions is a direct result of the change in State law that established mayoral control and replaced Community School Boards (CSBs) with Community Education Councils (CECs). Whereas previously, parents and community members could go to their local CSB to air grievances and to have some local input, there is a widespread perception that CECs are powerless and even more marginalized than the old CSBs. As a result, there are a large number of vacancies on CECs and public attendance at CEC meetings is sparse. In addition, the former central board, although by many seen as dysfunctional and mired with bureaucracy, provided a mechanism whereby interested groups and parents could voice concerns at public meetings and meet with individual members to discuss policy changes or propose new ideas.

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<sup>15</sup> For fuller discussion of this issue, see briefing papers for the Education Committee's oversight hearing on "Parental Involvement in the New York City School System," May 11, 2006, and "Status of DOE's Parent Engagement Initiatives," September 20, 2007, available on the Council's website at: [http://www.nycouncil.info/html/committees/committee\\_matters.cfm?COMMITTEE\\_ID=75&LTSBDKEY=9&VIEW='ALL'](http://www.nycouncil.info/html/committees/committee_matters.cfm?COMMITTEE_ID=75&LTSBDKEY=9&VIEW='ALL').

<sup>16</sup> Wong, K. et al. Improving America's Schools: The Education Mayor.2007

Moreover, an indirect result of mayoral control has allowed for the dismantling of key roles and responsibilities of Community Superintendents and district offices. These structures were also important to families when they had to register a child, address grievances, and get assistance with navigating special education, English Language Learner, after school and other educational services.

The DOE has tried to introduce a new parental and community involvement structure through the Office for Family Engagement and Advocacy (OFEA) at DOE's central headquarters (restructured in 2007), assigning District Family Advocates<sup>17</sup> to each community school district, and hiring Parent Coordinators<sup>18</sup> at the school level. The DOE has also sought to hold principals accountable for the level of satisfaction of parents at their schools by surveying parents annually and integrating their responses into each school's Progress Report.

Formal parent advocacy structures predating mayoral control such as Parent Associations (PA) and School Leadership Teams (SLT) at the school level remain. At the district level, there are Presidents' Councils, District Leadership Teams and Community District Education Councils (CEC) and the Chancellor's Parent Advisory Council (CPAC) at the citywide level. Unfortunately, these structures have not been perceived as particularly successful vehicles for parental engagement and are considered by many to be powerless and dysfunctional.

## **B. Transparency**

Another major criticism of mayoral control is that the centralization of power has closed off the decision-making process at the DOE from public view. Critics charge that, in addition to a lack of public input in the decision-making process, decisions both large and small are generally made behind closed doors. Too often stakeholders, including principals, teachers and parents, and elected officials do not hear about them until they are published in the press. Such was the claim when the closing of five high schools was announced in the press in January 2007 and when the DOE changed bus routes in January 2008. Other times, information is simply not available.

In some instances, the City Council has had to legislate the reporting of basic information, such as class sizes, to the public. Further, data that is available is often hard to follow, especially when discrepancies exist between data reported for City schools by the DOE and the State Education Department (SED). For example, for six years there were significant differences in graduation rates and teacher turnover rates reported by the SED and the DOE. In 2008, the DOE and the SED compromised and now both use the same method to calculate graduation rates. Critics contend that DOE is slow to respond to requests for information, including requests made under the Freedom of Information Law (FOIL). Confidence in DOE data is also low because of the difficulty that academics, advocates and even elected officials have in gaining access to raw data.

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<sup>17</sup> District Family Advocates work with superintendents, principals, school-based Parent Coordinators, their local District Presidents' Councils and others to help provide direct services to address the needs of families and parent leaders.

<sup>18</sup> Parent Coordinators are part of the administrative team and work closely with school staff, school leadership teams, parent associations, community groups, and parent advisory councils to engage families and involve them in school communities. Only schools with student populations of 200 and over are assigned a parent coordinator.

### **C. Accountability & Check and Balances**

Proponents of mayoral control claim that accountability is improved when there is one person in charge of the school system, rather than diffuse authority among a number of different bodies. Mayoral Control supporters argue that the mayor is ultimately accountable to the public at election time. However, opponents counter that electoral accountability is illusory, since mayors are elected on the basis of many issues, not just education. Furthermore, detractors say there's little accountability between elections, when the mayor can act unilaterally with respect to policy changes and other decisions.

A frequent complaint heard at City Council hearings is that there are inadequate checks and balances on the mayor's power over the school system. Though the PEP must approve certain decisions of the Chancellor, many believe that the PEP functions as a rubber stamp for the Chancellor. Since the majority of the PEP members serve at the pleasure of the Mayor and may be removed without cause, the body is not independent.<sup>19</sup> This fact was borne out by one prominent example involving Mayor Bloomberg's plan to end social promotion for third graders: three PEP members who had declared their intention to vote against the Mayor's plan were removed on the day of the vote (two by the Mayor and one by the Staten Island Borough President).<sup>20</sup>

The City Council's legislative and oversight authority over the school system is extremely limited because education is governed by state law which gives tremendous authority to the Chancellor to promulgate the educational standards, requirements and objectives for all New York City schools.<sup>21</sup> For this reason, the Council lacks jurisdiction over most school related issues. Alternatively, the Council must turn to the state to enforce the state education law when DOE is not in compliance.

Moreover, state law gives the Chancellor the power to develop a procurement policy for the City's schools.<sup>22</sup> DOE's ability to set its own standards for awarding non-competitive contracts, the lack of a required public comment period for large procurements, and the unique methods of procurement followed by schools makes it extremely difficult for the City Council, the City Comptroller as well as the Mayor's Office of Management and Budget to monitor DOE spending and budget allocations and raises concerns about transparency and accountability. These concerns are exacerbated by the delay of the DOE in bringing its budgeting systems into alignment with the Financial Management System (FMS), the system used by other City agencies.<sup>23</sup> For example, the DOE reduced school budgets by \$100 million in early 2008 but the City Council was unable to track and report the impact of this budget cut on school programs because DOE's current budgeting system does not align with FMS, which enables the City Council to review the most current spending of City agencies by detailed budget codes. The City Council strongly believes that accountability of school funding should exist at the City level in order to provide appropriate monitoring and oversight.

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<sup>19</sup> Note that, according to section 2.2 of the PEP's by-laws, decisions of the PEP over whether to approve a measure proposed by the Mayor must be made by a majority vote.

<sup>20</sup> Ravitch, Diane, "A History of Public School Governance in New York City," (2008) published by the New York City Public Advocate's Commission on School Governance, available at: <http://pubadvocate.nyc.gov/advocacy/schools/files/cgsravitch%20p.pdf>.

<sup>21</sup> New York State Education Law §2590-h(8).

<sup>22</sup> New York State Education law §2590-h(46).

<sup>23</sup> Currently, all City agency fiscal systems except the DOE are fully integrated with the City's Financial Management System (FMS). However, the Council recognizes that FMS was not structured to handle school level budgets.

## V. Recommendations

In response to the problems identified in Section III, the Working Group offers the following recommendations:

1. **Create a System of Municipal Control: Extend Mayoral Control while Strengthening the City Council's Legislative, Oversight and Budgeting Powers and the Comptroller's Auditing Powers**

While the State Legislature gave the Mayor broad power over the public school system in 2002, it left the City Council with limited power over DOE. The State Legislature retains legislative authority over the New York City public school system, and pursuant to the State Constitution, the City Council is preempted from taking action in most areas as it pertains to the DOE. In most matters, the State, not the City Council, retains the authority to compel the DOE to adhere to State education regulations.

Since the introduction of mayoral control, the City Council has continued to debate the Administration over its interpretation and implementation of State education laws pertaining to mayoral control. The Working Group believes that the DOE's interpretation and implementation of the State Education Law has subverted the law's intent as it pertains to parent engagement structures, the role of Community Superintendents, and the role of the Chancellor.

A perennial issue is the inability of the City Council to require the DOE to comply with the State's curriculum requirements in areas such as physical education, arts education and foreign language instruction that many schools do not abide by. As indicated earlier, the fact that DOE is only a quasi-city agency prohibits the City Council from enforcing these regulatory requirements. Additionally, there have been several cases where the Council could not adequately respond to or appropriately intervene in policies implemented by the DOE. Examples of such policies include, the elimination of school bus routes, the opening, closing and siting of public and charter schools and the increased number of no-bid contracts administered by the DOE.

The lack of a clear and transparent school siting process for new public schools and public charter schools in existing school facilities - as well as a clear process for closing failing schools - has in many instances created dissension in communities. Often individual City Council Members will hear of failing schools being closed or new public or public charter schools being sited within their district, through the press or from parents and not from appropriate authorities at the DOE. These incidents can place the City Council at odds with the DOE at a time when the City Council and community residents can and should be true partners in educating the City's children. However, this kind of partnership cannot happen absent a clear and transparent school siting process that allows for all concerned parties to have a discourse about what is best for the community.

Closely related to the school siting issue is the lack of transparency and oversight of the School Construction Authority (SCA). The SCA was created in 1988 by the State Legislature, which believed that the creation of a separate authority would streamline the City's school construction process. To assist in that, the State Legislature "exempted it from provisions of any general or local

law, City charter, administrative code, or ordinance governing site selection, land use and City Planning Commission review, historic preservation or architectural review.”<sup>24</sup> The SCA was also exempted from the Wicks Law, which was intended to promote competition and protect the rights of workers but negatively affected the efficient management of school construction projects resulting in many delays.<sup>25</sup> The make-up of the board of the SCA, a three-member board currently consisting of the Chancellor and two mayoral appointees, was structured to align the priorities of the SCA the DOE and the Mayor. These changes have contributed to the creation of a structure that lacks effective checks and balances. In the instance where the State did attempt to create some oversight in the capital planning process the City Council was granted the power to approve the SCA’s five-year capital plan. However, state law lacks clarity as to what would happen if the City Council was to reject a plan, which in effect undermines the Council’s ability to exercise this veto power.

Finally, the Council as well as officials from the Independent Budget Office (IBO) and the City’s Comptroller Office have expressed their concerns regarding the overall lack of transparency of DOE’s fiscal practices and the DOE’s failure to abide by the City’s contracting laws and the Procurement Policy Board regulations.<sup>26</sup> Moreover, greater transparency of DOE spending is extremely important given the 2005 settlement of the Campaign for Fiscal Equity (C4E)<sup>27</sup> lawsuit.<sup>28</sup> New York City received \$710 million in additional State education funding for the 2007-2008 school year with commitments from the State that the City would receive an additional \$3.2 billion over the next several years.<sup>29</sup>

The concerns addressed above make it pertinent for the City Council to push for greater legislative, oversight and budgeting powers (municipal control as opposed to mayoral control) to provide the level of accountability needed at the City level to negate the current nebulous oversight of the DOE.

### **Recommendations**

Throughout the process of developing recommendations, the Working Group grappled with the intent of the education law versus its implementation and firmly believes that without greater legislative oversight of DOE the issues indicated above will persist. Thus the Working Group recommends that the School Governance legislation be amended to expand the oversight and legislative authority of the New York City Council. Specifically, the City Council is seeking municipal control of the DOE and clarification in the State law that the DOE will function like every other City agency in order to legislate in areas that the City Council is currently preempted including but not limited to:

- a. **Transportation;**
- b. **Procurement;**
- c. **School Safety;**

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<sup>24</sup> The New York City Council Committee on Education and Subcommittee on Landmarks, Public Siting and Maritime Uses. Oversight Hearing: Addressing School Overcrowding – Part. I. October 3, 2008.

<sup>25</sup> *Ibid*

<sup>26</sup> Testimony of George Sweeting to the New York City Council Committee on Education. Oversight Hearing on Mayoral Control and School Governance. March 3, 2008.

<sup>27</sup> Please see Campaign for Fiscal Equity, A Brief History of CFE v. State, available at: <http://www.cfequity.org>.

<sup>28</sup> The New York City Council Committee on Education. Oversight Hearing: Meeting the State’s Contract for Excellence Requirement. July 24, 2007.

<sup>29</sup> Oversight Hearing: Meeting the State’s Contract for Excellence Requirement.

- d. Capital Planning, and
- e. Siting of schools.

The School Governance Legislation should also be amended to clarify that the DOE is subject to all provisions of the City's contracting law and the rules of the Procurement Policy Board. The Legislature should also explicitly grant the City Comptroller the same audit and oversight powers over the DOE as it has over other City agencies. Additionally, stronger language is needed to ensure that the DOE's budgeting systems are fully integrated with FMS, the City's Financial Management System. The Council believes that a timeline must be set for DOE to fully integrate its internal budgeting and financial reporting systems with those used by the City. The Working Group firmly believes that the DOE must be held to the same standards as other City agencies when budgeting and administering contracts.

Additionally, although the Working Group believes the Mayor should be able to appoint the Chancellor like he appoints the heads of other City agencies, the Working Group believes that the Council should be the body that approves any waiver of any of the requirements for Chancellor. In instances when the Mayor has sought to either waive or change requirements for other Commissioners, the Council has been required to hold hearings on the issue and eventually vote to approve a change in the requirements or grant a waiver. State Education Law should be amended to clarify that any request to waive requirements of City or State Law for the position of the Chancellor should require a Council hearing and vote to approve a waiver or send a resolution to the State.

Further, the Working Group strongly supports the inclusion of language in the State law which would empower the Council to outline a formal, transparent and collaborative process with set timelines and requirements for public meetings to address leasing of space, the closing of failing schools and the siting of both traditional public schools and public charter schools within existing schools that are identified as underutilized or failing. We also recognize that flexibility within the process is needed to address emergency school siting situations. However, whatever formal process is created should reflect the conditions (timeline) of how the emergency situation will be addressed that is amenable to stakeholders.

Finally, the Working Group believes that the SCA should remain an independent entity affiliated with the DOE because of the major role it has in developing the capital plan and authorizing funding for new school construction and major and minor school repairs. However, the Working Group proposes that language in the State law be changed to require more detailed and regular reporting on the capital plan to the City Council. Legislation should explicitly give the City Council authority to disapprove of the capital plan or plan amendment and state what the consequences or process is if the plan is disapproved. Additionally, the legislation should set up a formal process for the City Council and the community to submit recommendations and get responses from the DOE. The Working Group also proposes that the City Council have an appointee to the SCA board. Overall the belief is that the above changes will promote greater transparency and checks and balances.

## **2. Create an Independent Data Analysis Body**

As indicated earlier, many purport that that there is a lack of transparency and a lack of confidence in the data reported by the DOE. Data is often difficult to find on the DOE's website and when that data is available, such as figures for special education enrollment, the data may not match up

with the information in the Mayor’s Management Report or data that is available from the State Education Department (SED).

In 2007, the Partnership for New York City collaborated with the DOE, the United Federation of Teachers (UFT) and New York University to create an “independent” research consortium composed of leading academic researchers and education experts.<sup>30</sup> Unfortunately, the much anticipated Research Consortium comes as the mayoral control legislation is up for reauthorization. Although not fully operational, the Consortium has already been criticized for not being truly autonomous because the Chancellor sits on the Board as well as the UFT and other organizations that many believe are not independent. Though the Working Group agrees that a research body is needed to collect, analyze and publicly report educational data, it is the belief that such a body must be independent from the DOE in order to successfully serve its purpose. Without an independent body analyzing testing data and conducting annual surveys of teachers, students and parents, there cannot be a fair debate about education.

### **Recommendation**

The Working Group recommends that the role of the Independent Budget Office (IBO) be expanded to take on the vital task of providing timely independent analysis of DOE data. At present, the IBO is responsible for providing the Comptroller, the City Council, the Borough Presidents, and community boards with relevant information regarding the budgetary process.

For example, the IBO provides research and analysis regarding the fiscal implications of proposed local laws and appropriations bills. The IBO also offers information with respect to estimated revenues and receipts, and to the extent they are able, handles any requests for budgetary analyses required by elected officials and bodies.

The Working Group envisions the IBO taking the same non-partisan, independent approach to provide the following independent data analysis as it relates to the City’s schools:

- Analyzing the capital plan (match building plan to utilization and demography),
- Tabulating, analyzing and reporting data including student test scores, class size, teacher retention, graduation rates, grievances and other relevant data (school performance data- annually),
- Detailed analysis of central and school level budgets,
- Monitoring the DOE’s compliance with the Campaign for Fiscal Equity decision and spending of Contract for Excellence Funds; and
- Conduct the annual surveys – parent, teacher, principal and student.

In order for the IBO to carry out their current and proposed new duties, the Working Group maintains that the IBO continue to be funded through a dedicated funding stream recognizing that there will be a need for an increased budget and additional staff with appropriate qualifications. In addition, the Working Group supports the inclusion of stronger language in the State Education

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<sup>30</sup> New York City’s Research Consortium was developed to mirror the Chicago Research Consortium housed at the University of Chicago and charged with providing non partisan achievement and survey data on the Chicago public school system. However, the Research Consortium was formed at the dawn of mayoral control in Chicago providing independent data analysis of the system from the start.

Law reflecting the need for the DOE to provide the necessary data to the IBO to conduct its analyses in a timely fashion.

Furthermore, the Working Group recognizes that the IBO's advisory board would need to be expanded to better reflect its new mission.<sup>31</sup> An additional board member with educational expertise would complement the existing pool of experts on finance, economics, accounting, public administration and public policy analysis and would help the IBO meet the expectations of their increased role.<sup>32</sup>

By providing greater transparency and increasing accountability, having an independent non-partisan organization to collect and analyze data will give our city's educators, policy-makers and citizens the information they need to make informed decisions on education.

### **3. Greater Independence for the Panel for Educational Policy**

The Panel for Educational Policy (PEP) replaced the New York City Board of Education as the central educational policy body in the new school governance structure introduced in 2002. The former central board was independent and provided the check on the power of the then Board of Education including new educational policy decisions and procurement. The PEP has the power to approve standards, policies, objectives and regulations proposed by the Chancellor that are related to educational achievement and student performance. The PEP also has the authority to approve the Chancellor's five-year capital plan, and any contracts that would significantly impact the provision of educational services within the city. However, there have been concerns that the current composition of the PEP does not allow the members to adequately advocate independently for the needs of the City's children. Currently, there are 13 members and the Mayor appoints eight of the members, including the Chancellor. Each of the other five members of the PEP is appointed by one of the Borough Presidents.

#### **Recommendation**

The Working Group concluded that there is a diversity of opinion within the City Council on how best to reform the board, currently called the Panel for Educational Policy (PEP). A majority of members believed that the central board, as currently constituted did not serve as an effective check and balance; however, some members of the City Council did not believe that creating a more independent PEP is the crux of the problem and that there are other strategies and structural reforms that would be more effective in creating a better system of checks and balances, more inclusive public debate and greater parental engagement. To that end, the Working Group submits three potential options for restructuring the PEP, each of which are supported by different members of the City Council.

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<sup>31</sup> The Advisory Board's primary responsibility is to screen and recommend candidates for the IBO director, who is selected for a four-year term by a special committee composed of the Comptroller, the Public Advocate, a Borough President chosen by the Borough Presidents, and a Council Member chosen by the Council. The Advisory Board also recommends candidates to fill Advisory Board vacancies, and members serve as informal advisors to the IBO. The Advisory Board currently meets about three times a year; the meetings typically include discussions of city fiscal conditions and briefings by IBO staff.

<sup>32</sup> Currently, there are 10 IBO Advisory Board Members.

**Option A.** The Mayor would retain a majority on the PEP, which would maintain its current role and powers but there would be 11 members. The Chancellor would be an ex-officio member and just report to the PEP. The PEP would select a Chair from the membership. In addition, to removing the Chancellor, the PEP membership would be reduced by an additional mayoral appointee in order to maintain an odd number of voting members. The PEP appointees would be granted two-year fixed terms in order to allow for greater independence from political pressures, and three of the Mayor's six appointees would have to be parents of public school students, in addition to the five Borough President appointees.

**Option B.** The PEP would no longer have a mayoral majority, but would continue to consist of 13 members: Six appointed by the Mayor, five appointed by the Borough Presidents (each of which must be a public school parent, as is now the case) and two appointed by the City Council. Members would have fixed terms of at least two years and would select a Chair. A second version of this option would require that three of the Mayor's appointees and one of the Council appointees be a public school parent, in addition to the five Borough President appointees.

**Option C.** Replace the PEP with an independent advisory body consisting of all of the relevant stakeholders to discuss and give input on education policy and issues before decisions are made. By including, at minimum, representatives of parents, students, teachers and principals, stakeholders will have a voice in major educational policy and budgeting decisions. The Chancellor would be responsible for presenting all matters of decision making to the advisory board at which point the board would be given an opportunity to formally respond to the proposals. The advisory body would be required to hold monthly public meetings and have subcommittees to address specific policy and budget issues. The membership of the advisory body could be expanded to include non-core members such as representatives from advocacy organizations, community groups, universities, business community, and so on.

#### **4. Re-empower Community Superintendents**

The 2002 State Education Law amendment authorizing mayoral control over New York City schools did not alter the community school districts (CSDs) or the role of Community Superintendents. However, under mayoral control the role and power of Community Superintendents has been diminished over time by consolidating the 32 CSDs into 10 Regions and creating the position of Regional Superintendent and then in 2007 assigning Superintendents additional responsibilities as Senior Achievement Facilitators. This new role required Superintendents to spend time training staff outside their districts on the new accountability system. The support function previously provided by Community Superintendents and district office staff is now provided by School Support Organizations (SSOs) to networks of schools that are not bound by district lines or other geographical boundaries.

The Administration's efforts to eliminate district offices and strip Community Superintendents of power was thwarted to a degree by a lawsuit initiated jointly by State Senator Carl Kruger, then Assembly Education Committee Chairman Steve Sanders and the Council of School Supervisors & Administrators (CSA).<sup>33</sup> In the Kruger-Sanders suit, a settlement was reached and DOE agreed to

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<sup>33</sup> The CSA is the union that represents principals and other school administrators in New York City.

maintain district offices and Community Superintendents with “all the statutory powers and duties assigned them under state law.”<sup>34</sup>

However, the repercussions of limited Superintendent presence in school districts is partially responsible for the confusion of parents about where to go to make complaints especially if they cannot be resolved at the classroom or school level. Prior to mayoral control, parents could take their complaints to their Community Superintendents.<sup>35</sup>

### **Recommendation**

The Working Group believes there is a need to restore the seminal role of the Community Superintendent as the educational leader for schools in their community school district. Although we recognize the role that SSOs play in supporting principals and school staff, because they are hired by the schools, they do not and cannot replace the supervisory role of the Superintendent. Thus we recommend the following:

- Community Superintendents maintain their current powers and duties as outlined in the State Education Law;
- Prohibit the DOE from assigning work to Community Superintendents outside of their district;
- DOE should draft a clear and consistent grievance policy that outlines the appeals process for parents. Specifically, the grievance policy should detail the kinds of issues that qualify, as well as the step by step process by which concerns will be heard, decisions made, and an appeals process if parents choose to take their issue to the next level. Superintendents, free of non-district responsibilities, should be the first point of contact for parents in this process, after parents have tried to resolve the problem at the school level;
- Require Community Superintendents to report monthly to CECs about the progress of schools within their jurisdiction. Currently, the Education Law requires Community Superintendents to provide relevant data to CECs “to encourage informed and adequate public discussion on student achievement and the state of each school within the district;” and
- Allow Community Superintendents to supervise the work of and work alongside SSOs in schools.

## **5. Strengthen Community Level Parent Engagement Structures**

As indicated earlier, there are several parent engagement structures at each level – school, district and citywide – with the goal of providing parents, businesses and advocates an opportunity to participate in school-level decision-making. Please see Appendix C for a visual of current parent engagement structures in New York City. These structures are governed by various federal, State and Chancellor’s regulations. In reviewing these structures, the Working Group saw the merit and

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<sup>34</sup> Council of School Supervisors & Administrators, “A Brief History of CSA,” accessed at <http://www.csa-nyc.org/ab/history.php>.

<sup>35</sup> Please note that the grievance process does not/did not end at the superintendent. Prior to mayoral control, parents could make their case to the Chancellor (if not satisfied by the response given by the superintendent) and on to the Central Board and finally the State Education Commissioner for final resolution. This process is still to our knowledge in place but not widely known.

importance of these entities at each level but questioned the duplicative roles and disconnect between the structures which has contributed to the confusion and discontent among parents. For example, in addition to a CEC, each community school district has another parent body, usually called a Presidents' Council, consisting of all the PA/PTA presidents or other representative from all schools in the district. This body is established pursuant to Chancellor's regulations<sup>36</sup> and is not mentioned in State law. Community Superintendents are supposed to consult with Presidents' Councils "on matters of student achievement and school operations,"<sup>37</sup> including areas such as curriculum, budget, discipline and safety, among others.<sup>38</sup> At present, the CEC and Presidents' Council are entirely separate and have no formal relationship, and often there is very little communication with one another although their roles and responsibilities are similar.

Additionally, there exists in each community school district a District Leadership Team (DLT)<sup>39</sup> and at the citywide, district and school levels a Title I Advisory Council.<sup>40</sup> For each of these bodies, the ability to become a member is confined to a small pool of parents who must be either elected or appointed to their positions.

Finally, the Council has been made aware that student representation on parent/community engagement structures is limited even when mandated. The State law and Chancellor's regulations respectively indicate that there should be student representation on the CECS and SLTS. However, often students are not represented on these bodies. Regardless of the difficulty for students to participate due to the timing of meetings held, their perspectives are important and should be valued.

The Working Group strongly recommends that parent engagement structures no longer be powerless but rather be given real responsibilities and further clarify language in State regulations about their importance in the school reform and engagement process. Also, rather than having several disconnected entities to serve as vehicles for parent input at the district level, the Working Group recommends that some of the parent engagement structures be merged to allow for greater transparency and foster greater involvement in the decision-making process. Finally, the Working Group purports that all efforts be made to ensure that where appropriate and indicated by State law that students be allowed to truly participate in decision-making bodies. Please see Appendix D for a visual of the proposed changes to the current parent structures. The working group recommends the specific proposals listed below for how to strengthen parent engagement structures:

#### **A. SCHOOL LEVEL: Strengthen School Leadership Teams**

The 1996 State law amendment that reduced powers of CSBs also mandated creation of School Leadership Teams (SLTs), school-level teams that function as vehicles for school-based management and shared decision-making. SLTs must contain equal numbers of parents and school staff, including the following core team members: the principal, the Parent Association or Parent-

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<sup>36</sup> Chancellor's Regulation A-660, § II

<sup>37</sup> *Id.* at § II.B.1.e.

<sup>38</sup> *Id.* at § III.C.1.b.

<sup>39</sup> The DLT consists of the community superintendent, representatives from the unions and representatives from parent groups and community-based organizations. The DLT is responsible for developing the District Comprehensive Education Plan (DCEP) as well as support School Leadership Teams (SLTs) in their district.

<sup>40</sup> Each school must have a Title I Parent Advisory Council that represents parents of participating Title I children. These Councils work with their schools to develop and evaluate their school's Title I programs.

Teacher Association president and the UFT chapter leader, or their designees.<sup>41</sup> SLTs can also include students (minimum of 2 students is required in high schools) and representatives of Community Based Organizations (CBOs).<sup>42</sup> SLTs are responsible for developing a comprehensive educational plan (CEP) for their schools, and for aligning the school's budget to the CEP.

The 2002 mayoral control legislation did not legally change the role of SLTs. However, in December 2007 the Chancellor issued revised regulations governing SLTs that gave the principal final say over the CEP and alignment of the budget to the CEP.<sup>43</sup> According to many advocates and parents, this effectively undermined the core powers of SLTs as outlined by state law.

In January 2009, State Education Commissioner Richard P. Mills ruled in response to an appeal filed by several parents and the UFT that the DOE was wrong in giving principals final decision-making authority on comprehensive education plans. Commissioner Mills did, however, allow principals to have the final say on the school's budget, after consulting with the School Leadership Team.

The Working Group believes that SLTs should be reinvigorated and empowered to develop their school's Comprehensive Educational Plan (CEP), and for aligning the school's budget to the CEP as confirmed by the State Commissioner Mills. The Working Group agrees with Commissioner Mills that the principals should maintain a final say in budget matters, but having the SLTs engaged in the process of developing the CEP and aligning the school's budget is important.

SLTs should also be required to hold a public meeting at the school to allow parents to review and comment on the CEP and alignment of budget to the CEP.

Additionally the Working Group recommends that there be a return to a process similar to the previous C-30 process, which allowed parents and others at the school level to interview and make recommendations for candidates for principal and other supervisors. Furthermore, SLTs should also have a formal role in the Superintendent's rating of principals.

## **B. DISTRICT LEVEL: Strengthen Community District Education Councils (CECs)**

As noted earlier, the 2002 legislation establishing mayoral control dismantled the local Community School Boards and replaced them with new bodies, Community District Education Councils (CECs). CECs are composed of 11 voting members. The voting members serve for 2-year terms, and the non-voting student member serves for a 1-year term. According to State Law, CECs have powers and duties related to overseeing educational policies and objectives concerning pre-kindergarten, elementary, and middle schools and programs in their districts.<sup>44</sup> As indicated earlier, there are two other structures at the district level – Presidents' Councils and District Level Title I Advisory Councils.

The Working Group recommends that the CECs, Presidents' Councils, and the District Level Title I Advisory Councils structures and functions be incorporated into a single entity, which would retain

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<sup>41</sup> Chancellor's Regulation A-655, 12/03/07.

<sup>42</sup> Pursuant to Chancellor's Regulation A-655, SLTs must have a minimum of 10 members and are limited to a maximum of 17 members.

<sup>43</sup> Chancellor's Regulation A-655, 12/03/07.

<sup>44</sup> State Education Law section 2590-e.

the CEC name. By combining the three groups, the Working Group believes that parent engagement and advocacy for schools would be strengthened.

#### *Composition and Selection of CECs*

- CECs would be comprised of one or two parent representative(s) from every school within the district. As such, the size of CECs would vary by district, but every school in the district would have a voice.
- Each school's PA/PTA would elect their representative (who could be the PA/PTA president or other parent of a child attending the school). Since PA/PTA's hold annual elections, parent representatives to CECs would be elected annually for a one-year term (though members should be eligible to serve more than one term).
- The non-voting student member should be retained and continue to be appointed by the Superintendent but with the advise and consent of the school-level SLTs.

#### *Powers and Duties of CECs*

Maintain all current CEC powers and duties and add the following:

- CECs should participate in nominating qualified candidates for Community Superintendent, from which the Chancellor may select. With a re-empowered Superintendent, it is imperative that school districts through the CECs have the ability to recommend candidates that they are confident will represent and respond to the needs of their community.
- The Title I Parent Advisory Council would become a sub-committee of the CEC comprised of the CEC representatives of Title I schools in the district, and would perform the functions required under Title I federal legislation.

### **C. DISTRICT LEVEL: Strengthen District Leadership Teams**

According to regulations of the State Education Commissioner, each community school district must have a committee, known in New York City as the District Leadership Team (DLT), comprised of administrators, teachers and parents, that develops a district plan for stakeholder participation in shared decision-making.<sup>45</sup> The DLT consists of the following, or their designees: Community Superintendent, high school Superintendent for high schools geographically located within the district, CSA representative, UFT representative, DC 37 representative, district Presidents' Council president, borough high school Presidents' Council president and Title I District Parent Advisory Council chairperson.<sup>46</sup> Representatives from community based organizations (CBOs), the district CEC and a member of the Citywide Council on High Schools (whose child attends a high school geographically located in the district) may also be included on the DLT.

The DLT is responsible for developing the District Comprehensive Educational Plan (DCEP) and for conducting a biennial review of the district's plan for shared decision-making. Additionally, over the past year, the DOE has solicited input from "expanded" DLTs, including elected officials or their representatives in addition to those mentioned above, on decisions regarding the use of public school facilities in their districts.<sup>47</sup>

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<sup>45</sup> See Commissioner's Regulation 100.11 (8 NYCRR 100.11(b)).

<sup>46</sup> Chancellor's Regulation A-655 §V., 12/03/07.

<sup>47</sup> DOE website, "2008-2009 Expanded District Leadership Team Meetings," accessed on 2/2/09 at <http://schools.nyc.gov/Facilities/CommunityInput/DLT.htm>.

The Working Group formally recommends that the Borough Presidents and the City Council be granted an appointee to the District Leadership Teams. It is also recommended that a non-voting student member be appointed by the Superintendent.

#### **D. CITYWIDE LEVEL: Strengthen Citywide Parent Engagement Structures**

Under current State Education legislation, the Chancellor is responsible for ensuring that community constituents and parents are involved in the school community. At the citywide level, there are several parent engagement structures that compliment district and school level structures such as the Chancellor's Parent Advisory Council (CPAC), a body that consists of the president (or designee) of the President's Council of each school district or each region in the case of high schools. The Chancellor is required to consult with CPAC on the same mandatory areas that apply to PA/PTA's and President's Councils.

In addition, there is the Citywide Title I Parent Advisory Council (Title I CPACs), Citywide Council on High Schools and the Citywide Council on Special Education. The Citywide Council on Special Education is established in State Law – the responsibilities and functions of each of these other councils can be found in Chancellor's regulations. Although the role of these councils are important, their power is diffuse and members of these councils have argued that they have been unable to have their concerns heard by the Chancellor. Please refer to Appendix C for a visual of current parent engagement structures.

It can become very confusing for parents to understand the different structures that are available for parents to be involved in at the various levels. While the Working Group recognizes and is supportive of parental involvement in decision-making, there is a need to ensure that parents have meaningful input and that the engagement structures available are relevant and allow for substantive impact.

The Working Group recommends that citywide parent engagement structures also be merged to ensure more substantive and robust input and engagement of parents in the educational process. Specifically, the Working Group believes that the citywide CPAC be expanded with the Title I CPAC, CCHS and CCSE becoming subcommittees of CPAC. Each CEC would be responsible for nominating a member that would be seated on the citywide CPAC. Please see Appendix D for visual of the proposed parent engagement structures. Additionally, the Working Group recommends that CPAC form two additional subcommittees, a Citywide Council on Elementary Education and a Citywide Council on Middle Schools to ensure that each level of education is given the proper attention.

Finally, the Working Group recommends that a Citywide Leadership Team (CLT) be formed modeled after the SLT at the school level that would have representation by all stakeholders. The CLT would have an advisory role and discuss education policy and education specific issues. This entity would also hold public monthly meetings & have sub-committees.

#### **6. Maintain a Sunset Provision**

The State legislature added a sunset provision when the mayoral control legislation was initially passed in 2002 and the legislation if not renewed before June 30, 2009 will expire and essentially return to the old educational system prior to mayoral control. The sunset provision can be seen as a

check and balance on mayoral control and the use of a sunset provision varies nationally. Some school districts use a sunset provision with voter referendum and in other areas the length of mayoral control of the school system is an agreement between the City and State or an agreement between the City and local City officials.

**Recommendation**

The Working Group recommends that the State Legislature extend Mayoral Control and have the legislation sunset in six years. Six years would allow continued debate of education issues within the city and would create an opportunity to make future amendments.

## APPENDIX A

### Mayoral Control & School Governance Working Group

#### Guiding Questions

1. Should we keep, modify or dismantle mayoral control?
2. What role should there be, if any for the citywide school board?
  - a. What powers and duties should it have?
  - b. How should members be selected – appointed, elected?
3. Who should hire the Chancellor?
  - a. How is the Chancellor chosen?
  - b. Are there current duties/responsibilities that should be shared?
4. What should the City Council's role be in School Governance?
  - a. Role in choosing the Chancellor if any
  - b. Role in the school board process – selection of members
  - c. Expanded oversight authority
  - d. More legislative authority
5. Should there be local school boards? If yes,
  - a. What is the geographic scope?
  - b. How are members chosen?
  - c. What powers do they have?
6. Should the governance law continue to mandate school districts? (zoning issue)
  - a. If so, what is the significance of the school districts?
7. Should the governance law continue to mandate school district superintendents?
  - a. If so, what should be the process for selecting school district superintendents?
8. Who should hire principals and/or what process should there be for hiring?
9. Do we need to clarify/strengthen/expand the powers of school level governance structures? (i.e., SLTs or other mechanisms)
10. What additional mechanisms are needed to provide for greater participation of the families in school governance issues?
11. Should the governance law be expanded to allocate specific policymaking authority over the following issues?
  - a. Curriculum (or other substantive policy areas)
  - b. Parental choice (school choice)
  - c. Testing
  - d. Teacher qualifications/hiring

- e. Student discipline
12. Is there a need to provide additional oversight or strengthen oversight of the School Construction Authority?
    - a. If so, what would that look like?
    - b. Should the School Construction Authority be part of the DOE
  13. Is there a need to provide greater oversight in the governance law of the DOE's capital plan?
    - a. If so, what would that look like?
  14. Is there a need for an independent non-partisan research consortium (similar to Chicago's) to conduct analyses (achievement, teacher data, etc) of the school system?
    - a. If so, what would the roles/responsibilities of this consortium be?

## APPENDIX B

### New York City Council Mayoral Control and School Governance Working Group

#### Stakeholder List

2007

*Friday, October 12*

Norm Fruchter – Annenberg Institute for School Reform – Community Involvement Program\*\*  
Dr. Lester Young - Professor of Human Development and Leadership, Long Island University,  
Graduate School of Education\*\*

*Friday, November 2*

Dr. Diane Ravitch – New York University\*\*  
Dr. Luis Reyes - Visiting Fellow at the Bronx Institute at Lehman College, CUNY and Coalition for  
Educational Excellence for English Language Learners (CEEELL)

*Friday, November 16* – meeting cancelled

*Friday, November 30*

Kathy Wylde - Partnership for New York City\*\*

*Friday, December 14*

Sol Stern – City Journal contributing editor and Manhattan Institute Senior Fellow\*\*  
Herman Badillo - City University of New York

2008

*Friday, January 11*

Randi Weingarten – United Federation of Teachers  
Linda Lenz – Catalyst Chicago\*\*  
Sam Anderson – iCOPE\*\*

*Friday, January 25*

Sheila Evans Trandum – New York State Education Department

*Friday, February 8*

Ernest Logan - Council of School Supervisors and Administrators\*\*  
Chancellor Joel Klein and Deputy Mayor Walcott

\*\*Participant submitted written testimony

Working Group staff had additional meetings with:

- Sheila Evans-Tranumn – New York State Education Department
- Representatives from the Council of School Supervisors and Administrators
- Dr. David Bloomfield, Professor Brooklyn College and former Counsel to the BOE Central Board and current President of the Citywide Council on High Schools
- Dr. Kenneth Wong, co-author of *The Education Mayor: Improving America's Schools*
- George Sweeting & Douglas Turetsky, Independent Budget Office
- Jesse Rauch, DC City Council
- Chris Serf, Department of Education
- Peter Hatch & Heather McNaught, Learn NY

## Appendix C

# School Governance Structures in New York City (2002 – Present)

**Department of Education  
Panel for Educational Policy**

### Citywide Parent Structures

**CPAC**  
Chancellor's Parent Advisory Council

**CCHS**  
Citywide Council on High Schools

**CCSE**  
Citywide Council on Special Education

### Title I CPAC

Title I Citywide Parent Advisory Council  
To encourage information dissemination about Title I programs to parents of Title I participating children, DOE will meet regularly (4x a year) right now with this group to make sure that this is happening.

### District Level Parent Structures

**CEC**  
Community Education Council

**PC**  
Parents' Council

**DLT**  
District Leadership Team  
Must include membership from Title I DPAC

**DPAC**  
Dist Title I Parent Advisory Council  
Each district has a PAC but many are combined with the President's Council. Consultative body to parents on district Title I programs and policies.

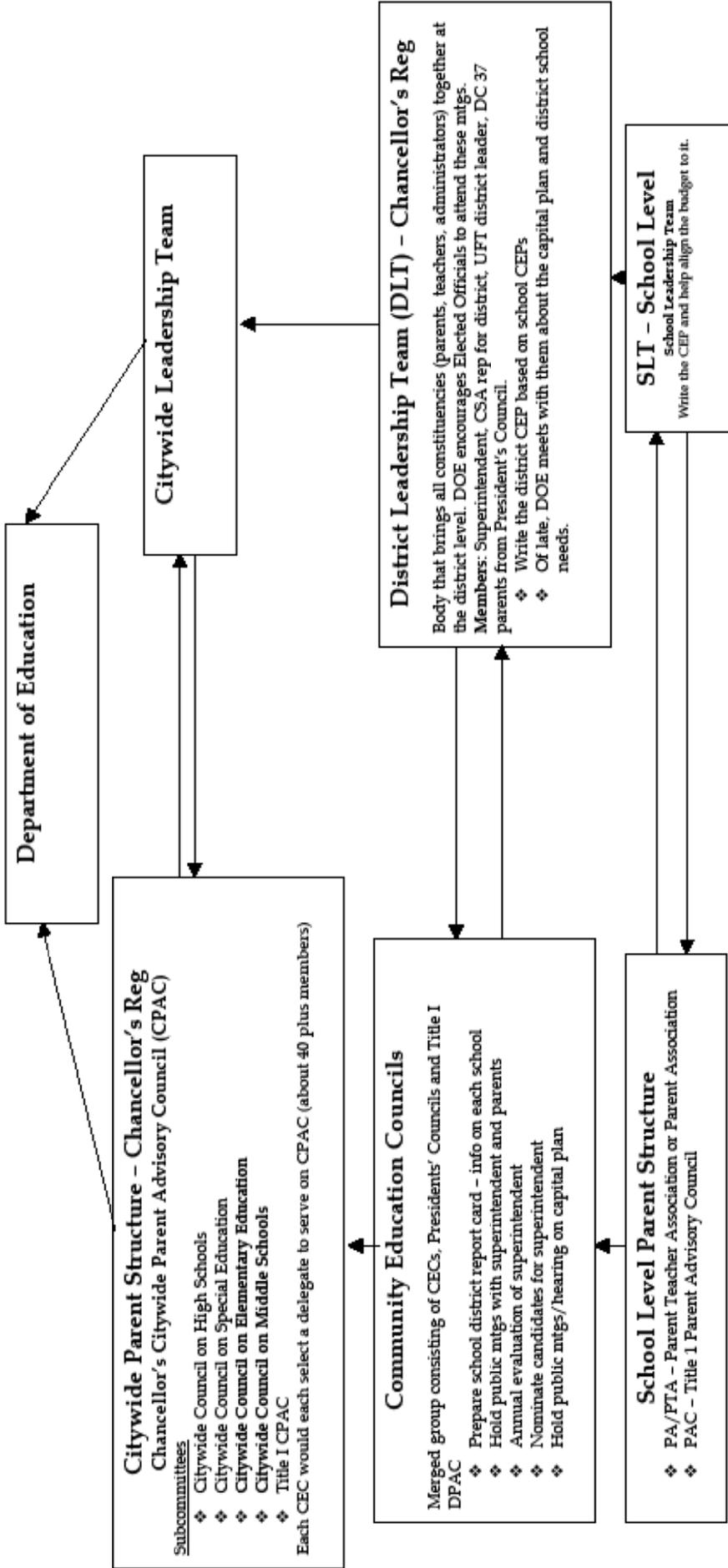
### School Level Parent Structures

**PA/PTA**  
Parent or Parent-Teacher Assoc

**SLT**  
School Leadership Team  
Parents and other stakeholders.  
Write the CEP and align to budget

**PAC**  
Title I Parent Advisory Council

# Appendix D Potential New Structure – July 2009



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