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How can we create checks and balances for the mayor and chancellor?

What would the Panel for Education Policy (PEP) look like with real parent and community engagement?

How can the role of the PTA, School Leadership Team (SLT) and the Community Education Councils (CEC) be strengthened?

What would mayoral control look like to ensure accountability and transparency?

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**THE PUBLIC ADVOCATE  
FOR THE CITY OF NEW YORK**

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## **POLICY REPORT:**

# **OUR SCHOOLS, OUR VOICES: THE FUTURE OF MAYORAL CONTROL IN NEW YORK CITY**

New York City Public Advocate  
Letitia James

May 2015



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## GLOSSARY OF TERMS

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**Community Education Council (CEC)** - The CEC is comprised of nine parents elected from the PTAs, one non-voting student, and two community members appointed by each borough president. CECs are charged with evaluating the superintendent, may approve schools zone, hold hearings on capital plans, and advise the chancellor and the Panel for Education Policy (PEP).

**Department of Education (DOE)** - The New York City Department of Education (DOE) is the largest school district in the US, serving over 1.1 million students in over 1,800 schools.

**District Leadership Teams (DLT)** - The District Leadership Teams review the goals and priorities for their district that are in the Comprehensive Education Plan. The DLT is comprised of administrators, union representatives and parents. They may also include CEC members and community based organizations.

**Division of Family and Community Engagement (DFACE)** - The Division of Family and Community Engagement is responsible for supporting parent involvement in schools. A DFACE staff member is designated to every borough and school district providing professional development and technical support to the School Leadership Team (SLT).

**Individualized Education Program (IEP)** - is a written education plan designed to meet a child's learning needs. An IEP is written for students with learning and/or physical disabilities.

**Panel for Educational Policy (PEP)** - The Panel for Educational Policy, formerly the Board of Education, is a voting body that has the final decision on education issues and policies that affect the entire public school system. PEP members are charged with significant policy-making authority: school admissions, gifted and talented program policies, citywide contracts over one million dollars, the citywide school budget, siting and co-locations of charter schools, school openings and closures. The PEP is comprised of 13 members; the mayor appoints eight of the 13 members, of which two must be public school parents. The borough presidents select the remaining five and all must be parents/guardians of children in public school. There is also a student representative who is a non-voting member.

**Parent Teacher Association (PTA)** - PTAs help foster parent engagement and shape the school community. They are responsible for fundraising activities and planning community events for their schools.



## GLOSSARY CONT'D

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**The Procurement Policy Board (PPB)** - The PPB is authorized to promote and put into effect rules governing the procurement of goods, services, and construction by the City of New York under Chapter 13 of the Charter of the City of New York.

**School Leadership Team (SLT)** - The School Leadership Team is comprised of parents, the United Federation of Teachers' (UFT) chapter leader, PTA president, and the school principal. The SLT meets monthly to make decisions and to set goals for their school, such as, improving classroom spaces, organizing hearings to address co-locations and school closings, changing homework policies, reducing suspensions, and bringing more arts to the curriculum. They are required to write a Comprehensive Education Plan (CEP), which outline the goals and priorities for their school.



## EXECUTIVE SUMMARY

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Over the past two decades, New York City public school policy has changed dramatically, much of which was catalyzed by the introduction of mayoral control of public schools in 2002. That year, New York State law significantly altered the structure of New York City's public school governance from a decentralized system of elected community school boards and an appointed central Board of Education, to a system in which authority would be vested in the mayor and his or her appointed chancellor of the Department of Education (DOE). The underlying purpose of this shift in control from school boards to the mayor, commonly referred to as mayoral control, was to increase accountability for the performance of the City's public schools by vesting one person - the mayor - with the responsibility for running the City's schools. Under mayoral control, the mayor would have the power to appoint the chancellor, structure finances, appoint and remove members of the Panel for Education Policy (PEP) at-will, and set citywide education policies. The State legislation authorizing mayoral control is due to sunset on June 30, 2015.<sup>1</sup>

As part of her duties to provide oversight and investigate concerns on behalf of the public, New York City Public Advocate Letitia James hosted six public forums this year - one in each borough, and one jointly with the City University of New York (CUNY) Law School - to allow parents, community members, and all other stakeholders to share their input on how to improve mayoral control. Audience members also completed a survey to measure attitudes and perceptions of parent-community engagement efforts by DOE. Respondents expressed significant concerns relating to the lack of parent participation and democratic deliberation in shaping public school policy. For example, the survey found that 92 percent of respondents favored changes to mayoral control allowing parents more of a decision-making role. Coincidentally, a recent poll conducted by Quinnipiac University found that "New York City voters by more than 2-1 believe [the] mayor should share control of NYC schools with other elected leaders."<sup>2</sup>

Parents and community members participating in the forums also shared a broad sense of frustration with the exclusionary nature of DOE's awarding of contracts for the procurement of goods and services. Respondents pointed to the fact that DOE is the only City agency which is not required to abide by the same contracting rules as the rest of the City. Because many facets of the DOE are regulated by the state, the agency has argued that it is not subject to City contracting laws and the rules promulgated by the Procurement Policy Board (PPB), a claim echoed by the city's Independent Budget Office (IBO). The DOE has also relied on this legal interpretation to—at times—bypass the City Comptroller's role in registering and auditing contracts.<sup>3</sup> Some stakeholders recommended that the State legislature fix the contracting loophole that allows DOE to function under a different set of procurement rules.





To balance the unilateral nature of mayoral control, the Public Advocate recommends the following changes:

- **Strengthen transparency by making structural changes to the Panel for Education Policy to increase parent and community engagement.**
- **Improve the contracting/procurement process to ensure that DOE abides by the same procurement rules as other City agencies.**
- **Enhance parent and community engagement through the realignment of existing programs and services that accomplish the following:**
  - **Give CECs the approval power over co-locations, school closings and siting of schools within their district;**
  - **Establish one additional school district in Staten Island; and**
  - **Allow School Leadership Teams to carry out the tasks they are designed by state law to perform: to address school-based budgets and ensure those budgets are aligned with a school's comprehensive educational plan.**

Implementing these changes to mayoral control will provide a voice to the many who have been marginalized and produce a more transparent and accountable decision-making process.



## INTRODUCTION

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The rationale for mayoral control was born out of the need to increase accountability within the City's public education system, placing control in the hands of one person – the mayor. Yet, this shift in power has severely diminished the voice that parents have in the policies and standards associated with educating their children. Mayoral control can also lead to serious breaches of public trust with respect to process. Even today, after the election of a mayor who campaigned on the promise of increasing parental engagement, concerns about accountability, transparency, inclusion, and meaningful public input still persist.

### **History: The New York City Mayoral Control Law (2002 & 2009)**

#### *The School Governance Reform Act of 2002*

In 2002, at the urging of former Mayor Michael Bloomberg, the New York State Legislature passed, and Governor George Pataki signed into law, the School Governance Reform Act of 2002. Mayoral control effectively transformed a semi-independent school system that existed within a city agency to one under the exclusive control of the mayor.<sup>4</sup> The 2002 Mayoral Control Law gave the mayor the power to appoint the chancellor, structure the school system's budget, and set city-wide education policy.<sup>5</sup> To allow for some degree of parental and constituent participation, the state legislature renamed and reconfigured the Board of Education, which was to be called the Panel for Education Policy (PEP). The measure also established the Community and Citywide Education Councils (CEC) to provide additional parent and community input, replacing the former elected community school boards.<sup>6</sup> The PEP consists of 13-appointed members and has primary control over public school policy. Each borough president appoints one member, and the mayor appoints the remaining eight, giving the mayor a majority of the appointees.<sup>7</sup>

#### *The 2009 Re-Enactment of Mayoral Control*

The initial mayoral control law contained a sunset provision that was set to expire in June of 2009.<sup>8</sup> Before reauthorization of the mayoral control law, a group of concerned parents established the Parent Commission, which was developed to improve mayoral control, to provide more transparency, create new checks and balances, and increase parental voice. The Commission submitted a report to the legislature, which outlined concerns over a system of mayoral control that "prevented stakeholders such as parents, teachers, or administrators from having any influence on [the] policies [that impact them] because of the lack of checks and balances."<sup>9</sup> The report demanded several changes to the school governance structure, including:

- A requirement that the chancellor be an experienced educator, and that he or she be appointed by the mayor through a nomination submitted by three candidates from the PEP;
- The creation of several oversight offices to enhance transparency and accountability;



- The restoration of community school districts to their “lawful place in New York City governance structure, with responsibility for zoning, enrollment, school sittings, and parent and pupil support”; and
- A requirement that allows parents to play an active role in choosing a superintendent.<sup>10</sup>

In 2009, the New York State Legislature voted to renew the Mayoral Control Law for New York City public schools. Under the amended law, the PEPs responsibilities included voting power to approve major policy changes, budgets, contracts, and other major expenditures, as well as changes in school utilization and labor contracts.<sup>11</sup> In addition, the new law instituted the following changes:<sup>12</sup>

- The chancellor was removed as chair of the PEP and became an “ex-officio non-voting member”;
- The PEP would elect its own chairperson from among its members; and
- Two of the mayoral appointees and each of the borough presidents’ appointees to the PEP were required to be public school parents.<sup>13</sup>

### **Mayoral Control: Rapid Restructuring and Marginalization**

New York City’s experience under mayoral control has been characterized by significant, sweeping structural and policy changes initiated by the mayor and chancellor. During the Bloomberg administration, the mayor and chancellor initiated new and very consequential practices including closing so-called failing schools, co-locating schools – which some argue led to significant overcrowding – and the reliance on high stakes testing to assess the performance of students and teachers alike. However, little attention was given to the consequences of these actions, and most of these changes were introduced with minimal notice, transparency, or public engagement.<sup>14</sup> Indeed, parents and stakeholders across the city decried their exclusion from the decision-making process and the lack of notice and opportunity for meaningful input into policies affecting their children in public schools. Author and education historian Diane Ravitch cautioned that mayoral control in New York City requires adequate checks and balances and transparency to ensure that decision making is on the merits. Additionally, Ravitch noted that the system must not be subject to undue influence by wealthy private interests or other external agendas to the exclusion of parents, students, educators, and other stakeholders at the school and community levels.

As noted in the 2009 Parent Commission Report:

Parents have been systematically frozen out of participation in their children’s education. Community Education Councils and School Leadership Teams have been weakened or their input ignored, in violation of state law. This has allowed the DOE to claim that it consults with parents without parents having any actual influence over decisions that the DOE makes. Parents who object to DOE policies have been dismissed, disregarded, and disrespected.<sup>15</sup>





### *Children First*

Following the enactment of mayoral control, Mayor Bloomberg initiated several public school policy changes with little parental input.<sup>16</sup> Perhaps the largest and most comprehensive of Mayor Bloomberg's policy changes was the Children First initiative, which introduced sweeping organizational restructuring and several K-12 instructional intervention programs.<sup>17</sup> Children First implemented a poorly-conceived structure that replaced the existing 32 community school districts with 10 large geographic regions, which created confusion and poor dissemination of information on the school level.<sup>18</sup> The instructional intervention programs streamlined the curriculum for reading and math, but set even stricter standards for instruction and grade retention that students were not prepared to meet.<sup>19</sup>

### *"Monday Night Massacre"*

In 2004, Chancellor Joel Klein proposed a third grade retention policy that was to be based completely on the results of one standardized test.<sup>20</sup> Education leaders expressed concerns that such a retention policy would be counter-productive, and a majority of PEP members expressed opposition to the policy, including three mayoral appointees and all five borough president appointees. Insistent on passing the policy, on March 15, 2004 Mayor Bloomberg summarily replaced two of his appointees with members who would vote "yes," and he persuaded the Staten Island Borough President to do the same. This resulted in a same-day change in the PEP's vote - from 8 to 5 opposed, to 8 to 5 in favor of the policy. The mayor's removal of panel members to force a particular vote was a dramatic demonstration of virtually unchecked mayoral control. The episode highlighted public frustration with the lack of input and participation in key policy decisions made by the PEP.

Dr. Augusta Kappner, President Emerita of Bank Street College, detailed her experience as the only mayoral appointee on the PEP who was not removed for voting against Mayor Bloomberg's third grade retention policy in March of 2004:

As history shows, on the night of the vote the mayor did something fairly unusual in New York City, which is to play a level of hardball that mayors usually don't have to resort to.... The hardball that he played was to actually remove and replace two of his own appointees and persuade the Staten Island Borough President to replace his appointee on the day of the vote.... As the Daily News put it, 'it was a hit that would make Tony Soprano blush.'

Dr. Kappner noted that this incident "proved that the mayor could win" and demonstrated that with Mayor Bloomberg "you could have your say, but you could not necessarily have your way." Dr. Kappner's experience highlighted the lack of input and participation even among members of the PEP - the central board of education - because of a structure that permits the mayor to remove at-will any PEP member who disagrees with his position on any policy issue.

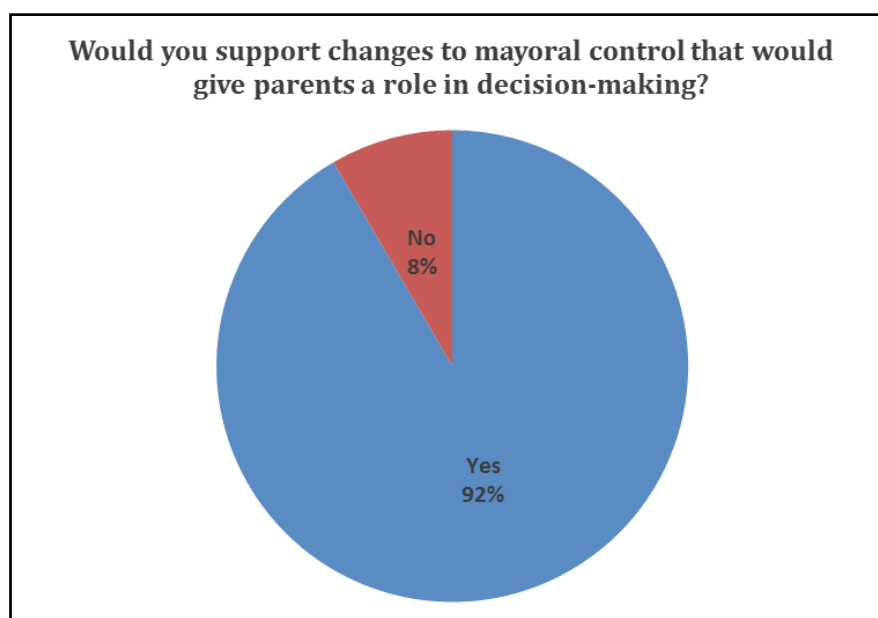


## OFFICE OF THE PUBLIC ADVOCATE SURVEY ANALYSIS

In March and April of 2015, the Office of the Public Advocate held a series of public forums called “Our Schools, Our Voices” to foster a dialogue with the City’s public school community about how the Mayoral Control Law should be amended and improved prior to its renewal deadline on June 30<sup>th</sup>, 2015. Educators, parent-guardians, elected officials, representatives from the DOE, community boards, and members of the PEP participated in the forums. Additionally, representatives from each of the Community and CECs also participated.

As part of their participation in the forum, attendees were asked to complete a survey designed by the Office of the Public Advocate that focused on the attitudes and recommendations of participants. Of the 270 survey responses received by the office, 92 percent indicated that they wanted to reform the existing mayoral control structure to give parents more decision-making powers (Figure 1).

Figure 1



Responses to several other survey questions demonstrate respondents’ frustrations with their lack of voice and limited transparency in the school system. When asked if they have a way to voice their concerns about the effectiveness of the DOE, 55 percent of the respondents indicated they did not (Figure 2). When asked about their ability to influence the school system through outlets such as the CECs and District Leadership Teams (DLTs), 50 percent of respondents felt that these institutional outlets were not effective in doing so (Figure 3). When asked about access to training and educational resources to advocate for their children, 51 percent of respondents stated that they did not have adequate access to such training and resources (Figure 4).



Figure 2

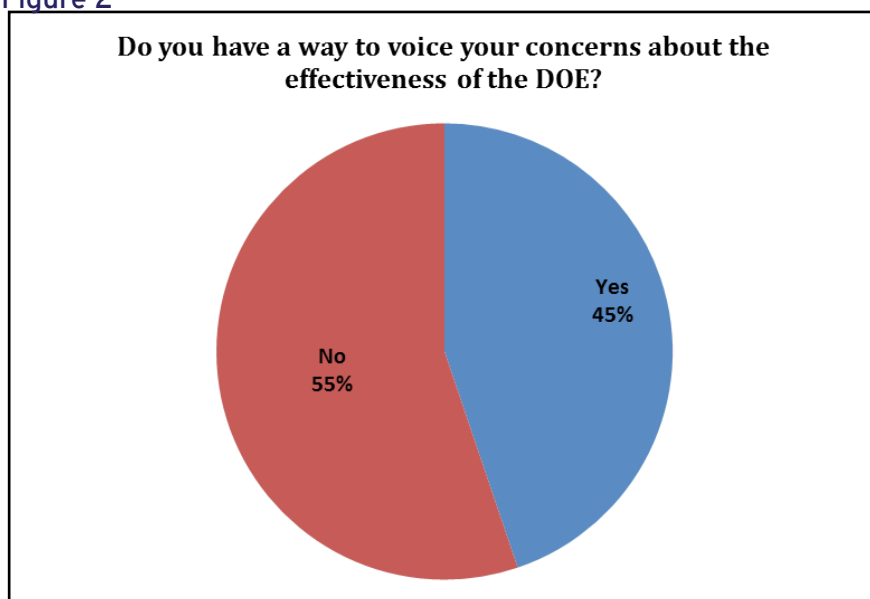


Figure 3

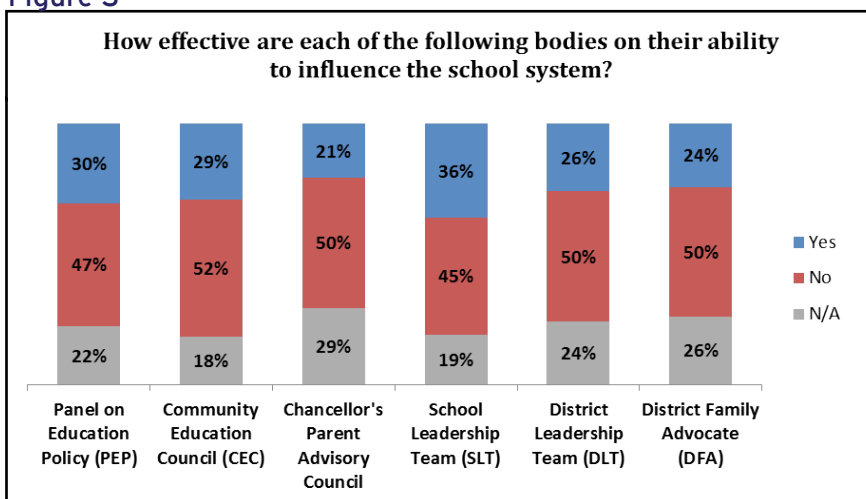
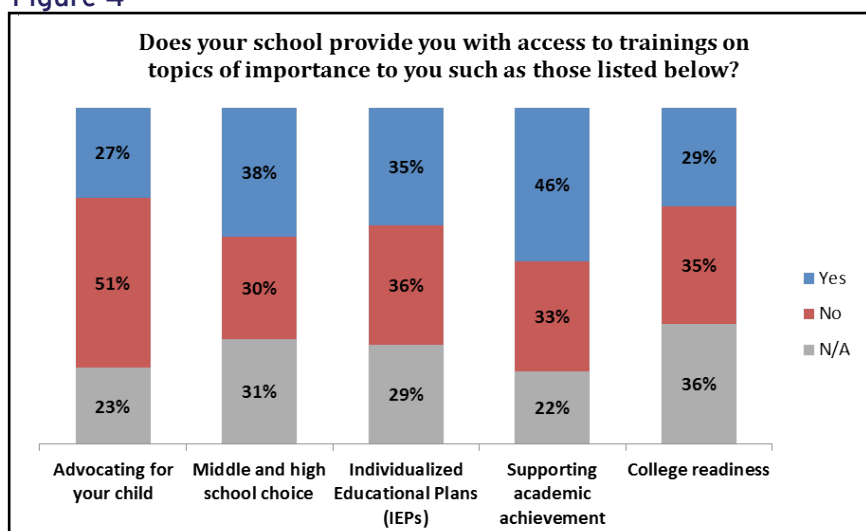


Figure 4





## OFFICE OF THE PUBLIC ADVOCATE FORUM ANALYSIS

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The six forums hosted by the Public Advocate included 31 panelists from academia, government and the advocacy community, and included over 350 audience participants. Data was drawn from a content analysis of notes taken at each of the borough forums and forum at CUNY Law School.

### **Mayoral Control: End it or Mend it?**

One central question discussed by panelists and attendees about the best way forward was whether to reform mayoral control or allow it to expire. Some speakers rejected mayoral control outright and called for a return to school boards. A small number of attendees indicated that they accepted mayoral control, and others preferred some degree of reform to the current system while leaving the mayor with a substantial amount of power.

At CUNY Law School, Lisa Donlan, a public school parent who has been an active CEC member for several years, described the way mayoral control excludes input and participation from not only the PEP, but also from the CECs, parents' associations and other stakeholders. Ms. Donlan noted that "Mayoral control is generally imposed on city school districts that are overwhelmingly comprised of low-income communities of color, and that is the very group that has most frequently displayed the strongest opposition to mayoral control."

Ms. Donlan emphasized the importance of a governance structure that includes the voices of parents and stakeholders at the school level. A 2012 report by the Urban Justice Center's Community Development Project and Teachers Unite, which Ms. Donlan co-authored, found that:

The centralized structure implemented by mayoral control instituted new city-wide reforms without input from teachers, parents, or students. These reforms include programs such as high stakes testing for students and experimental merit-based pay programs for teachers as well as reducing the power of entities such as the School Leadership Teams and Community Education Councils. Together, these changes have made it nearly impossible for teachers, along with parents and students, to have a say in how their schools operate.<sup>21</sup>

There were proposals to involve other levels of government in the education process as well. Some parents wanted to redraw the map so that school districts would follow community board boundaries. This would allow community boards to have a voice, along with CECs, DLTs, and School Leadership Teams (SLTs), in school site selection, co-locations, and additions.



## **CECs**

The institution that received the most sustained criticism at our borough forums was the CEC (a total of 28 speakers suggested strengthening or otherwise reforming it). There was a general perception that if parents were to have any voice under mayoral control it would come via the CECs. However, the picture that developed was of a body of representatives that too often was not taken seriously, without real power, and cut off from the other structures of school governance.

CECs were widely criticized for their powerlessness – especially in terms of school siting, co-location, budgeting, and closings (and, to a lesser extent, the selection of principals and superintendents). The organization was seen as cut off vertically from the more powerful PEP, and horizontally from CECs in other districts. At least one participant suggested that CEC members either be given designated spots on the PEP, or be allowed to play a role in appointing and removing members of that body. Others suggested that the PEP hold hearings and vote on the resolutions initiated by CECs.

In addition to wanting to make them stronger, some audience members wanted to make CECs more representative. Participants proposed that one member on each board should be designated to represent special education students and another should be designated for English language learners. Other attendees suggested CECs should include members of non-traditional families such as extended family members, step-parents, and other non-parental guardians. Finally, some suggested that community organizations be represented on CECs, and that councils representing districts that have a particularly large number of non-English speakers should provide more foreign language translators.

## **The PEP**

The PEP also received significant criticism. Everett Stembridge, a Manhattan parent attending the Manhattan forum, singled out the PEP for its “policy of exclusion.” The most common demand concerning the PEP was for the mayor to end his near monopoly over selecting PEP members. There were proposals that other elected officials, such as City Council members, the Public Advocate, or the Comptroller, be given the power to appoint PEP members. It was further suggested that school-based organizations – such as the CECs, SLTs and PTAs – should get to appoint their own members to the PEP. Others suggested reforms to introduce checks and balances, including giving CECs the power to remove PEP members, and to require that PEP members serve on, or have once served on, their local CEC.

One final set of suggestions were designed to give PEP members more autonomy and expertise. First, requiring PEP members to serve fixed terms would make it more difficult for a mayor to remove them at his or her whim. Additionally, introducing a committee system into the PEP would





allow members to develop a greater degree of specialization and expertise. This, in turn would enable them to provide increased checks and balances over the DOE and the mayor.

### **SLTs**

School Leadership Teams were also subject to criticism. Although much of the criticism of SLTs overlapped with that of the CECs, there was much less consensus about the problems associated with SLTs. Some mentioned a general failure to integrate SLTs into the wider system of school governance, and stressed that DLTs should not be allowed to override SLTs at the district level. In a system where decisions are made by consensus, some critics felt that the principal holds disproportionate power on these boards, and they recommended increasing training for members of these bodies.

### **Impacts on the Neediest Students**

According to a number of panelists and attendees at the forums, the exclusion of parents, students, and teachers from the policy discussion has led to negative impacts that fall disproportionately on the neediest and most underrepresented students. For example, Nelson Mar, an attorney for Bronx Legal Services who advocates for students in disciplinary proceedings for special education services, observed that: “New York City has always had challenges in terms of providing special education services for their students, but in my experience over the last 13 years [those challenges] have only been exacerbated by the policies of the [mayoral] administration.”

### **Greater Inclusiveness**

Beyond changing the rules of these bodies, participants at borough forums called for better parent training such as introducing leadership training classes. To help parents navigate the DOE, it was suggested that the department increase its efforts to share information during parent orientation, and to provide phone hotlines, kiosks and information tables at parent events to cast a wider net to inform parents of the school resources available to them. Audience members also emphasized the importance of increased and targeted outreach and education to parents of children with disabilities, and to parents who do not speak English.

Kesi Foster of the Urban Youth Collaborative echoed Mr. Mar’s observations from the student and community perspective. As a youth organizer who has organized students and other youth around public school improvements, Foster noted, “There lacks real parent representation in the governance structure of schools in the city and, without real parent and youth representation, the people making the decisions do not understand how those decisions really play out in practice.”

### **Budgeting**

Parents attending the forums noted that they felt left out of the school’s budgeting process,



particularly for parents of English language learners and students with disabilities. These parents noted their concern with the mayor's complete control of the DOE budget, and they called for the Comptroller, or some other independent agent, to exercise financial oversight of school spending. Others suggested that PEP members should have the right to vote on all contracts with a supermajority of the CEC to have veto power over its decisions. The goal of all of these reforms would be to create a system that would offer complete transparency for all spending at public and charter schools.

#### Mayoral Control Likely to be Renewed

The general consensus among forum attendees was that mayoral control would likely be renewed. If the existing law is to be amended, attendees emphasized that such amendments should be designed to assure effective governance and workable checks and balances regardless of whom the mayor is. The mayor should be accountable to all, including the underrepresented groups who have generally had a diminished voice under current mayoral control.



## BOROUGH-BY-BOROUGH ANALYSIS

### MANHATTAN

A majority of the participants at the Manhattan forum were not supportive of continuing mayoral control. However, a few speakers believed mayoral control should be amended and renewed by the state legislature. Issue of concern for Manhattanites focused on school governance, transforming the PEP, power over co-locations, school closings, school budgets, and training parents to be active participants in the process of school governance.

*Everett Stemberge, Manhattan parent: "PEP" is based on a policy of exclusion."*



### BROOKLYN

Many of the participants at the Brooklyn forum were not supportive of continuing mayoral control and favored community control. However, a counter argument was made that mayoral control leads to stability and ensures the funding of schools at an adequate level and to the continuity of school personnel. Discontent with mayoral control was mostly with how it was practiced during the Bloomberg administration, and the consensus is that it should be amended. Issues of concern for Brooklynites focused on the need for increased and improved CEC and parent training, changing the composition of the PEP and linking the district CECs to provide robust district-wide information.

*Janet Roberts, Brooklyn parent of 3 children with autism; had to learn how to navigate the system on their behalf, mostly through trial and error.*

### QUEENS

The overarching theme of the Queens forum was to increase local control and community involvement. The majority of participants voiced the need for restructuring the PEP and increasing the role of the CECs to allow more parental engagement and transparency. Another important theme of the Queens forum was improving the quality of public schools. Queens residents supported the promotion of diversity and protection of minorities by increasing language access at schools and ensuring a more culturally-relevant curriculum.



### STATEN ISLAND

Participants in the Staten Island forum were generally supportive of amending mayoral control, rather than ending it. Above all, Staten Islanders focused on school governance. Issues of concern for residents included a focus on special education, the need for another school district and CECs for the North and South Shore neighborhoods, support for PTA participation, increased transparency in the DOE's budget, and training parents to be active participants in the process of school governance.



### BRONX

Along with Staten Islanders, Bronx participants seemed to be more focused on the day-to-day operations of their schools than on global issues of citywide educational policies. Those expressing a view on the latter mostly supported reforms to current mayoral control.

The most common criticism of the status quo is that it limits real parental participation and engagement. In the words of one panelist, mayoral control has turned outlets promising parents a voice in their schools' operations into "units of parental enclosure." CECs were particularly vulnerable to this charge. In addition to expressing frustration over structural problems that make it easy to ignore CEC recommendations, parents emphasized their need to gain access to more information from the DOE, and for better training and translation services. Criticisms of the PTAs also echoed themes of limited information and thwarted participation. In addition, it was suggested that parents would have more of a voice if principals were removed from the body. SLTs drew (more limited) fire over similar issues.

One theme that emerged from this forum was the need for better health services (especially mental health services). Concrete suggestions included empowering school nurses to be more active, and introducing "wellness coordinators" into schools to oversee services.



## RECOMMENDATIONS

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The Office of Public Advocate has developed a list of recommendations based on the input received at the six public forums and supporting survey. Ultimately, to ensure that every child in New York City receives a quality education, the next phase of mayoral control must strengthen accountability, improve the DOE's financial structure (restructure the DOE/ schools' financial system), and enhance parent/community engagement. Through State legislative and City policy changes, the Office of the Public Advocate recommends the following:

### **Strengthening Accountability and Transparency**

- Enact state legislative change to expand the Panel for Education Policy from 13 members to 17. The PEP should be a more independent body and include representation from a diverse set of stakeholders including a focus on English Language Learners (ELL) and special education students. Instead of the current composition, which provides the mayor with eight seats and one for each borough president, the PEP should provide the mayor with seven seats, preserve the five appointees by the borough presidents, and also provide one seat each to the City Council (1), Public Advocate (1), Comptroller (1), and two representatives from the Citywide Education Councils on Special Education and English Language Learners. This change will ensure checks and balances, enhance parental and community engagement and provide for a more inclusive process.
- Enact state legislative changes to provide fixed terms to all PEP appointees. Instituting a two-year renewable term for appointees will allow for a more independent voice - not swayed by a political agenda.
- Ensure that all chancellors have an education background by enacting state legislative change eliminating the educational waiver. Waivers are needed when a candidate for chancellor lacks at least three years of teaching experience, an advanced degree and certification in educational leadership.
- Expand the Division of Family and Community Engagement (DFACE) to include the role of Ombudsman to address parent concerns such as busing, Individual Education Plans, and safety issues. DFACE would also work to inform parents on education policy issues, using methods such as holding three school district town halls per school year. DFACE should make recommendations to address the complaints of individual parents that cannot be resolved at the district level, including those involving Presidents' Councils and Community Education Councils. DFACE should provide a monthly written report with recommendations to be presented to the chancellor, borough district offices, superintends, City Council, Public Advocate and members of the PEP. This policy change will hold DFACE accountable and improve communication between parents, stakeholders, and the offices of DOE.





### **Improving the Contracting Process**

- Enact state legislative change that would require DOE procurement contracts to be approved by the City Comptroller, as is required of other city agencies.
- Subject the Department of Education to the same rules as specified in the Procurement Policy Board (PPB), which determines procurement rules and regulations. This measure would require a change to State law and allow for greater transparency and accountability, and ultimately contribute to a more long-term cost savings' strategy.
- All pending contracts should be shared with the PEP three weeks prior to voting.
- All contracts must be made public on the DOE website three weeks prior to the vote, and made available for review by request to the City Council and the Public Advocate.

### **Enhancing Parent/Community Engagement**

- Enact state legislative change to give CECs the approval power over co-locations, school closings and siting of schools within their district. Empowering the CEC will improve and encourage greater parental engagement and provide a more inclusive debate of the future of local schools.
- Enact legislative changes to create an additional school district in Staten Island. Creating an additional school district would allow for more parent representation that can depict the educational needs in the growing and diversified borough of Staten Island.
- Enforce the state legislative change made in 2009 to empower School Leadership Teams (SLT). SLTs should be given more funding, resources and more authority in school level decisions. The DOE must allow the SLT to carry out their lawful tasks: to address school based budgets and ensure they are aligned with the school's Comprehensive Educational Plan.
- Enact DOE policy change to address the gap in existing capacity to support and oversee schools on language access. The DOE superintendents should be given the necessary resources and funding to provide schools with technical assistance and trouble-shooting to assist schools with translation and interpretation services that are culturally competent and meet parent's needs.
- Instruct the city to perform an audit to determine the rate of related service delivery for students with disabilities, segmented by district, disability and Title I status. This will ensure greater accountability of city resources and provide more transparency for families with children with disabilities.



## CONCLUSION

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The objective of the Mayoral Control Law was to increase accountability within New York City's public education system by centralizing the DOE under the control of the mayor. After 13 years, however, accountability and transparency issues continue to exist today: unilateral decision-making in secrecy, co-locations, high stakes testing, school closures, and overcrowded classrooms.

As the State legislation authorizing mayoral control is due to sunset on June 30, 2015, the public has a right and responsibility to participate in the policy changes shaping the future of the New York City public education system. The analysis from the forums and surveys conducted by the Office of New York City Public Advocate Letitia James demonstrates a broad sense of frustration on the part of parents and community members with the exclusionary nature and processes in place concerning contracts. To balance the unilateral nature of mayoral control, this report provided recommendations to strengthen transparency through structural changes, ensure the Department of Education abides by the same procurement rules as other City agencies, and enhance parent and community engagement.

Implementing these changes to mayoral control can provide a voice to the many who have been marginalized and produce a more transparent and accountable decision-making process. The state legislature has the capability and responsibility to implement meaningful change to the Mayoral Control Law that can address the concerns documented in this report. Through public information and a democratic decision-making process, the City of New York and the Department of Education can advance all students regardless of zip code, economic status, disability or ethnic or racial group. Together, the Mayoral Control Law must be amended before it can be reauthorized by the state legislature on June 30, 2015.



## ACKNOWLEDGEMENTS

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The Public Advocate also thanks the following panelists for their participation in our forums on the future of mayoral control.

### Manhattan

Noah Gotbaum, CEC District 3

Sam Anderson, Independent Commission on Public Education (ICOPE)

Johanna Garcia, PS/IS 187 PTA President

Teresa Arboleda, Public Advocate appointee for the Citywide Council English-Language Learners (CCELL)

Anne Looser, Teachers Unite

Robert Jackson, Former Councilmember and Chair of the New York City Council Education Committee

### Brooklyn

Ellen McHugh, Public Advocate appointee for the Citywide Council on Special Education (CCSE)

Laurie Windsor, President of CEC District 20

David Goldsmith, President of CEC District 13

Natasha Capers, Coalition for Educational Justice

### Bronx

Eduardo Hernandez, CEC District 8

Gloria Corsino, President of the Citywide Council for District 75 (CCD75)

Dean Parker, 2nd Vice President of CEC District 10



## ACKNOWLEDGEMENTS CONT'D

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### Staten Island

Michael Reilly, President of CEC District 31

John Englert, Co-Chair of the Citywide Council on Special Education (CCSE)

La Tonja McMillan, CEC District 31

Martin Krongold, past member of CEC District 31, Citywide Council on High Schools, and Trustee of New Ventures Charter High School

Tammy Greer-Brown, Chairperson of the Education Committee of the National Association for the Advancement of Colored People (NAACP)

Joanne Vitale, Program Director of Parent To Parent NY, Inc.

### Queens

Dr. Vera V. Daniels, President of CEC District 28

Alicia Hyndman, CEC District 29

Michelle Norris, Public Advocate appointee for the Citywide Council on Special Education (CCSE)

Timothy James, Community Board 12 Education Committee

### CUNY Forum

Natalie Gomez-Velez, Professor of Law and Acting Director, CLORE at CUNY School of Law (Moderator)

Lisa Donlan, President of CEC District 1

Augusta Kappner, President Emerita, Bank Street College and former PEP member

Nelson Mar, Bronx Legal Services

Diane Ravitch, Professor, NYU Steinhardt School of Education

Aaron Saiger, Professor of Law, Fordham University School of Law

Patrick Sullivan, former PEP member

Kim Sweet, Advocates for Children

Kesi Foster, Urban Youth Collective



## ENDNOTES

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<sup>1</sup> 2009 Sess. Law News of N.Y. Ch. 345.

<sup>2</sup> Quinnipiac University Poll, released on May 12, 2015, available at [http://www.quinnipiac.edu/images/polling/nyc/nyc05122015\\_n632dgm.pdf](http://www.quinnipiac.edu/images/polling/nyc/nyc05122015_n632dgm.pdf).

<sup>3</sup> Testimony of George Sweeting, Deputy Director, New York City Independent Budget Office, Before the Contracts and the Education Committees.

<sup>4</sup> 2002 Sess. Law News of N.Y. Ch. 91; See also Annenberg Institute for School Reform, “School Governance and Accountability: Outcomes of Mayoral Control of Schooling in New York City” (2008).

<sup>5</sup> *Id.*

<sup>6</sup> Marco A. Castillo, “Public Participation, Mayoral Control, and the New York City Public School System,” *Journal of Public Deliberation*: Vol. 9: Iss. 2, Article 6 at 6-7 (2013), available at <http://www.publicdeliberation.net/jpd/vol9/iss2/art6>.

<sup>7</sup> *Id.* at § 2590-b (a)

<sup>8</sup> 2002 Sess. Law News of N.Y. Ch. 91.

<sup>9</sup> Parent Commission on School Governance and Mayoral Control, *supra*.

<sup>10</sup> *Id.* at 1-2.

<sup>11</sup> *Id.*

<sup>12</sup> 2009 Sess. Law News of N.Y. Ch. 345.

<sup>13</sup> N.Y. Educ. Law § 2590-b (a).

<sup>14</sup> Natalie Gomez-Velez, “Public School Governance and Democracy: Does Public Participation Matter?” 53 *Villanova L. Rev.* 297, 324 (2008).

<sup>15</sup> Parent Commission on School Governance and Mayoral Control, *supra*, at 6.

<sup>16</sup> Natalie Gomez-Velez, “Urban Public Education Reform: Governance, Accountability, Outsourcing,” 45 *Urban Lawyer* 51, 70-76 (2013).

<sup>17</sup> Annenberg Institute for School Reform, *supra*, at 4.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 5-6.

<sup>20</sup> *Id.* at 3.

<sup>21</sup> Teachers Unite & the Community Development Project at the Urban Justice Center, “Your Schools, Your Voice - The Impact of Mayoral Control on Community Participation in Schools,” (2012), available at [https://cdp.urbanjustice.org/sites/default/files/your\\_schools\\_your\\_voice.pdf](https://cdp.urbanjustice.org/sites/default/files/your_schools_your_voice.pdf).





## SURVEY DATA

**Would you support changes to mayoral control that would give parents a role in decision-making?**

Answer Options	Response Percent
Yes	91.6%
No	8.4%

Currently, the mayor controls the management of the city's schools. The Mayor appoints the Chancellor and the majority of the Panel on Education Policy (PEP). This gives the Mayor the ability to set education policy, management over the budgetary process and school base budgeting, administrative and procurement process and the five-year education facilities capital plan. Moving forward should

Answer Options	Yes	No	Rating Average	Response Count
Mayoral control be renewed without changes	6%	94%	1.94	164
Mayoral control be renewed with changes	68%	32%	1.32	194
Mayoral control not be renewed	49%	51%	1.51	146
<i>answered question</i>				<b>217</b>
<i>skipped question</i>				<b>53</b>

**Since 2002, the Department of Education has been under mayoral control. How familiar are you with the role the Mayor plays under mayoral control?**

Answer Options	Response Percent	Response Count
Not at all	8.6%	21
Somewhat	42.6%	104
Fully	48.8%	119
<i>answered question</i>		<b>244</b>
<i>skipped question</i>		<b>26</b>



## SURVEY DATA CONT'D

Does your school provide you with access to trainings on topics of importance to you such as those listed below?

Answer Options	Yes	No	N/A	Response Count
Advocating for your child	27%	51%	23%	225
Middle and high school choice	38%	30%	31%	224
Individualized Educational Plans (IEP's)	35%	36%	29%	224
Supporting academic achievement	46%	33%	22%	226
College readiness	29%	35%	36%	226
<b>answered question</b>				<b>230</b>
<b>skipped question</b>				<b>40</b>

Do you have a way to voice your concerns about the effectiveness of the DOE?

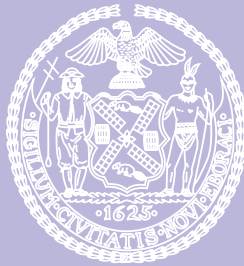
Answer Options	Response Percent	Response Count
Yes	44.8%	103
No	55.2%	127
<b>answered question</b>		<b>230</b>
<b>skipped question</b>		<b>40</b>

How effective are each of the following bodies on their ability to influence the school system?

Answer Options	Yes	No	N/A	Response Count
Panel on Education Policy (PEP)	30%	47%	22%	223
Community Education Council (CEC)	29%	52%	18%	223
Chancellor's Parent Advisory Council	21%	50%	29%	221
School Leadership Teams (SLTs)	36%	45%	19%	224
District Leadership Teams (DLTs)	26%	50%	24%	220
District Family Advocates (DFAs)	24%	50%	26%	218
<b>answered question</b>				<b>229</b>
<b>skipped question</b>				<b>41</b>

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