POLICY BREAKFAST
Mayoral Control of New York City Schools

PUBLIC ADVOCATE LETITIA JAMES
&
THE CUNY LAW CENTER FOR LATINO/A RIGHTS AND EQUALITY (CLORE)

CLORE @ CUNY SCHOOL OF LAW
Center on Latino and Latina Rights and Equality
POLICY BREAKFAST ON MAYORAL CONTROL OF NYC PUBLIC SCHOOLS

MARCH 13, 2015 - 8:30 am -12:30 pm
CUNY School of Law

PROGRAM

8:30 – 8:55 am  Registration and Breakfast

9:00 - 9:10 am  Greetings:  Michele Anderson, Dean CUNY School of Law
Welcome:  New York City Public Advocate Letitia James

9:10 - 9:40 am  Panel 1:  Understanding Mayoral Control in NYC: Requirements, History, Legislative Purpose, Governance Structure:

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

Diane Ravitch, Professor, NYU Steinhardt School of Education

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

9:40 – 9:55 am  Discussion and Questions
Panel 2: Experience with NYC Mayoral Control So Far: Benefits, Challenges, and Proposals for Change

Lisa Donlan, CEC president District 1 Manhattan

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

Kim Sweet, Advocates for Children

Nelson Mar, Bronx Legal Services

Discussion and Questions

Breakout Sessions

A. Lisa Donlan, CEC 1 and Kimberly Peeler-Allen, Fund for Public Advocacy

B. Nelson Mar, Bronx Legal services, Natalie Gomez- Velez, CUNY School of Law, facilitators

C. Patrick Sullivan, former PEP member – Manhattan, Kesi Foster, Urban Youth Collaborative, facilitators

Key Questions for Breakout Session Discussion:

Why is parent and community engagement important?

What would improved governance structures look like?

Where can we make some of those improvements?

Closing Plenary

Closing Remarks: NYC Public Advocate Letitia James
Welcome

New York City Public Advocate Letitia “Tish” James was sworn in as the Public Advocate for the City of New York on January 1, 2014, the first woman of color to hold a citywide position in our city’s history. In her first months in office, she successfully pushed forth proposals to bring Universal School Lunch and police body-worn cameras to New York City. In fall 2014, the office re-launched the city’s Worst Landlords Watch list, expanding the list and adding significant technological upgrades. As a member of the New York City Council, James introduced the Safe Housing Act, which became City law in 2007. This ground-breaking bill ensured that thousands of families in rental buildings receive prompt and full repairs to their apartments. This bill represented a $50 million investment in housing code reform and is a major victory for all New Yorkers living in substandard buildings. She is considered an early whistleblower of the Office of Payroll Administration’s CityTime contract, a payroll system that she criticized as being overly costly and difficult to manage in numerous committee hearings. Poor management of the project led to hundreds of thousands of dollars stolen by corrupt consultants. In 2012, her legislation addressing oversight of high-cost service contracts with the City of New York was passed into law. As Chair to the Council’s Sanitation Committee, in 2010 James pushed-through a revolutionary recycling package that included expanding plastic recycling, a new clothing and textile recycling program, and improved public space recycling. This legislative package represented the first significant expansion of the City’s residential recycling program since it was created in 1989. James is a graduate of CUNY’s Lehman College and Howard University Law School, and can be seen in the Atlantic Yards documentary, “Battle for Brooklyn”. She has worked with the New York State Legislature, and has served as a former public defender, New York State Assistant Attorney General, and New York City Council Member.
Michelle J. Anderson became dean of CUNY Law in 2006. Since that time, CUNY Law obtained PreLaw Magazine’s ranking as the “Best Public Interest Law School” in the nation, continued its unbroken string of national top ten U.S. News & World Report rankings for “Best Clinical Training,” achieved Princeton Review’s national top ten rankings for “Best Law Professors” and “Most Diverse Faculty,” and earned the National Jurist ranking as the most diverse law school in the nation. CUNY Law also developed the Pipeline to Justice Program to enhance student body diversity. Under Anderson’s leadership, CUNY Law implemented the Incubator and LaunchPad programs through the School’s Community Legal Resource Network. After securing the support necessary to finance the acquisition and renovation of a LEED gold-certified, state-of-the-art building in a more strategic location, the Law School moved to its new home in Long Island City in 2012. Dean Anderson graduated from the University of California, Santa Cruz, and Yale Law School, and clerked on the United States Court of Appeals for the Ninth Circuit for Judge Williams Norris. She is a leading scholar on rape law.

Diane Ravitch is a historian of education, an education policy analyst, and a research professor at New York University’s Steinhardt School of Culture, Education, and Human Development. Previously, Ms. Ravitch served as the Assistant Secretary of Education under Secretary of Education Lamar Alexander from 1991 and 1993. His successor, Richard Riley, appointed her to serve as a member of the National Assessment Governing Board, which oversees the National Assessment of Educational Progress, where she served as a member from 1997 to 2004. She has received many honors, including ten honorary doctorates. She has authored ten books, and written hundreds of articles. Her last two books were national best-sellers. Currently, Ms. Ravitch has her own blog entitled Diane Ravitch’s blog, which she has received over 18 million page views in less than 3 years. Her most recent book is "Reign of Error: The Hoax of the Privatization Movement and The Danger to America’s Public Schools."
Aaron Saiger is Professor of Law at Fordham Law School, where he has taught since 2003. He writes and teaches in the areas of administrative law and regulation, education law, legislation, and property. Saiger has been a Spencer Foundation/National Academy of Education Postdoctoral Fellow (2006-07) and a Research Fellow at Columbia Law School (2002-03). He received his Ph.D. from the Woodrow Wilson School of Public and International Affairs at Princeton University and his J.D. from Columbia University. He was law clerk to the Honorable Ruth Bader Ginsburg of the United States Supreme Court and the Honorable Douglas H. Ginsburg of the United States Court of Appeals for the District of Columbia Circuit. His work on education has appeared recently in Urban Lawyer and the Cardozo Law Review. His forthcoming book, The Schoolhouse in the Cloud, will be published by Oxford University Press in 2016.

Natalie Gomez-Velez is a Professor Law at CUNY School of Law, where she served as Associate Dean for Academic Affairs from 2007-2010. She teaches and writes in the areas of administrative law, education law, and access to justice. Professor Gomez-Velez has held several government positions including General Counsel/Agency Chief Contracting Officer at the New York City Department of Youth Services; Assistant Deputy Attorney General for Public Advocacy in the New York State Attorney General's Office, and Special Counsel to the Chief Administrative Judge of the New York State Unified Court System. Professor Gomez-Velez also has served as a staff attorney at the national ACLU Reproductive Freedom Project and at NYU School of Law's Brennan Center for Justice. Professor Gomez-Velez has served on the New York State Board of Regents as the Regent representing the Twelfth Judicial District. She also has served as the Bronx Representative on the New York City Panel for Educational Policy from 2002-2004. She currently serves on the Committee on Non-Lawyers and the Justice Gap and has served on New York's Statewide Judicial Screening Committee.
Lisa Donlan, MA (French Studies), MBA (International Business), has been active in education advocacy and policy since 2004 when mayoral control replaced community school boards and closed district offices, affecting the quality of education in her neighborhood, the LES and East Village where her two children attended public school from pre-k through MS/HS respectively. Formerly a VP in international media marketing (Curtis International Press Distributors a division of Hachette International), she has trained and taught adult students throughout her career in business and education, working for 14 years in a post-secondary international school of Communications (L’Ecole Francaise des Attaches de Presse de NY), as school Director the last 11 years. She has volunteered as a PTA officer (9 years, concluding as President), School Leadership Team member (4 years), District Leadership Team member (5 years), and is an active member of many organizations advocating for public school change, including: Grassroots Education Movement, Project for Fairness and Equity in Education, The Parent Commission, KidsPAC, Change the Stakes, the D1 Diversity Task Force and Teachers Unite (Board member). She was elected to the Community Education Council for District One in 2005, serving as President since 2007. As CEC President she has focused on equitable admissions policies and practices, overcrowding, student achievement as well as expanding community engagement and information.

Dr. Augusta Souza Kappner served as President of Bank Street College of Education from 1995 to 2008. Bank Street is widely recognized for its progressive programs in teacher education, early childhood education, educational leadership, and for its demonstration school for children. Prior to Bank Street, she had a distinguished career with the City University of New York, including positions as President of the Borough of Manhattan Community College and Acting President of the City College of New York. From 1993 to 1995, she served as Assistant Secretary of Education in the U.S. Department of Education. Kappner has spoken widely on education issues and has served on numerous boards and task forces, including the New York City Mayor’s Education Policy Panel and the New York State Governor’s Education Transition Committee. She chaired the board of the Fund for the Improvement of Post-Secondary Education, has been a Carnegie Fellow and currently serves on the boards of the National Writing Project, the Research Alliance for New York City Schools and the Wallace Foundation.
**Kim Sweet** is the Executive Director of Advocates for Children of New York. Ms. Sweet is also the founder of a 41-member coalition called Action for Reform in Special Education (ARISE), she has collaborated with former Court of Appeals Chief Judge Judith Kaye to form a task force dedicated to addressing the school-to-prison pipeline, and been active in matters of school governance. In particular, Ms. Sweet has served as an appointee of former New York City Public Advocate Betsy Gotbaum to the Commission on School Governance, which issued an influential report in 2008 on the issue of mayoral control in NYC schools. In addition, Ms. Sweet has worked on the Save Our School Campaign, where she led a litigation team in a pair of cases that helped to define a role for parents and communities in disputes over the use of school space.

**Nelson Mar** is a senior staff attorney and education law specialist at Legal Services NYC - Bronx. His practice includes both Education Law and Social Security Disability Law with prior experience in labor/employment and community economic development. Nelson is also the acting coordinator for the Legal Services NYC’s citywide Education Law Task Force and the chair of the Education Law Committee with the New York County Lawyer’s Association. Over the last 14 years Nelson has provided representation to hundreds of Bronx families mainly in administrative proceedings before the Social Security Administration and the New York City Department of Education. In 2009 Nelson was honored by District 9’s Community Education Councils for his active involvement in District 9’s public schools. In 2011 he was bestowed the Local Hero Award by the New Settlement Apartments Parent Action Committee. More recently as part of his efforts to curtail the Schools to Prison Pipeline, Nelson secured a landmark settlement in a lawsuit challenging the NYC Dept. of Education's practice of sending disruptive students to local hospital emergency rooms when no medical emergency existed. Nelson received a dual degree JD & MSW from the University at Buffalo and his BA from Binghamton University. In addition, Nelson has been active in the Chinese immigrant community over the last 20 years on issues of displacement and basic worker rights. He currently serves as the elected president of the 318 Restaurant Workers Union and an elected member of his children’s school leadership team. He also founded the National Mobilization Against Sweathshops (NMASS) a worker’s rights organization and The Virginia Yu Foundation for Social and Economic Justice.
BREAKOUT SESSION FACILITATORS

Kesi Foster's work in educational justice has been dedicated to supporting youth and parents in communities of color to organize for high quality educational opportunities for all students. As the Coordinator for Community Organizing and Engagement at the Annenberg Institute for School Reform, he provided technical assistance to community organizations across the country fighting for solutions that address systemic inequities in our public school systems. Prior to working at Annenberg, he worked in Workforce Development, facilitating workshops and developing employment opportunities for formerly incarcerated individuals and residents of public housing. He is a graduate of The City College of New York.

Kimberly Peeler-Allen is Executive Director of the Fund for Public Advocacy. In 2010, Kimberly was named to the Crain’s New York Business 40 Under 40 list as well as named one of The Feminist Press’ “40 Under 40: The Future of Feminism.” Prior to joining The Fund, Kimberly Peeler-Allen was respected as the only African American full-time fundraising consultant in New York State. She combined leadership, communication and organizational expertise to help clients define and advance their fundraising goals.

Patrick Sullivan served as the Manhattan borough member on the Panel for Educational Policy from June 2007 until December 2013. He was appointed by Manhattan Borough President Scott M. Stringer. He is the president of the board of directors of Class Size Matters, the non-profit advocacy organization. He has also served in various offices of his PTA including two terms as president. He and his wife Dawn Zappetti have two sons who attend public high schools in NYC. Professionally, Patrick is a marketing executive and Senior Vice President at AIG, the international insurance company and previously with Citibank. He attended public schools in Westchester County and holds degrees in engineering from Cornell University and Stanford University.
Before Mayoral Control

From 1969 – 2002, the NYC public school system was largely decentralized.

Before 2002, the Board of Education and the chancellor of schools shared power with locally elected Community School Boards (CSB).

However, the 32 New York City School districts were mainly controlled by the CSBs, who had the power to hire superintendents, principals, assistant principals, and to approve budgets.
2002 Mayoral Control Legislation

In 2002, Gov. Pataki signed into law a bill that effectively transformed a semi-independent school system into city agency under the exclusive control of the mayor.

The Mayor now had the power to appoint the chancellor, structure the school system’s budget, and set city-wide education policy.

However, to maintain some semblance of parental and constituency participation, the State Legislature re-configured the Board of Education with appointees by the Mayor and 5 Borough Presidents (Panel for Education Policy (PEP)), and established Community Education Councils (CEC) in each district, and two Citywide Education Councils (CWEC).

Mayoral Control 2.0

In 2009, the New York State Legislature, at the urging of Mayor Bloomberg, decided to re-enact Mayoral Control in New York City.

Changes and additions made to the bill were meant to add more transparency and parental inclusion to the system.
Mayoral Control 2.0

Notable changes include:
- Chancellor removed as PEP Chair and given “ex-officio nonvoting member” status
- PEP elects its own Chairperson from among its members (formerly the chancellor automatically held this position)
- Two of the mayoral appointees to the PEP must be public school parents (formally none had to be)
- Two additional CWECS (i.e. Citywide Council on High School and the Citywide Council on English Language Learners) were established

Currently, there are 32 CECs, 4 CWECS, and 1 PEP

Community Education Councils

CECs replaced the older, and much more powerful, CSB structure

Structure:
- Each district represented by 12 members
- 2 members appointed by Borough President
- 1 High School Senior selected by Superintendent, non-voting
- Remaining members are elected by the key officers of local district PTAs
- 9 of the 12 must be parents of student in district

Chief responsibility is to approve the rezoning plans presented by the Superintendent for zoned district schools

Other responsibilities include reviewing and evaluating district wide programs and holding public hearings

Created as a result of a compromise, pursuant to the Voting Rights Act, between NYS and the DOJ in order to maintain local representation
Citywide Education Councils

In addition to the CECs, there are four CWEC that represent the entire city on a specific issue:
- Citywide Council on High Schools
- Citywide Council on English Language Learners
- Citywide Council on Special Education
- Citywide Council for District 75

Each CWEC has 12 members (except for the CCHS which has 14)

They are responsible for advising and commenting on education policies that involve the communities they represent and issuing an annual report on the overall effectiveness on the NYC DOE

Panel for Education Policy (“Board of Education”)

Reconfigured Board of Education given primarily advisory authority. (Bloomberg named the Board of Education the Panel for Educational Policy “PEP” in 2002)

Current PEP Structure:
- 13 appointed members
- 5 are appointed by each of the Borough Presidents – all must be parents
- 8 are appointed by the Mayor – 2 must be parents

The PEP has voting power to approve major policy changes, budgets, contracts, and other major expenditures, as well as changes in school utilization and labor contracts

Early in the PEP’s first term, an incident occurred related to a major policy change that revealed the limits of the PEP’s power
Monday Night Massacre -2004

In 2004, Mayor Bloomberg and Chancellor Joel Klein proposed a third grade retention policy under which students would be held back based on the results of a single standardized test.

Credible education research concluded that such a policy would have a detrimental effect on the students who would be held back. As a result, much of the city’s education community objected.

When Mayor Bloomberg discovered that a majority of the PEP members would oppose the policy, the Mayor summarily removed three PEP members on the eve of the vote and replaced them with members who would vote “yes” on the policy.

On Monday March 15, 2004, the PEP (with replacements) voted to approve the policy by a vote of 8 to 5 in favor instead of the original vote of 8 to 5 against.

What has happened since?

A great deal:

Votes on school closures

Co-locations of charter schools (and refusals to co-locate)

New Mayor, new Schools Chancellor

De-centralization and re-centralization of school management

Introduction and dissolution of various programs . . . etc.
Mayoral Control Legislation is Due to Sunset if not Re-enacted This Year

Mayoral Control probably will be maintained

Different proposals: Mayor DeBlasio seeks permanent enactment; Speaker Heastie seeks extension to 2022; Governor Cuomo seeks 3 year extension.

We have an opportunity to urge proposed changes to the legislation that will improve governance of the public schools.
School board removes zones/catchments and implements measures of fairness for lotteries based on gender, race, ethnicity, and eventually adding linguistic and academic diversity.

Enrollment is centralized for K admissions, but DoE grants policy giving preference to returning Pre-k students selecting their returning school as well as sibling priority. Advocacy continues. Deputy Chancellor John King endorses equitable and diversity based admissions plan as mechanism for improving school achievement.

Neighborhood School drafts letter requesting PS 133 set aside model. Data Study is released in fall of 2013 detailing stratification resulting from choice. School Diversity workshop piloted in March 2013. On September 17, 2014, CEC 1 held a School Diversity Town Hall with Chancellor Fariña to present to the community information about the current demographic break down in District One schools.

Community School Board is dissolved and regional structure is implemented. Move toward centralization is finalized in the March of 2007, making all lotteries blind. Gifted and Talented programming introduced late summer 2007 without follow up on policy for early childhood/elementary. Strong community advocacy through working groups is established to advocate for continuity between Pre k-k, and sibling priority. Summer of 2007, Supreme Court rules that diversity can be used as compelling education goal as long as it can be defined and achieved with markers other than race alone.

Spring 2011 Chancellor Walcott appears at CEC, responding to request for mechanisms of fairness regarding equitable and diverse admissions by saying that choice is equity. Advocacy efforts increased through speak-outs and educational workshops with Michael Alves on the permissibility of diversity based admissions. CEC 1 partners with D3 for community forum to discuss the effects of the DoE changing district’s controlled choice to pure choice and the ensuing segregation. Summer 2012, Office of Civil Rights complaint filed claiming discriminatory admissions against 3 gentrifying schools in D1.
INDICES OF DISSIMILARITY
Both Race and Free Lunch show an increase in segregation over time.

Racial Index of Dissimilarity by Year

Free Lunch Index of Dissimilarity

* Means there is substantial missing data this year
The district average of Students in Temporary Housing for 25 Pre K – 8 D1 schools is 13%. In four schools, Students in Temporary Housing make up 20%-43% (up to 3 times the district average) of the schools’ demographics. On the other end of the spectrum, in 8 schools fewer than 5% of students live in temporary housing.

Students in Temporary Housing
The district average for English Language Learners across 25 D1 Pre k - 8 schools is 10%. 8 schools serve 5% or fewer English Language Learners, while 6 schools enroll 3 to 4 times as many English Language Learners (17 - 21%).

Distribution of English Language Learners

Data taken from [http://data.nysed.gov/](http://data.nysed.gov/) and reflects the 2012-2013 schools year
OUR SCHOOLS

- Parent education attainment
- Special education status
- Efficient utilization of capacity
- English Language Learners
- Proximity
- Family income
- Gender (LGBT)
- Race and ethnicity
- Other factors
- Cultural diversity
- Language dominance
- Student achievement
- Siblings
- Diverse Definitions of Learning Achievement
# Parent Commission’s Recommendations

**Accountability and Checks & Balances**

- The Chancellor, the Central Administration, and its policies will be fully subject to State and City Law.

**Independent Accountability Office**
- Able to audit and accurately report on test scores, graduation rates, and other outcome data.

**Inspector General**
- Answerable to the public, to investigate and report on cases of corruption, malfeasance, or mismanagement.

**Ombudsperson**
- Responds to and resolves parental complaints and issues that are unresolved at the district level.

The following offices will be created and each will be adequately staffed and funded by a percentage of state education aid to New York City.

We envision Community School Districts together with Community District Education Councils (CDECs) to be the Basic Unit of Local School Governance.

**Restore & Strengthen Community School Districts as Meaningful Entities**

- Bolster the role of the CDECs with respect to the Board of Education.
- Reinstate district superintendents’ rightful responsibilities and authority.

**Special Education**

- Adequate Resources: CDECs to have the adequate and appropriate resources (both financial and human) to nurture parental & community involvement.

- Election & Partnerships: Reform the CDEC election process; foster a meaningful partnership between CDECs and Community Boards.

- Decision Making: CDECs to make decisions on educational priorities, zoning, and enrollment; oversee schools; and facilitate improvement of teaching and learning.

**SPECIAL EDUCATION**

- Empower the CCSE: Expand the role of the Citywide Council on Special Education (CCSE) to represent all children and families receiving special education and related services, not just those in District 75 programs.

- Representative Leadership: Set aside one seat on every Community District Education Council (CDEC), as well as the Citywide Council on High Schools (CCHS), for a parent with a child receiving special education and related services, to serve as liaison to the CCSE.

- Establishment of “Cabinet-Level” Deputy Chancellor Position: To fulfill and protect the rights of all students with special needs, regardless of program placement type or location (inc. D-75, community school districts, non-public schools, hospital or home instruction, etc.).

**Parent Input**

- Restore & Strengthen SLTs: Restore decisions-making powers to School Leadership Teams, including the authority to develop Comprehensive Education Plans and school-based budgets.

- Establish: A publicly funded & independent NYC Parents Association as well as a NYC Parent Academy; each to provide parents with the strength & skills to have a more vigorous role within the public school system.

**Education Constitution**

- Establish an Independent Task Force / Commission: To draft an education constitution that defines the mission, core principles, goals, and policy framework for public primary and secondary education in New York City.

- Constitutional Convention to Establish Governance Laws: Adopt the final constitution issued by the Task Force as the basis for all laws and regulations enacted by the New York State Legislature, New York City Chancellor of Education, and New York City Council, among other agencies and bodies, as they pertain to the governance of public primary and secondary education in New York City, regardless of the specific governance structures retained and/or instituted once the state law granting mayoral control over the New York City public school system sunsets in June 2009.