

A Report of
Citizens Union of the City of New York

IMPROVING MAYORAL CONTROL:

Strengthening Accountability, Transparency
and Parental Participation in Public Education

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I. Executive Summary

Mayoral control of New York City schools has resulted in important advances for students in America's largest public education system. Citizens Union, therefore, recommends that mayoral control be continued with modifications to further improve transparency, accountability and participation.

Citizens Union supports the mayor continuing to appoint both the chancellor and a majority of members of a smaller eleven-member Panel for Educational Policy (PEP). While Citizens Union also believes that changes should be made to strengthen the PEP to be a more consequential policy and advisory board, Citizens Union does not support fixed terms for members of PEP. Instead, Citizens Union proposes that the appointing elected officials be required to give ninety-day notice for removal of their respective appointees. Two additional proposals to strengthen PEP require a thirty-day review period for all major policy proposals considered by PEP, including mandatory public hearings and testimony to ensure sufficient public comment on policy initiatives or changes, and that a majority of PEP members be parents of public school students.

To address the longstanding lack of public confidence concerning education data such as performance results, Citizens Union proposes that both the Independent Budget Office (IBO) and the city comptroller have full access to the Department of Education's (DoE) data in order to allow for independent analysis of student performance and budgetary information.

Mindful that students and parents have a relationship to the educational system that is unlike any other relationship New Yorkers have with their city government and that parents have an understandably strong interest in the education of their children because of their investments in this area, Citizens Union recommends strengthening the involvement of parents in certain decisions affecting their children's education. Specifically, Citizens Union supports the proposal for a Uniform Parental Engagement Procedure (UPEP) as creating a mechanism carried out by the borough presidents to provide training and support for parental engagement.

These and other reforms detailed in this report will help build on the significant gains that have been made in New York City public schools under Mayor Bloomberg and Chancellor Klein while addressing consensus criticisms with the current form of mayoral control. Citizens Union believes that these constructive adjustments will preserve the strength of mayoral control, forge new common ground in support of mayoral control, and help our schools further improve in the best interests of those they exist to serve: our children.

II. Citizens Union's Good Government View of Public Education

On June 30, 2009, the 2002 state law that created a new form of governance for public education and gave the mayor considerable control over the education of New York's 1.1 million public school students will expire. Though no one expects the law to sunset and the system to revert to the former Board of Education – a system in which the education of our city's children was subject to constant political deal making – it is important that whatever changes are made to the current system are done in a way that builds upon the successes of the past seven years while addressing the system's shortcomings.

While Citizens Union did not take a position on mayoral control when it was proposed and adopted in 2002, it had long been critical of the lack of accountability in the old system of governance with the Board of Education model. As a nonpartisan civic organization interested in providing constructive recommendations on issues of good government and citywide importance, Citizens Union believes that it can now play a useful role in finding the common ground on which the many stakeholders in education can stand in support of a position on mayoral control that is in the broad public interest.

No local government service commands as much public money as education. Few issues touch so many New Yorkers as much as education and no other issue has received the interest and support of this Mayor than education. In Fiscal Year 2009, The City of New York spent one-third of its entire budget – or \$21 billion¹ – on public education. That is up from \$12.8 billion in Fiscal Year 2002, representing an increase of sixty-three percent, due in part to the additional monies from the settlement of the Campaign for Fiscal Equity lawsuit and the increased commitment that the City has made to funding public education.

Education of our city's children is an important government function. But just as important as having a public educational system that is efficient and effective, is the need for such a system to encourage accountability, provide transparency, and respect democratic participation.

With these considerations in mind, Citizens Union is contributing to the public dialogue by sharing its recommendations on how to further improve public education in New York City.

In presenting our position, Citizens Union, as an historic good government organization, is providing herein some context to the history and experience of education governance in the city in addition to our analysis and position.

¹ Please note that this include city, state and federal aid. See: New York City Department of Education Budget Briefing, May 21, 2008. available at: http://www.cccd2.net/www/cccd2/site/hosting/0521_final%20budget%20briefing.ppt

III. History of Education Governance in New York City

A. The State and City's Respective Roles in Education

New York State law determines, to a large extent, how New York City public schools are governed, funded, staffed and monitored. The state government provides a significant portion of school funding throughout the state, using complex funding formulas to determine how much state funding will be given to schools. For Fiscal Year (FY) 2008-09, the State contributed \$8.7 billion toward the total funding provided to the New York City Department of Education (DoE), or roughly 40%.² In contrast, New York City contributed \$10.5 billion, or roughly 50% to the DoE for FY 2008-09.³

The New York State education commissioner is the chief executive officer of the state system of education and the Board of Regents.⁴ The commissioner has general supervision over all schools and institutions throughout the state, and is responsible for advising and guiding the school officers of all districts and cities of the state, which includes New York City's chancellor of the city school district, in relation to their duties and the general management of the schools under their control.⁵ The commissioner is also responsible for ensuring that all administrators and teachers satisfy the state's education certification requirements and has the authority to issue waivers from these requirements.^{6 7}

In New York City, the chancellor is the local chief administrator of education. The chancellor, like all other education administrators throughout the state, must meet state certification requirements.⁸

Throughout New York City's history, the chancellor and the mayor's roles have evolved with respect to how and by whom the city's education system is governed. Below is a description of how that process has evolved from 1969 through the present date.

B. A Snapshot of New York City's Governance Structure – 1969 to Present

New York State's education governance structure is organized into local education districts, which are all overseen by the state education commissioner. Accordingly, the state legislature has played a major role in shaping education governance at the local level. In New York City, in particular, during the last forty years there have been many education governance structures which have shifted the balance of power between central administration and local control. Below is a timeline of how the city school district's education governance structure has evolved since 1969:

² Id.

³ Id.

⁴ N.Y. EDUC §305 (2009).

⁵ Id.

⁶ Id.

⁷ N.Y. COMP. CODES R.& REGS. tit. 8 §80-2.4 (2009)

⁸Id.

1. Decentralization Act of 1969 (1969 Act)

The city school system operated under a centralized board of education for most of the twentieth century, until protesters dissatisfied with local school quality called for either racial integration or local control in 1966. The 1969 Act weakened mayoral power over the Board of Education by:⁹

- a. Reducing the mayor's appointments on the central board from appointing all members to only appointing two members;
- b. Granting more authority to the thirty-two newly created community school boards; and
- c. Reducing the role of the once-powerful Board of Examiners.

2. School Governance Reform Act of 1996 (1996 Act)

The 1996 Act sought to concentrate responsibility for the school system in the school chancellor by giving many of the community school board powers to the chancellor and his or her approved district superintendents.¹⁰ Specifically, the 1996 Act:¹¹

- a. Increased the Power of the Chancellor. The chancellor took on many day-to-day administrative and major policy duties of the board of education. The chancellor could then directly intervene in failing districts, and have final say on the hiring of community superintendents. The Board of Education was expressly relieved of executive and administrative duties, and was left with a few policy-approval and policy-making duties.
- b. Strengthened Community Superintendents. Many executive and administrative duties of the community school boards were transferred to the superintendents, including some hiring duties that had allowed patronage in the boards. The boards were mainly left with the ability to appoint the superintendent, subject to the chancellor's approval.
- c. Increased Principal Authority. Principals' powers and responsibilities were explicitly laid out and increased. Some duties of the community school boards, including authority over textbook choice and minor repair contracting, were given to the principals.
- d. Created School Leadership Teams. Balancing the overall centralizing direction of the law, school leadership teams (SLT) consisted of representatives from parents and school staff that developed a Comprehensive Educational Plan (CEP) for their school. Plans consist of a careful evaluation of school needs and priorities, in order to match proposals with budgetary constraints. SLTs and CEPs continue to this day.

⁹ Ravitch, Diane, "A History of Public School Governance in New York City". Commission on School Governance, available at: <http://pubadvocate.nyc.gov/advocacy/schools/files/cgsravitch%20p.pdf>, December 3, 2007.

¹⁰ Editorial, "Nervous Moments for School Reform", The New York Times. December 14, 1996, available at: <http://query.nytimes.com/gst/fullpage.html?res=9D07E5DA153EF937A25751C1A960958260>.

¹¹ N.Y. EDUC §2590 (repealed 2002).

3. Education Governance Reform Act of 2002 (2002 Act)

The state enacted legislation in 2002 instituting mayoral control by changing the governance of the board of education and shifting appointment of the chancellor to the mayor in June of 2002.¹² Subsequent legislation in July of 2003 eliminated the community school boards.¹³ The 2002 Act:¹⁴

- a. Reformulated the Board of Education. The board was reformulated as a thirteen-member advisory and policy-making board, renamed the Panel for Educational Policy (PEP), which has authority to approve major policy changes. The mayor appoints the majority of members, who can be dismissed without cause.
 - PEP Composition: 13 members; one appointed by each borough president; seven appointed by the mayor; in addition to the chancellor who is also the chair.
- b. Broadened the Chancellor's Powers. Under the 2002 Act the chancellor assumed many duties of the citywide Board, with authority over most policy, budgetary and administrative functions. The chancellor has the authority to appoint, govern and dismiss local superintendents without cause.
- c. Eliminated the Community School Boards – The 2002 Act abolished the community boards and replaced them with advisory community district education councils (CEC).
- d. Reduced the Power of the Community Superintendents.

¹² N.Y. EDUC §2590 (2009); *see also*, Goodnough, Abby, “Consensus on City Schools: Overview”, The New York Times, June 7, 2002, available at:

<http://query.nytimes.com/gst/fullpage.html?res=9A0DE2D8143DF934A35755C0A9649C8B63>.

¹³ N.Y. EDUC §2590 (2009).

¹⁴ *Id.*

IV. Implementation of Mayoral Control under Mayor Michael Bloomberg

Upon receiving control of the schools in 2002, Mayor Bloomberg proposed several structural and policy changes to the system which were titled Children First. The Children First initiatives were implemented in the following two phases:

A. First Phase of Children First - 2003

The first phase of the Children First Initiative sought to reformulate the provision of educational services, centralize control and reduce bureaucratic waste. It also included an element of free market competition which allowed for the creation of schools which could be run relatively independent of the Mayor. The specific changes included:¹⁵

1. Creation of Charter and Small Schools. Charter schools were created with freedom from DoE rules and regulations, and larger poor-performing schools were divided into smaller schools.
2. Region-based Instructional Support System. The thirty-two New York City school districts were replaced by ten regions, which were subsequently eliminated in 2007. The regions were administered by regional instructional superintendents, each of which headed a learning support center dedicated to instructional supports, with the goal of standardizing a curriculum citywide.
3. Operations-focused Support System. Six regional operations centers were formed to administer operations, including budgeting, information technology and human resources.
4. Parent-Involvement and Support Structure. Parent coordinators were introduced and hired for each school in order to engage parents in the schools. New representative councils based on the CECs and SLTs were created, including the Citywide Councils for Special Education and High Schools, the Chancellor's Parent Advisory Council, and district leadership teams, which replicate SLT functions on a district level.
5. Empowerment and Development of School Staff. Principals of the two hundred most successful schools were given more freedom to continue their performance. Principals who enter into a performance agreement are able to choose their own curricula, create their own teacher training programs, and set their own budgets.

¹⁵ Steinhauer, Jennifer. "Vision for the Schools: Assessment", The New York Times, January 16, 2003. available at: <http://query.nytimes.com/gst/fullpage.html?res=9C02E2DE1E31F935A25752C0A9659C8B63>,

B. Second Phase of Children First - 2007

Mayor Bloomberg implemented the second phase of Children First in 2007. These reforms sought to minimize bureaucracy and give greater independence to principals in order to create a market-like mechanism that would promote school improvement. The major components included:¹⁶

1. Greater Authority and Autonomy for Principals. Principals were given greater discretion over budgets, teacher training and curricula.
2. Revamped School Support System. Regional instructional superintendents were replaced with new support mechanisms, such as empowerment school, partner support organizations, which are typically community-based organizations that can be contracted for services, and learning support organizations, which provide themed support packages.¹⁷
3. Evaluations of School Performance. Schools' performances are annually assessed by the DoE on a scale of A to F. Grades are heavily based on year-to-year test score improvements and overall state test results.¹⁸ These metrics are supplemented with internal principal ratings by community superintendents¹⁹ and teachers,²⁰ and principals' rating of teachers. A computerized Achievement Reporting and Innovation System (ARIS) is used to track student performance during the year, with results available to parents.²¹
4. Equitable Funding. The teacher funding mechanism was replaced by a weighted per-student budget which prioritizes high-needs students, which aims to reduce the gravitation of experienced teachers towards affluent schools.²²

¹⁶Michael Bloomberg, "2007 State of the City Address," January 17, 2007, available at: http://mikebloomberg.com/en/issues/education/mayor_michael_bloomberg_delivers_2007_state_of_the_city_addresses.htm

¹⁷Herszenhorn, David. "Klein Specifies Restructuring of City Schools," The New York Times, April 17, 2007, available at: <http://www.nytimes.com/2007/04/17/nyregion/17schools.html> ,

¹⁸ Medina, Jennifer and Elissa Gootman. "New York Schools Braced to Be Scored, A to F," The New York Times, November 4, 2007, available at: <http://www.nytimes.com/2007/11/04/education/04reportcard.html>

¹⁹Herszenhorn, David. "In Sweeping Schools Vision, Big Risks for Mayor," The New York Times, January 18, 2007, available at: <http://www.nytimes.com/2007/01/18/nyregion/18schools.html>

²⁰Herszenhorn, David. "Overhaul of Schools Would Let Teachers Rate Principals," The New York Times, January 19, 2007 available at: <http://query.nytimes.com/gst/fullpage.html?res=9F06E5DC1E30F93AA25752C0A9619C8B63>

²¹ Herszenhorn, David. "Council Assails Mayor's Plan to Give Principals More Autonomy," The New York Times, March 6, 2007 available at: <http://www.nytimes.com/2007/03/06/nyregion/06schools.html>

²² Cardwell, Diane. "Bloomberg Seeks Further Changes for City Schools," The New York Times, January 18, 2007, available at: <http://www.nytimes.com/2007/01/18/nyregion/18bloomberg.html>

V. Overall Student Performance and the Achievement Gap

A major aim of mayoral control is to raise overall student performance while reducing the achievement gap between students of color and White students. One of the consistently raised concerns about the public's ability to assess the success of mayoral control is that there is conflicting results between the federal National Assessment of Educational Progress (NAEP) test results and the DoE's analysis of student performance on standardized tests administered by the state. Similarly, the state and city measure graduation rates differently, making it difficult to evaluate the extent of progress in this area. These differing tests and results lead to confusion over what to believe and trust.

A. Overall Student Performance

According to state test results for the fourth and eighth grades, the City has seen overall improvement for its students in both the fourth and eighth grade English Language Arts (ELA) and math tests from 2002 to 2009.²³ Additionally, the City has seen increased graduation rates of its students, according to both the DoE and the State's measures. The City, however, uses different measures for graduation than the State, specifically including Local and Regents Diplomas, GEDs, IEP diplomas, and August graduates, which makes assessing the increase in graduation rates difficult to assess.²⁴

B. The Achievement Gap

There have been educational achievement gaps in the City's school system since its inception. These gaps exist when there is a disparity in academic performance among different racial and socioeconomic groups – a disparity that is consistent in nearly all schools and school districts. In particular, wealthy and middle-class students routinely outperform low-income students; English Language Learners (ELL), even after years of supplementary English classes, consistently fare worse than native English speakers; and African-American and Latino children frequently have lower grades and test scores than their White and Asian-American counterparts.

One of the chief arguments in support of mayoral control as an educational governance structure is that it can reduce, if not eliminate, these gaps in educational achievement. Measuring the progress made in this area is difficult, however, given the varying metrics for assessing overall student improvement and gaps in performance between groups of students on standardized tests.

²³ New York City Department of Education Briefing, 2009, English Test Results, May 7, 2009 available at: http://schools.nyc.gov/accountability/Reports/Data/TestResults/2009/ELA/2009_ELA_RELEASE_WEB_FINAL.pdf

and New York City Department of Education Briefing, NYC 2009 Math Test Results, June 1, 2009 available at: http://schools.nyc.gov/accountability/Reports/Data/TestResults/2009/Math/2009_MATH_RELEASE_WEB_HIGHLIGHTS_FINAL.pdf

²⁴ New York City Department of Education Briefing, Graduation Rates Class of 2007 (2003 Cohort), August 11, 2008, available at: http://schools.nyc.gov/NR/rdonlyres/062C7D9B-EC9C-4ABC-B634-43C3A448728C/42240/PUBLIC_REPORT_GraduationRates_Release_81108.pdf

According to recent reports from the DoE, the achievement gap between historically low-performing African-American and Latino students and White and Asian-American students has decreased during mayoral control in both math and English.²⁵ The federal NAEP tests, however, indicate mixed results in closing the achievement gap between white and minority students, as well as for students eligible and ineligible for reduced-price lunch. From 2003 to 2007, while the gap in achievement between White and African-American and White and Latino students on the NAEP math tests has decreased for fourth and eighth grade math, the gap in achievement has widened in reading in the fourth grade for Latino students, and widened in eighth grade reading for both African-American and Latino students. Asian-American students have typically performed near or above their White counterparts on the NAEP tests.²⁶

Another indication of the achievement gap is graduation rates. Graduation rates indicate what percentage of entering ninth-graders graduate after four or more years. The continued low rates for African-Americans, Latinos, and ELLs partially explains their under-representation in colleges. According to both state and city graduation data, graduation rates for ELLs are also about half of the system-wide graduation rate. Given that high school diplomas are required for many jobs and represent a minimum level of knowledge and skills that is guaranteed by State law, the continuing existence of achievement gaps in graduation rates present a larger concern.

²⁵ Campanile, Carl. "Incredible Shrinking Race Gap at Schools," New York Post, June 1, 2009, available at: http://www.nypost.com/seven/06012009/news/regionalnews/incredible_shrinking_race_gap_at_schools_171901.htm

²⁶ Compiled by Citizens Union from NAEP data for 2003 and 2007, available at: <http://nces.ed.gov/nationsreportcard/naepdata/>

VI. Citizens Union Findings and Views

Citizens Union believes that the decision by the state of New York in 2002 to assign to the mayor of the City of New York direct responsibility and control for the city's educational system has improved the system and, most importantly, benefited a vast majority of the students by increasing performance for most, but not all, groups. We believe the state legislature should reauthorize its continuation with some modifications to ensure that the system of governance becomes more accountable, transparent, participatory and effective.

We believe that mayoral control has brought mayoral support for education to a level not seen under the old system. And in doing so, mayoral control under Mayor Bloomberg and Chancellor Klein has brought welcomed change and needed stability, direction, funding, and progress to the education of the city's 1.1 million public school students.

In reaching our position, the key criterion in evaluating mayoral control's success is whether there has been significant enough improvement in student performance. Though there may be disagreement regarding how much student performance has improved – particularly for historically underperforming groups – there is little doubt that the past seven years of mayoral control has resulted in a larger infusion of city funding for education, allowed for more flexibility in implementing innovative ideas to educate our children, and produced notable improvement in overall test scores and graduation rates, though not among all student groups. Progress in closing the achievement gap, however, has not improved as much as promised, and for certain groups of students, it may have remained flat or unfortunately increased. Meaningfully closing the achievement gap must remain the system's major focus.

A. Governance

Citizens Union believes that the mayor and the chancellor should continue to have significant authority for the leadership and management of the school system and the education of New York's children.

Citizens Union also believes that it is warranted, and in fact desirable, for the Panel for Educational Policy (PEP), known formally in statute still as the board of education of the city school district, to continue, and to be structured institutionally so that it can work supportively and collaboratively with the mayor and the chancellor in developing and approving education policy.

Though the mayor and the chancellor have effective control of the schools, the PEP was always intended to be an important partner to the mayor and the chancellor in policy matters. To date, however, the PEP has not operated to the full extent mandated under state law when it was established to replace the previous Board of Education.

Citizens Union believes that PEP needs to be changed and strengthened into a more effective body than it currently is, because the school system would benefit from it being a more consequential policy and advisory board. PEP serves a useful and important role to ensure that in the review, oversight, and adoption of educational policies there is:

1. Informed input
2. Enhanced deliberation, and
3. Transparency and accountability.

Citizens Union was troubled by the arbitrary manner in which three members of the PEP in 2003 were removed the morning of an important board vote because they were opposed to the mayor's social promotion policy out of specific concerns over how the DoE was prepared to handle the consequences of ending social promotion. In providing for a PEP in which members are able to exercise greater independent judgment, it must be done in such a way so as not to undermine the desired continuation of the central tenet of mayoral control of city schools – the appointment of the chancellor, a majority of seats on the PEP, and the avoidance of a separate competing power structure.

Citizens Union believes that a restructured PEP can provide a setting for effective and greater public deliberation about education policy questions before action by the mayor and the chancellor. Citizens Union believes that though fixed terms may be appealing, it does not support them because it will create an entity that is too independent and could possibly work at cross purposes with the mayor, resulting in a diffusion of responsibility and accountability.

A smaller mayoral majority appointed PEP that selects its own chair and is required to hold more public comment on the issues before it could also lead to a more welcomed collaborative approach to policy approval and budget review that could provide greater legitimacy to the decisions that are reached. But in making these changes, Citizens Union does not believe that it would or should undermine the mayor's ability to formulate policy and management of the school system. These changes attempt to achieve more balance and should seek to relieve much of the criticism that the PEP has exercised a too limited role in approving education policy decisions before significant changes are implemented by the DoE.

B. Transparency

Citizens Union also believes that public confidence is necessary for any government entity, particularly one responsible for educating our children, to succeed in carrying out its aims. Transparency of a government entity's operations, information and decision-making is critical to the public's confidence in that agency's conduct and performance.

The public has considerable questions about, and lacks confidence in, the DoE's student performance data, which is understandable given the different measures that have been used and made publicly available for city, state and federal assessments of student performance. The conflicting data have been difficult to reconcile.

Advocates against the current system of mayoral control point to the federal NAEP tests from 2003-2007 to show the lack of measurable progress in student performance while proponents for mayoral control point to the city's self-reported graduation rates to show progress. Though it could

be argued that these results are being interpreted correctly in both areas, having objective analysis would allow the public to ask questions and help it to better assess progress.

What is lacking in the current system is independent analysis from an entity that does not benefit directly from promoting or admonishing performance results. Verification of the data and the results from an entity other than the educational agencies will give the public greater confidence in the integrity of the information provided them about student performance. Accordingly, we believe that the DoE and the citizens of New York would benefit from independent analysis of student performance.

Citizens Union also believes that the chancellor and the PEP would benefit from holding public hearings, and not just meetings, on proposed policies. By requiring a specific public process for consideration of major policy initiatives, it would ensure greater public discussion of the mayor's proposals before final action is taken. In the case of a controversial proposal, it would require the mayor to try and create a consensus and build support for his or her views, but not confine him or her to a particular outcome. Such changes would also allow the mayor and the chancellor to be held more publicly accountable for their decisions and performance in leading the city schools.

C. Oversight and Auditing

Under current law, PEP is required to “approve contracts that would significantly impact the provision of educational services or programming within the district.”²⁷ In reality, however, few contracts are approved by the PEP because of the discretion afforded to the chancellor in the procurement process. Unlike other City agencies, the DoE is not required to comply currently with the City's competitive bidding requirements.

The State Comptroller recently audited the DoE to examine its awarding of no-bid contracts. In many of these contracts, the comptroller found that the DoE did not even follow its own internal rules regarding proper documentation required of no-bid contracts.²⁸ The Comptroller discovered that the DoE also in some cases failed to perform sufficient cost/price analyses when it deemed a contract cost effective in avoiding competition.²⁹ Citizens Union believes that there needs to be more clarity about, and oversight of, the DoE's procurement practices and greater transparency of the reasons behind the awarding of its contracts.

Under existing law, both the city and state comptrollers have some authority to audit the DoE; however, it is unclear to what extent the DoE – ostensibly a state agency outside the purview of the city comptroller – has an obligation to provide full and complete data to allow meaningful audits by the city comptroller when requested. We believe this lack of clarity and authority must be corrected.

²⁷ N.Y. EDUC §2590 (2009).

²⁸ See NYS Comptroller's Report and press release available at: <http://www.osc.state.ny.us/press/releases/may09/051909.htm>

²⁹ Id.

D. Access and Participation

The relationship of students and parents to the educational system is unlike any other relationship New Yorkers have with their city government. Schools are places where parents entrust their children in the custody and care of government for five to seven hours a day, in an environment that affects them for the rest of their lives. Because of this level of responsibility that government is given, participation and accountability in the system is best assured when there is a meaningful collaborative approach to governance.

While the DoE has sought to improve its interactions with parents through the Office of Family Engagement and Advocacy, it has not fully engaged or educated parents about who to contact to have their concerns addressed. Further, the DoE has not utilized the community education councils (CEC) or school leadership teams (SLT) to the fullest extent required by the law in making certain education decisions, which has created a disincentive to participate on these bodies.

Citizens Union is particularly concerned over the State Education Commissioner having had to intervene in the last year to admonish the DoE for having improperly limited the statutory responsibility of the SLTs to develop and approve their schools' Comprehensive Education Plans (CEP) and requested that the DoE change its rules to allow for greater teacher and parental participation.

Citizens Union believes that the City's education system must work to the benefit of all students and ensure that parents can be engaged and supported in their children's education. This requires that parents have all of the tools and information necessary to navigate the system and be able to voice their concerns and have their issues addressed. Allowing for parental participation, both in the sharing of information and decision-making, however, should not affect the system's ability to be run efficiently and effectively.

VII. Recommendations

A. Governance

1. The Chancellor

Citizens Union recommends the following changes with respect to the roles and responsibilities of the chancellor:

- i. The mayor should continue to have the sole authority to appoint the chancellor, who would serve at the pleasure of the mayor.
- ii. The chancellor should no longer serve as the chair of the Panel on Educational Policies (PEP) and serve only as an *ex-officio* member of the PEP.
- iii. The chancellor should still be required to meet the state's administrative certification requirements, but the state commissioner of education should retain the authority to grant waivers for chancellor candidates who do not meet such state qualifications. The commissioner of education also should be required to disclose the reason why a candidate for chancellor of the city school district was granted a waiver from this requirement. This recommendation would in no way interfere with the commissioner's ability to grant the waiver; it would only ensure that the public is told the rationale as to why.
- iv. The chancellor should no longer be responsible for developing the DoE's procurement policy. Instead, the DoE would be required to comply with the City's established procurement regulations.

2. The Panel on Educational Policies (PEP)

Citizens Union recommends the following with respect to the roles and responsibilities of the PEP:

- i. As required by current state law, the PEP should continue to exist as both a policy-making and advisory entity. It should continue to have the authority and responsibility to review and approve "standards, policies, objectives, and regulations regarding educational achievement and performance"³⁰ and have the duty to "consider and approve any other standards, policies, objectives and regulations as specifically authorized or required by state or federal law or regulation."³¹ It also should continue to serve in an advisory role in matters "affecting the welfare of the city school district its pupils."³² In doing so, however, PEP should be empowered structurally to fulfill its full obligations and exercise its complete policy-making and advisory roles.

³⁰ N.Y. EDUC §2590 (2009).

³¹ N.Y. EDUC §2590 (2009).

³² N.Y. EDUC §2590 (2009).

- ii. The mayor should continue to appoint the majority of PEP members, but its size should be reduced from thirteen to eleven members with the mayor appointing six, and the five borough presidents appointing one member each.
- iii. The chair of PEP should be selected by the PEP from among those mayoral appointees serving on the PEP.
- iv. Members of the PEP should continue to serve at the pleasure of the appointing elected official, but the appointing official would be required to provide ninety-day notice before removing such member from the PEP. This change would ensure that no member of PEP could be removed arbitrarily and capriciously without such notice and without sufficient time for public awareness of, and response to, such removal.
- v. Of the mayor's six appointments, two should be required to be parents of a child in the City's public school system. The borough presidents should continue to be required to appoint parents of students in the public school system, who reside in their respective boroughs. As a result, a majority of PEP members would be parents.
- vi. Appointees should represent the diversity of the City and its students, for example racial or ethnic, as well as parents of special education and English Language Learner (ELL) students.
- vii. PEP should assume responsibility for reviewing and approving all regulations made by the chancellor regarding the composition, responsibilities, and procedures of existing education governance entities, such as the school leadership teams (SLT) and the community education councils (CEC). This would ensure compliance with state law and that the roles and responsibilities of these two entities are not limited by the chancellor.
- viii. PEP should review all contracts valued over \$100,000 to ensure transparency in contracting. Given that the DoE would be required to abide by the City's procurement guidelines, requiring PEP's approval of contracts would be inconsistent with other City agencies and would make the contract approval process more cumbersome.
- ix. The PEP should be required to circulate publicly a well publicized agenda several days in advance of its monthly meeting, as well as prepare and make publicly available minutes of the meeting, instead of just a summary of actions taken. All public documents should be posted on the DoE's website.
- x. PEP should be given a thirty-day period to consider all policy initiatives or changes, which should include time for mandatory public hearings and testimony, to ensure sufficient public comment and response from interested parties and expert panels, including members of the relevant CECs and SLTs.
- xi. PEP should have a minimal, but separate, full-time staff to serve exclusively for the PEP. Among the staff's responsibilities would be to prepare a policy briefing document analyzing any major proposal given to the PEP for its consideration and approval.

With these changes, the PEP would be a more-informed and effective adviser to the mayor and chancellor and an enhanced forum for public discussion and deliberation. These changes would not interfere with the mayor's ability to set educational policy but would assure that major policy changes receive attention from an informed policy-making and advisory body and a thorough public comment period before such policies are finalized.

3. Legislative Review

- i. Citizens Union believes that in order to ensure sufficient State oversight in evaluating the progress of the system, any reauthorizing legislation should contain a sunset provision of ten years. This period of time would ensure that state legislative evaluation takes place and occurs at time when it is less politicized, as no city election would occur in that year.

B. Transparency and Accountability of Data

Citizens Union recommends the following changes to increase transparency and accountability of the DoE's performance and budgetary data:

1. The City's Independent Budget Office (IBO) and the city comptroller should both be authorized to evaluate student performance, such as graduation rates and test scores, and budgetary information such as per pupil spending and other administrative costs.
 - a. Citizens Union believes that the IBO is equipped to handle this new responsibility because it has demonstrated its ability in the past to assess educational issues that are not strictly financial, such as its development of a standard methodology for measuring class size. In granting this authority to the IBO, state law should specifically allocate sufficient resources to ensure independent review and instill confidence in the veracity of the IBO's analysis.
 - b. Citizens Union believes that the city comptroller should also be given the responsibility for analyzing student performance and budgetary information. This will give the public a separately elected official's independent assessment. The comptroller's office has extensive experience in evaluating and reporting on similar data, and has expertise in analyzing the relationship between budgeting and performance.
2. State law should be amended to require the DoE to provide the relevant budgetary and performance data to allow the IBO and the city comptroller to fully perform their new duties.
3. Under mayoral control, the Fund for Public Schools (Fund) has raised significant and unprecedented private funds for the DoE and also receives City funds to fulfill its mission. Though Citizens Union philosophically supports private-public partnerships, we have concerns about the lack of transparency in education funding from the Fund. Citizens Union recommends enhanced transparency about the funding relationship between the DoE and the Fund.

C. Oversight and Auditing

Citizens Union recommends the following changes to increase oversight of the DoE's finances and contracting:

1. State law should give the city comptroller the clear authority to audit fully, and without restriction, the DoE, and also should require the DoE to provide the necessary information as is required of other City agencies when audits of their operations are done. This would in no way affect the state comptroller's power to audit the DoE.
2. As is the case for all other city agencies, the DoE should be required to comply with the City Procurement Policy Board's regulations, or any future improved city procurement system, with all contracts registered and audited by the city comptroller.

D. Access and Participation

Citizens Union recommends the following solutions to ensure greater parental access to, and participation in, existing education governance bodies to address the oft-stated concerns parents have expressed about the lack of information and engagement they have been allowed to have in their children's education:

- Clarify the roles and responsibilities of the CECs and SLTs;
- Provide meaningful training for CECs and SLTs to encourage parental participation and a clearer understanding of their responsibilities in these bodies; and
- Create a redress mechanism for parent representatives in education governance bodies who believe that their statutory authority has been ignored or circumvented in the education decision-making process.

Below are Citizens Union's specific recommendations for each of the parental education governance entities currently provided for under state law.

Community Education Councils (CEC)

Citizens Union recommends the following actions to ensure compliance with state law and the full functioning of the CECs:

1. The composition of the CECs should remain as currently prescribed by statute. We recommend, however, that CEC members should represent the diversity of the City and its students, for example racial or ethnic, as well as parents of special education and ELL students.
2. The responsibilities of the CECs should remain as currently proscribed by statute such as overseeing implementation of the Comprehensive Educational Plan for the district, preparing district report cards, being consulted in matters of concern to the district such as the siting of schools and approving zoning lines.
3. CECs should receive standardized training about how to perform their responsibilities. Specifically:

- a. The state education commissioner should develop minimum training and continuing education standards, and
 - b. The borough presidents, using these standards, should become responsible for training and provide dedicated staff to support CECs, similar to the training and support currently being provided for community boards by the borough presidents' offices. The borough presidents should also be responsible for developing curricula, publicizing opportunities and encouraging high participation on CECs.
4. There should be a formal advisory process for CEC review and input into education decisions. Specifically, the Legislature should establish the right of the CECs to review and provide input into educational decisions – along the lines suggested in a new Uniform Parental Engagement Procedure (UPEP), which:
- a. Outlines specific timelines for CEC review and input into educational decisions already afforded them, such as school closings, openings, and placement in existing schools; budgetary matters; district zoning changes; and general education practices;
 - b. Requires any proposal that needs CEC approval to be submitted to the CEC for a ninety-day review, public hearing, and decision period;
 - c. Requires any proposal that needs CEC consultation to be submitted to CECs for a sixty-day review and consultation period; and
 - d. Mandates that CEC input be submitted to the chancellor and must be responded to in any final decision.

School Leadership Teams (SLT)

1. The composition and function of the SLTs should remain as currently prescribed by statute. SLT's should continue to develop the Comprehensive Education Plan and be consulted by the principal in developing the school-based budget.
2. SLT members should also represent the diversity of the City and its students, for example racial or ethnic, as well as parents of special education and ELL students.

Community/District Superintendents

Citizens Union recommends the following to ensure compliance with state law and strengthen the roles and responsibilities of the community/district superintendents:

1. Community/district superintendents should continue to be selected and appointed by the chancellor.
2. Community/district superintendents should return to being solely responsible for overseeing schools within their particular community school district, rather than overseeing schools in other jurisdictions. This would ensure that parents, CECs, and SLTs have a single point of contact for issues of concern to the district. Further, this change would ensure that there is a clearer path of accountability and that superintendents are knowledgeable about the needs of parents and students within the district.

VII. Conclusion

Since mayoral control of city schools was enacted seven years ago, educational performance has improved for most students in New York City's public schools. This is a marked improvement over the past, where constructive change was difficult to achieve because of a lack of accountability. The 2002 state law effectively making one individual – the mayor – largely responsible for education has made such change possible. Mayor Bloomberg has staked his mayoralty on the educational progress of the City's public school students. His leadership, and that of Chancellor Klein, has brought attention, money, innovation, and stability, with which has come a definite and commendable level of progress in student performance.

But there is always room for improvement. Scores on state tests are up by significant margins for most students, but not all. Graduation rates have increased as well, but it is hard to know who is being counted and who is not. Moreover, just because test scores are also up in districts throughout the state where there is not mayoral control of the schools, does not mean that mayoral control has not been a significant factor in our city's own progress.

Mayoral control of education has worked well in many areas and should be continued, but reforms are needed to ensure greater accountability, more transparency, stronger oversight, and increased parental participation. Building support for ideas and reaching consensus on matters of education policy can strengthen such policies and subsequent actions.

In a society in which democratic participation is valued and encouraged, a meaningful role for parents in the system needs to be preserved and in fact strengthened, because individual schools with parental involvement are arguably stronger and aid in the improvement of student performance.

Citizens Union's support for the continuation of mayoral control with modifications strikes the right balance in preserving the desirability and strength of mayoral control while addressing the consensus criticisms aimed at improving the governance of the system and the education of our children.

Citizens Union urges the state legislature and the governor to support continued mayoral control of city schools with these reforms. New York's 1.1 million public school students deserve it.