

Recommendations on School Governance

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In June 2008, a group of parent leaders and activists formed the Parent Commission on School Governance and Mayoral Control.

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REFERENCES / BIBLIOGRAPHY

Posted online at: www.parentcommission.org

The Parent Commission on School Governance and Mayoral Control
*would like to thank the following panelists who participated in our public forums,
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*Video of their contributions to our panel discussions are available online
at the NYC Public School Parent blog at <http://nycpublicschoolparents.blogspot.com>*

Executive Summary

The Parent Commission on School Governance and Mayoral Control convened in June 2008 to formulate clear and specific proposals for the New York State legislature in preparation for the sunset of mayoral control in June 2009 with the expiration of the School Governance Reform Act of 2002. As parents of children being educated in the New York City public school system whose voices have been excluded from decision making for the last seven years, we see the need for a new system that provides a real partnership for education instead of the autocracy that currently exists.

The Parent Commission proposes changes in the current governance system to provide necessary accountability and checks and balances, a more meaningful role for school districts, stronger parental input, and a better management structure and representation for special education students. Finally, we recommend that a commission be formed to develop a constitution for the New York City public school system. We believe that enacting our recommendations will form the basis of a dynamic, responsive, and responsible form of school governance for New York City.

Provide Accountability and Checks & Balances

Mayoral control was based in large part on a promise of greater accountability. Instead, the Mayor and Chancellor have interpreted the law as giving them absolute control over the system and have held themselves accountable to no one, whether the State Legislature, the City Council, or the parents of the children whose education they control. The current system lacks transparency for both educational and financial data; has weakened and eliminated systems for input from educational stakeholders; has no means for holding its leaders accountable for their decisions and policies; and has held itself immune from both state and city law.

In contrast to the mayoral autocracy that marks the current administration, the Parent Commission believes that real accountability can be achieved only through full compliance with the law and public access to information so that the public can assess education policies and their results. We recommend a governance system distinguished by an educational partnership, characterized by a Board of Education whose members will strive toward cohesion and consensus and new independent oversight agencies to verify financial and academic outcomes, investigate corruption, and respond to parental complaints.

RECOMMENDATIONS

■ **Ensure that the policies of the Board of Education, the Chancellor and the central administration are fully subject to state and city law.**

■ **Establish a more independent and responsive Board of Education.**

The Board will consist of 15 members with fixed terms, with the largest group consisting of 6 parent representatives elected by Community District Education Councils. One of these seats will be reserved for a parent of a special education student.

The Board will also include 3 members appointed by the Mayor, 1 by the Public Advocate, and 1 by the City Council.

Four additional members will be selected by the rest of the Board to fill a need for expertise in specific policy areas.

■ **Require that the Chancellor be an experienced educator, appointed by the Mayor from three candidates nominated by the Board.**

The Board will elect its own Chair from among its members. Every major policy and budget initiative must be approved with two months notice, so that civic organizations, parent and advocacy groups, and Community Education Councils have the opportunity to analyze new initiatives and provide their views in advance.

■ **Create additional oversight offices to enhance transparency and accountability, each staffed and financed through a dedicated source of public funding.**

An Independent Accountability Office
to produce regular reports on educational outcomes, with full access to the data.

An Inspector General
to investigate and report to the public any case of malfeasance, corruption, or mismanagement by school system employees, including those at the top.

An Ombudsperson
to address and resolve parental complaints and to provide recommendations to the Board and the Chancellor on how services, policies, or procedures affecting parents and their children should be improved.

Ensure a more meaningful role for Community School Districts

Under mayoral control, all Community School Districts were destroyed in order to eliminate those that were dysfunctional, unaccountable, and corrupt. In the process, a frequently changing, confusing array of centralized procedures was established that have, in most cases, been less effective than local decision making was at its best. At the same time, some of the no-bid, unsuccessful,

crony-driven contracts the Department of Education has allowed since 2002 have made problems that may have existed on the local level pale by comparison.

We envision Community School Districts together with Community District Education Councils (CDECs) to be the basic unit of local school governance, to nurture parental and community involvement; make decisions on educational priorities, zoning and enrollment; oversee schools; and facilitate improvement of teaching and learning.

RECOMMENDATIONS

■ **Restore the Community School Districts to their lawful place in the New York City school governance structure,** with responsibility for zoning, enrollment, school sitings, and parent and pupil support.

■ **Reinstate District Superintendents' rightful responsibilities and authority under state law.** Superintendents should be required to spend at least 90% of their time within their own districts, supporting and improving instruction in their schools and helping to address parental problems and concerns. In consultation with CDECs and District Presidents Councils, they should help develop the annual capital plan, the district's class size reduction plan, the Contract for Excellence spending, and the District Comprehensive Education plan.

■ **Assign high schools and 6-12 schools to their respective geographical district** to provide opportunities for high school parents to provide input to the policies and planning that affect their students.

■ **Improve the process for developing the District Comprehensive Education Plan (DCEP),** which will build upon the Comprehensive Education Plans of each school in the district.

■ **Empower parents to be active participants in the process to select and evaluate Community School District Superintendents.**

The CDEC will nominate three candidates in consultation with Presidents Councils, from which the Chancellor will choose one.

■ **Reinstate a transparent and participatory district budgeting process** with oversight by CDECs and Presidents Councils to help ensure that district goals are being met.

■ **Expand the specific powers of CDECs** to include the authority to hold hearings and approve school zoning, siting, and structural changes; school restructuring, expansion, reconfiguration, closing, and opening; relocation of all traditional public and charter schools within their districts; and a central role for CDECs in the Capital Plan before it is released to the public for comment.

■ **Foster a meaningful partnership between CDECs and Community Boards** to help coordinate proper siting of schools, and adequate space for district enrollment.

■ **Reform the CDEC election process to ensure appropriate school and community representation.**

Every parent in the district will have a vote, with the possibility of extending this right to all registered voters.

Each CDEC will consist of 11 voting members, including one Borough President appointee, 9 members elected by parents, 1 community resident appointed by the CDEC itself, and 2 non-voting high school students.

Although any community resident can run for any of these seats, at least 1 seat will be reserved for a high school parent; 1 seat for a parent of a child with an IEP, and 1 seat for a parent of an English Language Learner. One seat will be open (but not reserved) for a parent of a charter school student.

Strengthen Parent Input

As the administration has silenced the parent voice, there is a critical need to ensure more vigorous parent input at the school and city-wide levels. We propose that this occur in three ways: by creating an independent citywide parent organization to help ensure that NYC public school parents have the support and skills necessary to be equal partners in decision-making; by clarifying and strengthening the role of the School Leadership Teams; and by reforming the process for principal selection.

RECOMMENDATIONS

■ **Establish a NYC Independent Parent Organization (IPO) and an ancillary Independent Parent Academy system,** professionally staffed, authorized by the state and with a dedicated source of funding from the education budget. The IPO will consist of individual parents as well as school level PAs that choose to join, and will work to strengthen the parent voice at the school, district and citywide levels.

■ **Strengthen SLTs by reasserting their lawful place in the NYC school governance structure with adequate resources and funding and the authority to develop both an annual school Comprehensive Educational Plan (CEP) and to approve a school-based budget and staffing plan aligned with the CEP.**

■ **Expand the responsibilities and duties of the SLT** to their lawful tasks of addressing internal school problems, participating in the selection and evaluation of the principal, developing the CEP and school-based budget, and performing an annual space assessment.

- **Selection of the principal shall revert to the earlier C30 process,** in which a committee of staff and parents will submit their top three choices to the district superintendent to make the final selection.

- **SLTs shall participate in a collaborative manner** with the district superintendent in the regular scheduled performance review of their principal.

Improve Special Education

The New York City public school system is the largest provider of special education and related services in the nation, serving nearly 181,000 children, or approximately 15% of the city's school-age population. The repeated reorganizations and fragmentation of services under mayoral control—there are now more than 18 distinct entities in addition to District 75, reporting to at least three deputy chancellors and one superintendent, each responsible for providing a different aspect of special education—has led to longer delays both for initial evaluations and the provision of special services, with more students in limbo—neither placed in a recommended program nor receiving mandated services. There is also insufficient representation of parents on citywide decision-making bodies. As a result, special education students continue to have extremely low rates of achievement and lower graduation rates in New York City than they do in any other part of the state.

RECOMMENDATIONS

■ **Expand the role of the Citywide Council on Special Education (CCSE)** to represent not just District 75 students and parents, but all children receiving services mandated by an IEP (Individualized Education Program) or Section 504 accommodations.

■ **Provide representation for parents of special needs students on CDECs as well as the Citywide Council on High Schools.**

■ **Designate a seat on the Board of Education for a parent of a student receiving special education services.**

■ **Establish a “cabinet-level” position (i.e., deputy chancellor) charged with fulfilling and protecting the right to a “free, appropriate public education,”**

as defined and guaranteed by the Individuals with Disabilities Education Act (IDEA), for all students with special needs.

Convene a Constitution Commission

While we propose that our governance changes should be adopted into law by the Legislature in June, the Parent Commission believes that for significant improvement to occur in outcomes for the majority of students, more than governance must be addressed. In the past 40 years, the structure of the school system has ranged among varying forms of centralization and decentralization, with chancellors who have been educators and those who were not. Yet, by every measure—including graduation rates, language, mathematical, scientific literacy skills, and preparation for democratic citizenry—little has changed for the majority of students, who are primarily low-income children of color.

While the Parent Commission believes that mandating greater transparency, accountability, involvement of parents, and local control are essential components of sound educational policy, they can be truly important only if there are shared principles and goals that define what to be accountable and transparent for. To that end, the Commission seeks an explicit and legally binding articulation of purpose stating what we want education to accomplish. This statement is to be embodied in a Constitution for the New York City public school system.

The Parent Commission has drafted a Sample Preamble (see Appendix D) to illustrate how principles and goals developed by consensus could provide the vision and mandates necessary to provide all our city's children with a truly comprehensive, public, and democratic education. For example, some mandates might

involve resources for facilities and support staff, while others might involve educational philosophy regarding the use of multiple forms of assessment; the necessity of valuing diversity of ethnicity, race, and class as well as the educational importance of racial and economic integration of schools. Additional mandates might address the interrelationship of schools with their communities, such as offering universal preschool; comprehensive health care; recreational sites; and adult education.

A Constitution would codify in law that which our schools have never had before; namely a shared mission with core principles, primary goals, and a policy framework that must be respected and upheld by whomever is governing the system. Only in this way can our public servants be held to account for the money, resources, programs and staff needed to provide educational excellence for all.

RECOMMENDATIONS

■ **Establish an independent commission to draft a Constitution** that defines the mission, core principles, goals, and policy framework for public primary and secondary education in New York City.

■ **Select members of this Commission in a manner that reflects the diverse composition of our public school communities** from the ranks of parents, students, teachers, administrators, and community members, assisted and supported by education experts.

■ **Adopt this Constitution as the basis for all laws and regulations pertaining to the governance of public primary and secondary education in NYC**, enacted by the New York State Legislature, NYC Chancellor and NYC Council.

Introduction

The School Governance Reform Act of 2002 was passed by the New York State legislature with the aim of redressing problems of the existing school system in New York City by vesting more power in the Mayor. With the legislation due to sunset in June 2009, the New York State legislature has the task of evaluating the results of the new school governance system known as mayoral control in New York City, and deciding what, if any changes, to make.

It is the strong consensus of many parents and parent leaders, including members of Community Education Councils, Presidents Councils, and Parents Association officers that the new system has not only failed in many regards, but has created additional problems in educating our children.¹ While the new governance structure itself cannot be blamed for specific educational policies put in place by the Bloomberg/Klein administration, it has prevented stakeholders such as parents,² teachers, or administrators from having any influence on these policies because of a lack of checks and balances. Indeed, Mayor Michael Bloomberg has stated that if it would be a “disaster” and that there would be “riots in the street” if any governmental body—such as an independent board of education—was given the power to challenge his decisions.³ This system is not mayoral control, but mayoral dictatorship. For a public agency, funded by taxpayers, to operate without oversight or checks and balances is profoundly undemocratic.

Because this resistance to collaboration is built into the very structure of mayoral control, the members of the Parent Commission on School Governance and Mayoral Control believe that the only way forward for New York City's public school system is to replace the mayoral autocracy with mayoral partnership.

Parent Commission

The Parent Commission on School Governance & Mayoral Control was founded by parents concerned that the various commissions formed on the issues did not represent their point of view. As the results of the Independent Parent Survey revealed, parents have highly articulated and well-reasoned understanding of the problems that affect their children's schools and are the group with the most at stake in improving the system.

The Commission was launched in July 2008 by the presidents of a number of Citywide Education Councils as well as Class Size Matters, who sent invitations to parent groups around the city, including every CDEC. The commission was also open to any individual parent who was interested in participating. Working in committees and using a consensus model, the commission developed the proposals in a number of areas, including strengthening accountability and checks and balances, enhancing the input of parents, and other needs.

The Commission also hosted a number of forums on issues relating to school governance, featuring prominent experts on such topics as the history of school governance in New York City, mayoral control throughout the country, and the lack of transparency for educational outcomes and spending practices, which informed the work of the Commission.

The recommendations offered by the Commission are intended to benefit all students across the city, regardless of neighborhood, income level, ethnic or racial group, special needs, or academic status. As parents, many of us have worked to improve the school system for many years under the previous governance system, as well as the current one. Our aim is not to return to a previous, flawed system, but to make improvements where they are needed. We are not interested in making change simply for change's sake.

Problems of Mayoral Control

While this is not the place to recount in detail the specific policies

promulgated by the Bloomberg/Klein administration (which has already been examined by much of the testimony at the Senate and Assembly hearings on mayoral control), the framework in which those policies have been imposed needs to be examined to understand our recommendations for change.

Lack of Accountability

The bid for mayoral control was based in large part on a promise of greater accountability, as power over the system would be vested in one individual. Instead of providing accountability, however, mayoral control has stood the meaning of the word on its head. Accountability refers, in part, to “an obligation or willingness to accept responsibility or to account for one's actions,” but with the Mayor appointing the Chancellor, and no independent board overseeing their actions, they are answerable to no one. In addition, the Department of Education (renamed from the Board of Education in contradiction to its designation under state law) has declared itself exempt from city law,

and has ignored many aspects of state law, making it in actuality even less accountable than the previous system (see *Appendix A*). Steven Sanders, former chair of the State Assembly Education Committee, co-chair of the Legislative Task Force on Community School District Governance Reform, and the primary author of the mayoral control law, has stated that the DOE has violated the intention, and in some cases the letter, of the very law that established mayoral control.⁶

The only way to hold a Mayor accountable under this system, as Mayor Bloomberg himself has stated, is for the city residents to vote him out of office. Aside from the fact that a Mayor is accountable to the voters for much more than his education policies, our children cannot afford to wait four years whenever it is necessary to correct mistakes that have undermined their education. Four years is an eternity in the life of a child, who is provided with only one chance at an education.

Moreover, no other city agency or department under mayoral control claims complete freedom from city law. The Police Department has to abide by the city charter and laws passed by the City Council, as does the Health Department, and yet no one argues that the Mayor is not accountable for public safety or health. As Assemblymember Cathy Nolan pointed out during the New York State Assembly hearings on school governance, the educational system is unlike any other city agency in one way, because it is responsible for our children's futures. In that sense, it requires more oversight, not less.

In fact, the very concept of total mayoral control of education politicizes school governance even more than previous systems, because decisions on education policies and the reporting of outcomes are made to serve the political ambitions of the Mayor.

Meanwhile, the Chancellor, instead of being the defender of the students in the system, owes his loyalty to the Mayor he serves. As an example, Chancellor Joel Klein has repeatedly defended draconian educational budget cuts proposed by the Mayor, rather than attempting to defend the schools and the students within them.

Similarly, Chancellor Klein has said that the several reorganizations of the school system—in which local school districts were effectively eliminated and then eventually reinstated with the role of the superintendent significantly diminished—were at least in part deliberate attempts to cause what he termed "creative confusion" in the system. These radical changes would "make it harder for people to just rock back" to what existed previously. However, while instability may be beneficial in running a business, any parent can attest to the destructive effect it has on children. This disregard on the part of Mayor Bloomberg and Chancellor Klein for the turmoil caused by such actions as the repeated reorganizations; ill-advised changes in curriculum, admission policies and even bus routes; and the rapid creation of new schools and their insertion into existing buildings where they have led to more overcrowding, without any consultation with parents or teachers—essentially, disregard for our children—makes the strongest possible argument for the need for increased accountability and involvement of parents.

Despite the claims of the Chancellor to be marshaling resources to help the most disadvantaged students in the system, the effects of many of the DOE's policies have fallen hardest on lower income students and students of color. One example is the dissolution of many large high schools, which are replaced in the same building with several smaller schools with fewer high-needs students, while the

original students are sent elsewhere. Another instance is the Chancellor's decision to alter the gifted and talented admissions process, which now uses tests of "school readiness," not "giftedness," and has led to many fewer such classes being provided to Black and Hispanic children.

Centralization of Control over Teaching and Learning

As part of the complete centralization of power that has occurred under mayoral control, the ability of the Board of Education (renamed the Panel on Educational Policy in contradiction to its designation under state law) to carry out any significant oversight authority has been eliminated. Similarly, the Community School Districts and their Superintendents have had their responsibilities slashed and their power extinguished. Policies have ranged on the one hand from strict central command over the teaching styles and methods, even specifying how bulletin boards should be set up, to supposedly complete freedom for principals to run their schools as they like, as long as test scores go up.

The hallmark of the education system under mayoral control has been more and more layers of test preparation, data analysis, and high-stakes standardized testing—with principals, teachers and even students being paid to produce good scores. It has become a commonplace that our schools have become testing factories rather than places where our children can be provided with a well-rounded education and critical thinking skills. Rather than supplying our schools with additional classroom teachers to reduce class size, the administration has added new data coaches, school achievement facilitators, school support officers, and a growing cadre of educators—

all of them tasked with wringing good test scores out of teachers and students in under-resourced, overcrowded classrooms.

While some policies must be decided centrally, we believe that implementation is best done locally, at the district and school levels. At its best, local decision making allows education — that is, teaching and learning — to be tailored to the needs of the community and the individual student. Just as differentiated instruction is important in meeting individual children's needs, the same must be true of many aspects of educational decision making. It cannot and should not be one size fits all.

Special Education

Under mayoral control, children receiving special education services have suffered even more than other students from the imposition of "creative chaos." Records, including the Individualized Education Programs that are fundamental to educating special needs students, were lost, supervisors were eliminated, and existing structures for the provision of special education were dismantled. Not only has the expertise and resources to manage special education services been lost, but students and their families are increasingly isolated from the rest of the system. Members of the Parent Commission believe that parents of special education students need to be represented at every level of governance to ensure that the needs of their children are not ignored.

Exclusion of Parents

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.

Parents may not be education experts, but they are experts in the needs of their children and in knowing when those needs are not being met. It is well known that parents involvement in their children's education is key to improving outcomes. Moreover, since parents spend some 13 years negotiating the public school system with each of their children, often with substantial involvement in Parents Associations, School Leadership Teams, Community District Educational Councils, and the like, they are forced to become experts in many areas of the school system and education. Lack of educational expertise has not prevented the current Mayor and Chancellor from mandating educational policy for the students of NYC, and many parents have substantially more experience and knowledge to apply to these issues.

The members of the Parent Commission believe that substantial involvement of parents at every level of school governance with meaningful input is necessary to ensure that our schools improve, and in order to be able to hold the system accountable to their children.

Lack of Common Purpose

Finally, while the Parent Commission proposes that our governance changes should be adopted into law by the Legislature in June, for significant improvement to occur in outcomes for the majority of students, more than governance must be addressed. In the past 40 years, the structure of the school system has ranged among varying forms of centralization and decentralization, with chancellors who have been educators and those who were not. Yet, by every

measure — including graduation rates, language, mathematical and scientific literacy skills, and preparation for democratic citizenry — little has changed for the majority of students, who are primarily low-income children of color.

While the Parent Commission believes that mandating greater transparency, accountability, involvement of parents, and local control are essential components of sound educational policy, they can be truly important only if there are shared principles and goals that define what to be accountable and transparent for. To that end, the Commission seeks an explicit and legally binding articulation of purpose stating what we want education to accomplish. This statement is to be embodied in a Constitution for the NYC public school system.

The Parent Commission has drafted a Sample Preamble (*see Appendix D*) to illustrate how principles and goals developed by consensus could provide the vision and mandates necessary to provide all our city's children with a truly comprehensive, public, and democratic education. A Constitution would codify in law that which our schools have never had before, namely a shared mission with core principles, primary goals, and a policy framework that must be respected and upheld by whoever is governing the system. Only in this way can our public servants be held to account for the money, resources, programs and staff needed to provide educational excellence for all.

Common Framework

The Commission took a forward-thinking and positive approach to the question of what changes should be made to school governance in NYC by attempting to design a system that would produce the best possible education not only for our children, but for all children.

The system of school governance that we propose would foster the academic, social, and emotional development of every child and be responsive to and inclusive of our city's diversity.

The following is the framework for such a system, which is elaborated in the rest of this report:

■ **Enhance accountability, transparency, and checks and balances** by broadening representation on the Board of Education and creating independent oversight bodies with the ability to audit, investigate, and report on financial and academic outcomes.

■ **Hold the school system subject to state and city law.**

■ **Require that the Chancellor be a professional educator.**

■ **Restore and strengthen Community School Districts as meaningful entities.**

■ **Reform the election process of Community Education Councils.**

■ **Reinstate the role of district superintendents.**

■ **Strengthen the role of parents in choosing and renewing contracts for superintendents, principals, and assistant principals.**

■ **Provide representation for parents of students who receive special education services at every level of the system.**

■ **Create an independent citywide parents organization to give a collective voice to parents** and provide the training necessary to enable parents to become effective participants, advocates and partners in the education of their children.

■ **Strengthen the role of School Leadership Teams in the schools.**

■ **Establish an independent commission to draft a Constitution for the New York City public school system.**

Some of these recommendations require a significant change from what currently exists in the school system, but the state of education in New York City requires it. Mayor Bloomberg and Chancellor Klein's attempts to sow "creative confusion" in the school system have produced much confusion, but little creativity.

We believe our vision of a fair, just, and successful school system is based on sounder principles and a better understanding of what children need to learn and develop and deserves to be enacted into law.

1. See, for example, Class Size Matters, "The Independent Parent Survey," conducted by Hart Associates, February 2008; posted at <http://www.classsizematters.org/parentsurveyreport.html> The statistics marshaled by the Department of Education to support improvements in test scores under its administration are not only suspect but point to one of the primary problems that this report will address, namely, lack of transparency in the academic data and are contradicted by the results of federal NAEP testing over the period in which mayoral control has operated. See, for example, Diane Ravitch, Testimony before the New York State Assembly Standing Committee on Education Hearing on Governance of the New York City School District, February 6, 2009; Hon. James Brennan, "New York City Public School Student Improvement Before and After Mayoral Control," New York State Assembly, January 2009; Norm Fruchter and Christina Mokhtar, "The Results of Mayoral Control in New York City," Annenberg Institute for School Reform, Community Involvement Program, New York, available <http://www.annenberginstitute.org/CIP/papers/outcomes-of-mayoral-control-of-schooling.pdf>.
2. The word "parents" in this report is used broadly to include parents, grandparents and guardians of children in public schools.
3. Sally Goldenberg and Yoav Gonen, "Mike's 'Riot' Warning Over School Control," *New York Post*, February 7, 2009.
4. Class Size Matters, "The Independent Parent Survey," op. cit.
5. Speakers included Professor Diane Ravitch, historian of New York City public schools; Jitu Weusi, long-time educator and organizer in Ocean Hill-Brownsville; Betty Rosa, New York State Regent and former superintendent of Community School District 8, Bronx; Steven Sanders, former chair of the State Assembly Education Committee, and co-chair of the Legislative Task Force on Community School District Governance Reform; Robert Jackson, Chair of the New York City Council Education Committee and founder of the Campaign for Fiscal Equity lawsuit; Esmeralda Simmons, Director of the Center for Law and Social Justice at Medgar Evers College and former Mayoral appointee to the Board of Education; Mary Levy, Washington Lawyers' Committee for Civil Rights & Urban Affairs and District of Columbia parent advocate; Julie Woestehoff, Executive Director of Parents United for Responsible Education from Chicago; and Professor Stefanie Chambers, author of "Mayors and Schools: Minority Voices and Democratic Tensions in Urban Education"; John Liu, New York City NYC Councilmember; George Sweeting, Deputy Director; Independent Budget Office, Udi Ofer, Advocacy Director, New York Civil Liberties Union; Professor Robert Tobias of New York University, former head of Assessment for the New York City Board of Education.

Videos of the forums are available online at <http://nycpublicschoolparents.blogspot.com/2008/09/history-of-nyc-governance-and-lessons.html>;
<http://nycpublicschoolparents.blogspot.com/2008/10/our-forum-on-mayoral-control-check-it.html>;
<http://nycpublicschoolparents.blogspot.com/2008/11/mayoral-control-in-chicago-dc-and.html>;
<http://nycpublicschoolparents.blogspot.com/2008/12/mayoral-control-need-for-more.html>
6. Steven Sanders, presentation at the Parent Commission on School Governance and Mayoral Control Forum on Recent History of School Governance in NYC, New York City, October 17, 2008.
7. "Klein: I can overhaul the schools—just give me 8 years," *Staten Island Advance*, Dec. 7, 2003. See also Leonie Haimson, Testimony Before the NY State Senate Task Force on School Governance, October 2, 2008. Available at www.lizkrueger.com/mayoralcontrol/ClassSizeMatters.pdf.
8. In fact, this "empowerment" of principals has been restrained by the need to produce results on myriad required standardized tests as well as the need to cover services once provided by the district with increasingly restricted budgets.
9. It has also resulted in a perversion of education and a de-professionalizing of teachers, although that is outside the purview of this report.

RECOMMENDATIONS on Accountability and Checks & Balances

Background and Rationale

The recommendations of the Parent Commission are designed to provide enhanced accountability, transparency, and checks and balances to the current system of school governance in New York City. The bid for mayoral control of the New York City public schools was based in large part on a promise of greater accountability. Instead, with the Mayor appointing the Chancellor and no independent board overseeing their actions, the Mayor and Chancellor are answerable to no one. Moreover, by exploiting legal loopholes and ambiguities, the DOE has consistently ignored state law and openly defied city law. What we have now is not accountability but autocracy.

Real accountability can be achieved only through full compliance with the law and improved public access to information, so that parents and other members of the public are able to assess education policies and their results. By contrast, the current administration has actively resisted such transparency by refusing to provide sufficient and accurate information to parents and other stakeholders, and provides only data that purport to show improvement without independent evidence that this data is fully accurate.

Our Vision

In contrast to the current system of absolute mayoral control, the Parent Commission recommends a new governance structure of partnership. We aim for a future in which the Mayor will work productively, hand in hand with parents and other elected officials, for the benefit of our children and their schools. Instead of a Panel on Educational Policy that rubber-stamps every decision of the Mayor or Chancellor, a Board of Education should be established that is independent and democratic, that engages in substantive discussion and debate on educational policies, and that is able to work together in a cooperative and cohesive fashion.

While the Parent Commission proposes returning to the earlier name for this oversight body—the Board of Education—that is still mandated by state law, that does not mean that we want squabbling and division, with the Mayor frequently attempting to undercut the credibility of Board members and the Chancellor. As parents, we would like the Mayor, as well as all our elected officials, to feel fully

invested in the Board of Education and its success, as well as in the success of our children and their schools. We expect that the new model for the Board of Education proposed here will achieve this goal by establishing a body whose members will strive toward cohesion and consensus and who will themselves select other Board members in a manner that strengthens their collective expertise.

In addition, we propose the creation of several independent oversight agencies that will verify the financial and academic data disseminated by the central administration to provide full transparency and accountability as well as responsiveness to the concerns of parents.

RECOMMENDATIONS

1. Ensure that the Chancellor, the central administration of the NYC Public School System, and its policies are fully subject to federal, state, and city law.

It is crucial that the school system's educational policies be subject to state and city law. We know of no

other governmental agency in the world, aside from the NYC Department of Education, that considers itself free from all legal constraints, and there is a long list of both state and city laws that the existing Department of Education routinely violates (*see Appendix A*).

This means if the City Council passes a law concerning educational policies or practices, the Chancellor and the Board should be obligated to comply, as do all other New Yorkers. The same legal obligations should exist in terms of abiding by state and federal law.

2. Establish an independent and responsive Board of Education, with the largest group consisting of parent representatives elected by Community Education Councils.

A body is needed to provide on an ongoing basis the necessary oversight and checks and balances for the school system as a whole, with the authority to approve or disapprove the spending priorities and educational policies of the Chancellor. We propose that this oversight body be reconstituted as a

Board of Education with 15 members, 6 elected and 9 appointed, all of them with fixed terms.

a. Elected Parent Members

Six parent members will be elected by the members of Community District Education Councils, with one seat reserved for a parent of special education child. Apart from the special education representative, the parent members will represent discrete geographical areas, made up of groups of school districts which together are roughly equal in size in terms of their student population. The special education parent representative will be elected by the by the CCSE and the special education representatives on each CEC and the CCHS (*see the Recommendations on Special Education*). All candidates for these positions must be parents of students currently in the public school system or who have been in the system within the previous five years. This larger number of parent representatives, elected by CDEC members (who are themselves elected), will provide parents with a stronger voice in the educational and budgetary decisions affecting their children.

b. Political Appointees

There will be 3 mayoral appointees, 1 appointed by the Public Advocate, and 1 by the City Council. None of these members can be a government employee or be employed by a company or organization with a substantial city contract (over \$50,000 per year). There will also be 1 non-voting appointee from the Comptroller's office, who can be someone employed by that office and must have expertise in financial and budgetary matters.

c. Additional members appointed by the Board

Finally, 4 additional members of the Board will be selected by the other members, through an open nomination and application process. These open posts are intended to be filled

by people with experience and expertise in specific policy areas in which the Board feels it needs strengthening—for example, in the needs of English Language Learners or high school students. These open seats should be widely advertised through a transparent application process so that members of the public can apply and be interviewed for these positions.

Our hope is that the members selected for these open seats will have deep knowledge and understanding of education policies and will be able to help guide the Board as a whole to make decisions that are based primarily on educational experience and research rather than on political considerations. The process by which these seats will be filled—with Board members selecting individuals whose judgment they trust—should act as consensus-building exercise, resulting in a less divided Board than those of past eras.

d. Board of Education responsibilities

The Board must approve every major policy and budget initiative, with two months notice in advance of every vote, so that civic organizations, parent and advocacy groups, and Community Education Councils have the opportunity to analyze new initiatives and comment in advance. Too often over the last six years, decisions have been made by the Chancellor in private and unilaterally and then announced summarily, giving the Panel on Educational Policy only a few days of notice in advance of a vote.

The Board will have the authority to review and approve all contracts of \$500,000 or more, as well as the use of private money donated by individuals or foundations of \$100,000 or more. In recent years, foundations and wealthy individuals have sponsored large-scale experiments on our children that have little research support and no checks and balances, such as the

expansion of small schools, the establishment of the Leadership Academy, the institution of teacher performance pay, and payment to students for improving their test scores. Such initiatives have been implemented in our schools with no oversight, based on the particular ideological biases of the funders, who are accountable to no one. Frequently privately funded initiatives are then expanded and paid for by taxpayer funds, without adequate evaluation of their results. It is critical that the public have more say over the use of private money in our schools, given the huge influence it has over our children's educational careers and the unequal manner in which it is being used.

The Board will also be responsible for approving agreements with unions and will evaluate the performance of the Chancellor.

e. Board meetings and procedures

The Board of Education will elect its own Chair from among its members, who will run the meetings.

Before each vote, public comment shall be taken from the floor, rather than afterward as is the current practice. Before voting, the parent representatives shall be obligated to read off and summarize the positions of each of the respective CDECs they represent before announcing their votes. The appointee of the Public Advocate will read off and summarize the position of the Independent Parent Organization (*see Recommendations on Parent Input*), as well as that of any advocacy group that has forwarded its views to him or her.

The contact information of Board members will be available to all and be posted online, including e-mail addresses, as is customary for school boards throughout the nation, rather than requiring parents to contact them by writing care of the Department of

Education as is current practice. We further propose that minutes and transcripts be required to be posted online within one week following every meeting; and that all meetings be videotaped and available live on the Internet and archived online within a week, so that more parents and community members can be better informed of the Board's operations and decisions.

Any member shall be able to put an item on the agenda, or a budget question or policy issue to a vote, with the assent of at least 1/3 of the members. Any member of the Board should be able to propose that the Independent Accountability Office (*see below*) report on the results or outcomes of policies proposed by the Chancellor or adopted by the Board, or that a study be commissioned by an independent research group, subject to a vote of the Board.

f. Board committees and other required participants

Board members will form working committees (such as Special Education, English Language Learners, Arts Education, Capital Construction) with non-member stakeholders and experts.

An Audit Committee of the Board of Education should be instituted, as required by state law. This will be a committee of the whole, headed by the City Comptroller appointee. The members of this committee will be provided with training in financial management, and access to internal audits, as is required by law in all other school districts in the state. The audit committee will also issue annual reports to the public, summarizing the administration's expenditures of public and private funds. It will provide yearly updates on capital spending and construction, along with a thorough needs assessment for new capacity, based on the city's class size goals, overcrowding, and

birth rate and enrollment trends.

Each Board meeting will be attended by the Inspector General, the Ombudsperson, and the Director of the Independent Accountability Office, who will be available to answer questions from Board members, the Chancellor, and members of the public.

3. Require the Chancellor to be an experienced educator who will be appointed by the Mayor from among three candidates recommended by the Board of Education.

The Parent Commission agrees with the Council of Supervisors and Administrators that the Chancellor must be an educator, with actual experience as a teacher and a principal. We propose that the Chancellor have at least three years in each of these positions; with no waivers allowed. We believe that our schools have suffered over the last six years from being led by a Chancellor with little understanding of and no expertise in the area of education, who has surrounded himself with similarly inexperienced deputies and staff members. Indeed, according to the DOE's own spokesman, only 2 out of the Chancellor's top twenty deputies are long-time educators.

The process of selecting the Chancellor should be collegial and collective, with the Board recommending three candidates. Out of those three, the Mayor will appoint one candidate as Chancellor. We expect that this method of selection will elicit the spirit of mayoral partnership that is our goal for the entire governance system.

The Chancellor will serve a term aligned with the Mayor's and will attend and participate in all Board meetings, though not as a member of the Board. The Chancellor will have the authority over the day-to-day administration of the schools, and will propose budgets

and policies, subject to the approval of the Board.

4. Create additional oversight offices to enhance transparency and accountability, including the Independent Accountability Office, Ombudsperson, and Inspector General, each of which shall be adequately staffed and funded by a percentage of the state education aid to NYC.

a. Independent Accountability Office

Many observers, including the United Federation of Teachers, education historian Diane Ravitch, and others, have concluded that the DOE's summaries and analysis of test score data and graduation rates have little credibility. Robert Tobias, formerly head of testing for the NYC schools and now at New York University, has said that as a result, a "crisis of confidence" undermines trust in the administration. Based on the strong consensus of such experts, we recommend the creation of a new office, staffed by experts on testing and statistics, with the following responsibilities:

- To produce regular reports on educational statistics, with full access to the data.
- To audit the administration's findings and reports.
- To review contracts for assessment and data collection.
- To work with advisory board of stakeholder groups, including parents, teachers, and principals.
- To produce additional reports at the request of Board of Education members, or to commission additional studies from well-regarded research groups such as RAND or AIR, when issues or questions lie outside its expertise.

b. Inspector General

The Parent Commission proposes the creation of an office of an Inspector General for the school system, with a fixed four-year term, fully answerable to the public, who is appointed jointly by the District Attorneys in all five boroughs. The Inspector General's office will be staffed and fully funded by a fixed percentage of the state education aid to NYC schools. The Inspector General will have a broad mandate to investigate any evidence or complaint from whistle-blowers or members of the public at large concerning malfeasance, corruption, or mismanagement on the part of the school system employees, including those at the upper echelon of the central administration or members of the Board itself. All of the substantiated reports from this office will be released to the public, with redactions made only to protect the innocent or to the extent that privacy laws require. Unredacted copies of all reports shall be provided to all members of the Board of Education.

Currently, this function is ostensibly performed by a Special Commissioner of Investigation, who is a mayoral appointee and who, since the inception of mayoral control, has refused to provide his reports to members of the Panel on Educational Policy and has neglected to produce annual reports summarizing his recommendations to the Chancellor and their results, though both are required by the executive order that created this position. Moreover, he has released less than 6% of his substantiated reports of malfeasance or corruption to the public and, in several cases, his findings concerning the improper behavior of high level DOE employees have been suppressed. We need a more independent official in this post, who will be answerable to the public and not to the Chancellor or the Mayor.

The Inspector General will also have the mandate to investigate cases in which the public alleges that the administration as a whole is not abiding by city or state law or its own regulations, with the authority to refer cases to District Attorney's office or the State Attorney General for enforcement. He or she will issue annual reports on how many cases of malfeasance, corruption, or mismanagement were investigated, what types of cases these were, and how many of these allegations were substantiated, as well as what recommendations were made to the Chancellor and Board of Education to address these problems.

If cases are still under investigation after six months, without resolution, the Inspector General will report on the reasons or causes for the delay. The Inspector General will also report to the public on what actions the Chancellor and the Board of Education have taken to follow up on his or her recommendations within a reasonable time period, and what actions were taken to follow up on recommendations made in years past. The Chancellor and the Board of Education will be required to respond in written form to each of the recommendations made, but cannot block the timely release of these reports if they refuse or delay their responses.

The Inspector General will also report publicly twice a year at Board meetings on his or her activities, findings and recommendations and respond to questions from the public at large.

c. Ombudsperson

Parents are often frustrated by a lack of responsiveness on the part of the administration when their children experience serious problems that need to be addressed above the level of the school, such as a lack of mandated services,

unfair treatment by principals, or arbitrary actions within the central administration. For problems that cannot be resolved at the district level, there needs to be an independent office within the central administration with the power to address and resolve these issues. Too often Chancellor Klein asked parents to e-mail him with their problems, but this is not a realistic plan for a school system with 1.1 million children. Staff members at the Office of Family Engagement have been tasked with solving parents' problems; however, they have no actual authority over principals or anyone else.

We urge the legislature to create the office of an Ombudsperson of the NYC schools, who will be nominated by the Public Advocate, and appointed by the Board of Education, and will have a fixed term. Like the Inspector General, the Ombudsperson will have a staff and be funded by a fixed percentage of the state budget. It will be the duty of the Ombudsperson to 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.

The Ombudsperson will serve as the appeals officer for Freedom of Information Act requests not promptly fulfilled by the central administration. The Ombudsperson shall report twice a year to the Board of Education on his or her activities; provide the Board and the Chancellor with recommendations for systemic improvements in services, policies, or procedures, and will attend every Board meeting to respond to questions from the public and Board members.

- continued

5. Strengthen the role of the New York City Comptroller and Independent Budget Office in providing financial oversight of the central administration of the New York City public schools.

There can never be too much transparency and accountability when it comes to the school system that educates our children. Thus, the Parent Commission urges the Legislature to ensure that the school system's finances and contracting procedures fall clearly under the jurisdiction of the City Comptroller, as all other city agencies currently do.

As City Comptroller Thompson has proposed, the school system should be subject to the same procurement rules as every other city agency and be obligated to register all contracts with his office.

Every exception to the bidding process should be explained to the Comptroller in detail, and both the Board and the Comptroller should be able to reject the proposed exception. The central administration should also be obligated to resume issuing school-based expenditure reports, which have ceased in recent years.

Moreover, the Comptroller should be provided with:

- *full access to financial records and data and be able to meet regularly with the finance staff of the central administration;*
- *the ability to audit spending, payments made by schools to contractors, and to approve and terminate wasteful contracts;*
- *complete documentation of central administration expenditures that are shifted to the school level.*

Similarly, the Independent Budget Office, the independent public agency that reviews the financial affairs of New York City agencies, should be provided with the necessary access to financial records and all other school-related data necessary to analyze spending practices and educational policies, and the Central Administration's finance staff should schedule regular meetings with Independent Budget Office staff, where these issues can be discussed and information shared.



RECOMMENDATIONS on Community School Districts and Community District Education Councils

Background and Rationale

Advocates for mayoral control of the schools portrayed district offices and community school boards as dysfunctional, corrupt patronage mills that were unaccountable, incompetent and which squandered public dollars on contracts for cronies. Mayoral control, it was said, would fix this and introduce accountability, honesty and competence.

Although some district offices and community school boards deserved some of this criticism, others deserved none of it. Rather than bring the worst up to the level of the best, the new DOE chose to destroy all of the community school districts, and, in the process, established a frequently changing, confusing array of centralized procedures that have, in most cases, represented decision making that is actually less effective than local decision making at its best had been.

Indeed, some of the no-bid, unsuccessful, crony-driven contracts the DOE has allowed have made previous problems with or abuse of the contracting process that may have existed on the local level pale by comparison. In contrast to the system that exists now under mayoral control, our proposals for the role of Community School Districts and Community District Education Councils builds on the best of what has existed and improves upon it.

Our Vision

The Parent Commission envisions Community School Districts, together with Community District Education Councils, to be the basic unit of school governance, with adequate and appropriate resources (both financial and human) to (1) nurture parental and community involvement, (2) make decisions on educational priorities, zoning, and enrollment, (3) oversee schools, and (4) facilitate improvement of teaching and learning.

RECOMMENDATIONS FOR COMMUNITY SCHOOL DISTRICTS

1. Restore the Community School Districts as meaningful entities.

Decisions regarding enrollment, zoning, school sitings, reporting, planning, evaluation, parent and pupil support, and opportunity for community input should occur on the district level in keeping with the federal requirement that students attend schools within district boundaries.

The best of the district offices had competent programs and advisers that helped parents on the local level navigate kindergarten and pre-K admissions, middle-school and high school choice programs, and issues pertaining to special education, English Language Learners, and other concerns. These programs and their staffing were decimated when the DOE instituted regions, rather than districts, as the primary administrative entity, and they were never restored when the regions were subsequently disbanded. District offices must be built back up to a level that will enable them to perform all the services for families on a local level that they once did.

Community School Districts should foster parent engagement and once again become the centers of education in the community.

Some may think that the current composition of the districts could be improved upon. Once they are fully functioning again, such issues as the size, number, economic and demographic diversity, and legal

representation of districts, as well as their alignment with Community Boards, ought to be evaluated over the next year. Whether altered at this time or not, the makeup of the districts ought to be reevaluated every 10 years thereafter, to take into account both their functioning and changes that may occur in the city's demographics during that time.

2. Reinstate District Superintendents' rightful responsibilities and authority.

The authority of the Community School District Superintendents (hereafter Superintendents) was stripped with the creation of regions and then with the superimposition of School Support Organization networks, both of which served to render districts as meaningless entities.

Currently, Superintendents are scheduled to spend at least 90% of their time as Senior Achievement Facilitators working with schools outside their district on the analysis of test score data. Superintendents, who currently serve at the pleasure of

the Chancellor, should be granted a contract specifying that their primary responsibilities are to oversee and offer support to parents and schools within the district, with full access to and responsibility for these schools, in keeping with the law. At present, Superintendents can only access a district school for which he or she is the nominal rating officer by getting permission from the network leader of the school's selected support organization. Parents have no recourse beyond the principal to address issues in their schools.

Superintendents should spend at least 90% of their time within their own districts. Superintendents are responsible for ensuring that the CDECs execute their mandated duties and should be formally evaluated on their support of and consultation with constituencies ranging from principals and schools to School Leadership Teams, Parents Associations/ Parent-Teacher Associations, and District Presidents Councils. They should also be responsible for reviewing the District Comprehensive Education Plan (DCEP); the annual capital plan; the Enrollment, Capacity, Utilization Report; class size report; mid-year report on district goals and objectives, and the relevant district annual report card in a timely manner – all of which have been rendered nearly impossible, given their new responsibilities and limited authority over schools in their districts. (See Appendix C for a sample of superintendent's performance review that outlines her or his responsibilities).

3. Assign high schools and 6–12 schools to their respective geographical district.

Schools that serve 6 through 12 grades currently do not belong to any district. In addition, the high school choice program has rendered high schools without districts.

Presidents Councils for high schools are currently organized by borough, and some high school parent leaders have had to attend as many as six individual District Presidents Council meetings in addition to the High School Presidents Council for meaningful participation in relevant issues.

High school parents need one Presidents Council per district. This could be accomplished by expanding the existing Presidents Council in the district to represent schools from K-12 instead of K-8 or by creating a stand-alone high school only council in each district. The current system in which there is only one high school council per borough deprives high school parents of proportional representation in citywide organizations, diminishing their voice and making it too difficult for a council president to reach out across a borough to get a high percentage of schools to send representatives to the monthly meetings. If elementary and middle school councils are one to a district, so should be high school councils. And we must fit the increasing number of 6-12th grade schools into any new configuration, such as K-12 Presidents Councils. We recommend that the Citywide Council on High Schools continue as well, to provide input on high school policies system-wide.

4. Improve the process for developing the District Comprehensive Education Plan (DCEP).

Each District Leadership Team is required to complete a District Comprehensive Education Plan, (DCEP), but the plans are neither reflective of, nor based on, the Comprehensive Educational Plans (CEPs) of the schools in the district. Furthermore, for three years CEPs have not been completed in either a timely or complete manner as the DOE continually re-tools the CEP/DCEP templates and process.

DCEPs should be due after the school CEPs are submitted and should require review of each district school's goals, implementation plans and tools. Each DCEP is required to provide a family engagement policy. Currently there is no process for developing a plan that includes parent input. Each District Family Advocate, who is an Office of Family Engagement and Advocacy employee and sole district based representative in the DOE, writes the plan for the district. There is no room for input, consensus about or reflection of parent or community values in the plans.

For District Leadership Teams to support and review all School Leadership Teams (SLTs) in the district in keeping with the Regulations of the Commissioner of Education of New York State (CR 100.11), there must be a budget for training and a methodology for gathering and evaluating data on the effectiveness of SLTs (which is currently a checklist item on the Principal Performance Review that is overseen by the Office of Compliance, but it does not link back to the District Superintendent or DLT).

RECOMMENDATIONS FOR STRENGTHENING AND EMPOWERING COMMUNITY EDUCATION COUNCILS

NOTE: wherever CDEC is mentioned, the reference includes Citywide Education Councils as well as Community District Education Councils.

1. Empower parents to be active participants in the process to select and evaluate Community School District Superintendents.

Parent leaders currently have little input in the selection and evaluation of Community School District Superintendents under the revised Chancellor's regulation C-37 and the state law NYS 2590. Currently

CDEC and District Presidents Council Presidents have the opportunity to meet but not select or approve the Chancellor's candidate for Superintendent. CDECs by law are to evaluate the Superintendents; however, given that the primary responsibility of the Superintendents under the current system is as a Senior Achievement Facilitator and the lack of supervisory or support role that Superintendents play in their own school districts, CDECs have little basis on which to exercise the right to evaluate.

We recommend that the CDECs, in consultation with the District Presidents Council – bodies elected to represent district parents – shall, nominate three candidates for the Superintendent from which the Chancellor will choose one. The CDECs and District Presidents' Council will also carry out district goal-setting and performance evaluations that directly inform hiring and salary decisions for the Superintendents.

3. Ensure CDEC representation for 6–12 schools and high schools.

The CDECs have purview over district schools, to the exclusion of high school, 6-12 and charter schools, leaving those students and their families with little or no representation. The Citywide Council on High Schools (CCHS), which currently provides representation for parents of high school students is not mandated by state law, but exists only by the good graces of the Chancellor and his regulations.

The Parent Commission recommends that State law mandate the establishment of the Citywide Council on High Schools, so that high school students and their families have guaranteed representation.

We further recommend that 6–12 and K–12 schools be assigned to

their geographical CDECs, one member of which must be a representative from such a school. Furthermore, we recommend that at least one seat in the CDEC be designated for a high school representative.

4. Ensure adequate representation for special education families on CDECs.

The State law currently provides for a Citywide Council on Special Education. However, not all students with Individualized Education Programs (IEPs) or other special accommodations are enrolled in District 75 programs, leaving their parents and family members without representation on any council.

We recommend that each CDEC have one member who represents students with IEPs regardless of whether or not they are enrolled in District 75 programs.

5. Expand the specific powers of CDECs.

CDECs should be given authority to hold hearings and approve zoning changes beyond that specified in Chancellor's Regulations A-185, to encompass any and all proposed structural changes to district schools, including restructuring, displacing, truncating, combining, expanding, disbanding, placing or incubating new, charter or existing schools in leased, new, or existing school buildings. CDECs in consultation with Presidents Councils should have authority to review and approve any proposal to close, lease, or sell any school building in the district with ample hearing time.

All research performed on students in a district school must be explicitly approved by the CDEC.

6. Establish a central role for CDECs in the Capital Plan

CDECs must be active participants in developing the capital plan

before the draft plan is released to the public for comment. Members of these Councils are at the front lines of education in their communities who are familiar with the reality of their neighborhood schools, and their expertise must be incorporated into the plan. For the capital plan to be truly meaningful, the numbers and projections used to develop the plan must be compared against what is actually happening in each neighborhood. Active participation means consultation and involvement at every stage of development, and not mere review before or after public release.

7. Foster a meaningful partnership between CDECs and Community Boards.

CDECs and Community Boards should work closely together, given that Community Boards have first-hand knowledge of zoning proposals that might increase the residential population and impact school enrollments. Community Boards also propose annual budgets to the City Council that can affect local school funding and help to address needs specific to particular neighborhoods.

For instance, Community Boards and CDECs would need to send representatives to each other's meetings and appoint one person to coordinate their work together to address budget priorities for local schools as well as community programs relevant to the school-age population and their families. Linking these groups would help to ensure a more comprehensive view of neighborhood needs.

8. Bolster the role of CDECs with respect to the Board of Education.

CDECs must provide input to the Board of Education before policy decisions are made. Board of Education members appointed by the CDECs should be obligated to

report input from all CDECs, in consultation with Presidents Councils, in their geographical region before any vote on major budget decisions and policy initiatives, allowing ample time for public hearings (60 days for each CDEC/Presidents Council) on all policy and budget issues brought to a vote before the Board of Education.

9. Reform the CDEC election process.

The Klein administration replaced a system in which anyone in a district could run for the Community School Board and any registered voter or public school parent in the district could vote into one in which only three executive board members of the Parents Association or Parent-Teacher Association in a school can vote for only two candidates each (all of whom must be parents of children in schools in the district).

a. Candidate Eligibility:

Any public-spirited person in the district who has a contribution to make and the interest in committing the time to do so will be eligible to serve. In the past, some non-public school parents or former public school parents were among the most effective school board members.

Parents Association officers shall be allowed to run for positions on the CDECs; however, they must resign their PA positions if elected.

b. Voting Constituency:

At a minimum, every parent in every school in the district, regardless of citizenship, ought to be able to vote for a full slate of candidates, and possibly that right should be extended to every tax-paying registered voter in the district. Wider candidacy eligibility and voter participation will result in a more representative local council.

c. Financial Disclosure:

Unnecessarily burdensome financial disclosure requirements will be relieved by aligning revised financial disclosure forms with amended New York State laws, removing the DOE's Conflict of Interest burden.

d. CDEC Membership Size:

Each CDEC will have 11 voting and 2 non-voting members. The Borough President will appoint 1 member. Nine members will be parent representatives elected by the parents in the district. A minimum of 1 member will be a parent of a high school student, 1

member a parent of a child with an IEP, and one member representing English Language Learners. One parent member may be a parent at a charter school. One member will be a community member appointed by the CDEC.

Two high school students, representing high schools in the geographical district, will be elected as nonvoting members.



RECOMMENDATIONS on Parent Input

Background and Rationale

Parents as stakeholders in the New York City public school system — either singly or in community groups — today have little representation, voice, or formal support in decision making, at the school, district, or citywide level. They have far less support or influence than do other stakeholders in the system — the teachers, supervisors, custodians, paraprofessionals, food-kitchen employees — all of whom have unions to provide technical, legal, and research assistance in their interactions and negotiations with the city's educational establishment.

In addition, parent participation in school-based planning and shared decision-making, as institutionalized in School Leadership Teams (SLTs) has been severely eroded under mayoral control. The fundamental purpose of SLTs was to give the local school community the ability to participate in determining the school's educational process — that is, the school's overall education vision, its goals and priorities, the strategies that would be used to achieve the vision, and the alignment of fiscal and material resources to accomplish those strategies. These plans and strategies were to be articulated in the school's Comprehensive Educational Plan (CEP) and school-based budget.

However, in December 2007, in revising A-655, the Chancellor entirely stripped parents of their rightful role in helping to develop the CEP and the school-based budget, by giving the final decision-making authority to the principal alone. When the state legislation that established SLTs sunsets in June, along with mayoral control, it must be replaced with a plan that strengthens parental involvement along with acknowledging the legitimate authority of principals and district superintendents. Although New York State Commissioner of Education Richard P. Mills found in December of 2008 that the process by which the Chancellor eviscerated the authority of SLTs was illegitimate, and that the resulting language violated the State Education Law, no new regulation has yet been proposed by the Chancellor.¹

Our Vision

For parents to be on an equal footing with the other stakeholders in the education system and a stronger voice at the school, district and citywide levels, they must have an organization of their own that can provide the support that the other stakeholders take for granted. The establishment of such organization would provide the parent community the ability to adequately participate in decision making. The skills and a support system needed by parents to hold their own include legal, research and skill training.

If the New York City public education system is to take this parental need seriously, then it must recognize, first, that the cost of providing these skills to parents must be recognized as an important part of the cost of giving our children an adequate education. These costs must be authorized by

state law and drawn on the parent outreach line of the New York City education budget. Second, planning for such an organization must allow for a paid professional staff to provide this support, as well as an ancillary body, such as a Parent Academy, to provide the necessary training. Anything less will not allow parents to take their rightful place at the table.

Furthermore, the Parent Commission believes that if New York City is to have a school system that will allow each child to reach his or her highest potential, then it is essential to have a community of parents who have the resources, training, skills, and will to build a better school system through a process where parents, as prime stakeholders, can work collaboratively with the other stakeholders within the system.

RECOMMENDATIONS FOR A PUBLIC FUNDED AND INDEPENDENT PARENT ORGANIZATION AND PARENT ACADEMY

1. **Establish a New York City Independent Parent Organization (IPO) and an ancillary Independent Parent Academy.**

These two bodies shall have a dedicated source of funding, drawn on the parent outreach budget line of the NYC public schools, which in time would approach approximately 1% of the regular budget. The purpose of these units would be to provide the skills and necessary professional support so parents may participate responsibly within the public school system, and to strengthen the voice of parents at the school, district and citywide levels. (Existing PAs or PTAs will

remain in place, with the option to agree to become the local chapter of that school's IPO.)

The design for the IPO and complementary parent academy would function as follows:

a. Local IPO Chapters

The parents of each school will vote on whether or not the school will have an IPO chapter. If the parents vote for the IPO, every parent would be a member with voting rights in the local school's chapter along with a local branch of the academy. The chapter's executive committee will be responsible for encouraging parents to develop their parenting and governing skills in the Academy. Individual parents could also join the IPO if their parent body chooses not to join. The Chapters should also affiliate at the district level to share best practices and inform decision-making at the district level.

b. Executive Committee

The IPO's Executive Committee shall be responsible for the supervision of a professional staff, charged with providing the advisory, legal, and technical support necessary to support PAs and the complementary Parent Academy, to provide training to parents within the New York City public school system.

The composition of the Executive Committee shall reflect the multicultural diversity of its student population, and all voting procedures for committees and candidates shall be by secret ballot.

All expenditures will be regularly audited by the New York State and/or New York City Comptrollers' offices.

RECOMMENDATIONS FOR SCHOOL LEADERSHIP TEAMS PURPOSE, STRUCTURE AND RESPONSIBILITIES

1. Establish School Leadership Teams in every New York City public school with the authority through consensus or other agreed upon process to develop an annual school Comprehensive Educational Plan (CEP), including identifying annual goals and objectives, and to develop a school-based budget and staffing plan aligned with the CEP.

The SLT shall have between 8 and 16 members.

- *Every SLT shall have an equal number of parents and staff.*

One of the parents would be the PA or PTA president and the remaining parent members would be elected for limited and staggered terms by secret ballot. All parent members of the SLT should complete the Independent Parent Organization trainings for developing SLT skills; these trainings will be supported by authorized funds from the regular New York City school budget.

- *The IPO delegate shall also encourage the members of the chapter to support the SLT and encourage new parents to take the chapter's academy's courses as preparation for possible membership in the SLT.*

- *One member of the SLT shall be the school's Principal.*

- *A minimum of two members shall be from the school's teaching staff, of which one may be a Special Education teacher where desirable. The teachers are to be chosen by the United Federation of Teachers' (UFT) local chapter.*

- *One member shall, where practical, be a member of the special services staff representing the paraprofessionals and other special providers of services to the students.*

- *A maximum of two members are to be students where practical, especially in high school SLTs.*
- *If there is no consensus reached on resolving a particular issue, then each SLT member shall have one vote in resolving the issue.*

SLT general meetings are to be scheduled in the school on a regular monthly basis and are to be at a time that is convenient for all SLT members. Services such as child care and stipends for essential meeting needs are to be provided from the school's budget.

2. Provide adequate resources and support for the SLT.

The central administration in conjunction with the IPO Parent Academy shall provide appropriate technical support and training to school personnel, parents, and all other SLT participants for developing the school-based budget, including access to and training in the use of the school's Galaxy Budgeting System. This training shall be given in the local school building or the district office, only when necessary.

3. Expand the responsibilities and duties of the SLT.

a. Internal school problems
Every member of the SLT shall agree to the best of his or her ability to be cognizant of internal school problems, ranging from the physical maintenance of the school to the interpersonal relationship between the teaching staff and the parent community. In addition, all members of the SLT must always be conscious that no parents will be left unanswered when they have situations involving their children's well being.

b. Selection of the principal
Selection of the principal shall revert to the earlier C30 process, in which a committee made up of staff and parents will review all applications, conduct interviews,

rank their three top candidates, and submits them to the district superintendent for the final selection. The SLT shall participate in a collaborative manner with the district superintendent in the regular scheduled performance review of their principal.

c. Developing the school-based budget

The members of the SLT shall participate in appropriate technical support and training, which shall be provided to School Leadership Team participants for developing the school-based budget, including access to and use of the school's Galaxy Budgeting System.

d. Annual space assessment

The School Leadership Team shall be responsible for performing an annual space assessment of the school, in conjunction with the Building Condition Assessment, carried out by a walk-through of the school's building. Members of the Community District Education Council (CDEC) shall be eligible to participate and should be notified in advance. Floor plans shall be made available to all participants in advance. The resulting space assessment and inventory should be signed off by all participants, but at minimum, the principal, UFT chapter chair, and PA president; this shall be shared with the CDEC, the

Board of Education, and the central administration. The completed space inventory should be posted on each school's web page, like the Building Condition Assessment Survey, and incorporated into a spreadsheet. A compilation for all schools should be made available by district, as well as citywide, and posted on the central administration website.



1. Decision by Richard P. Mills, Commissioner, New York State Department of Education, on appeal by Marie Pollicino, Community District 26, UFT and Melvyn L. Meer vs. Action of the New York City Department of Education and Chancellor Joel Klein (December 31, 2008).

RECOMMENDATIONS on Special Education

As the country's largest and most diverse public school system, the New York City public schools are also the largest provider of special education and related services to the greatest number of students with disabilities in the United States. According to a June 2008 report of the Council on Great City Schools, commissioned by the NYC Department of Education, the DOE served a total of nearly 181,000 students with disabilities in 2006 (the most recent year comprehensive data were available), or about 15% of the approximately 1.1 million students enrolled in about 1,400 city public schools.¹ Of the students receiving special education and related services through the DOE, approximately 80% are school-aged and preschool students enrolled in community district schools. Approximately 13% are enrolled in District 75 programs, and the remaining students are served in charter schools and non-public settings.

While disability incidence rates among New York City public school students reflect both state and national rates, the percentages of students diagnosed with speech/language impairment and with autism are significantly higher in New York City than they are on the state and national level. Overall, while the New York City public school system educates roughly 41% of the state's students with disabilities, it educates more than 66% of the state's students with speech/language impairment and more than 67% of the state's students with autism.

Background and Rationale

The foregoing statistical snapshot reveals at best a partial picture, as it accounts only for those students who have already been referred, evaluated, and certified for special education and related services. It says nothing about how many students are awaiting initial evaluation and certification or how many, already certified, have not been placed in their mandated special education program or are not receiving some or all of their mandated related services.

While Mayor Bloomberg and Chancellor Klein's Children First reform initiative, with its repeated system-wide reorganizations over the past seven years, cannot be blamed for every barrier within and failure of the New York City public schools, numerous reports issued in just the past two years by the New York City Public Advocate, the New York State Comptroller, Advocates for Children, and others have amply documented how thoroughly the DOE has not only continued to provide woefully inadequate special education and related services to all our students with

special needs, but has made matters worse by approaching the task in a dangerously haphazard manner.²

Initial evaluations take longer today than they did before mayoral control was granted, and there are more students with Individualized Education Programs (IEPs) "in limbo" for longer periods of time—that is, they are neither placed in a recommended program nor receive some or all mandated services.

Starting in 2003, the DOE dismantled the preexisting network of community district-level special education administrators (who were told to return to the classroom or retire) and eventually stripped the district-level Committees on Special Education of their oversight role in the evaluation and placement processes of students enrolled in their districts' community schools. (Today Committees on Special Education deal only with the evaluation and placement of students with special needs who come from charter schools, non-public schools or other school systems). In the space of just one

year, principals of community district schools—most of whom had then and still have little or no training or experience in special education administration—were put "in charge" of evaluation for and provision of special education and related services within their schools. Many principals have made valiant efforts to do what is right by and legally mandated for their students with special needs. But with little or no expert help left on the district level, and with the DOE focused primarily on schools demonstrating "success" and "accountability" via high-stakes standardized testing, far too many principals have come to view students with special needs and their families at best as nuisances and at worst as liabilities, rather than as valued members of their school communities.

Moreover, this devolving of authority to principals alone has led to the further isolation of students and families in District 75 (the district of citywide programs for the most severely disabled) from the rest of the school system. What has

been lost is any system-wide effort, much less chain-of-command accountability, with the necessary expertise and resources at the district and local level to manage special education and related services as a seamless continuum, where the primary goal is to place students with special needs in the "least restrictive environment," as required by federal law, without compromise to the quality and availability of their mandated individualized programs and services.

Rather than such a federally mandated continuum, however, under the Bloomberg/Klein administration, New York City now has a bifurcated, fragmented system for special education and related services. In addition to District 75, more than 18 distinct entities within the DOE, reporting to at least three deputy chancellors and one superintendent, are responsible for providing some aspect of special education (such as evaluation, placement, transportation and delivery of related services) to our city's more than 180,000 students with an IEP.

Compounding this dysfunctional situation and further marginalizing our special needs students and families has been the DOE's inexorable push to open charter schools and to close so-called failing large schools to establish campuses of small schools in their place. By waiver or practice, these new entities have not welcomed students with IEPs and have poorly served those at-risk and undiagnosed students in their midst who are in need of evaluations and services. Meanwhile, many of the large schools being shut down were able, by virtue of their size and scale, to provide the very services these students needed.

Parents whose children receive special education and related services are the last people who find out about school reforms or

changes affecting their children's education. Whether it's an IEP-mandated service that is not being provided, a proposed change in the delivery of the child's educational vision or hearing service, or a modified busing route, communication with parents is an afterthought.

More frequently than not, requests by parents go unanswered and their concerns get dismissed. The actions by the DOE resemble a management style that is not accountable to anyone. There are countless experiences where special needs students, especially in District 75, have been treated as "second class citizens" and excluded by the DOE.

Some of the more preposterous examples include:

- Excluding students with special needs from charter schools and new small learning communities in high schools.
- Moving special education programs and schools out of buildings to make way for charter schools and to open more new schools
- Refusing to impose sanctions on general education principals who refuse equal access to special education students in co-located schools to the building's resources (e.g., gyms, libraries and cafeterias).
- Not allowing children to graduate with their non-disabled peers on the same stage or attend their high school prom.
- Notifying general education fifth-grade students of their middle school placements weeks before their classmates with IEPs in Collaborative Team Teaching / CTT programs (and in some schools AFTER graduation ceremonies had

taken place, further isolating special needs students from their peers).

- Failing to acknowledge, no less address the concerns of special needs students and their families in costly Learning Surveys and family guides.
- Having to wait 6 years under Children's First reforms for the Department of Education to provide an update on the status of Special Education and related services to the Panel on Education Policy, (a.k.a. the Board of Education).
- Critical shortages of special education teachers and related service providers while simultaneously expanding CTT/inclusion programs in community district schools without adequate space and appropriately trained staff.
- Inadequate capital (space) planning for the changing demographics of special needs student population.
- Lack of after-school programs that accommodate the needs of students with IEPs.
- Inadequate transition programs and services that disproportionately impact low-income, male students of color. For example, fewer than 30% of the children who age out of special education in the public school system are employed.
- Lack of avenues for parent training and involvement.

To compound the magnitude of these injustices, the DOE has refused LSO (Learning Support Organization) status to District 75 and denied funds such as those from Title I and Contracts for Excellence (C4E) allocations because the cost per student is greater in District 75 than in other districts as

a result of the federally mandated programs. The children with the greatest educational need are now being labeled as too expensive, while the Chancellor actively lobbies Albany and Washington for relief from restrictions placed on funding flowing from federally mandated programs.

Our Vision

The Parent Commission envisions a public school system in which we strive to measure the ability of all students. We must put all children first and provide full inclusion with equity of access and resources for special needs students. For this to occur, there must be systematic changes in policy and practice to accomplish the following:

- All education initiatives must be inclusive of all students.
- General education classrooms must be adapted so that special needs students can be educated in them along with their peers.
- Seats must be provided in general education buildings to provide a range of placement alternatives — from integrated settings to specialized classes— so that every special needs student can receive an individualized education in the “least restrictive environment,” supporting positive life outcomes and maximizing integration into the community at large.

RECOMMENDATIONS

1. Expand the role of the Citywide Council on Special Education (CCSE) to represent not only District 75 students and parents, but all children who receive a continuum of services mandated by an IEP Individualized Education Program) and accommodations mandated by Section 504 of the Rehabilitation Act.

The CCSE will have 11 voting and 2 non-voting members. The Public Advocate will appoint 1 member. Ten members will be parent representatives elected by the parents of IEP students by borough (two from each). One non-voting member will be appointed by the CCSE who may be a community member or a parent of an IEP student enrolled in a charter school. One high school student with an IEP will be a non-voting member selected by the CCSE from among a slate nominated by principals, teachers, and special needs students citywide.

2. Provide representation for parents of special needs students on every Community Education Council as well as the Citywide Council on High Schools.

Every Community Education Council (CDEC), as well as the Citywide Council on High Schools (CCHS), must have one seat set aside for a parent with a child

receiving special education or related services who will serve as liaison to and provide crucial frontline input to the CCSE.

3. Set aside one seat on the Board of Education for a parent of a student receiving special education and related services to be elected by the CCSE and the special education representatives on each CDEC and the CCHS.

4. Establish a "cabinet-level" position (i.e., deputy chancellor) in the school system management hierarchy charged with and held accountable for fulfilling and protecting the right to a "free, appropriate public education," as defined and guaranteed by the Individuals with Disabilities Education Act (IDEA), for all students with special needs in the system.



1. Council of the Great City Schools, Strategic Support Team, "Improving Special Education in New York City's District 75," report to the New York City Department of Education, June 2008,
2. Advocates for Children of New York, "Transitioning to Nowhere: An Analysis of the Planning and Provision of Transition Services to Students with Disabilities in New York City," 2007; Public Advocate for the City of New York, "Left in the Dark: Citywide Council on Special Education Survey Finds DOE not Informing Parents of Educational Opportunities for Children with Disabilities," June 2007; Public Advocate for the City of New York, "Mixed Signals: 311 Fails to Provide Consistent Information to Parents of Children with Special Needs, June 2008; Public Advocate for the City of New York, "Overworked, Underutilized: How the Department of Education's Reorganizations of Special Education Turned School Psychologists from Mental Health Professionals In to Paper Pushers, November 2008; Office of the New York State Comptroller, "Waiting for Special Education," June 2008.

RECOMMENDATIONS on A Constitution

Background and Rationale

The Parent Commission on School Governance and Mayoral has enumerated myriad ways in which the governance system of the past seven years has resulted in policies and procedures that are incompatible with a system of excellent democratic education.

The Commission has suggested extensive changes in the present governance structure to create checks and balances, including mechanisms for more parent involvement, transparency, and accountability. All of these are important democratic principals that can help avoid a repetition of the excesses of authoritarian decision-making.

The opportunity afforded by the reevaluation of the system of governance allows for expanding on the role for democratic participation of all stakeholders, whom we have deliberately defined as students, parents, teachers, educational administrators, and the local school community.

The Bloomberg/Klein administration in its successive enunciations of the "Children's First" program asserted that it would address the great shortcomings of the past. Clearly it has not succeeded. It is correct, however, that the unacceptable conditions of New York City public schools—in regard to graduation rates, literacy and numeracy, scientific, artistic, and civic knowledge and civic engagement—for the majority of its students who are overwhelming low income children of color, predate this administration. These conditions, flowing from the assumption that race and poverty are insurmountable barriers to the achievement of educational equity, have persisted despite numerous changes in governance structures and procedures over the past 40 years, as resources and access to opportunities remain unfairly distributed in our school system.

More than attention to governance is therefore needed. Structures are established to support goals; yet, presently, there is no explicit articulation of what the goals of education in New York City are, or how to achieve these goals. Indeed, the very idea that the system requires explicit goals has not been embraced.

Our Vision

The Commission desires broad public discussion on the goals of the education system and how we as a city achieve them. We recommend the drafting of a Constitution for the Public School District of the City of New York, developed by public consensus and codified by state and city law, whose mission, core principles, primary goals and policy framework will become mandates and accountability measures for both current and successive administrations.

Such a constitution will be the foundation of an annual Comprehensive Educational Plan and budget process by which the public school system of the City of New York will be managed by the civil servants charged to do so.

The Parent Commission has drafted a Sample Preamble (*see Appendix D*) to illustrate how principles and goals developed by consensus could provide the mandates needed to ensure all our city's children receive a truly comprehensive, public and democratic education. While some mandates would involve resources to provide the facilities that a comprehensive curricula require and to ensure provision of trained instructional and support staff in sufficient numbers to meet the recommendations of the Professional Judgment Panels of the Campaign for Fiscal Equity lawsuit for appropriate class size—some would involve educational philosophy—to ensure that schools utilize multiple forms of assessment, that staff is made sensitive to the diversity of ethnicity, race, and class in the system; that it be reflective of the demographics of

the student population; that racial and economic integration of schools and classes is seen as a value to be promoted for its educational importance. Some are to define schools as interrelated with their communities, such as offering universal preschool, partnering on comprehensive health care, recreational sites, and adult education.

What is required is a thoughtfully designed and fully funded process that builds consensus among all stakeholders in consultation with recognized educational experts. Such efforts to build public consensus around the mission, policies and goals of education are now evident throughout the nation and world. Our truly global city educates the largest population of multiracial, multicultural, and linguistically diverse students in

the entire United States, if not the world. New York City should be at the forefront of the movement to define and embrace a democratic public education system that meets the needs of all children, their families and communities.

Therefore, the Parent Commission's final recommendation is that, while its specific proposals for governance change or modification should become incorporated in law immediately, an independent commission be convened at the same time to draft a Constitution that defines the mission, core principles, goals, and policy framework for public primary and secondary education in NYC.

Members of said commission would be vetted and chosen in a fully public, transparent and accountable manner by a selection committee of respected education experts and advocates. The Governor, the Mayor, and the chairs of the State Senate, State Assembly, and City Council Education Committees would each appoint one education expert/advocate from lists vetted from groups of constituent stakeholders to a selection committee whose charge is to empanel a commission of 50 to 60 members that (1) genuinely reflects the diverse composition of our public school communities, especially with respect to socioeconomic status, race, gender, language, national origin and dis/ability status, and (2) empowers equally all stakeholders (parents, students, teachers, administrators, and community members) in the constitution's development and consensus building process.

RECOMMENDATIONS

The Parent Commission on School Governance and Mayoral Control call on the New York State Legislature and New York City Council, jointly and with all due speed, to:

- 1. Establish an independent commission to draft a constitution that defines the mission, core principles, goals, and policy framework for public primary and secondary education in New York City.**
- 2. Select members of said commission in a manner that reflects the diverse composition of our public school communities and gives all stakeholders (parents, students, teachers, administrators, community members) not only a seat at the table but equal power in the process.**
- 3. Adopt the constitution developed by consensus by said commission 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 Public School District of the City of New York sunsets in June 2009.**



Partial Sample of State and City Laws Violated by the New York City Department of Education

New York State Laws:

- In 2003, the New York City Department of Education eliminated all 32 community school districts and replaced them with regions, despite the fact that school districts were specifically maintained in §2590-a and § 2590-b of the new governance law. When several members of the State Legislature protested, including Steven Sanders, chair of the NY Assembly Education Committee, Chancellor Klein responded that they should sue him, which they proceeded to do, in a lawsuit known as *Kruger, Sanders, Levy et al. v Bloomberg*.

In a consent decree dated May 2003, the city agreed to reinstate school districts and superintendents in their legally mandated roles. But when the city refused to comply with this agreement, the plaintiffs sued again, and in July 2005, the city signed yet another consent agreement, reaffirming that community school districts and their respective community superintendents would continue to exist with all the statutory powers and duties assigned them under state law. The Chancellor named regional administrators as superintendents in each district, gave them offices and assistants, and the nominal authority to support and evaluate principals in their districts as well as their other mandated duties.

Yet in the spring of 2007, the DOE once again violated this consent decree by requiring that all superintendents become "Senior Achievement Facilitators" and spend at least 90% of their time coaching schools outside their districts on how to improve test scores.

- The Department of Education has consistently ignored the legal authority of Community Education Councils as defined in § 2590-h (2) of the governance law, which requires consultation with CECs before siting, closing and opening any new schools in their districts: "The chancellor shall consult with the affected community district education council before (a) substantially expanding or reducing such an existing school or program within a community district; (b) initially utilizing a community district school or facility for such a school or program; (c) instituting any new program within a community district." Yet the DOE has opened many new schools and programs and closed many others without any

consultation, and CECs have regularly protested their lack of notice and voice in these decisions.

- In March of 2006, the New York State Comptroller released an audit, showing that DOE had violated Chapter 436 of the State Education law, approved in 1996, which provided categorical state funds for class size reduction. The audit showed that DOE had misused hundreds of millions of dollars meant to reduce class size and in the previous year had formed only 20 additional classes in grades K-3, instead of the 1,586 classes claimed. Only 1.3% of the required classes were actually created, with each one costing the taxpayer over \$4 million. The State Comptroller found that the city had misused this funding to supplant its own funding, and that "the DoE's calculations are not consistent with the Law, because DoE's method substitutes Program funding for local funding that was used previously for early grade classes (and teachers) that existed prior to the Program's implementation."

The State Comptroller made numerous recommendations for how the city could improve its compliance. Nevertheless, in their official response, DoE officials refused to adopt any of his recommendations.

- In 2007, the State Legislature passed a law, known as the Contracts for Excellence, requiring that in return for more hundreds of millions of dollars in new state aid, the city would be obligated to submit a plan to reduce class size in all grades. After initially refusing to submit such a plan, the DOE finally did. In the first year of the program, 2007-8, the city failed to make any of its class size targets, and in more than half of all schools, class sizes and/or student-teacher ratio increased. The State Education Department wrote that "NYCDOE will be required to improve implementation of the second year of its class size plan." Yet rather than making the necessary improvements, DOE's implementation considerably worsened the following year, and in the fall of 2008, despite hundreds of millions of dollars in additional state aid, class sizes *increased in all grades but one*, and by a larger amount than at any other time in the last ten years.

- In 2008, the Chancellor revised Chancellor's regulation A-655, pertaining to School Leadership Teams, which are state-mandated bodies made up of half parents and half staff that are tasked with creating their schools' Comprehensive Education Plans (CEPs). According to §2590-h (15) of NY State Education Law, these "teams ... shall possess the following powers and duties: (i) develop an annual school comprehensive education plan that is aligned with the school based budget..."

Without any consultation, the Chancellor decided to eviscerate the authority of SLTs, and instead wrote that "the principal makes the final determination on the CEP." Parents in District 26 in Queens filed a complaint, pointing out that the revised regulation violated state law. In December of 2008, the Commissioner ruled in favor of the plaintiffs that the Chancellor had overstepped his authority and ordered him to revise the regulations. The Commissioner also ordered the Chancellor to submit any new SLT regulations to a process of public review by parents and other stakeholders at the district level, as mandated by state law.

To this day, the regulation that was ruled illegal by the Commissioner remains on the DOE website, with no action having been by the Chancellor taken to revise it.

- The Department of Education has ignored the legal authority of Community Education Councils to approve all changes in zoning lines, as mandated by NY State Education Law § 2590-e (11). In fact, the DOE has recently announced it will close four zoned schools, without substituting any new zoned schools in their place, and without submitting these proposals to the district CECs. Instead they are placing charter schools in their buildings, essentially eliminating entire attendance zones, without their consent.

New York City Laws:

If the New York City Department of Education chronically ignores state law, it openly flouts city laws. The official legal position of the administration is that under Mayoral control, the Mayor receives his authority directly from the state, and thus no city law can restrict his actions or those of the Chancellor. Accordingly, the DOE refuses to comply with many city laws, and even the City Charter itself. Some examples:

- The Department of Education has refused to comply with the Dignity in All Schools Act, passed in 2004, which prohibits the bullying of gay students and other minorities, and requires record-keeping of all such incidents. The Mayor said that the act was "silly" and vetoed the bill, and though the City Council overrode his veto, DOE officials said they would still refuse to abide by the law.
- The Department of Education continues to defy the cell phone legislation passed by the New York City Council in 2007 that would give students the right to carry these devices to school and back by refusing to allow schools to store them safely during the day rather than confiscate them.
- The Department of Education refuses to comply with rules in the New York City Charter, that all other city agencies are required to follow, which forbid the granting of no-bid contracts without public review.
- The Department of Education refuses to comply with recycling procedures that are required of every New York City residence, city agency, school, institution, and business. To this day, 95% of public schools lack recycling programs.
- The Department of Education has refused to comply with contracting procedures required of all other city agencies.
- The Department of Education has blocked any attempt on the part of citizens to be able to amend the City Charter as regards educational policies, for example in regard to requiring class size reduction. Instead, the city has argued in court in that no New York City resident can have any voice when it comes to education policy except for the Mayor and the Chancellor.

Appendix **B**

Recommendations for Accountability and Checks & Balances

SYSTEM ELEMENTS	DESCRIPTION
<p>Board of Education:</p> <p>System of Mayoral partnership with parents and other elected officials</p> <p>Board will:</p> <ul style="list-style-type: none"> ▶ Vote on education policies, overall budget, and allocation of spending within budget ▶ Review & approve all contracts of \$500,000 or more and use of private money donated by individuals or foundations of \$100,000 or more ▶ Approve agreements with unions ▶ Oversee districts and evaluate Chancellor ▶ Form working committees (such as Special Education, English Language Learners, Capital, Arts Education) with non-member stakeholders and experts. <p>As required by state law, the Board will also form an Audit Committee of the Board of Education:</p> <ul style="list-style-type: none"> ▶ Committee of the whole, headed by the City Comptroller appointee, with access to internal audits ▶ Will issue annual reports to the public of expenditures of public and private funds and capital spending 	<p>Composition:</p> <p>15 members, 6 elected and 9 appointed, all with fixed terms</p> <p>6 parents elected by CDECs + one seat reserved for parent of special education child.</p> <p>Votes will be apportioned in geographical districts roughly proportional to the student population in those areas; all representatives must be parents of students in the system currently or within the last 5 years</p> <ul style="list-style-type: none"> + 3 Mayoral appointees + 1 Public Advocate appointee + 1 City Council appointee + 1 (non-voting) Comptroller appointee + 4 members selected collaboratively by the other Board members, through an open nomination and application process, to be filled by experts in education policy and in specific areas not otherwise represented in the board (such as representatives of English Language Learners, high school students, etc.) <p>Board meetings and procedures:</p> <ul style="list-style-type: none"> ▶ The Board must approve every major policy and budget initiative, with two months notice in advance of every vote, so that civic organizations, advocacy groups, and CDECs have the opportunity to comment in advance. ▶ Parent representatives will read and summarize the positions of their respective CDECs before voting. ▶ The representative appointed by the Public Advocate will read and summarize the position of the Independent Parent Association and other advocacy groups before voting. Public comment will be taken before every vote. ▶ Contact information, including e-mail addresses, will be made available for all board members; minutes and transcripts will be posted online within one week following every meeting; all meetings will be videotaped and available live and archived online within 1 week of the meeting. ▶ Any member of the Board shall be able to put an item on the agenda or a budget question or policy issue to a vote with the assent of at least 1/3 of the members. Any member of the Board shall have the ability to propose that the Independent Accountability Office (IAO) or an independent research study be commissioned to analyze the results of policies or spending priorities adopted by the Board. <p>The Inspector General, the Ombudsperson, and the Director of the IAO (see below) will attend each meeting of the Board & be available to answer questions from Board members and the public.</p>

- continued

SYSTEM ELEMENTS	DESCRIPTION
<p>The Board of Education & the Central Administration of the education system will be subject to all State and City laws.</p>	
<p>Chancellor: Nominated by Board, selected by Mayor In spirit of "partnership" with the Board</p>	<p>The Chancellor must be an educator with actual experience as a teacher and a principal, for at least three years in each position; with no waivers allowed.</p> <p>The Board will recommend three candidates for Chancellor, and the Mayor will select and appoint one of the three.</p> <p>The Chancellor will serve a term aligned with Mayor's.</p> <p>The Chancellor will attend all Board of Education meetings, but will not chair.</p>
<p>Independent Accountability Office:</p>	<p>An independent office, staffed by experts on testing and statistics and funded through percentage of state education budget, that will:</p> <ul style="list-style-type: none"> ▶ Produce and audit reports on educational statistics. ▶ Have full access to all data. ▶ Report on a regular mandatory basis to the Board of Education and the public. ▶ Review contracts for assessment and data collection. ▶ Work with an advisory board of stakeholder groups. ▶ Be represented by the Director at every Board meeting to answer questions from public and Board members.
<p>Inspector General:</p>	<ul style="list-style-type: none"> ▶ The Inspector General is jointly appointed by all District Attorneys from all 5 boroughs for a fixed four-year term. ▶ Office and staff are funded by a percentage of state budget. ▶ Investigates the central administration and school employees for mismanagement and malfeasance. ▶ Can refer cases for enforcement to the Attorney General's or District Attorney's office. ▶ Releases all reports of substantiated cases unredacted to the Board of Education. ▶ Also releases all reports to the public, with portions redacted to protect the innocent to the extent required by the law. ▶ Issues annual report of activities, issues recommendations for improvements, followed by mandatory written response by Board of Education & Chancellor. ▶ Attends all Board meetings to respond to questions from public and/or board members.
<p>Ombudsperson:</p>	<p>An independent office within the central administration whose function is to make recommendations to address the complaints of individual parents that cannot be resolved at the district level, including those involving Presidents Councils & Community Education Councils.</p> <ul style="list-style-type: none"> ▶ The director is nominated by Public Advocate and appointed by the Board of Education for a fixed four-year term. ▶ Office and staff are funded by a percentage of the state budget. ▶ Serves as the appeals officer for requests under the Freedom of Information Act. ▶ Reviews contracts for assessment and data collection. ▶ Works with an advisory board of stakeholder groups. ▶ Reports twice a year to the Board on his or her activities; gives recommendations for improvements in policies or procedures questions from public and Board members. ▶ Attends every Board meeting to respond to questions from Board members and the public.
<p>Role of the Independent Budget Office (IBO) and City Comptroller</p>	<p>The school system's finances will be under the jurisdiction of the City Comptroller (like all other city agencies). The Comptroller and IBO will:</p> <ul style="list-style-type: none"> ▶ Have full access to financial records and data and meet regularly with the central finance staff. ▶ Audit payments made by schools to contractors. ▶ Terminate wasteful contracts. ▶ Require documentation of central administration expenditures that are shifted to the school level. ▶ Require the central administration to resume issuing school-based expenditure reports.

Sample Community and Local Instructional Superintendent Evaluation

Annual Evaluation Form

PART 1: CRITICAL AREAS OF RESPONSIBILITY

For each area identified below, please evaluate the effective implementation of the district's educational programs and select a few priority performance goals for improved student achievement specifically identified in the District Comprehensive Educational Plan (DCEP). These goals should be mutually agreed to by the Superintendent and Council. Please assess the current strategies of the district to address improvement objectives, by providing evidence of effectiveness and providing recommendations to assist in meeting the current challenges.

INSTRUCTIONAL LEADERSHIP & PROFESSIONAL DEVELOPMENT

Performance Goals:

DCEP: Develop in collaboration with key stakeholders (administrators, teachers, parents), a district comprehensive educational plan that elaborates instructional programs tailored to the needs of District One, to be presented in the August CEC meeting.

The programs specified in the DCEP focus on prevention, not only remediation, as measured by: school-by-school disaggregated state test scores, district-wide rates of special education referrals for current and past two years, actual and past two years teacher retention rates in the district.

The DCEP, at a minimum, should address these goal areas:

Reduced class size: Number of classes and teachers in grades K-3 and average class sizes in these grades for each school in D1, including charters, for this year and the last two years. Report on ECSR funding and CFE class size reduction or TPR or TSL.

Full-day pre-K: Complete list of schools in District One with fully funded, full day Pre- K classes, compared with last two years, with total enrollment; list of CBO run pre-K programs, status as ___ day or full; and total enrollment.

Middle School: Progress in District initiatives to support and improve instruction in District One Middle Schools. Replace with MS initiative measures—i.e., number of GC/science labs/gyms/space planning /staff PD for District One Middle Schools. AIS and other programs that address DINI (Second Year ELA), Corrective Action school (HS 450), SINI schools (PS 15/20/ESCHS/Marta Valle) and students in all district schools performing below standards. Add: Special Ed/G and T.

Evaluation: Collect, organize, analyze current data to evaluate progress towards the goals in the District One DCEP and apply the following best practices to inform changes in instructional programs: **Present comprehensive review of Academic Intervention programs and services** in the District schools in September CEC meeting.

Explain process for selecting/reviewing programs and how they flow from goals in DCEP to be presented in September CEC Calendar meeting.

Develop and make public Professional Development plan that reflects District goals to be presented in October CEC Calendar meeting.

Provide mechanisms to measure progress towards goals, in each school and the district overall to be presented in November CEC Calendar meeting.

Determine the effectiveness of instructional programs in each school and the district overall based on relevant recent qualitative/quantitative data to be presented in March CEC Calendar meeting.

COMMUNITY

Facilitate and engage in activities (quarterly meetings with Presidents' Council, monthly meetings with CEC, quarterly and as-needed letters to community) that clearly articulate the district's vision and goals for school improvement as elaborated in the DCEP to the multiple stakeholders of the district Community, providing processes and mechanisms for taking in input from various stakeholders to build community support for district priorities.

Provide relevant data to the CEC to encourage informed discussion on student achievement and the state of each school in the district by:

- July 30 for the Spring Trimester (April 1-June 30)
- Jan 30th for the Fall Trimester: (Sept 1- Dec 31)
- April 30 for the Winter Trimester: (Jan 1- March 31)
- Mid year report on DCEP/ district annual report

Details: Provide indicators of progress and recommendations to further impact outcomes.

District Superintendent must provide the DCEP for District 1 at the August CEC meeting.

The District Superintendent will supply all information regarding class size and standards for class size for grades pre-K through eighth grade by Nov. 15

All classes on the district, which exceed the standard, will be reduced by _____

Provide a list of all elementary schools which provide full-day pre-K by _____

All elementary schools in District 1 will provide universal pre-K by _____

Provide, by a list of Middle Schools in District 1, which do not have the following:

- Science labs
- Gymnasiums
- Libraries
- Computer facilities
- Art / dance / music facilities

Create a plan to provide all District 1 Middle Schools with these facilities by _____

The District Superintendent will convene monthly meetings to present / discuss _____

These meetings will be attended by the District Superintendent, principals of middle and elementary schools and Network Leaders.

These meetings will occur every month until _____. Written reports will be provided to the CEC monthly for information / opportunity for feedback from parents.

Provide plan of correction submitted to NY State for schools / students not meeting standards by _____.

Provide rationale for academic interventions / literacy programs (e.g., Wilson, Reading Recovery) by _____.

Provide form for class observation and criteria for portfolio evaluation by _____.

The District Superintendent will cooperate with the CEC on setting goals for the CDS and the _____ will implement a plan to accomplish those goals by _____.

ORGANIZATION / ADMINISTRATIVE LEADERSHIP

Performance Goals:

1. Provide list of schools which provide the following services by _____.
 - a. Nurses—full/part time/shared services
 - b. Safety Agents—numbers per school, additionally provide number of exits and entrances per school
 - c. After-school programs (hours/number of students served)
2. Gather input from Principals, SLTs and PTAs regarding capital plan amendment. Present findings to CEC at the January meeting.
3. Explain impact of current budget process on District 1 schools at the June CEC meeting. Include in presentation all pertinent information on Fair Student Funding, CFE,
4. Provide Network plans for improvement to each district one school in their network, particularly as it pertains to students with IEPs by _____.
5. Institute Network leader tool set report and provide to CEC quarterly starting April CEC meeting.
6. Organize monthly presentation by Network leaders for the CEC calendar meeting to commence with _____ CEC meeting.
7. Report to CEC on all issues arising from co-habitation of shared buildings as they arise and report on plans for resolution to CEC in Calendar meeting reports. Particularly current issues reported by:
 - PS 142
 - PS 134 / 137
 - PS 363 / 315
 - Updates on PS 15/PS 94 and PS 188/Girls

PARENT / COMMUNITY INVOLVEMENT

Performance Goals:

Engage in activities that increase parent involvement in District One schools by communicating District instructional goals to parents monthly (CEC Calendar meetings), quarterly (PAs via Presidents' Council), annually (present the DCEP in August), so that parents are provided with current data concerning student achievement including but not limited to disaggregated state test scores, comparison of pupils in comparable grades/schools/districts/citywide, value-added measures, and the progress made toward the implementation of the DCEP.

Collecting attendance rates and establishing benchmarks for Parent Involvement in District One schools

- PTA/SLT monthly meeting calendar and parent attendance
- Parent-Teacher Conference attendance
- Orientation Meetings /Curriculum Workshops participation
- Participation in classrooms events/field trips
- Fundraising Activities and other Home/School connections (e.g., Backpack mail/email list serve/school websites / phone trees / class parents and other PTA best practice).

Oversee that the DFA ensures the existence and support of a functioning PA/PTA in every District One school, reporting monthly to CEC / Presidents' Council (for CPAC).

Communicate regularly with all PAs in the district, meeting at least quarterly with elected officers of the PAs to provide factual information concerning the progress toward DCEP goals as well as student achievement, including but not limited to annual test scores, comparison of pupils in comparable grades / schools and value-added progress measures.

Liaise effectively with DFA to maintain a functioning School Leadership Team (SLT) in every District One school, with parent composition of at least 50%. Make a monthly update to CEC / Presidents' Council (for CPAC) on meeting dates / attendance.

Support and maintain a functioning District Leadership Team (DLT) in District One that includes parents to ensure that there is adequate opportunity for meaningful parent input into DCEP, particularly as regards the elaboration of the District Family Engagement Plan.

Collaborate with families and community members to create and promote district-wide Town Halls / fairs / trainings / work shops at least six times annually that promote the success of students by responding to and influencing the larger social, political, economic, racial, ethnic, cultural, linguistic context of the district.

Solicit community concerns regarding equitable distribution of district resources on a quarterly basis at CEC meetings.

Facilitate communication among CEC / Presidents' Council / DSLT by distributing CEC newsletter to district parents.

Create and send out in March a customer satisfaction survey, co-authored by the CEC, for every parent in the District, to be collected by Parent Coordinators by April 30.

Distribute to district parents a flyer on ways for parents to be involved in their schools.

CONSTITUTION OF THE CITY OF NEW YORK PUBLIC SCHOOL DISTRICT

Sample Preamble

MISSION

We have arrived at a point in human history when a publicly provided and comprehensive education (i.e., one encompassing knowledge, skills and attitudes) of all children, regardless of familial, socioeconomic, gender, ethnic, religious, racial, and dis/ability status, is considered by people the world over to be not only a desirable, but a necessary condition for civil societies that are free and democratic to survive and flourish. While some governments have come to this conclusion only recently, others, such as the State and the City of New York, have actively endeavored for more than two centuries, but not yet successfully, to establish and regulate appropriately robust and accountable institutions, as well as to secure and maintain the financial resources sufficient to achieve this goal. It is in the spirit of such legislative precedence that the duly elected representatives of the people of the State of New York enact into law the consensus of the Commission for a Constitution of the City of New York Public School District and require that the current New York City Board of Education, and any and all successive governance and administrative agencies or bodies adhere to the following core principles, primary goals and policy framework in its governance and management of public education for the city's children.

With the enactment of this Constitution, the aim of public education in the City of New York will no longer be subject to, or suffer from political and fiscal expediencies. Rather, the New York City Board of Education and any and all successive governance and administrative agencies or bodies, will be required to ensure the resources to implement school operations and curricula that provide the children of the City of New York a public education that enables them, to the best of their abilities and aspirations, to participate fully in our free and democratic society, including but not limited to the exercise of their human rights and obligations as citizens, the ability to materially support themselves and their families, and generally to fulfill the promise of the founding principles of our nation to Life, Liberty and the Pursuit of Happiness.

Core Principles:

To ensure that all children receive a publicly provided and comprehensive education, this Constitution sets forth the following core principles that the NYC Board of Education and any and all successive governance and administrative agencies or bodies must embrace.

In The City of New York, public education will be:

CHILD-CENTERED & HOLISTIC:

Schools and school systems and communities not only work best but also thrive when every child has access to a rich, relevant, varied, and holistic education. Such an education offers every child an array of learning opportunities in the core academic domains (humanities, applied and basic sciences, mathematics and social sciences), in civics, in the fine and performing arts, in technology, and in health and physical education; fosters the development of core competencies—critical thinking, problem solving, communication, respect and collaboration; nurtures and supports every child's social and emotional development; allows them to connect their learning to real life relevance, vocations and future careers; and plants the seeds of joyful life-long learning and compassionate curiosity about and engagement in the wider world.

INTEGRATED:

Schools and school systems and communities not only work best but also thrive when racial as well as ethnically and socio-economically distinct groups educate their children together with mutual exploration, respect and understanding of one another. To actively counter racism and practice equity, cultures, languages, and other differences must be viewed as assets and tools for learning rather than as problems that must be fixed, changed, or homogenized. By exhibiting the values of cooperation, trust, respect and concern for communal well-being, schools can nurture the unique potential of every child they serve.

INCLUSIVE:

Schools and school systems and communities not only work best but also thrive when general education students and those with special needs are educated together in the least restrictive environment where the necessary academic supports and related services are in place to ensure that every child regardless of dis/ability has an equal opportunity to benefit from public education, and where parents of all types of learners are considered to be one and the same, welcomed and valued.

INTERGENERATIONAL:

Schools and school systems and communities not only work best but also thrive when they avail themselves of the talents and experience and perspectives of the young and old and everyone in between living and working in the local community. Families, community elders, students and alumni must be re-envisioned as school and school district leaders. Those who know the students best, those who know their communities, culture, and language, hold sacred knowledge that is crucial to making good decisions about education.

ENVIRONMENTALLY RESPONSIBLE:

Schools and school systems and communities not only work best but also thrive when they teach and model by example how to honor and protect the delicate ecosystem in which children, their families and neighbors, live, learn, grow, work, and play.

Primary Goals:

To ensure that all children receive a publicly provided and comprehensive education, this constitution sets forth the following primary goals that the New York City Board of Education and any and all successive governance and administrative agencies or bodies must pursue.

In The City of New York, public education will:

SERVE all children and work to ameliorate and redress past and current exclusionary and discriminatory practices towards developing the full human and communal potential of all students, with a distinct and explicit commitment made to low-income families, students of color, special needs children, immigrants, and English Language Learners. We must also be concerned for the well-being, teaching, and learning of the countless, undocumented immigrant students who are largely silent with respect to exercising their rights to educational equity as mandated by federal law.

PROMOTE schools, districts, and system-wide educational programs that integrate and include students from all economic, racial, ethnic, and dis/ability backgrounds.

PROVIDE diverse and appropriate methods of teaching that address the needs of ALL children regardless of background.

ENSURE that education programs and materials fully reflect the promotion and protection of human rights and the values of peace, tolerance, and gender equality.

CREATE a reciprocal system of transparent assessment and accountability, extending from the classroom to the school district, from individual communities to the city, to the state levels of government that provides for shared power and decision-making in the provision of public education.

PROVIDE the financial, infrastructural, and operational resources necessary to achieve the Constitution's mission and goals.

ESTABLISH independent agencies of budget oversight and grievance adjudication to ensure that all publicly provided education in the City of New York adhere to the Constitution's mission and goals.

Policy Framework:

To support the goals of education enunciated above, a strong and stable governance structure must be in place. It must focus on successful, researched-based educational practices, and be impervious to shifting political trends and reformist fads that would steer the students of New York City away from the publicly provided and comprehensive education that will best serve them as children and adults.

At a minimum, the New York City Board of Education and any and all successive governance and administrative agencies or bodies must develop the policies, and attendant infrastructure that address:

GOVERNANCE

- **Adhere** to New York State education law with no exceptions for the City of New York.
- **Recognize** parents and other family members as our children's first educators and public advocates;

and support and respect the structuring and development of publicly funded and independent Parent and Student Unions, including their respective Training Academies; in order to make sure that parents, families and students are empowered to participate in substantive decisions affecting public education and local schools.

- **Value** the role of educators (together with parents, students and communities) as partners empowered to participate in developing and running our schools with organization and provision of educational services occurring primarily at the district and neighborhood level.

- **Submit** annually for public consideration and comment the actual cost for meeting Constitutional mandates.

- **Make transparent**, and subject to independent audit and assessment, all proceedings and data used in decision-making.

- **Develop** clear public performance criteria and consequences for noncompliance with New York State laws, rules and guidelines governing public education on the part of senior school district employees as well as school board members;

Specifically, establish the fully staffed and funded:

- (1) **Offices of the Education Ombudsman**, who will respond to complaints from parents, remediate, and serve as the final appeal officer for all Freedom of Information Law Requests (FOILs) made to the Board of Education, and any and all successive boards and agencies; and

- (2) **Office of the Inspector General** who shall have a broad mandate to investigate any complaint, or evidence brought forward by the public of malfeasance, corruption, or mismanagement on the part of senior school district employees as well as school board members.

PROGRAMS

- **Provide** access to full-day universal preschool.

- **Establish** all schools as interactive partnerships with community-based groups in providing comprehensive health care, after-hours recreational sites, and adult education.

FACILITIES

- **Provide** school-based facilities and equipment necessary for educational excellence in the core academic domains (humanities, applied and basic sciences, mathematics and social sciences), in civics, in

the fine and performing arts, in technology, in career development and occupational studies, and in health and physical education; and provide adequate space for recreation and sports, as well as the equitable distribution of budget and personnel for their pursuit between boys and girls, as mandated by **Title IX of the Civil Rights Act**.

- **Limit** class size to that stipulated by the Special Masters appointed to ensure adherence to the Campaign for Fiscal Equity litigation settlement.

STAFFING

- **Hire and professionally develop** teachers who are trained to teach at the grade level and in the subject matters of their classroom assignments and who are proficient in culturally responsive pedagogy. The curriculum content, approach to teaching and learning, as well as school rules and routines all need to be informed by the cultures of the students and the communities in which schools are located. Schools need to move from implicitly embracing white, middle-class culture to explicitly embracing all cultures and the special needs of their students, because learning unfolds in the context of relationships of trust and value and ownership.

- **Hire and professionally develop** certified guidance counselors, social workers, as well as college and vocational advisors in sufficient numbers to meet the social, academic, and career development needs of all students at every stage of their primary and secondary education.

- **Hire and train** school staff that is both reflective of and sensitive to the cultures represented among the student population as well as the communities in which schools are located.

TEACHING AND LEARNING

- **Develop** curricular goals and performance standards for each school grade that derive from successful, researched-based educational practices, and communicate these goals and standards in a way accessible to and usable by the diverse communities of parents and students present now and in the future in New York City public schools.

- **Employ** and account for multiple forms of assessment and learning styles and differences. No high stakes will be attached to any one test or other assessment instrument.

*A list in growing formation of
organizations supporting / endorsing
the Parent Commission's
Proposal / Report
on School Governance:*

Class Size Matters

Independent Commission on Public Education (iCOPE)

Time Out From Testing

Right To Read Project

3R's Coalition

Black New Yorkers for Educational Excellence

New York Coalition For Neighborhood School Control



To contact us with questions, suggestions and invitations
to speak about our plan,
please email or call us at:

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SUMMARY OF RECOMMENDATIONS ON PUBLIC SCHOOL GOVERNANCE IN NEW YORK CITY

The Parent Commission on School Governance and Mayoral Control convened in June 2008 to formulate clear and specific proposals for the New York State legislature in preparation for the sunset of mayoral control in June 2009 with the expiration of the School Governance Reform Act of 2002. As parents of children being educated in the New York City public school system whose voices have been excluded from decision making for the last seven years, we see the need for a new system that provides a real partnership for education instead of the autocracy that currently exists.

The Parent Commission proposes changes in the current governance system to provide necessary accountability and checks and balances, a more meaningful role for school districts, stronger parental input, and a better management structure and representation for special education students. Finally, we recommend that a commission be formed to develop a constitution for the New York City public school system. We believe that enacting our recommendations will form the basis of a dynamic, responsive, and responsible form of school governance for New York City.

Provide Accountability and Checks & Balances

Mayoral control was based in large part on a promise of greater accountability. Instead, the Mayor and Chancellor have interpreted the law as giving them absolute control over the system and have held themselves accountable to no one, whether the State Legislature, the City Council, or the parents of the children whose education they control. The current system lacks transparency for both educational and financial data; has weakened and eliminated systems for input from educational stakeholders; has no means for holding its leaders accountable for their decisions and policies; and has held itself immune from both state and city law.

In contrast to the mayoral autocracy that marks the current administration, the Parent Commission believes that real accountability can be achieved only through full compliance with the law and public access to information so that the public can assess education policies and their results. We recommend a governance system distinguished by an educational partnership, characterized by a Board of Education whose members will strive toward cohesion and consensus and new independent oversight agencies to verify financial and academic outcomes, investigate corruption, and respond to parental complaints.

RECOMMENDATIONS

■ **Ensure that the policies of the Board of Education, the Chancellor and the central administration are fully subject to state and city law.**

■ **Establish a more independent and responsive Board of Education.**

The Board will consist of 15 members with fixed terms, with the largest group consisting of 6 parent representatives elected by Community District Education Councils. One of these seats will be reserved for a parent of a special education student.

The Board will also include 3 members appointed by the Mayor, 1 by the Public Advocate, and 1 by the City Council.

Four additional members will be selected by the rest of the Board to fill a need for expertise in specific policy areas.

■ **Require that the Chancellor be an experienced educator, appointed by the Mayor from three candidates nominated by the Board.**

The Board will elect its own Chair from among its members. Every major policy and budget initiative must be approved with two months notice, so that civic organizations, parent and advocacy groups, and Community Education Councils have the opportunity to analyze new initiatives and provide their views in advance.

■ **Create additional oversight offices to enhance transparency and accountability, each staffed and financed through a dedicated source of public funding.**

An Independent Accountability Office
to produce regular reports on educational outcomes, with full access to the data.

An Inspector General
to investigate and report to the public any case of malfeasance, corruption, or mismanagement by school system employees, including those at the top.

An Ombudsperson
to address and resolve parental complaints and to provide recommendations to the Board and the Chancellor on how services, policies, or procedures affecting parents and their children should be improved.

Ensure a more meaningful role for Community School Districts

Under mayoral control, all Community School Districts were destroyed in order to eliminate those that were dysfunctional, unaccountable, and corrupt. In the process, a frequently changing, confusing array of centralized procedures was established

that have, in most cases, been less effective than local decision making was at its best. At the same time, some of the no-bid, unsuccessful, crony-driven contracts the Department of Education has allowed since 2002 have made problems that may have existed on the local level pale by comparison.

We envision Community School Districts together with Community District Education Councils (CDECs) to be the basic unit of local school governance, to nurture parental and community involvement; make decisions on educational priorities, zoning and enrollment; oversee schools; and facilitate improvement of teaching and learning.

RECOMMENDATIONS

■ **Restore the Community School Districts to their lawful place in the New York City school governance structure**, with responsibility for zoning, enrollment, school sitings, and parent and pupil support.

■ **Reinstate District Superintendents' rightful responsibilities and authority under state law.** Superintendents should be required to spend at least 90% of their time within their own districts, supporting and improving instruction in their schools and helping to address parental problems and concerns. In consultation with CDECs and District Presidents Councils, they should help develop the annual capital plan, the district's class size reduction plan, the Contract for Excellence spending, and the District Comprehensive Education plan.

■ **Assign high schools and 6-12 schools to their respective geographical district** to provide opportunities for high school parents to provide input to the policies and planning that affect their students.

■ **Improve the process for developing the District Comprehensive Education Plan (DCEP)**, which will build upon the Comprehensive Education Plans of each school in the district.

■ **Empower parents to become active participants in the process to select and evaluate Community School District Superintendents.** The CDEC

will nominate three candidates in consultation with Presidents Councils, from which the Chancellor will choose one.

■ **Reinstate a transparent and participatory district budgeting process** with oversight by CDECs and Presidents Councils to help ensure that district goals are being met.

■ **Expand the specific powers of CDECs** to include the authority to hold hearings and approve school zoning, siting, and structural changes; school restructuring, expansion, reconfiguration, closing, and opening; relocation of all traditional public and charter schools within their districts; and a central role for CDECs in the Capital Plan before it is released to the public for comment.

■ **Foster a meaningful partnership between CDECs and Community Boards** to help coordinate proper siting of schools, and adequate space for district enrollment.

■ **Reform the CDEC election process to ensure appropriate school and community representation.**

Every parent in the district will have a vote, with the possibility of extending this right to all registered voters.

Each CDEC will consist of 11 voting members, including one Borough President appointee, 9 members elected by parents, 1 community resident appointed by the CDEC itself, and 2 non-voting high school students.

Although any community resident can run for any of these seats, at least 1 seat will be reserved for a high school parent; 1 seat for a parent of a child with an IEP, and 1 seat for a parent of an English Language Learner. One seat will be open (but not reserved) for a parent of a charter school student.

Strengthen Parent Input

As the administration has silenced the parent voice, there is a critical need to ensure more vigorous parent input at the school and city-wide levels. We propose that this occur in three ways: by creating

an independent citywide parent organization to help ensure that NYC public school parents have the support and skills necessary to be equal partners in decision making; by clarifying and strengthening the role of the School Leadership Teams; and by reforming the process for principal selection.

RECOMMENDATIONS

■ **Establish a NYC Independent Parent Organization (IPO) and an ancillary Independent Parent Academy system**, professionally staffed, authorized by the state and with a dedicated source of funding from the education budget. The IPO will consist of individual parents as well as school level PAs that choose to join, and will work to strengthen the parent voice at the school, district and citywide levels.

■ **Strengthen SLTs by reasserting their lawful place in the NYC school governance structure with adequate resources and funding and the authority to develop both an annual school Comprehensive Educational Plan (CEP) and to approve a school-based budget and staffing plan aligned with the CEP.**

■ **Expand the responsibilities and duties of the SLT** to their lawful tasks of addressing internal school problems, participating in the selection and evaluation of the principal, developing the CEP and school-based budget, and performing an annual space assessment.

- **Selection of the principal shall revert to the earlier C30 process**, in which a committee of staff and parents will submit their top three choices to the district superintendent to make the final selection.

- **SLTs shall participate in a collaborative manner** with the district superintendent in the regular scheduled performance review of their principal.

Improve Special Education

The New York City public school system is the largest provider of special education and related services in the nation, serving nearly 181,000 children, or approximately 15% of the city's school-age population. The repeated reorganizations and fragmentation of services under mayoral control—there are now more than 18

distinct entities in addition to District 75, reporting to at least three deputy chancellors and one superintendent, each responsible for providing a different aspect of special education—has led to longer delays both for initial evaluations and the provision of special services, with more students in limbo— neither placed in a recommended program nor receiving mandated services. There is also insufficient representation of parents on citywide decision-making bodies. As a result, special education students continue to have extremely low rates of achievement and lower graduation rates in New York City than they do in any other part of the state.

RECOMMENDATIONS

■ **Expand the role of the Citywide Council on Special Education (CCSE)** to represent not just District 75 students and parents, but all children receiving services mandated by an IEP (Individualized Education Program) or Section 504 accommodations.

■ **Provide representation for parents of special needs students on CDECs as well as the Citywide Council on High Schools.**

■ **Designate a seat on the Board of Education for a parent of a student receiving special education services.**

■ **Establish a “cabinet-level” position (i.e., deputy chancellor) charged with fulfilling and protecting the right to a “free, appropriate public education,”** as defined and guaranteed by the Individuals with Disabilities Education Act (IDEA), for all students with special needs.

Convene a Constitution Commission

While we propose that our governance changes should be adopted into law by the Legislature in June, the Parent Commission believes that for significant improvement to occur in outcomes for the majority of students, more than governance must be addressed. In the past 40 years, the structure of the school system has ranged among varying forms of centralization and decentralization, with chancellors who have been educators and those who were not. Yet, by every measure— including graduation rates, language, mathematical, scientific literacy skills, and preparation for democratic citizenry— little has changed for the majority of students, who are primarily low-income children of color.

While the Parent Commission believes that mandating greater transparency, accountability, involvement of parents, and local control are essential components of sound educational policy, they can be truly important only if there are shared principles and goals that define what to be accountable and transparent for. To that end, the Commission seeks an explicit and legally binding articulation of purpose stating what we want education to accomplish. This statement is to be embodied in a Constitution for the New York City public school system.

The Parent Commission has drafted a Sample Preamble (see *Appendix D in the full report*) to illustrate how principles and goals developed by consensus could provide the vision and mandates necessary to provide all our city's children with a truly comprehensive, public, and democratic education. For example, some mandates might involve resources for facilities and support staff, while others

might involve educational philosophy regarding the use of multiple forms of assessment; the necessity of valuing diversity of ethnicity, race, and class as well as the educational importance of racial and economic integration of schools. Additional mandates might address the interrelationship of schools with their communities, such as offering universal preschool; comprehensive health care; recreational sites; and adult education.

A Constitution would codify in law that which our schools have never had before; namely a shared mission with core principles, primary goals, and a policy framework that must be respected and upheld by whomever is governing the system. Only in this way can our public servants be held to account for the money, resources, programs and staff needed to provide educational excellence for all.

RECOMMENDATIONS

■ **Establish an independent commission to draft a Constitution** that defines the mission, core principles, goals, and policy framework for public primary and secondary education in New York City.

■ **Select members of this Commission in a manner that reflects the diverse composition of our public school communities** from the ranks of parents, students, teachers, administrators, and community members, assisted and supported by education experts.

■ **Adopt this Constitution as the basis for all laws and regulations pertaining to the governance of public primary and secondary education in NYC,** enacted by the New York State Legislature, NYC Chancellor and NYC Council.

To review the recommendations in more detail and to download copies of our full Report on School Governance, please visit the Parent Commission at www.parentcommission.org.

To contact us with questions, suggestions and invitations to speak about our plan, please email or call us at:

info@parentcommission.org / 718 . 812 . 6728



Charter schools in Mike's corner

Are parents of charter school children across the city being organized into shock troops for Mayor Bloomberg's continued control of the public school system?

The state law that authorized mayoral control expires on June 30, and the debate over whether the Legislature should extend it has turned increasingly bitter in many city neighborhoods.

Supporters of Bloomberg and Schools Chancellor Joel Klein, including principals from many newly formed public charter schools, have launched a well-financed and sophisticated effort to lobby for more charters and for mayoral control.

In recent weeks, those principals have mobilized parents from their schools for "School Choice" community rallies to demand extra space for new charters in existing public schools, and to pack a series of State Assembly hearings on school governance, the last of which will be held in Brooklyn today.

"You see the organizers and the parents brought in on buses, and the sandwiches distributed, and you can tell it's a highly organized effort," said one official who has attended several of the hearings.

Some disgruntled charter school parents have claimed their principals require them to attend such rallies.

A Harlem principal who shares space with one of the new public charter schools is furious at the "obvious double-standard."

"If I tried to use my budget and resources to mobilize parents that way, my job would be in jeopardy," said the principal, who requested anonymity. "But the charters have all this extra money to do whatever they want, all with the blessing of Klein."

Asked about the practice, spokesman David Cantor said the DOE does not permit the use of school money to transport parents to political functions, but has paid for buses to take parents to Albany on school funding issues.

"Charter schools . . . are independently run and can't turn to a district for this kind of funding," Cantor said. "They have to provide the funding for such activity them-

selves."

The biggest uproar has been sparked by DOE's aggressive policy of putting new charters in existing public schools without seeking parent approval.

"It's the same in every neighborhood," said Monica Major, president of the Community Education Council in District 11 in the Bronx. "The DOE just tells you they're putting a new charter in your building and you have to force them to even have a conversation about it."

Such directives have turned parents in some neighborhoods into warring factions. Those who favor charters claim others are denying their children the chance for a better education.

Public school parent leaders say they don't oppose charters. They just want the DOE to abide by state law and consider the views of the local Community Education Councils, the successors to the old community school districts, before making those decisions.

"They continually create this atmosphere of animosity toward parents," Major said. That's why she joined the Parent Commission on School Governance, a volunteer group that just released a proposal to sharply curb mayoral control of the schools.

Manhattan Assemblyman Daniel O'Donnell, who used to be a supporter of mayoral control, has been amazed at the widespread discontent parents have expressed at school governance hearings in all the boroughs.

"If I had to vote today, I would vote against mayoral control," O'Donnell said. "That should trouble them [Bloomberg and Klein] because many of my colleagues in the Assembly have similar feelings."

JUAN GONZALEZ

